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1978

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Convened January 9, 1978

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Volume II

April 24th – July 16th

ROBERT D. RAY, Governor

ARTHUR A. NEU, President of the Senate

DALE M. COCHRAN, Speaker of the House

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JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day — Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 24, 1978

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

Prayer was offered by the Reverend Nancy Allen, pastor of the Ventura United Methodist Church, Ventura, Iowa.

The Journal of Friday, April 21, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rhodes, Jr., Pocahontas, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Den Herder of Sioux for the remainder of the session on request of Millen of Van Buren; Walter of Pottawattamie on request of Pavich of Pottawattamie; O'Halloran of Black Hawk on request of Doyle of Woodbury.

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 21, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2189, a bill for an act providing for appropriations to miscellaneous state and local government agencies including regulatory agencies.

Also: That the Senate has on April 20, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2090, a bill for an act relating to the minimum age for certain law enforcement officers.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2189

H-6212

1 Amend House File 2189, as amended, passed
2 and reprinted by the House as follows:

3 1. Page 3, line 14, by striking the figure
4 "\$12,057,879" and inserting in lieu thereof the figure
5 "\$12,207,879".

6 2. Page 3, by inserting after line 14 the
7 following:

8 "It is the intent of the general
9 assembly that the director of the
10 Iowa beer and liquor control depart-
11 ment shall expend an amount not to
12 exceed one hundred fifty thousand
13 (150,000) dollars appropriated by this
14 subsection to schedule flexible
15 hours of operations in sixteen stores
16 designated by the director to keep
17 these sixteen stores open until ten
18 p.m. on days when such stores are
19 in operation. The director may
20 provide for the extension of the
21 hours a store is open in order to
22 keep the store open until ten p.m.
23 on days when such stores are in
24 operation or the director may
25 provide for an opening time
26 at a later hour during the day in
27 order to keep the store open until
28 ten p.m. on days when such stores
29 are in operation."

30 3. Page 3, by striking line 35 and inserting
31 in lieu thereof the following:
32 "expenses incurred as a result of relo-
33 cation and miscellaneous purposes.....\$4,376,594"

34 4. Page 3, by inserting after line 35 the
35 following new lettered paragraph:

36 " It is the intent of the general
37 assembly that the state comptroller may expend funds
38 appropriated pursuant to subsection six (6), paragraph
39 b, of this section and funds appropriated by Acts
40 of the Sixty-seventh General Assembly, 1977 Session,
41 chapter nine (9), section one (1), subsection six
42 (6), paragraph b, to the state comptroller for the
43 fiscal year beginning July 1, 1977 and ending June
44 30, 1978 to enter into leases, lease-purchase, or
45 purchase agreements in accordance with established
46 procurement procedures of the department of general
47 services for the currently leased international

48 business machine 370/158 centralized data processing
49 units. In addition, with the approval of the executive
50 council, the state comptroller may sell such

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1 centralized data processing units. The proceeds from
2 the sale of such centralized data processing units
3 may be used to supplement the appropriation in
4 subsection six (6), paragraph b, of this section in
5 an amount not to exceed eight hundred sixty-six
6 thousand (866,000) dollars. Proceeds received from
7 the sale of such centralized data processing units
8 in excess of eight hundred sixty-six thousand (866,000)
9 dollars shall be credited to the general fund of the
10 state."

11 5. Page 4, line 7, by striking the figure
12 "731,941" and inserting in lieu thereof the figure
13 "636,401".

14 6. Striking page 5, line 34 through page
15 6, line 6 and inserting in lieu thereof the following:
16 "service stores.....\$237,048"

17 7. Page 6, by striking lines 18 and 19 and
18 inserting in lieu thereof the words "tax fund and
19 the appropriation for the industrial commissioner
20 in subsection eight (8) of".

21 8. Page 6, by inserting after line 24 the
22 following paragraph:

23 "The appropriation for the comptroller's
24 data processing division in paragraph b of subsection
25 six (6) of section seven (7) of this Act shall not
26 be subject to transfer to any other department,
27 institution, agency or other division of the same
28 agency as provided in section eight point thirty-nine
29 (8.39) of the Code."

30 9. Striking page 6, line 25 through page
31 7, line 24.

32 10. Page 7, by inserting after line 28 the
33 following:

34 "Sec. . This Act, being deemed of
35 immediate importance, shall take effect and be in
36 force from and after its publication in The Red Oak
37 Express, a newspaper published in Red Oak, Iowa, and
38 in The Sioux County Index-Reporter, a newspaper
39 published in Hull, Iowa."

40 11. Amend the title, line 4, by striking
41 the words "and imposing a fee".

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of House File 356, a bill for an

act relating to the licenses and certificates for the taking of fish and game; repealing sections one hundred nine point seventy-four (109.74) and one hundred ten point eighteen (110.18) of the Code; the taking and possession of migratory birds; and removing authorization for the payment of bounties on wolf, wildcat or bobcat, lynx, crow and fox, and the Senate amendment H-6166, as amended, found on pages 1760 through 1765 of the House Journal.

Griffie of Chickasaw offered the following amendment H-6209, to the Senate amendment H-6166, filed by him and Monroe of Des Moines from the floor:

H-6209

1 Amend the Senate amendment H-6166, to House File
2 356, as passed by the House and reprinted, as follows:

3 1. Page 2, by striking lines 31 and 32 and inserting
4 in lieu thereof the following:

5 " . Page 5, by inserting after line 14 the following:"

6 2. Page 2, by striking lines 40 through 42 and

7 inserting in lieu thereof the following: "fishing,
8 and trapping licenses and snowmobile registrations
9 shall be issued by the recorder of each county."

10 3. Page 2, by striking lines 43 through 50.

11 4. Page 3, by striking lines 1 through 50.

12 5. Page 4, by striking lines 1 through 28.

13 6. Page 4, by striking lines 29 and 30.

14 7. Page 6, by inserting after line 22 the follow-

15 ing:

16 " . Page 8, by inserting after line 20 the
17 following:

18 "Sec. . Section three hundred twenty-one G point
19 seven (321G.7), Code 1977, is amended to read as follows:

20 321G.7 FEES TO CONSERVATION FUND. All ~~Seventy-~~

21 five percent of the fees collected from the registration

22 of snowmobiles shall be forwarded by the county recorder

23 to the commission for remission to the treasurer of state,

24 who shall place such money in the state conservation fund.

25 The fees collected forwarded shall be appropriated by the

26 general assembly to the commission solely for their use.

27 Twenty-five percent of the fees collected from the regis-

28 tration of snowmobiles shall be deposited by the county

29 recorder in the county conservation fund or the county

30 general fund if there is no county conservation fund.

31 These fees may be used for snowmobile programs and other

32 programs deemed appropriate by the county conservation

33 board or the board of supervisors if there is no county

34 conservation board." "

Middleswart of Warren offered the following amendment H—6211, to amendment H—6209, to the Senate amendment H—6166, filed by him from the floor:

H—6211

- 1 Amend amendment H—6209 to Senate amendment H—6166,
- 2 to House File 356, as passed by the House and reprinted,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the following:
- 5 " . Page 2, by inserting after line 30 the follow-
- 6 ing:
- 7 " . Page 5, line 11, by striking the word "five"
- 8 and inserting in lieu thereof the word "three".

Schroeder of Pottawattamie asked for unanimous consent to defer action on amendment H—6211.

Objection was raised.

Middleswart of Warren moved the adoption of amendment H—6211, to amendment H—6209, to the Senate amendment H—6166.

Amendment H—6211 lost.

Wyckoff of Benton offered the following amendment H—6214, to amendment H—6209, to the Senate amendment H—6166, filed by him from the floor and moved its adoption:

H—6214

- 1 Amend amendment H—6209 to Senate amendment
- 2 H—6166 to House File 356 as amended, passed, and
- 3 reprinted by the House as follows:
- 4 1. Page 1, by striking lines 3-10 and
- 5 inserting in lieu thereof the following:
- 6 1. Page 2, by striking lines 31
- 7 through 50.

Amendment H—6214 was adopted.

On motion by Griffie of Chickasaw amendment H—6209, to the Senate amendment H—6166, as amended, was adopted.

With the adoption of amendment H—6209, the following amendments, to the Senate amendment H—6166, are out of order:

H—6187 filed by Middleswart of Warren on April 21, 1978 and found on page 1768 of the House Journal.

H—6189 filed by Hargrave of Johnson on April 21, 1978 and found on page 1768 of the House Journal.

H—6200 filed by Griffiee, et al., on April 21, 1978.

Hullinger of Decatur called up for consideration the motion to reconsider amendment H—6172 filed by him on April 21, 1978 and moved to reconsider the vote by which amendment H—6172, to the Senate amendment H—6166, failed to be adopted by the House on April 21, 1978.

The motion prevailed and the House reconsidered amendment H—6172, found on pages 1765 and 1766 of the House Journal.

Action on amendment H—6172 was temporarily deferred.

Scheelhaase of Woodbury moved to reconsider the vote by which amendment H—6176, to the Senate amendment H—6166, (found on page 1767 of the House Journal) was adopted by the House on April 21, 1978.

Roll call was requested by Scheelhaase of Woodbury and Brunow of Appanoose.

Rule 70 was invoked.

On the question "Shall the motion to reconsider amendment H—6176 prevail?"

The ayes were, 39:

Anderson	Avenson	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Danker	Davitt	Dieleman
Doyle	Dyrland	Fitzgerald	Gettings
Halvorson	Hargrave	Horn	Hullinger
Jesse	Koogler	Loneragan	Middleswart
Miller (Sergeant)	Monroe	Nielsen	Norland
Pavich	Poncy	Scheelhaase	Schneklath
Schroeder	Shimanek	Smalley	Tauke
Varley	Wells	Mr. Speaker	

The nays were, 51:

Arnould	Baker	Bennett	Bina
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Binneboese	Brandt	Brockett	Clark, J.H.
Crabb	Crawford	Cusack	Daggett
Dunton	Evans	Garrison	Gentleman
Gilson	Griffiee	Hansen	Harbor
Hinkhouse	Hoffmann	Howell	Husak
Junker	Krause	Krewson	Lageschulte
Lind	Lindeen	Menke	Millen
Miller, K.D.	Newhard	Oxley	Patchett
Pellett	Pelton	Perkins	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Thompson	Tofte	Welden
West	Woods	Wyckoff	

Absent or not voting, 10:

Den Herder	Egenes	Gilloon	Harvey
Hines	Jochum	Lipsky	O'Halloran
Rinas	Walter		

The motion lost.

The House resumed consideration of amendment H—6172, to the Senate amendment H—6166.

Scheelhaase of Woodbury asked and received unanimous consent to withdraw amendment H—6172 filed by him on April 21, 1978.

Spear of Lee offered the following amendment H—6210, to the Senate amendment H—6166, filed by him from the floor and moved its adoption:

H—6210

- 1 Amend the Senate amendment, H—6166, to House File
- 2 356 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 2, line 11, by striking the word "Trot-
- 5 lines" and inserting in lieu thereof the words
- 6 "Non-commercial trotlines".
- 7 2. Page 2, line 14, by inserting after the word
- 8 "of" the word "such".

Amendment H—6210 was adopted.

Avenson of Fayette moved to reconsider the vote by which amendment H—6173, found on page 1770 of the House Journal, was adopted by the House on April 21, 1978.

The motion prevailed and the House reconsidered amendment H—6173, to the Senate amendment H—6166.

Brunow of Appanoose in the chair at 11:43 a.m.

Avenson of Fayette offered the following amendment H—6213, to amendment H—6173, to the Senate amendment H—6166, filed by him and Garrison of Black Hawk from the floor and moved its adoption:

H—6213

- 1 Amend the amendment, H—6173, to Senate amendment,
- 2 H—6166, to House File 356 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 1, by striking lines 12 through 17 and
- 5 inserting in lieu thereof the words "and both parts
- 6 of the tag shall be dated." "

Amendment H—6213 was adopted.

On motion by Hinkhouse of Cedar, amendment H—6173, as amended, to the Senate amendment H—6166, was adopted.

On motion by Wyckoff of Benton, the House concurred in the Senate amendment H—6166, 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. 356)

The ayes were, 76:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hoffmann	Horn
Howell	Husak	Jesse	Junker
Krause	Krewson	Lageschulte	Lind

Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Oxley	Patchett	Pellett
Pelton	Perkins	Schnekloth	Schroeder
Shimaneck	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Wyckoff	Mr. Speaker (Brunow)

The nays were, 12:

Byerly	Doyle	Dunton	Gettings
Hinkhouse	Hullinger	Koogler	Monroe
Pavich	Poncy	Scheelhaase	Woods

Absent or not voting, 12:

Anderson	Den Herder	Egenes	Harvey
Hines	Jochum	Lipsky	Norland
O'Halloran	Rinas	Small	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 356)

Wyckoff of Benton asked and received unanimous consent that House File 356 be immediately messaged to the Senate.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Miller (Sergeant) of Calhoun offered the following House Memorial Resolution 106 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 106

Whereas, The Honorable Dewey Summa of Calhoun County, who was a member of the Fifty-eighth and Fifty-ninth sessions of the General Assembly, passed away on November 3, 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 Miller (Sergeant) of Calhoun, Dunton of Keokuk and Doyle of Woodbury.

SENATE AMENDMENTS CONSIDERED

Perkins of Greene called up for consideration **House File 433**, a bill for an act relating to the termination of a life estate in agricultural land which has been leased, amended by the Senate amendment H—5929, found on pages 1391 and 1392 of the House Journal, and moved that the House concur in the Senate amendment H—5929.

The motion prevailed and the House concurred in the Senate amendment H—5929.

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. 433)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Krewson	Lageschulte	Lind	Lindeen
Lonerган	Middleward	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Schneklloth	Schroeder	Shimanek	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker (Brunow)		

The nays were, 6:

Binneboese	Doyle	Junker	Menke
Scheelhaase	Spencer		

Absent or not voting, 16:

Branstad	Brockett	Den Herder	Egenes
Gilloon	Harvey	Hines	Hullinger
Jochum	Koogler	Krause	Lipsky
O'Halloran	Rinas	Small	Walter

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

Shimanek of Jones called up for consideration **House File 211**, a bill for an act relating to the registration of vessels, amended by the Senate amendment H—6064, found on page 1559 of the House Journal, and moved that the House concur in the Senate amendment H—6064.

The motion prevailed and the House concurred in the Senate amendment H—6064.

Shimanek 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. 211)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Junker	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Newhard	Nielsen	Norland

Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Shimaneck	Smalley	Spear
Svoboda	Tauke	Thompson	Tofte
Varley	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, none.

Absent or not voting, 17:

Den Herder	Egenes	Harvey	Hines
Jochum	Koogler	Krause	Lipsky
Monroe	O'Halloran	Rinas	Schroeder
Small	Spencer	Stephens	Stromer
Walter			

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:

Harvey of Scott for a portion of the day on request of Millen of Van Buren.

On motion by Fitzgerald of Webster, the House was recessed until 1:45 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 April 20, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act relating to pipelines by establishing construction standards for pipelines to protect soil conservation and drainage structures.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT CONSIDERED

Middleswart of Warren called up for consideration **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, amended by the Senate amendment H—6063, found on page 1559 of the House Journal, and moved that the House concur in Senate amendment H—6063.

The motion prevailed and the House concurred in the Senate amendment H—6063.

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. 127)

The ayes were, 81:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jochum
Junker	Koogler	Krause	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Schneklloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Varley	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 19:

Arnould	Binneboese	Branstad	Connors
Cusack	Den Herder	Egenes	Harvey
Hines	Hullinger	Jesse	Krewson
Lipsky	Monroe	O'Halloran	Rinas
Scheelhaase	Tofte	Walter	

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

SENATE FILE 2066 SUBSTITUTED FOR HOUSE FILE 2068

Norland of Worth asked and received unanimous consent to substitute Senate File 2066 for House File 2068.

WAYS AND MEANS CALENDAR

Senate File 2066, a bill for an act to exempt the gross receipts from the rental of prosthetic, orthotic and orthopedic devices from the sales and use tax, was taken up for consideration.

Norland of Worth offered the following amendment H—6206 filed by Newhard, et al. :

H—6206

1 Amend Senate File 2066, as passed by the Senate,
2 as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section four hundred twenty-two point
6 forty-three (422.43), unnumbered paragraph one (1),
7 Code 1977, is amended to read as follows:

8 There is hereby imposed a tax of three percent
9 upon the gross receipts from all sales of tangible
10 personal property, consisting of goods, wares, or
11 merchandise, except as otherwise provided in this
12 division, sold at retail in the state to consumers
13 or users; a like rate of tax upon the gross receipts
14 from the sales, furnishing or service of gas,
15 electricity, water, heat, and communication service,
16 including the gross receipts from such sales by any
17 municipal corporation furnishing gas, electricity,
18 water, heat, and communication service to the public
19 in its proprietary capacity, except as otherwise
20 provided in this division, when sold at retail in
21 the state to consumers or users; and a like rate of
22 tax upon the gross receipts from all sales of tickets

23 or admissions to places of amusement, fairs, and
24 athletic events including except those of elementary
25 and secondary educational institutions, fairs; and
26 a like rate of tax upon that part of private club
27 membership fees or charges paid for the privilege
28 of participating in any athletic sports provided club
29 members.

30 Sec. 2. Section four hundred twenty-two point
31 forty-three (422.43), unnumbered paragraph nine (9),
32 Code 1977, is amended to read as follows:

33 The following enumerated services shall be subject
34 to the tax herein imposed on gross taxable services:
35 Alteration and garment repair; armored car; automobile
36 repair; battery, tire and allied; investment counseling
37 (excluding investment services of trust departments);
38 bank service charges; barber and beauty; boat repair;
39 car wash and wax; carpentry; roof, shingle, and glass
40 repair; dance schools and dance studios; dry cleaning,
41 pressing, dyeing, and laundering; electrical repair
42 and installation; engraving, photography, and
43 retouching; equipment rental; excavating and grading;
44 farm implement repair of all kinds; flying service,
45 except agricultural aerial application services and
46 aerial commercial and charter transportation ser-
47 vices; furniture, rug, upholstery repair and cleaning;
48 fur storage and repair; golf and country clubs and
49 all commercial recreation; house and building moving;
50 household appliance, television, and radio repair;

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1 jewelry and watch repair; machine operator; machine
2 repair of all kinds; motor repair; motorcycle, scooter,
3 and bicycle repair; oilers and lubricators; office
4 and business machine repair; painting, papering, and
5 interior decorating; parking lot; pipe fitting and
6 plumbing; wood preparation; private employment
7 agencies; printing and binding; sewing and stitching;
8 shoe repair and shoeshine; storage ~~warehouse and~~
9 ~~storage locker~~ warehousing of raw agricultural
10 products; telephone answering service; test
11 laboratories; termite, bug, roach, and pest
12 eradicators; tin and sheet metal repair; turkish
13 baths, massage, and reducing salons; vulcanizing,
14 recapping, and retreading; ~~warehouse~~; weighing;
15 welding; well drilling; wrapping, packaging, and
16 packaging of merchandise other than processed meat,
17 fish, fowl and vegetables; wrecking service; wrecker
18 and towing.

19 Sec. 3. Section four hundred twenty-two point
20 forty-five (422.45), subsection five (5) and subsection
21 seven (7), unnumbered paragraph one (1), Code 1977

22 Supplement, are amended to read as follows:

23 5. The gross receipts or from services rendered,
24 furnished, or performed and of all sales of goods,
25 wares or merchandise used for public purposes to any
26 tax-certifying or tax-levying body of the state of
27 Iowa or governmental subdivision thereof, including
28 the state board of regents, state department of social
29 services, state department of transportation, any
30 municipally-owned solid waste facility which sells
31 all or part of its processed waste as fuel to a
32 municipally-owned public utility and all divisions,
33 boards, commissions, agencies or instrumentalities
34 of state, federal, county or municipal government
35 which derive disburseable funds from appropriations
36 or allotments of funds raised by the levying and
37 collection of taxes, which have no earnings going
38 to the benefit of an equity investor or stockholder
39 except sales of goods, wares or merchandise or from
40 services rendered, furnished, or performed and used
41 by or in connection with the operation of any
42 municipally-owned public utility engaged in selling
43 gas, electricity or heat to the general public.

44 The exemption provided by this subsection shall
45 also apply to all such sales of goods, wares or
46 merchandise or from services rendered, furnished,
47 or performed and subject to use tax under the
48 provisions of chapter 423.

49 7. Any private nonprofit educational institution
50 in this state or any tax-certifying or tax-levying

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1 body of the state of Iowa or governmental subdivision
2 thereof, including the state board of regents, state
3 department of social services, state department of
4 transportation, any municipally-owned solid waste
5 facility which sells all or part of its processed
6 waste as fuel to a municipally-owned public utility
7 and all divisions, board, commissions, agencies or
8 instrumentalities of state, federal, county or
9 municipal government which derive disburseable funds
10 from appropriations or allotments of funds raised
11 by the levying and collection of taxes which have
12 no earnings going to the benefit of an equity investor
13 or stockholder may make application to the department
14 for the refund of any sales or use tax upon the gross
15 receipts of all sales of goods, wares or merchandise
16 or from services rendered, furnished, or performed
17 to any contractor, used in the fulfillment of any
18 written contract with the state of Iowa, or any
19 political subdivision thereof, or any division, board,

20 commission, agency or instrumentality thereof, or
21 any private nonprofit education institution in this
22 state which property becomes an integral part of the
23 project under contract and at the completion thereof
24 becomes public property, or is devoted to educational
25 uses as specified in this subsection except goods,
26 wares or merchandise or services rendered, furnished,
27 or performed used in the performance of any contract
28 in connection with the operation of any municipal
29 utility engaged in selling gas, electricity, or heat
30 to the general public; and excepting such goods, wares
31 and merchandise used in the performance of any contract
32 for a "project" under said chapter 419 as defined
33 therein other than goods, wares or merchandise used
34 in the performance of any contract for any "project"
35 under said chapter 419 for which a bond issue was
36 or will have been approved by a municipality prior
37 to July 1, 1968.

38 Sec. 4. Section four hundred twenty-two point
39 forty-five (422.45), subsection fifteen (15), Code
40 1977 Supplement, is amended to read as follows:

41 15. Gross receipts from the sale or rental of
42 prosthetic, orthotic or orthopedic devices for human
43 use. For purposes of this subsection, "orthopedic
44 devices" means those devices prescribed to be used
45 for orthopedic purposes by a physician and surgeon
46 licensed under chapter 148, an osteopath licensed
47 under chapter 150, an osteopathic physician and surgeon
48 licensed under chapter 150A, a dentist licensed under
49 chapter 153, or a podiatrist licensed under chapter
50 149.

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1 Sec. 5. Section four hundred twenty-two point
2 forty-five (422.45), Code 1977 Supplement, is amended
3 by adding the following new subsection:

4 NEW SUBSECTION. The gross receipts from the sale
5 of horses, commonly known as draft horses, when
6 purchased for use and so used as a draft horse.

7 Sec. 6. Section four hundred twenty-three point
8 four (423.4), Code 1977, is amended by adding the
9 following new subsections:

10 NEW SUBSECTION. Vehicles, as defined in subsections
11 four (4), six (6), eight (8), nine (9) and ten (10)
12 of section three hundred twenty-one point one (321.1)
13 of the Code, except such vehicles subject to
14 registration which are designed primarily for carrying
15 persons, when purchased for lease and actually leased
16 to a lessee for use outside the state of Iowa and
17 the subsequent sole use in Iowa is in interstate
18 commerce or interstate transportation.

19 NEW SUBSECTION. Tangible personal property which,
20 by means of fabrication, compounding, or manufacturing,
21 become an integral part of vehicles, as defined in
22 subsections four (4), six (6), eight (8), nine (9)
23 and ten (10) of section three hundred twenty-one point
24 one (321.1) of the Code, manufactured for lease and
25 actually leased to a lessee for use outside the state
26 of Iowa and the subsequent sole use in Iowa is in
27 interstate commerce or interstate transportation.
28 Vehicles subject to registration which are designed
29 primarily for carrying persons are excluded from this
30 subsection."

31 2. Amend the title, by striking all of the title
32 after the word "exempt" in line 1 and inserting in
33 lieu thereof the words "from the sales and use tax
34 admission fees to amusements, fairs, and athletic
35 events of elementary and secondary schools, the storage
36 of goods except raw agricultural products, the rental
37 of prosthetic, orthotic, and orthopedic devices, the
38 sale of draft horses to be used as draft horses,
39 certain vehicles which are purchased for lease outside
40 the state, and tangible personal property which becomes
41 an integral part of certain vehicles manufactured
42 for lease outside the state, and to provide for the
43 refund of sales and use taxes paid on purchases by
44 municipally-owned solid waste facilities and other
45 public agencies."

Gentleman of Polk offered the following amendment H—6217, to amendment H—6206, filed by her from the floor and moved its adoption:

H—6217

1 Amend amendment H—6206, to Senate File 2066 as
2 passed by the Senate, as follows:
3 1. Page 4, line 3, by striking the word "subsection" and
4 inserting in lieu thereof the word "subsections".
5 2. Page 4, by inserting after line 6 the follow-
6 ing:
7 "NEW SUBSECTION. The gross receipts from the sale
8 of vitamins whether in singular, multiples, or in
9 combination with other chemical substances."

Amendment H—6217 lost.

Tauke of Dubuque offered the following amendment H—6218, to amendment H—6206, filed by Tauke, Schroeder and Tofte from the floor and moved its adoption:

H—6218

1 Amend amendment H—6206 to Senate File 2066, as
2 passed by the Senate as follows:

3 1. Page 4, by inserting after line 6 the following
4 new section:

5 "Sec. . Section four hundred twenty-two point
6 forty-five (422.45), Code 1977 Supplement, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. Gross receipts from the sale of
9 tangible personal property, except vehicles subject
10 to registration, to a person regularly engaged in the
11 business of leasing or renting such tangible personal
12 property, if the leasing or renting of such property
13 is subject to taxation under this division. If any
14 tangible personal property exempt under this subsection
15 is made use of for any purpose other than leasing or
16 renting, the person claiming the exemption under this
17 subsection shall be liable for the tax that would have
18 been due except for this subsection. The tax shall be
19 computed upon the original purchase price. The aggregate of the tax paid on the leasing or rental of such
20 tangible personal property, not to exceed the amount of
21 sales tax owed, shall be credited against such a tax.
22 This sales tax shall be in addition to any sales or
23 use tax that may be imposed as a result of the disposal
24 of such tangible personal property."

26 2. Page 4, line 35, by inserting after the word
27 "schools," the following words:

28 "the original purchase of tangible personal property
29 to be used for rental or leasing purposes,"

Roll call was requested by Tauke of Dubuque and Tofte of Winneshiek.

Rule 70 was invoked.

On the question "Shall amendment H—6218 be adopted?"

The ayes were, 38:

Bennett	Brockett	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Dyrland	Evans
Gentleman	Halvorson	Hansen	Harbor
Hoffmann	Horn	Junker	Krewson
Lindeen	Menke	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Smalley
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wyckoff		

The nays were, 49:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffie	Hargrave
Hines	Hinkhouse	Howell	Hullinger
Husak	Jochum	Koogler	Krause
Lageschulte	Lind	Loneragan	Middleswart
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Perkins	Poncy	Scheelhaase	Small
Spear	Svoboda	Wells	Woods
Mr. Speaker			

Absent or not voting, 13:

Arnould	Branstad	Chiodo	Den Herder
Egenes	Harvey	Jesse	Lipsky
Millen	Miller, K.D.	O'Halloran	Rinas
Walter			

Amendment H—6218 lost.

Scheelhaase of Woodbury offered the following amendment H—6220, to amendment H—6206, filed by him from the floor and moved its adoption:

H—6220

- 1 Amend amendment H—6206, to Senate File 2066 as
- 2 passed by the Senate, as follows:
- 3 1. Page 4, by striking lines 5 and 6, and inserting
- 4 in lieu thereof the words "of horses and mules."

A non-record roll call was requested.

The ayes were 22, nays 62.

Amendment H—6220 lost.

Clark of Lee offered the following amendment H—6221, to amendment H—6206, filed by him from the floor:

H—6221

- 1 Amend amendment H—6206, to Senate File 2066, as
- 2 passed by the Senate, as follows:

- 3 1. Page 4, line 3, by striking the word "sub-
 4 section" and inserting in lieu thereof the word "sub-
 5 sections".
 6 2. Page 4, by inserting after line 6 the following:
 7 "NEW SUBSECTION. The gross receipts from the sale
 8 of gas, electricity or other consumable energy sources
 9 to residential consumers."

Newhard of Jones rose on a point of order that amendment H—6221 was not germane.

The Speaker ruled the point well taken and amendment H—6221 not germane.

Clark of Lee moved that the rules governing germaness be suspended for the consideration of amendment H—6221.

Roll call was requested by Pelton of Clinton and Stromer of Hancock.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 37:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Evans	Gentleman
Halvorson	Hansen	Harbor	Hoffmann
Junker	Krewson	Lageschulte	Lind
Lindeen	Menke	Millen	Pellett
Pelton	Schnekloth	Schroeder	Shimaneck
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West			

The nays were, 51:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffiee	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jochum	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 12:

Den Herder	Egenes	Harvey	Jesse
Koogler	Krause	Lipsky	Monroe
O'Halloran	Perkins	Svoboda	Walter

The motion lost.

Bennett of Ida offered amendment H-6222, to amendment H-6206, filed by him from the floor. Division was requested as follows:

H-6222

- 1 Amend amendment H-6206, to Senate File 2066, as
- 2 passed by the Senate, as follows:

H-6222A

- 3 1. Page 2, line 8, by striking the word "storage"
- 4 and inserting in lieu thereof the word "storage".
- 5 2. Page 2, lines 9 and 10, by striking the words
- 6 "warehousing of raw agricultural products;"

H-6222B

- 7 3. Page 4, by striking lines 35 and 36 and insert-
- 8 ing in lieu thereof the following: "events of
- 9 elementary and secondary schools, the rental".

Bennett of Ida moved the adoption of amendment H-6222A, to amendment H-6206.

Roll call was requested by Bennett of Ida and Danker of Pottawattamie.

On the question "Shall amendment H-6222A be adopted?"

The ayes were, 41:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Dyrland	Evans
Gentleman	Gilson	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Lageschulte
Lind	Lindeen	Menke	Middleswart
Millen	Miller (Sergeant)	Pellett	Pelton
Scheelhaase	Schneklath	Schroeder	Shimanek
Spencer	Stephens	Stromer	Tauke

Thompson
Wyckoff

Tofte

Varley

West

The nays were, 45:

Anderson
Bina
Byerly
Davitt
Fitzgerald
Hargrave
Husak
Lonergan
Norland
Poney
Svoboda
Mr. Speaker

Arnould
Binneboese
Chiodo
Dieleman
Garrison
Hines
Jochum
Miller, K.D.
Oxley
Rinas
Welden

Avenson
Brandt
Connors
Doyle
Gettings
Horn
Koogler
Newhard
Patchett
Smalley
Wells

Baker
Brunow
Cusack
Dunton
Griffee
Howell
Krewson
Nielsen
Pavich
Spear
Woods

Absent or not voting, 14:

Den Herder
Hullinger
Lipsky
Small

Egenes
Jesse
Monroe
Walter

Gilloon
Junker
O'Halloran

Harvey
Krause
Perkins

Amendment H—6222A lost.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—6222B.

Scheelhaase of Woodbury offered the following amendment H—6223, to amendment H—6206, filed by him from the floor and moved its adoption:

H—6223

- 1 Amend amendment H—6206, to Senate File 2066 as
- 2 passed by the Senate, as follows:
- 3 1. Page 4, by striking lines 1 through 6.
- 4 1. Page 4, lines 37 and 38, by striking the
- 5 words "the sale of draft horses to be used as draft
- 6 horses,".

Amendment H—6223 lost.

Newhard of Jones moved the adoption of amendment H—6206.

Amendment H—6206 was adopted, placing the following amendments out of order:

H—5311 filed by Wyckoff of Benton on February 15, 1978.

H—5348 filed by Lageschulte of Bremer and Schneklloth of Scott on February 20, 1978.

H—5895 filed by Scheelhaase of Woodbury on April 4, 1978.

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. 2066)

The ayes were, 86:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Loneran
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Schneklloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 5:

Arnould	Brandt	Davitt	Monroe
Scheelhaase			

Absent or not voting, 9:

Den Herder	Gilloon	Hullinger	Jesse
Lipsky	O'Halloran	Schroeder	Spencer
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 2066)

Norland of Worth asked and received unanimous consent that Senate File 2066 be immediately messaged to the Senate.

HOUSE FILE 2068 WITHDRAWN

Norland of Worth asked and received unanimous consent to withdraw House File 2068 from further consideration by the House.

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

The House resumed session, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2439, by committee on ways and means, a bill for an act to impose a tax upon freight line and equipment car companies, making an appropriation and providing penalties for violations.

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

House File 2440, by committee on budget, a bill for an act relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome.

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

House File 2441, by committee on commerce, a bill for an act increasing the maximum lending limit of a small loan company to two thousand dollars.

Read first time and referred to the **sifting committee**.

House File 2442, by committee on budget, a bill for an act appropriating funds to the state department of health to implement a program to regulate the installation and use of radiation emitting equipment and materials.

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 members of the conference committee on the part of the Senate, appointed April 24, 1978, for House File 2074, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, are:

The Senator from Linn, Senator Robinson; Chair; the Senator from Webster, Senator Coleman; the Senator from Montgomery, Senator Hultman; the Senator from Woodbury, Senator Kelly; and the Senator from Linn, Senator Rush.

Also: That the Senate has on April 24, 1978, 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 2163, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services.

KEVIN P. LIGHT, Acting Secretary

SENATE MESSAGES CONSIDERED

Senate File 2090, a bill for an act relating to the minimum age for certain law enforcement officers.

Read first time and referred to the **sifting committee**.

Senate File 2228, a bill for an act providing for a guaranteed student loan program, changing the name of the higher education facilities commission and increasing its membership by two members and making an appropriation.

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

Senate File 2235, a bill for an act relating to pipelines by establishing construction standards for pipelines to protect soil conservation and drainage structures and practices and allowing land surveys by pipeline companies after notice.

Read first time and referred to the **sifting committee**.

Senate File 2246, a bill for an act making an appropriation to the judicial department.

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

Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation.

Read first time and **passed on file**.

SENATE AMENDMENT CONSIDERED

Perkins of Greene called up for consideration **House File 2098**, a bill for an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research, amended by the Senate amendment H—5884, found on pages 1336 through 1339 of the House Journal.

Woods of Polk offered the following amendment H—6026, to the Senate amendment H—5884, filed by Perkins of Greene and him and moved its adoption:

H—6026

- 1 Amend the Senate amendment, H—5884, to House File
- 2 2098, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the follow-
- 5 ing:
- 6 " . Page 3, by inserting after line 2 the follow-
- 7 ing new subsection:
- 8 " . If Senate File three hundred sixty-five
- 9 (365) is approved by the Sixty-seventh General
- 10 Assembly, 1978 Session, and becomes law, the funds
- 11 appropriated under section one (1) of this Act shall
- 12 be adjusted as follows:
- 13 a. The amount of funds appropriated pursuant to
- 14 section one (1), subsection one (1), paragraph a,
- 15 of this Act shall be increased to eight hundred ninety-
- 16 seven thousand eight hundred two (897,802) dollars.
- 17 b. The amount of funds appropriated pursuant to
- 18 section one (1), subsection two (2), paragraph a,
- 19 of this Act shall be increased to two million three
- 20 hundred thirty-seven thousand five hundred seventy-
- 21 three (2,337,573) dollars.
- 22 c. The amount of funds appropriated pursuant to

23 section one (1), subsection two (2), paragraph b,
24 of this Act shall be reduced to one hundred thirty-
25 two thousand/seven hundred thirty-five (132,735)
26 dollars.
27 d. The number of permanent full-time positions
28 shall be increased under section one (1), subsection
29 nine (9), of this Act to three hundred thirty-five
30 permanent full-time positions.
31 e. That funds appropriated to the regulatory
32 division from the hotel and restaurant fund shall
33 be available for expenditure for the period beginning
34 July 1, 1978 and ending December 31, 1978 and all
35 unencumbered funds remaining in the hotel and
36 restaurant fund on January 1, 1979 shall be transferred
37 to the general fund of the state." "

Amendment H—6026 was adopted.

Perkins of Greene offered the following amendment H—6130, to the Senate amendment H—5884, filed by him and moved its adoption:

H—6130

1 Amend the Senate amendment H—5884, to House File
2 2098, as passed by the House and reprinted, as follows:
3 1. Page 1, by inserting after line 2 the following:
4 " Page 2, lines 34 and 35, by striking the words
5 "and other funds available"."

Amendment H—6130 was adopted.

Scheelhaase of Woodbury offered the following amendment H—5926, to the Senate amendment H—5884, filed by him and moved its adoption:

H—5926

1 Amend the Senate amendment H—5884 to House File
2 2098 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 1, by striking lines 3 through 11.

Amendment H—5926 was adopted.

Byerly of Polk offered the following amendment H—6219, to the Senate amendment H—5884, filed by Byerly, Scheelhaase, Davitt, Howell, Harbor, Binneboese and Miller of Buchanan from the floor:

H—6219

- 1 Amend the Senate amendment, H—5884, to House
- 2 File 2098 as amended, passed and reprinted by the
- 3 House as follows:
- 4 1. Page 1, by inserting after line 35 the
- 5 following:
- 6 " . Page 5, by inserting after line 35 the
- 7 following new section:
- 8 "Sec. . There is appropriated from the general
- 9 fund of the state to Iowa state university of science
- 10 and technology agricultural experiment station for the
- 11 fiscal period beginning July 1, 1978 and ending June
- 12 30, 1979, the sum of seventy-five thousand (75,000)
- 13 dollars, or so much thereof as may be necessary, to be
- 14 used by the university to conduct a study and research
- 15 of grain grading, testing and pricing in Iowa, such
- 16 study and research to include but not be limited to
- 17 the effects on grain grading, testing and pricing in
- 18 Iowa of weight shrinkage factors, price discounts,
- 19 grain product quality and present harvesting techniques." "

Harbor of Mills offered the following amendment H—6226, to amendment H—6219, to the Senate amendment H—5884, filed by him and Byerly of Polk from the floor and moved its adoption:

H—6226

- 1 Amend amendment H—6219, to Senate amendment H—5884,
- 2 to House File 2098, as passed by the House and reprinted,
- 3 as follows:
- 4 1. Page 1, by inserting after line 19 the following:
- 5 "The study and research conducted by the university
- 6 shall include study and research in the field."

Amendment H—6226 was adopted.

On motion by Byerly of Polk, amendment H—6219, as amended, to the Senate amendment H—5884, was adopted.

Scheelhaase of Woodbury offered the following amendment H—6228, to the Senate amendment H—5884, filed by him from the floor:

H—6228

- 1 Amend the Senate amendment H—5884, to House File
- 2 2098, as amended, passed, and reprinted by the House
- 3 as follows:

- 4 1. Page 1, by striking lines 36 through 50.
- 5 2. Page 2, by striking lines 1 through 6.

Scheelhaase of Woodbury asked and received unanimous consent to withdraw amendment H—6228.

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

The House resumed session, Speaker Cochran in the chair.

Varley of Adair offered the following amendment H—6017, to the Senate amendment H—5884, filed by O'Halloran, et al. :

H—6017

- 1 Amend the Senate amendment, H 5884, to House File
- 2 2098 as follows:
- 3 1. Page 2, by striking lines 2 through 6.
- 4 2. Page 3, by inserting after line 3 the following:
- 5 " . Page 15, by inserting after line 2 the
- 6 following sections:
- 7 "Sec. . Section ninety-three point two (93.2),
- 8 Code 1977, is amended by striking the section and
- 9 inserting in lieu thereof the following:
- 10 93.2 COUNCIL ESTABLISHED.
- 11 1. There is established an energy policy council
- 12 which shall consist of the following twelve members:
- 13 a. The chairpersons and ranking minority members
- 14 of the standing committees on energy of the senate
- 15 and the house of representatives.
- 16 b. The director of energy policy.
- 17 c. Seven public members appointed by the governor
- 18 for four-year terms commencing July first and subject
- 19 to confirmation by two-thirds of the membership of
- 20 the senate. The governor's appointees shall be
- 21 knowledgeable in the fields of energy production,
- 22 energy technology and energy management. Not more
- 23 than four of the governor's appointees shall be from
- 24 the same political party.
- 25 2. The following persons shall serve as ex officio
- 26 nonvoting members of the council:
- 27 a. The state geologist.
- 28 b. The chairperson of the Iowa state commerce
- 29 commission.
- 30 c. The administrative officer of the state soil
- 31 conservation committee.
- 32 d. The director of transportation.
- 33 e. The executive director of the Iowa department
- 34 of environmental quality.

35 f. The director of the Iowa natural resources
36 council.

37 3. The director shall be entitled to vote on a
38 matter before the council only when the director's
39 vote is necessary to determine the outcome of a tie
40 vote.

41 Sec. . Section ninety-three point three (93.3),
42 Code 1977, is amended to read as follows:

43 93.3 PERSONNEL. The governor shall appoint a
44 director of energy policy who shall carry out duties
45 assigned to him the director by the council or duties
46 assigned to him the director by the governor pursuant
47 to a proclamation of emergency issued under the
48 provisions of section 93.8. The appointment of the
49 director shall be subject to confirmation by two-
50 thirds of the members of the senate. The director

Page 2

1 shall be paid an annual salary in an amount not to
2 exceed twenty-two thousand dollars. Other personnel
3 utilized by the council shall be employed through
4 a program of interchange of personnel between the
5 council and other governmental agencies pursuant
6 to chapter 28D employees of the council shall be
7 subject to the provisions of chapter nineteen A (19A)
8 of the Code. The total number of council employees
9 shall not exceed seven.

10 Sec. . Section ninety-three point four (93.4),
11 Code 1977, is amended to read as follows:

12 93.4. MEETINGS. The council shall organize within
13 ten days following June 13, 1974, by electing one
14 of its members to serve as chairman and one to serve
15 as vice chairman. The council shall establish annually
16 by establishing procedures and requirements with
17 respect to quorum, place and conduct of meetings and.
18 The director shall serve as chairperson of the council.
19 The legislative members shall select the vice
20 chairperson who shall be a legislative member and
21 who shall serve as vice chairperson for a two-year
22 term commencing January fourteenth of each odd-numbered
23 year. However the vice chairperson who shall be
24 elected in 1978 shall serve in that position until
25 January 14, 1979. The council may provide for the
26 establishment of an executive committee selected from
27 among the voting members of the council to supervise
28 the administrative duties assigned to the director.

29 Sec. . Section ninety-three point five (93.5),
30 Code 1977, is amended to read as follows:

31 93.5. COMPENSATION AND EXPENSES. Council
32 Nonlegislative council members who are not employees
33 of the state shall receive a per diem at the rate

34 of forty dollars for each day devoted to council
35 business and all nonlegislative council members shall
36 be reimbursed for actual expenses incurred in carrying
37 out their duties as members of the council. Legislative
38 members shall receive payment pursuant to section
39 2.10 and section 2.12.

40 Sec. . Section ninety-three point seven (93.7),
41 subsection one (1), paragraph i, is amended to read
42 as follows:

43 i. Legislation necessary to implement the state
44 policy for the development and utilization of energy
45 sources and the comprehensive conservation plan.
46 The council shall serve as policy advisor to the
47 governor and the general assembly on all energy
48 matters.

49 Sec. . Section ninety-three point seven (93.7),
50 subsections five (5) and six (6), are amended to read

Page 3

1 as follows:

2 5. Review, propose and recommend legislation
3 relating to the development and use of alternative
4 sources of energy in this state and the reduction
5 of dependence on nonrenewable sources of energy.

6 6. Develop and recommend public education and
7 communication programs in energy conservation and
8 conversion to alternative sources of energy.

9 Sec. . Of the initial public members appointed
10 by the governor to the energy policy council, two
11 members shall be appointed for terms ending June 30,
12 1980, two members shall be appointed for terms ending
13 June 30, 1981, and three members shall be appointed
14 for terms ending June 30, 1982. The terms of public
15 members serving on the energy policy council on June
16 30, 1978 shall expire on July 1, 1978."

17 . Page 15, by inserting after line 14 the
18 following section:

19 "Sec. . Acts of the Sixty-fifth General
20 Assembly, 1974 Session, chapter one thousand one
21 hundred thirteen (1113), section twenty-two (22),
22 as amended by Acts of the Sixty-sixth General Assembly,
23 1976 Session, chapter one thousand eighty-eight (1088),
24 section five (5) and as codified in section ninety-
25 three point sixteen (93.16), Code 1977, is repealed." "

26 3. Page 3, by inserting after line 5 the follow-
27 ing:

28 " . Amend the title, line 1, by inserting after
29 the word "Act" the words "relating to and"."

Hines of Story offered the following amendment H—6229, to amendment H—6017, to the Senate amendment H—5884, filed by him from the floor and moved its adoption:

H—6229

- 1 Amend H—6017, to the Senate Amendment H—5884 to
- 2 House File 2098 as follows:
- 3 1. By striking Page 1 lines 13 through 15 and
- 4 inserting in lieu thereof the following:
- 5 "a. Four members of the Iowa general assembly:
- 6 Two members appointed from the house of representatives
- 7 by the Speaker of the House, not more than one of
- 8 whom shall be from the same political party. Two
- 9 members appointed from the senate by the majority leader
- 10 of the senate, not more than one of whom shall be from
- 11 the same political party."

Amendment H—6229 was adopted.

Varley of Adair offered the following amendment H—6230, to amendment H—6017, to the Senate amendment H—5884, filed by him from the floor and moved its adoption:

H—6230

- 1 Amend amendment H—6017, to Senate amendment H—5884
- 2 to House File 2098, as passed by the House and reprinted,
- 3 as follows:
- 4 1. Page 1, by inserting after line 15, the following:
- 5 "Legislative members of the energy policy council shall
- 6 vote only on policy statements."

Amendment H—6230 was adopted.

Perkins of Greene offered amendment H—6227, to amendment H—6017, to the Senate amendment H—5884, filed by him from the floor. Division was requested as follows:

H—6227

- 1 Amend amendment H—6017, to Senate amendment H—5884,
- 2 to House File 2098 as passed by the House and reprinted
- 3 as follows:

H—6227A

- 4 1. Page 1, by striking line 50 and inserting in
- 5 lieu thereof the words "thirds of the members of the

- 6 senate. ~~The director~~".
7 2. Page 2, by striking lines 1 and 2 and inserting
8 in lieu thereof the words "~~shall be paid an annual~~
9 ~~salary in an amount not to exceed twenty-two thousand~~
10 ~~dollars. Other personnel~~".
11 3. Page 2, line 6, by inserting before the word
12 "employees" the word "The".

H-6227B

- 13 4. Page 2, by striking lines 8 and 9 and inserting
14 in lieu thereof the words "of the Code".

On motion by Perkins of Greene, amendment H-6227A was adopted.

On motion by Perkins of Greene, amendment H-6227B was adopted.

Welden of Hardin offered the following amendment H-6111, to amendment H-6017, to the Senate amendment H-5884, filed by him and moved its adoption:

H-6111

- 1 Amend amendment H-6017 to amendment H-5884 to
2 House File 2098 as follows:
3 1. Page 2, by inserting after line 9 the
4 following:
5 "Sec. . Section ninety three point three
6 (93.3) Code 1977, is amended by adding the following
7 new unnumbered paragraph:
8 Any employee or any position established for an
9 employee that is to be paid for from federal
10 funds shall be terminated when the federal funds
11 are no longer available."

Amendment H-6111 was adopted.

Miller of Buchanan offered the following amendment H-6243, to amendment H-6017, to the Senate amendment H-5884, filed by Miller of Buchanan, Cusack, Harbor, Koogler, Wyckoff and Husak from the floor and moved its adoption:

H-6243

- 1 Amend amendment H-6017 to the Senate amendment
2 H-5884, to House File 2098 as follows:

- 3 1. Page 3, by inserting after line 8 the follow-
4 ing:
5 "Sec. . Chapter ninety-three (93), Code 1977,
6 is amended by adding the following new sections:
7 NEW SECTION. REVIEW. The second session of the
8 Sixty-eighth General Assembly meeting in the year
9 1980 shall review the activities and performance of
10 the council and shall not later than July 1, 1980
11 make a determination concerning the status and duties
12 of the council.
13 NEW SECTION. REPEAL. Chapter ninety-three (93)
14 of the Code is repealed June 30, 1981."

Amendment H—6243 was adopted.

Tauke of Dubuque offered amendment H—6244, to amendment H—6017, to the Senate amendment H—5884, filed by him and Harvey of Scott from the floor and requested division as follows:

H—6244

- 1 Amend amendment H—6017, to Senate amendment H—5884
2 to House File 2098, as passed by the House and reprinted,
3 as follows:

H—6244A

- 4 1. Page 1, line 12, by striking the word "twelve"
5 and inserting in lieu thereof the word "eight".
6 2. Page 1, by striking lines 13 through 15.

H—6244B

- 7 3. Page 2, line 19, by striking the word "legisla-
8 tive".
9 4. Page 2, line 20, by striking the words "who
10 shall be a legislative member and".

H—6244A

- 11 5. Page 2, line 32, by striking the words "Non-
12 legislative council" and inserting in lieu thereof the
13 word "Council".

Tauke of Dubuque asked and received unanimous consent to defer action on amendment H—6244A.

On motion by Tauke of Dubuque, amendment H—6244B was adopted.

Harvey of Scott asked for unanimous consent to reconsider the vote by which amendment H—6229, to amendment H—6017, was adopted by the House on April 24, 1978.

Objection was raised.

Harvey of Scott asked and received unanimous consent to withdraw amendment H—6244A.

Small of Johnson in the chair at 6:08 p.m.

Scheelhaase of Woodbury rose on a point of order that amendment H—6017 was not germane.

The Speaker ruled the point well taken and amendment H—6017 not germane.

Cusack of Scott moved that the rules governing germanenes be suspended for the consideration of amendment H—6017, as amended.

A non-record roll call was requested.

The ayes were 61, nays 18.

The motion prevailed and the rules were suspended.

Varley of Adair moved the adoption of amendment H—6017, as amended, to the Senate amendment H—5884.

A non-record roll call was requested.

The ayes were 62, nays 15.

Amendment H—6017, as amended, was adopted.

Scheelhaase of Woodbury offered the following amendment H—6242, to the Senate amendment H—5884, filed by Scheelhaase, Doyle, Junker, Crabb, Danker and Binneboese from the floor and questioned whether or not the amendment was germane:

H—6242

1 Amend the Senate amendment, H—5884, to House File
2 2098 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 2, by inserting after line 15 the follow-
5 ing:

6 " . Page 8, by inserting after line 7 the follow-
7 ing new sections:

8 "Sec. 9. Chapter two (2), Code 1977, is amended
9 by adding the following new section:

10 **NEW SECTION. IOWA BOUNDARY COMMISSION.**

11 1. There is established an Iowa boundary commission
12 which shall consist of three members of the senate
13 appointed by the president of the senate and three
14 members of the house of representatives appointed
15 by the speaker of the house. The commission shall
16 select a chairperson and shall meet at the call of
17 the chairperson.

18 2. Members shall be appointed to a term of four
19 years commencing on July first of the year of
20 appointment. Vacancies shall be filled in the same
21 manner as original appointments and shall be for the
22 remainder of the unexpired term of the vacancy. The
23 members of the commission shall be reimbursed for
24 actual and necessary expenses incurred in the
25 performance of their duties and shall receive forty
26 dollars for each day in which engaged in the
27 performance of such duties. However, such per diem
28 compensation and expenses shall not be paid when the
29 general assembly is actually in session at the seat
30 of government. Per diem and expenses of the commission
31 and its members shall be paid from funds appropriated
32 pursuant to section two point twelve (2.12) of the
33 Code.

34 3. The commission is authorized to meet with
35 appropriate representatives of affected states,
36 agencies of those states and Iowa, and agencies of
37 the United States to discuss the western Iowa boundary
38 and problems related to that boundary and to make
39 periodic reports and recommendations to the general
40 assembly. The commission is authorized to expend
41 reasonable sums for the purchase of maps and other
42 information helpful to its discussions.

43 4. If a proposal is negotiated between Iowa and
44 affected states after meetings authorized under this
45 section, the attorney general of this state shall
46 assist the commission in drafting the necessary
47 documents to be approved by the Iowa general assembly
48 in preparation for the ratification of agreements
49 between Iowa and affected states.

50 Staff assistance for meetings of the commission

Page 2

- 1 shall be provided by the legislative service bureau.
- 2 Sec. 10. For the initial board, the president
- 3 of the senate and the speaker of the house shall each
- 4 appoint pursuant to section nine (9) of this Act on
- 5 the effective date of this Act, one member to a two-
- 6 year term and two members to a four-year term." "

The Speaker ruled the point well taken and amendment H-6242 not germane.

Scheelhaase of Woodbury moved that the rules governing germaneness be suspended for the consideration of amendment H-6242.

Roll call was requested by Scheelhaase of Woodbury and Menke of O'Brien.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 41:

Bennett	Binneboese	Byerly	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Doyle	Dyrland	Gettings	Gilloon
Gilson	Hansen	Harvey	Hinkhouse
Horn	Hullinger	Junker	Krause
Lind	Lindeen	Menke	Miller (Sergeant)
Pavich	Pellett	Poncy	Scheelhaase
Schneklath	Schroeder	Spencer	Stephens
Svoboda	Tofte	Welden	Wells
Woods			

The nays were, 43:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Chiodo
Clark, B.J.	Cusack	Dunton	Egenes
Fitzgerald	Gentleman	Halvorson	Harbor
Hines	Hoffmann	Howell	Husak
Jesse	Jochum	Krewson	Lageschulte
Loneragan	Middleswart	Miller, K.D.	Newhard
Nielsen	Norland	Oxley	Patchett
Pelton	Perkins	Rinas	Shimanek
Smalley	Spear	Stromer	Tauke
Varley	Wyckoff	Mr. Speaker	
		(Small)	

Absent or not voting, 16:

Branstad
Evans
Koogler
O'Halloran

Brockett
Garrison
Lipsky
Thompson

Cochran
Griffiee
Millen
Walter

Den Herder
Hargrave
Monroe
West

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk for the remainder of the day on request of Dunton of Keokuk.

Scheelhaase of Woodbury offered the following amendment H—5906, to the Senate amendment H—5884, filed by him and Hullinger of Decatur and moved its adoption:

H—5906

- 1 Amend the Senate amendment H—5884 to House File
- 2 2098 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 2, by striking lines 16 and 17.

A non-record roll call was requested.

The ayes were 30, nays 50.

Amendment H—5906 lost.

Menke of O'Brien offered the following amendment H—6019, to the Senate amendment H—5884, filed by him and moved its adoption:

H—6019

- 1 Amend the Senate amendment H—5884, to House File
- 2 2098, as passed by the House and reprinted, as follows:
- 3 1. Page 2, by striking lines 33 through 42.

Amendment H—6019 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6139, to the Senate amendment H—5884, filed by him and moved its adoption:

H-6139

1 Amend the Senate amendment, H-5884, to House File
2 2098, as amended, passed, and reprinted by the House
3 as follows:
4 1. Page 3, by inserting after line 3 the follow-
5 ing:
6 " . Page 15, by inserting after line 14, the
7 following section:
8 "Sec. . Chapter four hundred fifty-five B
9 (455B), Division three (III), Code 1977, is amended
10 by adding the following new section:
11 NEW SECTION. RULES ON PLASTIC PIPE. Rules promul-
12 gated by the department relating to plastic pipe shall
13 not exceed the specifications contained in designations
14 D-1784-69 and D-2241-73 of the 1974 Annual Book of
15 American Society for Testing and Materials Standards,
16 part 34, plastic pipe." "

Amendment H-6139 was adopted.

Scheelhaase of Woodbury offered the following amendment
H-6235, to the Senate amendment H-5884, filed by Scheelhaase,
Junker, Danker, Crabb, Schroeder and Binneboese from the floor:

H-6235

1 Amend Senate amendment, H-5884, to House File 2098
2 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 3, by inserting after line 3 the follow-
5 ing:
6 " . Page 15, by inserting after line 14 the
7 following:
8 "Sec. . The general assembly finds that the
9 state of Iowa and the Iowa state conservation
10 commission are co-defendants along with several other
11 owners of land in Iowa in Omaha Indian Tribe v. Tract
12 I-Blackbird Bend Area, Tract II-Monona Bend Area and
13 Tract III-Omaha Mission Bend Area, docket number C-
14 75-4067, filed in the United States district court
15 for the northern district of Iowa, western division,
16 on October 6, 1975; that part of this litigation has
17 been appealed to and decided by the United States
18 court of appeals for the eighth circuit, docket numbers
19 77-1384 and 77-1387, resulting in an opinion issued
20 April 11, 1978 which was adverse to the interests
21 of the state of Iowa; that the plaintiff seeks to
22 divest the state of Iowa, the Iowa state conservation
23 commission, and the other landowners of their title

24 to lands in Iowa, and that if the plaintiff prevails
25 the sovereignty and jurisdiction of the state of Iowa
26 over all of the lands in litigation may be diminished.
27 The general assembly finds that it is in the public
28 interest for the claims of the plaintiff to lands
29 in Iowa be resisted.

30 Sec. . There is appropriated to the state comp-
31 troller from the general fund of the state the sum
32 of two hundred fifty thousand (250,000) dollars, or
33 so much thereof as may be necessary, to be used to
34 pay legal fees and litigation expenses of the Monona
35 county land association, an association composed of
36 defendants in the above-mentioned litigation and any
37 appeals, incurred in that litigation and any appeals.
38 The attorneys of record shall submit to the state
39 comptroller in the manner required by the state
40 comptroller the claims for such legal fees and
41 litigation expenses for the approval of the state
42 comptroller and the attorney general. The state
43 comptroller shall pay to the attorneys of record the
44 amount claimed upon receipt of such claims. Any
45 unencumbered or unobligated balances of the
46 appropriation made by this section shall not revert
47 to the general fund until the above-mentioned
48 litigation is concluded." "

Cusack of Scott rose on a point of order that amendment
H—6235 was not germane.

The Speaker ruled the point well taken and amendment
H—6235 not germane.

Scheelhaase of Woodbury moved that the rules governing ger-
maneness be suspended for the consideration of amendment
H—6235.

Roll call was requested by Scheelhaase of Woodbury and Crabb
of Crawford.

Rule 70 was invoked.

Under the provisions of Rule 71, Doyle of Woodbury refrained
from voting.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 36:

Baker	Bennett	Binneboese	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Evans	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Hullinger	Junker	Lageschulte	Lind
Lindeen	Menke	Miller (Sergeant)	Pellett
Scheelhaase	Schnekloth	Schroeder	Smalley
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Welden	Woods

The nays were, 46:

Anderson	Arnould	Avenson	Bina
Brandt	Chiodo	Clark, J.H.	Connors
Cusack	Davitt	Dieleman	Dunton
Dyrland	Egenes	Fitzgerald	Gentleman
Gettings	Gilloon	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Krewson
Loneragan	Middleswart	Miller, K.D.	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Pelton	Perkins	Poney
Rinas	Shimanek	Spear	Wells
Wyckoff	Mr. Speaker (Small)		

Absent or not voting, 18:

Branstad	Brockett	Brunow	Byerly
Cochran	Den Herder	Doyle	Garrison
Koogler	Krause	Lipsky	Millen
Monroe	O'Halloran	Spencer	Varley
Walter	West		

The motion lost.

Davitt of Warren offered the following amendment H—6246, to the Senate amendment H—5884, filed by Davitt, Husak, Perkins, Bennett and Crabb from the floor and moved its adoption:

H—6246

- 1 Amend the Senate amendment H—5884 to House File
- 2 2098 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 " Page 1, line 30, by inserting before the

7 word "From" the following: "a".
 8 " . Page 1, by inserting after line 32 the
 9 following paragraph:
 10 "b. From the general fund
 11 for salaries, support, and
 12 miscellaneous purposes for the
 13 processing of aujeszky's
 14 disease tests required by the
 15 department of agriculture's
 16 aujeszky's disease control
 17 program.....\$100,000
 18 The department shall charge a fee for each aujeszky's
 19 disease test. The fees shall cover the costs of the
 20 program but shall not exceed one dollar for each
 21 aujeszky's disease test and all monies obtained
 22 by collection of such fees shall be deposited in
 23 the state general fund."

Roll call was requested by Davitt of Warren and Menke of O'Brien

On the question "Shall amendment H—6246 be adopted?"

The ayes were, 58:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brunow
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Cusack	Daggett
Davitt	Dieleman	Dunton	Dyrland
Fitzgerald	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Howell
Husak	Jochum	Junker	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Newhard	Norland
Oxley	Patchett	Pellett	Pelton
Perkins	Poncy	Schnekloth	Shimanek
Spear	Stephens	Tauke	Wells
Woods	Wyckoff		

The nays were, 21:

Binneboese	Crawford	Danker	Egenes
Evans	Gentleman	Hines	Horn
Jesse	Lind	Monroe	Pavich
Rinas	Scheelhaase	Schroeder	Smalley
Stromer	Thompson	Tofte	Welden
Mr. Speaker			
(Small)			

Absent or not voting, 21:

Branstad	Brockett	Byerly	Clark, B.J.
Den Herder	Doyle	Garrison	Gettings
Hullinger	Koogler	Krause	Krewson
Lipsky	Millen	Nielsen	O'Halloran
Spencer	Svoboda	Varley	Walter
West			

Amendment H—6246 was adopted.

On motion by Perkins of Green, the House concurred in the Senate amendment H—5884, as amended.

Speaker Cochran in the chair at 7:04 p.m.

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.

On the question "Shall the bill pass?" (H.F. 2098)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Dunton	Dyrland	Evans	Fitzgerald
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Krause	Krewson
Lageschulte	Lind	Lindeen	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schneklloth	Schroeder	Shimaneck
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Welden	Wells	Woods
Wyckoff	Mr. Speaker		

The nays were, 6:

Danker
Hullinger

Doyle
Scheelhaase

Egenes

Harvey

Absent or not voting, 12:

Branstad
Garrison
Spencer

Brockett
Koogler
Varley

Byerly
Lipsky
Walter

Den Herder
O'Halloran
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 LOST (House File 2098)

Perkins of Greene asked for unanimous consent that House File 2098 be immediately messaged to the Senate.

Objection was raised.

Perkins of Greene moved to reconsider the vote by which House File 2098 passed the House on April 24, 1978.

A non-record roll call was requested.

The ayes were 36, nays 36.

The motion lost.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 32, and act relating to the membership, terms of office, and organization of the Capitol Planning Commission.

House File 2022, an act relating to changes allowed for keeping estrays and trespassing animals.

Senate File 404, an act relating to payment of travel expenses of county officers and employees.

Senate File 2137, an act relating to the imposition of a tax on generation skipping transfers and making the act retroactive.

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 24th day of April, 1978: House Files 33, 246, 616, 2176, 2227, 2294 and 2329.

Report adopted.

DAVID L. WRAY
Chief Clerk of the House

UNANIMOUS CONSENT CALENDAR
(House Resolution 130)

We hereby respectfully request that House Resolution 130, filed on April 4, 1978 and found on page 1334 of the House Journal, be placed on the unanimous consent calendar.

DYRLAND of Clayton
ARNOULD of Scott
SVOBODA of Iowa

(House Resolution 138)

We hereby respectfully request that House Resolution 138, filed on April 20, 1978 and found on page 1699 of the House Journal, be placed on the unanimous consent calendar.

AVENSON of Fayette
GRIFFEE of Chickasaw
BINA of Scott

(House Resolution 139)

We hereby respectfully request that House Resolution 139, filed on April 21, 1978 and found on page 1774 of the House Journal, be placed on the unanimous consent calendar.

MILLER (SERGEANT) of Calhoun
BENNETT of Ida
PERKINS of Greene

SPONSOR ADDED
(Amendment H—6206 to Senate File 2066)

Harbor of Mills requested to be added as a sponsor of amendment H—6206 to Senate File 2066.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 494 Cities

Relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made.

S.B. 495 Judiciary and Law Enforcement

Providing for the compensation of innocent victims of criminal acts.

S.B. 496 Transportation

Relating to the installation of heaters in railroad motor track cars and providing a penalty.

S.B. 497 Human Resources.

Providing for the future establishment of a unified state mental health agency, creating a state mental health advisory council, and authorizing county boards of supervisors to implement a policy that admission to a state mental health institute shall be based on a preliminary diagnostic evaluation by a community mental health center or an alternative diagnostic facility.

PRESENTATION OF VISITORS

Gilson of Guthrie presented to the House Brenda Richter, former Page during the 1977 Session, now attending Luther College.

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

Twenty-seven eighth grade students from Dallas Community School, Grimes, Iowa, accompanied by Bill Wineland. By Varley of Adair.

Thirty-eight sixth grade students from Mitchellville Elementary School, Mitchellville, Iowa, accompanied by Mrs. Punelli and Mr. Davis. By Anderson of Jasper.

Thirty-four fifth and sixth grade students from Kanawha Elementary School, Kanawha, Iowa, accompanied by Connie Fisher. By Stromer of Hancock.

Sixty tenth grade government students from Carlisle High School, Carlisle, Iowa, accompanied by Mr. Sinclair and Mrs. Wheeler. By Anderson of Jasper.

Sixteen students from Woodrow Wilson Junior High School, Sioux City, Iowa, accompanied by Jim Hinrich. By Binneboese of Plymouth.

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 21, 1978

Convened: 8:20 a.m.

Adjourned: 8:35 a.m.

Present: Cusack, chair; Dunton, vice-chair; Koogler, Norland, Varley, Welden and Wells.

Absent: Avenson, Harvey (arrived 8:22 a.m.) and Jesse.

Excused: Den Herder, ranking member; O'Halloran and Stromer.

Study Bill 492, a bill for an act appropriating funds to the state department of health to implement a program to regulate the installation and use of radiation emitting equipment and materials.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Harvey, Koogler, Norland, Varley, Welden and Wells.

Nay: Dunton.

Absent or not voting: Den Herder, Avenson, Jesse, O'Halloran and Stromer.

Senate File 264, **failed to pass.**

COMMITTEE ON BUDGET

Scheduled: 1:30 p.m., April 21, 1978

Convened: 1:45 p.m.

Adjourned: 1:50 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Harvey, Jesse, Koogler, Varley, Welden and Wells.

Absent: Norland.

Excused: Den Herder, ranking member; O'Halloran and Stromer.

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.

Recommended Amend and Do Pass.

H — 6216

- 1 Amend Senate File 264 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 2 through 24 and
- 4 inserting in lieu thereof the following:
- 5 "1. Chapters thirty-five A (35A), thirty-five
- 6 B (35B) and thirty-five C (35C), Code 1977, are
- 7 repealed."
- 8 2. Page 1, line 27, by striking the words "Funds
- 9 remaining".
- 10 3. Page 1, by striking lines 28 through 32.
- 11 4. Page 2, line 16, by inserting after the word
- 12 "Code." the words "The department shall draft and
- 13 provide to county commissions suggested uniform
- 14 benefits and administrative procedures for carrying
- 15 out the functions and duties of the county
- 16 commissions."
- 17 5. Page 2, line 17, by striking the word "Maintain"
- 18 and inserting in lieu thereof the words "Permanently
- 19 maintain".
- 20 6. Page 2, by inserting after line 30 the follow-
- 21 ing subsection:

22 " . Maintain by counties a permanent registry
23 of the graves of all persons who served in the military
24 or naval forces of the United States in time of war
25 and whose mortal remains rest in Iowa."

26 7. Page 2, line 34, by inserting after the word
27 "governor." the words "Each commissioner shall be
28 an honorably discharged member of the armed forces
29 of the United States."

30 8. Page 3, line 6, by striking the word "may"
31 and inserting in lieu thereof the word "shall".

32 9. Page 3, by striking lines 24 through 26.

33 10. Page 4, by striking lines 2 and 3 and inserting
34 in lieu thereof the words "disability fund and the
35 war orphans educational fund."

36 11. Page 4, by inserting after line 9 the follow-
37 ing new section:

38 Sec. . NEW SECTION. TENURE. The director
39 shall serve at the pleasure of the appointing authority
40 but may be removed from office for inability or refusal
41 to perform the duties of the office. Prior to removal
42 from office on such grounds the individual holding
43 the office shall be afforded a hearing before the
44 commission."

45 12. Page 4, line 14, by striking the words "a
46 per diem salary" and inserting in lieu thereof the
47 words "forty dollars per diem".

48 13. Page 4, line 16, by inserting after the word
49 "duties." the words "Per diem paid to commissioners
50 shall be paid from funds appropriated to the

Page 2

1 department."

2 14. Page 4, by inserting after line 19 the
3 following section:

4 "Sec. . Section twenty-nine A point twelve
5 (29A.12), Code 1977, is amended by striking unnumbered
6 paragraph two (2)."

7 15. Page 7, by striking lines 10 through 35.

8 16. Page 8, by striking lines 1 through 35.

9 17. Page 9, by striking lines 1 through 12 and
10 inserting in lieu thereof the following section:

11 "Sec. . Section two hundred fifty point one
12 (250.1), Code 1977, is amended to read as follows:

13 250.1 TAX. A tax not exceeding twenty-seven cents
14 per thousand dollars of assessed value may be levied
15 by the board of supervisors upon all taxable property
16 within the county, to be collected at the same time
17 and in the same manner as other taxes, to create a
18 veteran affairs fund for the relief benefit of, and
19 to pay the funeral expenses of honorably discharged,
20 indigent men and women of the United States who served

21 in the military or naval forces of the United States
22 in any war including the Korean Conflict at any time
23 between June 25, 1950, and January 31, 1955, both
24 dates inclusive, and including the Vietman Conflict
25 at any time between August 5, 1964 and ending on the
26 date the armed forces of the United States are directed
27 by formal order of the government of the United States
28 to cease hostilities May 7, 1975, both dates inclusive,
29 and their indigent wives, widows and minor children
30 not over eighteen years of age, having a legal
31 residence in the county."

32 18. Page 9, line 35, by striking the words "the
33 Spanish American War," and inserting in lieu thereof
34 the words "the Spanish American War,"

35 19. Page 10, by inserting after line 4 the
36 following sections:

37 "Sec. . Section two hundred fifty point seven
38 (250.7), Code 1977, is amended to read as follows:

39 250.7 MEETINGS — REPORT — BUDGET. The commission
40 shall meet monthly on the first Monday and at such
41 other times as may be necessary. At the monthly
42 meeting it shall determine who are entitled to relief
43 benefits and the probable amount required to be
44 expended therefor. The commission shall meet annually
45 on the second Monday in June. At such annual meeting
46 it shall prepare an estimated budget for all
47 expenditures to be made in the next fiscal year and
48 certify said budget to the board of supervisors, who
49 shall have the power and authority to approve or
50 reduce said budget for valid reasons shown and entered

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1 of record and such decision shall be final.

2 Sec. . Section two hundred fifty point nine
3 (250.9), Code 1977, is amended to read as follows:

4 250.9 NAMES CERTIFIED — ~~RELIEF BENEFITS~~ CHANGED.

5 At each regular meeting the commission shall submit
6 to the board of supervisors a certified list of those
7 persons to whom relief has benefits have been
8 authorized and the amounts so awarded. The amount
9 awarded to any person may be increased, decreased,
10 or discontinued by the commission at any meeting.
11 New names may be added and certified thereat."

12 20. Page 10, line 18, by striking the word "RELIEF"
13 and inserting in lieu thereof the words "RELIEF
14 BENEFIT".

15 21. Page 10, line 22, by striking the word "relief"
16 and inserting in lieu thereof the word "relief".

17 22. Page 10, line 24, by striking the word "relief"
18 and inserting in lieu thereof the words "relief

19 benefits".

20 23. Page 11, line 34, by striking the word "of"
21 and inserting in lieu thereof the word "of".

22 24. Page 11, line 35, by striking the words "the
23 adjutant general's office or" and inserting in lieu
24 thereof the words "the adjutant general's office".

25 25. Page 12, by inserting after line 29 the
26 following sections:

27 "Sec. . The state comptroller shall allocate
28 to the Iowa department of veterans affairs funds
29 appropriated by the Sixty-seventh General Assembly,
30 1978 Session, to the bonus board for salaries, support,
31 maintenance and miscellaneous purposes and for the
32 war orphan's educational fund. The state comptroller
33 shall also allocate to the Iowa department of veteran's
34 affairs twenty-five thousand dollars of the funds
35 appropriated by the Sixty-seventh General Assembly,
36 1978 Session, to the adjutant general which the
37 department of veterans affairs shall use for graves
38 registration.

39 Sec. . The state comptroller shall allocate
40 to the Iowa department of veterans affairs any
41 unencumbered funds remaining on June 30, 1978 from
42 funds appropriated by Acts of the Sixty-seventh General
43 Assembly, 1977 Session, chapter thirty-one (31),
44 section one (1), subsection two (2), paragraph b.
45 Funds so allocated, or so much thereof as may be
46 necessary, may be used to pay travel expenses and
47 per diem of commission members."

48 26. Page 12, by striking lines 30 and 31.

49 27. By renumbering the remaining sections and
50 subsections in accordance with this amendment.

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1 28. Amend the title by striking lines 1 through
2 3 and inserting in lieu thereof the words "An Act
3 relating to benefits and services provided to armed
4 forces veterans by creating the Iowa department of
5 veterans affairs, prescribing its powers and duties
6 and its relationship to county commissions on veterans
7 affairs and abolishing certain bonus funds."

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Harvey, Jesse, Koogler and Wells.

Nay: Varley.

Absent or not voting: Den Herder, Nørland, O'Halloran, Stromer and Welden.

AMENDMENTS FILED

H-6207	S.F. 2210	Committee on Ways and Means
H-6208	S.F. 2173	Committee on Ways and Means
H-6224	H.F. 2190	Schnekloth of Scott
H-6225	H.F. 2190	Schnekloth of Scott
H-6231	S.F. 2216	Evans of Grundy Middleswart of Warren Perkins of Greene Welden of Hardin
H-6232	H.F. 2437	Patchett of Johnson
H-6233	S.F. 2213	Spear of Lee
H-6234	H.F. 2417	Krause of Kossuth
H-6236	S.F. 225	Clark of Lee
H-6237	S.F. 2187	Miller of Buchanan Junker of Woodbury Wyckoff of Benton Harbor of Mills Husak of Tama
H-6238	H.F. 2403	Patchett of Johnson Jesse of Polk Shimanek of Jones
H-6239	S.F. 2233	Schroeder of Pottawattamie
H-6240	H.F. 2417	Patchett of Johnson
H-6241	S.F. 2200	Conlon of Muscatine
H-6247	H.F. 2438	Norland of Worth Anderson of Jasper West of Marshall
H-6248	S.F. 2213	Spear of Lee
H-6249	H.F. 593	Monroe of Des Moines

On motion by Fitzgerald of Webster, the House adjourned at 7:27 p.m., until 10:00 a.m., Tuesday, April 25, 1978.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day—Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 25, 1978

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

Prayer was offered by the Reverend John Crosswhite, pastor of the United Methodist Church of Nishna Valley, Iowa.

The Journal of Monday, April 24, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hennessey, Manilla, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Lindeen of Henry from seventy-five employees of the Burlington Basket Company favoring a products liability tort revision bill.

By Koogler of Mahaska from twenty-five constituents of the ninety-first district opposing changes in the hunting and trapping laws as changed by House File 356.

ADOPTION OF HOUSE RESOLUTION 134

Pursuant to House Rule 26, the Speaker announced that House Resolution 134, filed on April 17, 1978 and found on page 1581 of the House Journal, was adopted by unanimous consent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2361, a bill for an act relating to moneys available to school districts, providing for an additional enrichment amount and prohibition of reduction of school budgets after their recertification.

Also: That, on April 24, 1978, the Senator from Pocahontas, Senator Scott, has withdrawn as a member of the conference committee on Senate File 244, a bill for an act relating to the office of the Code editor and the publication of the Code of Iowa and the Iowa administrative code, and that the Senator from Linn, Senator Redmond, has been appointed as his replacement.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2361

H—6250

1 Amend House File 2361 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 12 the follow-
4 ing:

5 "Sec. . Section four hundred forty-two point
6 four (442.4), subsections one (1) and two (2), Code
7 1977, are amended to read as follows:

8 1. Basic enrollment for the budget year is
9 determined by adding the resident pupils who were
10 enrolled on the second Friday of January September
11 in the base year in public elementary and secondary
12 schools of the district and in public elementary and
13 secondary schools in another district or state for
14 which tuition is paid by the district. ~~For the school~~
15 ~~year beginning July 1, 1975, pupils who were enrolled~~
16 ~~on the second Friday of January in the base year in~~
17 ~~special education programs conducted by a county or~~
18 ~~joint county school system are included in basic~~
19 ~~enrollment. For the school year beginning July 1,~~
20 ~~1975, and each succeeding school year, pupils enrolled~~
21 ~~in prekindergarten programs other than special~~
22 ~~education programs are not included in basic~~
23 ~~enrollment.~~

24 Resident pupils of high school age for which the
25 district pays tuition to attend an Iowa area school
26 are included in basic enrollment on a full-time
27 equivalent basis as of the second Friday of January
28 September in the base year.

29 Shared-time and part-time pupils of school age,
30 irrespective of the districts in which the pupils
31 reside, are included in basic enrollment as of the
32 second Friday of January September in the base year,
33 in the proportion that the time for which they are

34 enrolled or receive instruction for the school year
35 is to the time that full-time pupils carrying a normal
36 course schedule, at the same grade level, in the same
37 school district, for the same school year, are enrolled
38 and receive instruction. Tuition charges to the
39 parent or guardian of a shared-time or part-time out-
40 of-district pupil shall be reduced by the amount of
41 any increased state aid occasioned by the counting
42 of the pupil.

43 Pupils attending a university laboratory school
44 are not counted in any district's basic enrollment,
45 but the laboratory school shall report them directly
46 to the department of public instruction.

47 A school district shall certify its basic enrollment
48 to the state department of public instruction by
49 January 25 September twenty-fifth of each year, and
50 the department shall promptly forward the information

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1 to the state comptroller. For purposes of determining
2 whether a district is entitled to an advance for
3 increasing enrollment, and for record-keeping purposes,
4 a determination of enrollment shall be made on the
5 second Friday of September in the budget year and
6 the second Friday in January in the base year, in
7 the same manner as the January September basic
8 enrollment is determined.

9 However, for the school year beginning July 1,
10 1974, basic enrollment is equal to the actual
11 enrollment used for that year prior to adjustment
12 for decreasing enrollment.

13 2. An adjusted enrollment for each district shall
14 be computed as follows:

15 a. For the school year beginning July 1, 1975,
16 if a district has a decrease from the sum of the basic
17 enrollment in the base year plus adjustments for
18 decreasing enrollment made in the base year, to the
19 basic enrollment in the budget year, the state
20 comptroller shall compute an amount to be added to
21 the basic enrollment for the budget year. The amount
22 to be added is equal to fifty percent of this decrease,
23 to the extent that the decrease does not exceed five
24 percent of the sum of the basic enrollment in the
25 base year plus adjustments made for decreasing
26 enrollment in the base year, and twenty-five percent
27 of the remaining decrease. If the district does not
28 experience this decrease, the adjusted enrollment
29 for the budget year is equal to the basic enrollment
30 for the budget year.

31 b a. For the school years subsequent to the school
32 year beginning July 1, 1975, except for the school

33 year beginning July 1, 1979 if a district has a
34 decrease from the basic enrollment in the base year
35 to the basic enrollment in the budget year the state
36 comptroller shall compute an amount to be added to
37 the basic enrollment for the budget year. The amount
38 to be added is equal to fifty percent of the basic
39 enrollment decrease to the extent that it does not
40 exceed five percent of the base year's basic
41 enrollment, and twenty-five percent of the remaining
42 basic enrollment decrease. If the school district
43 does not experience a decrease from the basic
44 enrollment in the base year to the basic enrollment
45 in the budget year the adjusted enrollment for the
46 budget year is equal to the basic enrollment for the
47 budget year.

48 b. For the school year beginning July 1, 1979,
49 if a district has a decrease from the basic enrollment
50 in the base year to the basic enrollment in the budget

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1 year the state comptroller shall compute an amount
2 to be added to the basic enrollment for the budget
3 year. The amount to be added is equal to one hundred
4 percent of the basic enrollment decrease to the extent
5 that the decrease does not exceed two percent of the
6 base year's basic enrollment, and fifty percent of
7 the remaining basic enrollment decrease to the extent
8 that the decrease does not exceed five percent of
9 the base year's basic enrollment, and twenty-five
10 percent of the remaining basic enrollment decrease.

11 If a district has an increase from the basic
12 enrollment in the base year to the basic enrollment
13 in the budget year, the state comptroller shall compute
14 an amount to be subtracted from the basic enrollment
15 for the budget year. The amount to be subtracted
16 is equal to zero percent of the basic enrollment
17 increase to the extent that the increase does not
18 exceed two percent of the base year's basic enrollment,
19 and fifty percent of the remaining basic enrollment
20 increase to the extent that the increase does not
21 exceed five percent of the base year's basic
22 enrollment, and seventy-five percent of the remaining
23 basic enrollment increase. However, if the provisions
24 of this paragraph are inadequate to fund the budget
25 of a district that has an increase in the basic enrollment
26 an application for an adjustment in the enrollment
27 may be allowed if approved by the school budget review
28 committee not to exceed a total adjusted enrollment
29 equal to the basic enrollment for the budget year.

30 Sec. . Section four hundred forty-two point
31 seven (442.7), subsections one (1), two (2), three

32 (3), four (4) and five (5), Code 1977, are amended
33 to read as follows:

34 1. For the school year beginning July 1, 1975,
35 the state percent of growth is ten and seven-tenths
36 percent.

37 Seven-tenths of one percent of the state percent
38 of growth is to compensate for the cost of improvements
39 to the Iowa public employees' retirement system and
40 also to fund a portion of the cost of driver education
41 classes offered by the district and formerly funded
42 partly by a state appropriation.

43 2 1. For school years subsequent to the school
44 year beginning July 1, ~~1975~~ 1978, a state percent
45 of growth for the budget year shall be computed by
46 the state comptroller prior to February 15 of each
47 September fifteenth in the base year and forwarded
48 to the superintendent of public instruction. The
49 state percent of growth shall be an average of the
50 following four percentages of growth:

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1 a. The difference in the state general fund
2 revenues received during the year, adjusted for changes
3 in rates or basis, computed or estimated as a
4 percentage of change for each of the following periods:

5 (1) From the year immediately preceding the base
6 year to the base year.

7 (2) From the base year to the budget year.

8 b. The difference in the Iowa consumer price index
9 which shall be computed by the state comptroller prior
10 to January 1, 1976, and recomputed each month
11 subsequent to January 1, 1976, based upon a
12 comprehensive sampling of the costs of goods and
13 services within Iowa, and until the Iowa consumer price
14 index is available, the consumer price index published
15 by the bureau of labor statistics, United States
16 department of labor computed or estimated as a
17 percentage of change for the following periods:

18 (1) From July 1 January first of the year prior
19 to the base year to July 1 January first of the budget
20 base year.

21 (2) From July 1 January first of the budget base
22 year to July 1 January first of the year immediately
23 following the budget year.

24 3 2. If the state percent of growth so computed
25 is negative, that percentage shall not be used and
26 the state percent of growth shall be zero.

27 4 3. Each year prior to February 15 September
28 fifteenth the state comptroller shall recompute the
29 state percent of growth for the previous year using
30 adjusted estimates and the actual figures available.

31 The difference between the recomputed state percent
32 of growth for the base year and the original
33 computation shall be added to or subtracted from the
34 state percent of growth for the budget year, as
35 applicable.

36 5. The state comptroller shall compute an estimated
37 state percent of growth for the budget year prior
38 to September 15 in the base year and shall forward
39 this estimate to the superintendent of public
40 instruction."

41 2. Striking page 1, line 34 through page 2, line
42 11.

43 3. Page 3, line 6, by inserting after the word
44 "section," the following: ". If the proposed
45 additional enrichment amount is less than or equal
46 to five percent of the state cost per pupil, the board
47 shall publish notice in a newspaper of general
48 circulation in the school district listing the date,
49 time and location of each of three public hearings
50 to be held for reading and approval of the enrichment

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1 resolution. The hearings shall be at least one week
2 apart with the third hearing to take place at least
3 forty-five days prior to the school board election
4 in September of the base year. If, on or before the
5 date of the third hearing, the school board receives
6 a petition signed by not less than five percent of
7 the registered voters in the school district protesting
8 the proposed enrichment resolution or if, by its own
9 motion the board determines that a referendum should
10 be held, the school board shall direct the county
11 commissioner of elections to submit the question of
12 whether to raise that amount under the provisions
13 of this section and section four hundred forty-two
14 point fifteen (442.15) of the Code, to the qualified
15 electors of the school district at a regular school
16 election held during September of the base year.
17 If the proposed additional enrichment amount exceeds
18 five percent of the state cost per pupil, the board".

19 4. Page 3, line 7, by striking the word "and"
20 and inserting in lieu thereof the word "and".

21 5. Page 3, line 35, by inserting after the word
22 "If" the words "a petition protesting the enrichment
23 resolution has not been received on or before the
24 date of the third public hearing or".

25 6. Page 4, by inserting after line 29 the
26 following:

27 "Sec. . Section four hundred forty-two point

28 twenty-eight (442.28), unnumbered paragraph one (1),
29 Code 1977, is amended to read as follows:
30 If a district's weighted enrollment on the second
31 Friday of September in the budget year, determined
32 in the same manner as the ~~January~~ weighted enrollment
33 is determined under section 442.4, is higher than
34 its weighted enrollment on the second Friday of ~~January~~
35 ~~September~~ in the base year, the district is entitled
36 to an advance from the state of an amount equal to
37 its district cost per pupil less the amount per pupil
38 for special education support services, media services
39 and other services computed as a part of district
40 cost under the provisions of section 442.7 and section
41 442.27 for the budget year multiplied by its increase
42 in weighted enrollment. The advance shall be
43 miscellaneous income.
44 Sec. . For the school year beginning July 1,
45 1979, the state cost per pupil shall be increased
46 to an amount which would otherwise have resulted for
47 the school year beginning July 1, 1979, if the surplus
48 balances for area education agency support services
49 and for area education inherited funds had not been
50 offset against the total support budgets for the

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1 school year beginning July 1, 1978. This adjustment
2 is to compensate for the reductions made to state
3 cost based upon the temporary offset of support budgets
4 by certain area education agency fund balances."
5 7. Page 4, by inserting after line 29 the
6 following:
7 "Sec. . The provisions of section two (2) of
8 this Act, being deemed of immediate importance, shall
9 take effect and be in force from and after its
10 publication in the Ankeny Press Citizen, a newspaper
11 published in Ankeny, Iowa, and in The Sun & The Hawkeye
12 Recorder-Herald, a newspaper published in Mount Vernon,
13 Iowa."
14 8. Renumber the sections as necessary in
15 conformance with this amendment.
16 9. Title page, by striking lines 5 through 8 and
17 inserting in lieu thereof the words "for the site
18 fund, and altering the eligibility for one hundred
19 twenty-five percent allowable growth."

MOTION TO RECONSIDER PREVAILS
(Senate File 2127)

Wyckoff of Benton called up for consideration the motion to reconsider **Senate File 2127**, filed on April 18, 1978, and moved to

reconsider the vote by which Senate File 2127, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions, passed the House and was placed on its last reading on April 18, 1978.

A non-record roll call was requested.

The ayes were 67, nays 3.

The motion prevailed and the House reconsidered Senate File 2127.

Wyckoff of Benton moved to reconsider the vote by which amendment H—5819 failed to be adopted by the House on April 18, 1978.

The motion prevailed and the House reconsidered amendment H—5819, found on page 1598 of the House Journal.

On motion by Wyckoff of Benton, amendment H—5819 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. 2127)

The ayes were, 90:

Anderson	Arnould	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
Gettings	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Jesse	Jochum	Junker
Krewson	Lageschulte	Lind	Lindeen
Loneragan	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland
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
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Den Herder	Gilloon	Harvey	Husak
Koogler	Krause	Lipsky	Middleswart
Newhard	O'Halloran		

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

IMMEDIATE MESSAGE (Senate File 2127)

Wyckoff of Benton asked and received unanimous consent that Senate File 2127 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Norland of Worth called up for consideration **House File 2356**, a bill for an act relating to assessment procedures by providing duties for the department of revenue and owners of industrial property in valuing industrial property and creating a reassessment expense fund to provide loans to assessing jurisdictions for revaluing property and making an appropriation therefore, amended by the Senate amendment H—6154, found on page 1667 of the House Journal, and moved that the House concur in Senate amendment H—6154.

The motion prevailed and the House concurred in the Senate amendment H—6154.

Norland of Worth 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 70 was invoked.

On the question "Shall the bill pass?" (H.F. 2356)

The ayes were, 94:

Anderson	Arnould	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
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Loneran
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poney	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, 6:

Den Herder	Gilloon	Krause	Lipsky
Newhard	O'Halloran		

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 2438, a bill for an act to provide reimbursement for special assessments for property taxes paid, and for rent constituting property taxes paid for persons sixty-five years of age or older, a surviving spouse fifty-five years of age or older, or totally disabled, was taken up for consideration.

Norland of Worth offered the following amendment H—6247 filed by Norland, et al., and moved its adoption:

H—6247

- 1 Amend House File 2438 as follows:
- 2 1. Page 3, line 15, by striking the word "an"
- 3 and inserting in lieu thereof the word "a".
- 4 2. Page 3, line 33, by striking the word "April"
- 5 and inserting in lieu thereof the word "October".

Amendment H—6247 was adopted.

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

The House resumed session, Speaker Cochran in the Chair.

Bina of Scott in the chair at 11:07 a.m.

Schnekloth of Scott offered the following amendment H—6251 filed by him from the floor and moved its adoption:

H—6251

- 1 Amend House File 2438 as follows:
- 2 1. Page 3, line 14, by inserting after the word
- 3 "homestead" the words "which total special assessment
- 4 is in an amount equal to more than five percent of
- 5 the claimant's net worth".
- 6 2. Page 3, line 28, by inserting after the word
- 7 "claimant" the words "and such claim shall include
- 8 a statement which shall be signed by the claimant
- 9 that the total amount of the special assessment levied
- 10 against the homestead is in an amount equal to more
- 11 than five percent of the claimant's net worth".
- 12 3. Page 4, line 10, by inserting after the period
- 13 the words "For purposes of this subsection, "net
- 14 worth" means the total assets of a person less the
- 15 person's total liabilities as of December thirty-first
- 16 of the preceding calendar year. The value of property
- 17 shall be its market value as defined in section four
- 18 hundred forty-one point twenty-one (441.21) of the
- 19 Code."

Roll call was requested by Poncy of Wapello and Halvorson of Clayton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6251 be adopted?"

The ayes were, 26:

Bennett	Conlon	Crabb	Daggett
Danker	Evans	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Lind	Lindeen	Menke	Millen
Pellett	Pelton	Schnekloth	Shimaneck
Stephens	Stromer	Thompson	Tofte
West	Wyckoff		

The nays were, 68:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Hargrave	Hines	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Schroeder
Small	Smalley	Spear	Spencer
Svoboda	Tauke	Varley	Walter
Welden	Wells	Woods	Mr. Speaker (Bina)

Absent or not voting, 6:

Connors	Den Herder	Fitzgerald	Krause
Lipsky	Monroe		

Amendment H—6251 lost.

Garrison of Black Hawk offered the following amendment H—6253 filed by him from the floor:

H—6253

- 1 Amend House File 2438 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following: "However, if the claimant owns the
- 4 homestead as joint tenants or tenants in common
- 5 with other family members who do not reside

- 6 in the homestead and the claimant pays the
7 property taxes without reimbursement from the
8 other owners the claimant shall receive full
9 credit for taxes paid."

By unanimous consent the following amendment H—6254, to amendment H—6253, filed by Smalley of Polk from the floor was adopted:

H—6254

- 1 Amend House Amendment H—6253 to House File 2438
2 as follows:
3 1. Page 1, line 4, by striking the words
4 "joint tenants or tenants in common" and inserting
5 in lieu thereof the words "a joint tenant or a
6 tenant in common".

Garrison of Black Hawk moved the adoption of amendment H—6253, as amended.

A non-record roll call was requested.

The ayes were 31, nays 47.

Amendment H—6253, as amended, lost.

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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 2438)

The ayes were, 97:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Branstad
Brockett	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
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann

Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	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	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker (Bina)			

The nays were, none.

Absent or not voting, 3:

Den Herder

Krause

Lipsky

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

IMMEDIATE MESSAGE

(House File 2438)

Anderson of Jasper asked and received unanimous consent that House File 2438 be immediately messaged to the Senate.

HOUSE FILE 593 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 593 be deferred and that the bill retain its place on the calendar.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 2436.

SENATE FILE 2247 SUBSTITUTED FOR HOUSE FILE 2436

Avenson of Fayette asked and received unanimous consent to substitute Senate File 2247 for House File 2436.

Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation, was taken up for consideration.

Avenson of Fayette offered the following amendment H-6252 filed by Avenson, Varley, Brandt, Cusack and Byerly from the floor:

H-6252

1 Amend Senate File 2247 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. Acts of the Sixty-seventh General
6 Assembly, 1977 Extraordinary Session, chapter one
7 (1), section thirty (30), amending section seventy-
8 nine point one (79.1) of the Code, is amended to read
9 as follows:

10 Sec. 30. Section seventy-nine point one (79.1),
11 Code 1977, is amended by striking unnumbered paragraph
12 four (4) and inserting in lieu thereof the following:

13 Commencing July 1, 1977, permanent full-time
14 employees of state departments, boards, agencies,
15 and commissions shall accrue sick leave at the rate
16 of one and one-half days for each full month of
17 employment. Sick leave shall not accrue during any
18 period of absence without pay. Employees may use
19 accrued sick leave for physical or mental personal
20 illness, bodily injury, medically-related disabilities
21 including disabilities resulting from pregnancy and
22 childbirth, or contagious disease:

23 1. Which require the employee's confinement,

24 2. Which render the employee unable to perform
25 assigned duties, or

26 3. When performance of assigned duties would
27 jeopardize the employee's health or recovery. The
28 first ninety days (seven hundred twenty hours) of
29 sick leave which accrue to an employee shall be placed
30 in an active sick leave account. Any days of sick
31 leave in excess of ninety days which accrue to an
32 employee shall be placed in an employee's banked sick
33 leave account. The sick leave in an employee's banked
34 sick leave account shall not be used by the employee
35 until the employee no longer has any days of accrued
36 active sick leave and shall only be used if an employee
37 has an extended illness of at least five working days
38 in duration.

39 Separation from state employment shall cancel all
40 unused accrued sick leave. However, if an employee

41 is laid off and the employee is reemployed by any
42 state department, board, agency, or commission within
43 one year of the date of the lay off, accrued sick
44 leave of the employee shall be restored.

45 Sec. 2. The governor is directed to issue an
46 executive order implementing a policy which would
47 grant additional vacation time to employees of state
48 departments, boards, agencies, and commissions who
49 do not use sick leave during a full month of
50 employment.

Page 2

1 Sec. 3. The governor shall order the directors
2 of applicable state departments, boards, agencies,
3 and commissions to maintain records which identify
4 the additional costs associated with the absence of
5 employees for illness, which costs shall include
6 overtime pay or other pay for replacement personnel
7 and any other associated costs. The additional costs
8 shall be identified in proposed budget documents
9 presented to the governor and the general assembly.

10 Sec. 4. NEW SECTION. ACCRUAL OF SICK LEAVE BY
11 EMPLOYEES OF POLITICAL SUBDIVISIONS. The governing
12 board of a political subdivision, including school
13 corporations, of this state may adopt the provisions
14 of section one (1) of this Act and may adopt the
15 provisions of the executive order issued pursuant
16 to section two (2) of this Act for its employees.

17 Sec. 5. Section two hundred seventy-nine point
18 forty (279.40), Code 1977, is amended by striking
19 the section and inserting in lieu thereof the
20 following:

21 279.40 SICK LEAVE The accrual of sick leave
22 by a public school employee pursuant to a policy
23 adopted by the governing board of the school district
24 shall not be affected or terminated by any
25 reorganization of school districts pursuant to chapter
26 two hundred seventy-five (275) of the Code if the
27 employee was employed by a school district which is
28 wholly or partially involved in a reorganization for
29 the school year previous to the reorganization and
30 the employee is employed by one of the districts
31 involved in the reorganization for the first school
32 year following the reorganization.

33 Any amounts due an employee for sick leave shall
34 be reduced by benefits payable under sections eighty-
35 five point thirty-three (85.33) and eighty-five point
36 thirty-four (85.34), subsection one (1), of the Code.

37 Sec. 6. Acts of the Sixty-seventh General Assembly,
38 1977 Extraordinary Session, chapter one (1), section

39 thirty-three (33), is repealed."

40 2. Amend the title, line 1, by striking the words
41 "credit for accrued sick leave and".

42 3. Amend the title, by striking line 2 and
43 inserting in lieu thereof the words "the accrual and
44 costs of sick leave."

(Senate File 2247 and amendment H—6252 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 2443, by Fitzgerald and Koogler, a bill for an act establishing a family farm security program to aid individuals in obtaining loans to purchase farm land by creating a family farm loan security authority to guarantee loans and to provide for interest adjustment payments and providing for the transfer of certain assets for the use in such program.

Read first time and referred to the **sifting committee**.

House File 2444, by Connors, Byerly, Nielsen and Schroeder, a bill for an act relating to police and fire retirement system benefits.

Read first time and referred to the **sifting committee**.

House File 2445, by Tauke, a bill for an act relating to the solemnizing of a marriage.

Read first time and referred to the **sifting committee**.

House File 2446, by Crawford, Branstad, Krewson, Gentleman, Lageschulte, Hoffmann, Smalley, Conlon, Stromer, Pelton, Den Herder, Menke, Hansen, Thompson, Danker and Varley, a bill for an act to provide for a bipartisan commission to prepare plans for the reapportionment of the general assembly and the redrawing of congressional districts following the 1980 federal decennial census, and succeeding decennial censuses.

Read first time and referred to the **sifting committee**.

House File 2447, by Lipsky, a bill for an act relating to the publication by school districts of board proceedings pertaining to financial matters or expenses.

Read first time and referred to the **sifting committee**.

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, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2111, a bill for an act limiting the ownership or acquisition of agricultural land by nonresident aliens.

KEVIN P. LIGHT, Acting Secretary

BUSINESS PENDING

The House resumed consideration of **Senate File 2247**, a bill for an act relating to credit for accrued sick leave and providing an appropriation, and amendment H—6252 filed by Avenson, et al., from the floor.

Halvorson of Clayton offered the following amendment H—6274, to amendment H—6252, filed by him from the floor and moved its adoption:

H—6274

- 1 Amend amendment H—6252, to Senate File 2247, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 2, by striking lines 10 through 36.

Amendment H—6274 was adopted.

Patchett of Johnson in the chair at 2:12 p.m.

Spear of Lee offered the following amendment H—6282, to amendment H—6252, filed by him from the floor and moved its adoption:

H—6282

- 1 Amend amendment H—6252, to Senate File 2247 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 45 through 50.

Roll call was requested by Byerly of Polk and Avenson of Fayette.

Rule 69 was invoked.

On the question "Shall amendment H—6282 be adopted?"

The ayes were, 27:

Baker	Branstad	Brockett	Clark, B.J.
Daggett	Dieleman	Dunton	Evans
Gentleman	Halvorson	Hansen	Harvey
Krewson	Lageschulte	Lind	Lindeen
Menke	Millen	Miller (Sergeant)	Pellett
Perkins	Schroeder	Spear	Spencer
Tofte	Welden	Wyckoff	

The nays were, 61:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Byerly
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Danker
Davitt	Doyle	Dyrland	Egenes
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffie	Harbor	Hargrave
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Loneragan	Middleswart
Miller, K.D.	Monroe	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pelton
Poney	Schnekloth	Shimanek	Small
Stephens	Stromer	Svoboda	Thompson
Varley	Walter	Wells	Woods
Mr. Speaker (Patchett)			

Absent or not voting, 12:

Brunow	Chiodo	Den Herder	Hines
Krause	Lipsky	Newhard	Rinas
Scheelhaase	Smalley	Tauke	West

Amendment H—6282 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tauke of Dubuque for the remainder of the day on request of Crawford of Story.

Krewson of Polk offered the following amendment H—6291, to amendment H—6252, filed by him from the floor and moved its adoption:

H—6291

- 1 Amend H—6252, filed by Avenson et al, to Senate
- 2 File 2247, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, by inserting after line 44 the follow-
- 5 ing section:
- 6 "Sec. . . . Section seventy-nine point one (79.1),
- 7 Code 1977, as amended by Acts of the Sixty-seventh
- 8 General Assembly, 1977 Extraordinary Session, chapter
- 9 one (1), sections thirty (30) and thirty-one (31),
- 10 is amended by adding the following new unnumbered
- 11 paragraph:
- 12 NEW UNNUMBERED PARAGRAPH. The head of any depart-
- 13 ment, agency, or commission may grant an employee
- 14 time off from duties for necessary and reasonable
- 15 absence when a member of the employee's immediate
- 16 family requires the employee's care or attention or
- 17 for a death in the immediate family of the employee.
- 18 The time off from duties for such purpose shall be
- 19 deducted from the employee's accrued sick leave and
- 20 shall not be granted in excess of the employee's
- 21 accrued sick leave. The number of days granted shall
- 22 be governed by the circumstances of the case."
- 23 2. By numbering and renumbering sections as neces-
- 24 sary in accordance with this amendment.

Amendment H—6291 lost.

Svoboda of Iowa offered the following amendment H—6292, to amendment H—6252, filed by Svoboda, Brunow and Connors from the floor:

H—6292

- 1 Amend the amendment, H—6252, filed by Avenson,
- 2 et al, to Senate File 2247, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 2, by inserting after line 36 the follow-

5 ing section:

6 "Sec. Chapter seventy-nine (79), Code 1977,
7 is amended by adding the following new section:
8 NEW SECTION. The state shall provide under the
9 state program of group life insurance for eligible
10 persons retiring from state employment under the
11 provisions of chapter ninety-seven B (97B) of the
12 Code on or after July 1, 1977 an optional program
13 for the continuation of a portion of the group term
14 life insurance provided to employees who have not
15 retired under the provisions of chapter ninety-seven
16 B (97B) of the Code. The program shall provide that
17 an employee who has completed eight years of state
18 employment may pay the premium cost for optional group
19 term life insurance of an amount equal to two thousand
20 dollars. An employee who has completed more than
21 eight years of state employment may pay the premium
22 cost for optional group term life insurance of an
23 additional amount of two hundred dollars for each
24 year of state employment in excess of eight, up to
25 a maximum amount of term life insurance of four
26 thousand dollars."

Husak of Tama rose on a point of order that amendment H—6292 was not germane.

The Speaker ruled the point not well taken and amendment H—6292 germane.

Svoboda of Iowa moved the adoption of amendment H—6292, to amendment H—6252.

Roll call was requested by Nielsen of Polk and Monroe of Des Moines.

On the question "Shall amendment H—6292 be adopted?"

The ayes were, 28:

Bina	Binneboese	Brandt	Brunow
Clark, J.H.	Connors	Crawford	Davitt
Doyle	Garrison	Gettings	Gilloon
Harvey	Jochum	Junker	Lind
Miller, K.D.	Miller (Sergeant)	Monroe	O'Halloran
Oxley	Poncy	Scheelhaase	Small
Spear	Spencer	Svoboda	Wells

The nays were, 59:

Anderson	Arnould	Avenson	Baker
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Bennett	Branstad	Brockett	Byerly
Clark, B.J.	Cochran	Conlon	Crabb
Cusack	Daggett	Danker	Dieleman
Dunton	Dyrland	Evans	Gentleman
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Krewson	Lageschulte	Lindeen	Lonerger
Menke	Millen	Newhard	Nielsen
Norland	Pavich	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Thompson	Tofte
Varley	Walter	Welden	West
Woods	Wyckoff	Mr. Speaker (Patchett)	

Absent or not voting, 13:

Chiodo	Den Herder	Egenes	Fitzgerald
Hargrave	Hines	Koogler	Krause
Lipsky	Middleswart	Perkins	Rinas
Tauke			

Amendment H—6292 lost.

Miller of Buchanan offered the following amendment H—6294, to amendment H—6252, filed by Miller of Buchanan, Koogler and Wyckoff from the floor and moved its adoption:

H—6294

- 1 Amend H—6252, filed by Avenson, et al, to Senate
- 2 File 2247, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 Page 2, by inserting after line 36 the follow-
- 5 ing section:
- 6 "Sec. Chapter ninety-seven B (97B), Code
- 7 1977, is amended by adding the following new section:
- 8 **NEW SECTION.** Notwithstanding the provisions of
- 9 section ninety-seven B point fifty (97B.50) of the
- 10 Code providing a reduction of retirement benefits
- 11 for early retirement, a member may use his or her
- 12 days of accrued sick leave to retire prior to his
- 13 or her sixty-fifth birthday without a reduction of
- 14 retirement benefits."
- 15 2. By numbering and renumbering sections as
- 16 necessary.

Amendment H—6294 lost.

Miller of Buchanan offered the following amendment H—6295, to amendment H—6252, filed by him and Koogler of Mahaska from the floor and moved its adoption:

H—6295

- 1 Amend H—6252, filed by Avenson, et al, to Senate
- 2 File 2247, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, by inserting after line 36 the follow-
- 5 ing section:
- 6 "Sec. . Chapter ninety-seven B (97B), Code
- 7 1977, is amended by adding the following new section:
- 8 NEW SECTION. Notwithstanding the provisions of
- 9 section ninety-seven B point fifty (97B.50) of the
- 10 Code providing a reduction of retirement benefits
- 11 for early retirement, a member may use his or her
- 12 days of accrued sick leave, not to exceed ninety,
- 13 to retire prior to his or her sixty-fifth birthday
- 14 without a reduction of retirement benefits."
- 15 2. By numbering and renumbering sections as
- 16 necessary.

Amendment H—6295 lost.

Avenson of Fayette moved the adoption of amendment H—6252, as amended.

A non-record roll call was requested.

The ayes were 44, nays 24.

Amendment H—6252, as amended, was adopted.

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.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 2247)

The ayes were, 52:

Anderson
Brandt
Chiodo

Arnould
Branstad
Clark, J.H.

Avenson
Brunow
Cochran

Bina
Byerly
Conlon

Cusack	Daggett	Davitt	Dyrland
Egenes	Evans	Gentleman	Gilloon
Griffee	Hansen	Hines	Hoffmann
Howell	Husak	Jesse	Jochum
Koogler	Lindeen	Loneragan	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Pavich	Pellett
Rinas	Schnekloth	Schroeder	Small
Smalley	Svoboda	Thompson	Tofte
Walter	West	Woods	Mr. Speaker (Patchett)

The nays were, 41:

Baker	Bennett	Binneboese	Brockett
Clark, B.J.	Connors	Crabb	Crawford
Danker	Dieleman	Doyle	Dunton
Garrison	Gettings	Gilson	Halvorson
Harbor	Hargrave	Harvey	Hinkhouse
Horn	Hullinger	Junker	Krewson
Lageschulte	Lind	Menke	Millen
Oxley	Pelton	Perkins	Poncy
Scheelhaase	Shimanek	Spear	Spencer
Stephens	Stromer	Welden	Wells
Wyckoff			

Absent or not voting, 7:

Den Herder	Fitzgerald	Krause	Lipsky
Middleswart	Tauke	Varley	

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 (Senate File 2247)

Avenson of Fayette asked for unanimous consent that Senate File 2247 be immediately messaged to the Senate.

Objection was raised.

Avenson of Fayette moved to reconsider the vote by which Senate File 2247 passed the House on April 25, 1978.

Branstad of Winnebago moved to defer action on Senate File 2247.

Roll call was requested by Branstad of Winnebago and Spencer of Clay.

Rules 69 and 70 were invoked.

On the question "Shall the motion to defer prevail?"

The ayes were, 40:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Dunton	Egenes
Evans	Garrison	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Hullinger
Junker	Krewson	Lageschulte	Lind
Lindeen	Menke	Millen	Pellett
Pelton	Poncy	Schnekloth	Schroeder
Shimanek	Smalley	Spencer	Stromer
Thompson	Welden	West	Wyckoff

The nays were, 54:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Cochran	Connors
Cusack	Davitt	Dieleman	Doyle
Dyrland	Fitzgerald	Gettings	Gilloon
Gilson	Griffie	Hargrave	Hines
Hinkhouse	Horn	Howell	Husak
Jesse	Jochum	Koogler	Krause
Loneragan	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Perkins	Rinas
Scheelhaase	Small	Spear	Stephens
Svoboda	Tofte	Walter	Wells
Woods	Mr. Speaker (Patchett)		

Absent or not voting, 6:

Den Herder	Gentleman	Lipsky	Middleswart
Tauke	Varley		

The motion lost.

On the motion to reconsider, a non-record roll call was requested.

The ayes were 37, nays 39.

The motion lost.

SENATE AMENDMENT CONSIDERED

Norland of Worth called up for consideration **House File 2190**, a bill for an act to provide for the determination of the amount of the increase of the assessed valuation of agricultural land and residential property as of January 1, 1979, amended by the Senate amendment H—6069, found on pages 1560 and 1561 of the House Journal.

Norland of Worth offered the following amendment H—6255, to the Senate amendment H—6069, filed by Norland, West, Bina, Cusack, Arnould, Conlon, Harvey, Schnekloth and Hinkhouse from the floor:

H—6255

1 Amend the Senate amendment, H—6069, to House File
2 2190, as passed by the House, as follows:

3 1. Page 1, by striking lines 3 through 18 and
4 inserting in lieu thereof the following:

5 " Page 2, by inserting after line 17 the
6 following new sections:

7 "Sec. 2. Acts of the Sixty-seventh General
8 Assembly, 1977 Session, chapter forty-three (43),
9 section twenty (20), is amended by adding the following
10 new unnumbered paragraphs:

11 **NEW UNNUMBERED PARAGRAPH.** For valuations
12 established as of January 1, 1978, upon which taxes
13 will be levied for the fiscal year beginning in the
14 1978 calendar year by any special charter city that
15 levies and collects its own taxes, agricultural and
16 residential property shall be assessed at a percentage
17 of the actual value of each class of property. For
18 residential property, the percentage shall be the
19 quotient of the dividend and divisor as defined in
20 this section. The dividend shall be the total value
21 of residential property in the special charter city
22 as of January 1, 1977, adjusted for additions and
23 deletions to said value excluding those resulting
24 from the revaluation of existing properties, as
25 determined by the city assessor in completing
26 reassessment of such property as of January 1, 1978,
27 plus six percent of the 1977 value of such property
28 or the amount of value added by the revaluation of
29 existing properties in 1978, whichever is less. The
30 divisor shall be the total value of such property
31 in the special charter city as determined by the
32 assessor as of January 1, 1977, plus the amount of
33 value added in 1978 by the revaluation of existing
34 property.

35 NEW UNNUMBERED PARAGRAPH. For agricultural
36 property, the percentage shall be determined by the
37 director of revenue and shall be based upon all
38 available information. The percentage shall be an
39 estimate of the percentage of actual value at which
40 all agricultural property in the state will be assessed
41 for 1978 as provided by Acts of the Sixty-seventh
42 General Assembly, 1977 Session, chapter forty-three
43 (43), section twenty (20). The director of revenue
44 shall certify the percentage determined pursuant to
45 this paragraph to the governing body of the special
46 charter city on or before May 31, 1978. The appro-
47 priate officials of the special charter city shall
48 proceed to determine the assessed values of
49 agricultural property by applying such percentages
50 to the current actual value of such property, as

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1 reported by the assessor, and the assessed values
2 so determined shall be the taxable values of such
3 properties upon which the levy shall be made by the
4 special charter city.
5 NEW UNNUMBERED PARAGRAPH. For valuations
6 established as of January 1, 1979, against which taxes
7 will be levied for the fiscal year beginning in the
8 1979 calendar year by any special charter city that
9 levies and collects its own taxes, the percentage
10 of actual value at which agricultural and residen-
11 tial property shall be assessed shall be the quotient
12 of the dividend and divisor as defined in this section.
13 The dividend for each class of property shall be the
14 valuation for each class of property for valuations
15 established as of January 1, 1978, and upon which
16 any special charter city levied its taxes in 1978,
17 adjusted by the product obtained by multiplying the
18 percentage determined for that year by the amount
19 of any additions or deletions to actual value,
20 excluding those resulting from the revaluation of
21 existing properties, as reported by the assessor on
22 the abstract of assessment for 1978, plus six percent
23 of the amount so determined. The divisor for each
24 class of property shall be the total actual value
25 of all such property in the city in the preceding
26 year, as reported by the assessor on the abstract
27 of assessment submitted for 1978, plus the amount
28 of value added to said total actual value by the
29 revaluation of existing properties in 1979. However,
30 if the estimated statewide growth in assessed valuation
31 is less than six percent for either class of property
32 for 1979, the director shall estimate the percentages

33 by which the statewide valuation of residential and
34 agricultural property will increase in 1979. The
35 lower percentage shall be used in lieu of six percent
36 for both classes of property in calculating the
37 percentages at which agricultural and residential
38 property shall be assessed. The percentage at which
39 agricultural and residential property shall be assessed
40 will be certified by the director on or before May
41 31, 1979 to the appropriate city official in special
42 charter cities that levy and collect their own taxes.

43 Sec. 3. Acts of the Sixty-seventh General Assembly,
44 1977 Session, chapter forty-three (43), section twenty
45 (20), is amended by adding the following new unnumbered
46 paragraph:

47 NEW UNNUMBERED PARAGRAPH. The percentage of actual
48 value computed by the director for agricultural and
49 residential property and used to determine assessed
50 values of those classes of property does not constitute

Page 3

1 a rule as defined in section seventeen A point two
2 (17A.2), subsection seven (7), of the Code.

3 Sec. 4. Section four hundred forty-one point
4 forty-nine (441.49), Code 1977, is amended by adding
5 the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. Tentative and final
7 equalization orders issued by the director of revenue
8 are not rules as defined in section seventeen A point
9 two (17A.2), subsection seven (7), of the Code.

10 Sec. 5. The provisions of section two (2) of this
11 Act relating to the determination of valuations of
12 agricultural and residential property in a special
13 charter city shall apply only to the determination
14 of valuations of agricultural and residential property
15 against which the corporate levy of the special charter
16 city shall be applied.

17 Sec. 6. This Act, being deemed of immediate
18 importance, shall take effect and be in force from
19 and after its publication in The Hamburg Reporter,
20 a newspaper published in Hamburg, Iowa, and in the
21 Bellevue Herald-Leader, a newspaper published in
22 Bellevue, Iowa."

23 . Renumber sections and correct internal
24 references as are necessary in accordance with this
25 amendment.

26 . Amend the title, line 1, by striking all
27 of the title after the word "Act" and inserting in
28 lieu thereof the words "relating to valuation of
29 property by providing for the determination of the
30 amount of the increase of the assessed valuation of

31 agricultural property and residential property as
32 of January 1, 1978 and January 1, 1979 and providing
33 that equalization orders and the percentages of actual
34 value determined by the director of revenue are not
35 rules under the Iowa administrative procedure Act." "

Norland of Worth offered the following amendment H—6258, to amendment H—6255, to the Senate amendment H—6069, filed by him and West of Marshall from the floor and moved its adoption:

H—6258

1 Amend the Norland, et al amendment, H—6255
2 to the Senate amendment, H—6069, to House File 2190,
3 as passed by the House, as follows:
4 1. Page 3, by inserting after line 16 the
5 following new section:
6 "Sec. . It is the intent of the general
7 assembly that any special charter city which does not
8 conform with regard to the assessment and tax collection
9 schedule to the assessment and tax collection schedule
10 followed by all other political subdivisions of the
11 state shall take such action as is necessary to reform
12 its assessment and tax collection schedule to the
13 assessment and tax collection scheduled followed by the
14 other political subdivisions of the state by not later
15 than for assessments beginning January 1, 1980.

Amendment H—6258 was adopted.

On motion by Norland of Worth, amendment H—6255, as amended, (to the Senate amendment H—6069) was adopted.

Schnekloth of Scott offered the following amendment H—6224, to the Senate amendment H—6069, filed by him and moved its adoption:

H—6224

1 Amend the Senate amendment, H—6069, to House File
2 2190, as passed by the House, as follows:
3 1. Page 1, by inserting after line 18 the follow-
4 ing new section:
5 "Sec. . Notwithstanding the provisions of
6 section four hundred forty-one point twenty-one
7 (441.21) of the Code, in completing the reassessment
8 of real estate as provided in section four hundred
9 twenty-eight point four (428.4) of the Code for
10 valuations established as of January 1, 1978, the

11 assessor shall not exceed the aggregate actual
12 valuation for any class of property in an amount
13 greater than five percent for each class of property
14 affected by the 1977 equalization order issued by
15 the director, excluding the amount of any additions
16 or deletions to actual value for each class of
17 property."

A non-record roll call was requested.

The ayes were 29, nays 39.

Amendment H—6224 lost.

Schnekloth of Scott offered the following amendment H—6225, to the Senate amendment H—6069, filed by him and moved its adoption:

H—6225

1 Amend the Senate amendment, H—6069, to House File
2 2190, as passed by the House, as follows:
3 1. Page 1, by inserting after line 18 the follow-
4 ing new section:
5 "Sec. . Section four hundred forty-one point
6 twenty-one (441.21), Code 1977, as amended by Acts
7 of the Sixty-seventh General Assembly, 1977 Session,
8 chapter forty-three (43), sections seventeen (17),
9 eighteen (18), nineteen (19), and twenty (20), is
10 amended by adding the following new subsection:
11 NEW SUBSECTION. In classifying property for tax
12 purposes, buildings which are designed and constructed
13 for use as residences by two or more families within
14 the building and which are actually used for
15 residential purposes by the occupants of the property
16 shall be classified as residential property."

Roll call was requested by Schnekloth of Scott and Harvey of Scott.

Rule 70 was invoked.

On the question "Shall amendment H—6225 be adopted?"

The ayes were, 39:

Bennett
Clark, B.J.

Bina
Clark, J.H.

Branstad
Conlon

Brockett
Crawford

Cusack	Daggett	Danker	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Krewson	Lageschulte	Lind	Lindeen
Millen	Miller, K.D.	Oxley	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Stephens	Stromer	Thompson	Tofte
Varley	Welden	West	

The nays were, 54:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Brunow	Byerly
Chiodo	Cochran	Connors	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffiee	Hargrave	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Loneragan	Menke	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Smalley	Spear	Spencer
Svoboda	Walter	Wells	Woods
Wyckoff	Mr. Speaker (Patchett)		

Absent or not voting, 7:

Crabb	Den Herder	Hines	Lipsky
Middleswart	Newhard	Tauke	

Amendment H — 6225 lost.

On motion by Norland of Worth, the House concurred in the Senate amendment H — 6069, as amended.

Norland of Worth 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. 2190)

The ayes were, 95:

Anderson	Arnould	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
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	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	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker (Patchett)	

The nays were, none.

Absent or not voting, 5:

Den Herder	Hargrave	Hines	Lipsky
Tauke			

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 PREVAILS (Senate File 336)

Byerly of Polk called up for consideration the motion to reconsider **Senate File 336**, filed on March 21, 1978, and moved to reconsider the vote by which Senate File 336, a bill for an act relating to the imposition of a hotel and motel tax by a city or county, failed to pass the House and was placed on its last reading on March 21, 1978.

Roll call was requested by Harbor of Mills and Husak of Tama.

Rules 69 and 70 were invoked.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 52:

Anderson	Avenson	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connors
Crawford	Doyle	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Halvorson	Hargrave	Hines
Hoffmann	Howell	Jesse	Joehum
Junker	Krause	Krewson	Lind
Monroe	Newhard	Nielsen	Norland
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Shimanek	Small	Smalley
Spear	Svoboda	Thompson	Varley
Wells	West	Woods	Mr. Speaker (Patchett)

The nays were, 43:

Arnould	Baker	Bennett	Bina
Brockett	Conlon	Crabb	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Evans	Gilson	Griffie
Hansen	Harbor	Harvey	Horn
Hullinger	Husak	Koogler	Lageschulte
Lindeen	Loneran	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	O'Halloran
Pavich	Pellett	Schnekloth	Schroeder
Spencer	Stephens	Stromer	Tofte
Walter	Welden	Wyckoff	

Absent or not voting, 5:

Den Herder	Hinkhouse	Lipsky	Oxley
Tauke			

The motion prevailed and the House reconsidered Senate File 336.

Koogler of Mahaska moved that the rules be suspended and that House File 476 be substituted for Senate File 336.

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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oxley of Linn for the remainder of the day on request of Miller (Sergeant) of Calhoun.

Harvey of Scott asked for unanimous consent to defer action on Senate File 336 until action on House Files 2133 and 72 was completed.

Objection was raised.

Harvey of Scott moved to defer action on Senate File 336 until action on House Files 2133 and 72 was completed.

A non-record roll call was requested.

The ayes were 26, nays 50.

The motion lost.

Bina of Scott offered the following amendment H—5799 filed by him and moved its adoption:

H—5799

- 1 Amend Senate File 336, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the words "not
- 4 to exceed seven" and inserting in lieu thereof the
- 5 words "of from two to six".

Amendment H—5799 lost.

Menke of O'Brien offered the following amendment H—5800 filed by him and Schnekloth of Scott:

H—5800

- 1 Amend Senate File 336, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "meals" the words "except the gross receipts from
- 5 the renting of sleeping rooms in dormitories and in

- 6 memorial unions at all state of Iowa universities
7 and colleges."

Bina of Scott asked for unanimous consent to amend amendment H—5800, line 6, by adding following the word "unions" the words "and other facilities".

Objection was raised.

Menke of O'Brien moved the adoption of amendment H—5800.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 58, nays 15.

Amendment H—5800 was adopted.

Harvey of Scott asked and received unanimous consent to temporarily defer action on amendment H—5801.

Harbor of Mills offered the following amendment H—5802 filed by him and moved its adoption:

H—5802

- 1 Amend Senate File 336, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 15, by inserting after the word
4 "days." the words "Only a city or county with a
5 population of over one hundred thousand as determined
6 by the latest certified federal census shall impose
7 a hotel and motel tax."

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 24, nays 59.

Amendment H—5802 lost.

Horn of Linn offered the following amendment H—5750 filed by him:

H—5750

- 1 Amend Senate File 336 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 1, by striking the words "addition ,
- 4 to" and inserting in lieu thereof the words "lieu of
- 5 an equal rate of".

Nielsen of Polk rose on a point of order that amendment H—5750 was not germane.

The Speaker ruled the point well taken and amendment H—5750 not germane.

Horn of Linn asked for unanimous consent to suspend the rules for the consideration of amendment H—5750.

Objection was raised.

Horn of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H—5750.

A non-record roll call was requested.

The ayes were 38, nays 41.

The motion lost.

Speaker Cochran in the chair at 6:08 p.m.

Horn of Linn offered the following amendment H—5749 filed by him and moved its adoption:

H—5749

- 1 Amend Senate File 336 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 16 the follow-
- 4 ing paragraph:
- 5 "All employees and officers of any tax-certifying
- 6 or tax-levying body of the state of Iowa or
- 7 governmental subdivision thereof including all
- 8 departments, divisions, boards, commissions, agencies
- 9 or instrumentalities of the state, county or municipal
- 10 government, while in the course of their employment
- 11 or function of office, are exempt from the tax imposed

- 12 under this Act. The director of revenue shall provide
 13 rules for the implementation of this exemption."

Roll call was requested by Bina of Scott and Walter of Pottawattamie.

On the question "Shall amendment H—5749 be adopted?"

The ayes were, 35:

Arnould	Baker	Bennett	Bina
Crabb	Danker	Davitt	Dieleman
Dyrland	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Horn
Husak	Koogler	Lageschulte	Lindeen
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	O'Halloran	Pavich	Pellett
Schroeder	Spencer	Stephens	Stromer
Walter	Welden	Wyckoff	

The nays were, 52:

Anderson	Avenson	Binneboese	Brandt
Brunow	Chiodo	Clark, J.H.	Conlon
Crawford	Cusack	Daggett	Doyle
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Hargrave	Hoffmann	Howell	Jesse
Jochum	Junker	Krause	Krewson
Lind	Lonergan	Monroe	Newhard
Nielsen	Norland	Patchett	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Shimanek	Small	Smalley	Spear
Svoboda	Thompson	Tofte	Varley
Wells	West	Woods	Mr. Speaker

Absent or not voting, 13:

Branstad	Brockett	Byerly	Clark, B.J.
Connors	Den Herder	Hines	Hinkhouse
Hullinger	Lipsky	Oxley	Rinas
Tauke			

Amendment H—5749 lost.

(Senate File 336 pending at adjournment and placed under unfinished business.)

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 25th day of April, 1978: House Files 2165 and 2245.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

UNANIMOUS CONSENT CALENDAR
(House Resolution 140)

We hereby respectfully request that House Resolution 140, filed on April 21, 1978 and found on page 1774 of the House Journal, be placed on the unanimous consent calendar.

BINA of Scott
BINNEBOESE of Plymouth
GETTINGS of Wapello

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House File 2098. Had I been present I would have voted "aye."

GARRISON of Black Hawk

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Your committee on House administration reports the following resignation from the officers and employees of the House:

Clerk II

Jinny Garrison

Effective Date 4/21/78

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Clerk II	Linda D. Wall	13-2 to 15-3	I—FT	4/14/78
Clerk I	Vicky L. Rudolph	13-2	I—FT	4/24/78

WELLS of Linn

PRESENTATION OF VISITORS

Harbor of Mills presented to the House the Honorable George N. Pierson, former member of the House of Representatives representing Mahaska County.

Griffee of Chickasaw presented to the House the Honorable Edgar H. Bittle, former member of the House of Representatives representing Polk County.

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

Forty-five students from Solon High School, Solon, Iowa, accompanied by Denny Gruber. By Patchett of Johnson.

One hundred thirty members of the junior class from Norwalk Senior High School, Norwalk, Iowa, accompanied by Mrs. Jerry McNeley. By Davitt of Warren.

Twenty students from the School for Christian Instruction, Oskaloosa, Iowa, accompanied by Mr. Del Westra. By Dieleman of Marion and Koogler of Mahaska.

Twenty-three students from Dallas Community School, Grimes, Iowa, accompanied by Bill Wineland. By Krewson of Polk and Varley of Adair.

Eighty students from Peet Junior High School, Cedar Falls, Iowa, accompanied by Carolyn Haurum and Mimi Zicske. By O'Halloran of Black Hawk

Eighty sixth grade students from Terrace Elementary School, Ankeny, Iowa, accompanied by Miss Allen, Mr. Pauly, and Miss Kelly. By Byerly of Polk.

Thirty members of the senior class from New Providence High School, New Providence, Iowa, accompanied by Mr. Louis Schafer. By West of Marshall.

Twenty-seven eighth grade students from Plainfield Junior-Senior High School, Plainfield, Iowa, accompanied by Lorraine Dietz. By Lageschulte of Bremer.

Seventy-five fifth grade students from La Porte City Community School, La Porte City, Iowa, accompanied by Steve Harding, Coleen Hoffman and Marilyn Smit. By Wyckoff of Benton

REPORT OF COMMITTEE MEETING

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 9:00 a.m., April 25, 1978

Convened: 9:10 a.m.

Adjourned: 9:58 a.m.

Present: Cusack, chair; Dunton, vice-chair; Harvey, Koogler, Norland, Stromer, Welden and Wells.

Absent: Jesse (arrived 9:20 a.m.), O'Halloran and Varley (arrived 9:14 a.m.).

Excused: Den Herder, ranking member and Avenson (arrived 9:55 a.m.).

House File 2439, a bill for an act to impose a tax upon freight line and equipment car companies, making an appropriation and providing penalties for violations.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Avenson, Jesse, Norland, Stromer, Varley and Wells.

Nay: Dunton, Harvey, Koogler and Welden.

Absent or not voting: Den Herder and O'Halloran.

Senate File 2230, a bill for an act directing the executive council to sell the valley bank building.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Harvey, Koogler, Norland, Stromer, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Den Herder, Avenson, Jesse and O'Halloran.

Senate File 2246, a bill for an act making an appropriation to the judicial department.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Harvey, Koogler, Norland, Stromer, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Den Herder, Avenson, Jesse and O'Halloran.

Senate Concurrent Resolution 121, a resolution providing for the authorization of the construction of an addition to the general hospital of the state university of Iowa.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Harvey, Jesse, Koogler, Norland, Stromer, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Den Herder and O'Halloran.

AMENDMENTS FILED

H—6256	H.F. 2133	Dieleman of Marion Conlon of Muscatine Norland of Worth West of Marshall
H—6257	S.F. 2209	O'Halloran of Black Hawk
		Norland of Worth Howell of Floyd Binneboese of Plymouth Middleswart of Warren Perkins of Greene Anderson of Jasper Miller of Buchanan
		Varley of Adair Welden of Hardin Evans of Grundy Pelton of Clinton Svoboda of Iowa West of Marshall
H—6259	H.F. 593	Tauke of Dubuque Thompson of Polk Stromer of Hancock Varley of Adair
H—6260	H.F. 593	Halvorson of Clayton
H—6261	H.F. 593	Stromer of Hancock Varley of Adair
H—6262	H.F. 593	Thompson of Polk Harbor of Mills Hansen of O'Brien Egenes of Story
H—6263	H.F. 593	Harbor of Mills Daggett of Adams
H—6264	H.F. 593	Thompson of Polk Pelton of Clinton Gentleman of Polk
H—6265	H.F. 593	Menke of O'Brien Clark of Cerro Gordo Hansen of O'Brien
H—6266	H.F. 593	Egenes of Story Welden of Hardin
H—6267	H.F. 593	Hansen of O'Brien Varley of Adair Stromer of Hancock
H—6268	H.F. 593	Menke of O'Brien Hansen of O'Brien Clark of Cerro Gordo

H-6269	H.F. 593	Clark of Cerro Gordo
H-6270	H.F. 593	Thompson of Polk
		Pelton of Clinton
		Gentleman of Polk
H-6271	H.F. 593	Daggett of Adams
		Menke of O'Brien
		Halvorson of Clayton
H-6272	H.F. 593	Clark of Cerro Gordo
		Menke of O'Brien
H-6273	H.F. 593	Halvorson of Clayton
H-6275	H.F. 593	Hansen of O'Brien
H-6276	H.F. 593	Menke of O'Brien
		Welden of Hardin
H-6277	H.F. 593	Tauke of Dubuque
H-6278	H.F. 593	Conlon of Muscatine
		Harbor of Mills
		Halvorson of Clayton
H-6279	H.F. 593	Halvorson of Clayton
		Varley of Adair
		Hansen of O'Brien
		Menke of O'Brien
H-6280	H.F. 593	Crabb of Crawford
		Harbor of Mills
H-6283	H.F. 593	Schroeder of Pottawattamie
		Crabb of Crawford
H-6284	H.F. 593	West of Marshall
H-6285	H.F. 593	Evans of Grundy
H-6286	H.F. 593	Stromer of Hancock
H-6287	H.F. 593	Thompson of Polk
		Harbor of Mills
		Hansen of O'Brien
		Varley of Adair
H-6288	H.F. 593	Conlon of Muscatine
H-6289	H.F. 593	Evans of Grundy
H-6290	S.F. 2213	Spear of Lee
H-6293	H.F. 2361	Patchett of Johnson

Daggett of Adams
 Krewson of Polk
 Gilson of Guthrie
 Lind of Black Hawk
 Thompson of Polk
 Hansen of O'Brien

Norland of Worth
 Miller (Sergeant) of Calhoun
 Spear of Lee
 Crawford of Story
 Poncy of Wapello
 Small of Johnson

Byerly of Polk
 Cusack of Scott
 Fitzgerald of Webster
 Hargrave of Johnson

Horn of Linn
 Anderson of Jasper
 Avenson of Fayette

H-6296 H.F. 593
 H-6297 H.F. 72
 H-6298 S.F. 2209
 H-6299 S.F. 2213
 H-6300 H.F. 2423

H-6301 H.F. 593

H-6302 H.F. 593

H-6303 H.F. 2417

H-6304 H.F. 2417

H-6305 S.F. 2200

H-6306 H.F. 593

H-6307 H.F. 593

H-6308 H.F. 593

H-6309 H.F. 593

H-6310 H.F. 593

H-6311 H.F. 593

H-6312 H.F. 593

H-6313 H.F. 593

H-6314 H.F. 593

H-6315 H.F. 593

H-6316 H.F. 593

Monroe of Des Moines
 Harbor of Mills
 Miller of Buchanan
 Spear of Lee
 Brockett of Marshall
 Brunow of Appanoose
 Svoboda of Iowa
 Jochum of Dubuque
 Clark of Cerro Gordo
 Daggett of Adams
 Welden of Hardin
 Thompson of Polk
 Patchett of Johnson
 Patchett of Johnson
 Conlon of Muscatine
 Tauke of Dubuque
 Hansen of O'Brien
 Harbor of Mills
 Stromer of Hancock
 Clark of Cerro Gordo
 West of Marshall
 Norland of Worth
 Harbor of Mills
 Daggett of Adams
 Varley of Adair
 Harbor of Mills
 Stromer of Hancock
 Halvorson of Clayton
 Miller of Buchanan
 Wyckoff of Benton
 Tofte of Winneshiek
 Crawford of Story
 Crabb of Crawford
 Daggett of Adams
 Harbor of Mills
 Hansen of O'Brien
 Clark of Cerro Gordo

H—6317	H.F. 593	Daggett of Adams Thompson of Polk Harbor of Mills Hansen of O'Brien
H—6318	H.F. 593	Conlon of Muscatine
H—6319	H.F. 2133	Garrison of Black Hawk
H—6320	S.F. 336	Koogler of Mahaska Bina of Scott
H—6321	S.F. 336	Bina of Scott
H—6322	S.F. 336	Danker of Pottawattamie
H—6323	H.F. 2389	Daggett of Adams
H—6324	H.F. 2361	Stromer of Hancock
H—6325	H.F. 2419	Spear of Lee
H—6326	S.F. 2173	Dieleman of Marion
H—6327	S.F. 2173	Dieleman of Marion West of Marshall
H—6328	S.F. 182	Binneboese of Plymouth Evans of Grundy Hullinger of Decatur Lindeen of Henry Svoboda of Iowa
H—6329	S.F. 182	Binneboese of Plymouth Evans of Grundy Hullinger of Decatur Lindeen of Henry Svoboda of Iowa
H—6330	S.F. 2210	Norland of Worth West of Marshall
H—6331	H.F. 593	West of Marshall Norland of Worth
H—6332	H.F. 191	Dieleman of Marion
H—6333	H.F. 191	Dieleman of Marion
H—6334	H.F. 593	Monroe of Des Moines Arnould of Scott

On motion by Fitzgerald of Webster, the House adjourned at 6:11 p.m., until 9:00 a.m., Wednesday, April 26, 1978.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day — Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 26, 1978

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

Prayer was offered by the Reverend Herman Van Galen, pastor of the American Reformed Church, Hull, Iowa.

The Journal of Tuesday, April 25, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan Robb, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

HOUSE RESOLUTION 141

By Dunton

- 1 *Whereas*, the Tri-County Community High School
- 2 Girls' Track team has won first place in the State
- 3 Indoor Track meet; and
- 4 *Whereas*, in the pursuit of these accomplishments
- 5 the Trojanettes displayed the utmost in spirit,
- 6 citizenship, dedication and athletic talent, *Now*
- 7 *Therefore*,
- 8 *Be It Resolved by the House of Representatives*,
- 9 That the members of the Sixty-seventh General Assembly
- 10 of the state of Iowa extend their heartiest congratulations
- 11 to the Tri-County Trojanettes and their coach, Robert
- 12 DeLacey for their excellence and sportsmanship, and to
- 13 the faculty and administration, families and all loyal
- 14 fans who encouraged and supported them; and
- 15 *Be It Further Resolved*, That copies of this
- 16 resolution be sent to Superintendent Robert A. Baker
- 17 and coach Robert DeLacey of Tri-County Community High
- 18 School, Thornburg, Iowa, 50255.

Laid over under Rule 25.

HOUSE FILE 2436 WITHDRAWN

Norland of Worth asked and received unanimous consent to withdraw House File 2436 from further consideration by the House.

CONSIDERATION OF BILLS
Ways and Means Calendar

Senate File 2210, a bill for an act relating to the method of deducting net operating losses in computing the income tax liability of individuals and corporations, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—6207 filed by the committee on ways and means and moved its adoption:

H—6207

- 1 Amend Senate File 2210, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 10, by striking the word "both"
- 4 and inserting in lieu thereof the word "both".

Amendment H—6207 was adopted.

Norland of Worth offered the following amendment H—6330 filed by him and West of Marshall and moved its adoption:

H—6330

- 1 Amend Senate File 2210, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 9 the following
- 4 new section:
- 5 "Sec. . Section four hundred twenty-two point
- 6 nine (422.9), subsection two (2), paragraph c, Code
- 7 1977, is amended to read as follows:
- 8 c. Add the amount donated to a political party
- 9 or parties as defined by section 43.2 as a political
- 10 contribution as defined in section forty-one c (41
- 11 (c)) of the Internal Revenue Code of 1954, not to
- 12 exceed one hundred dollars or two hundred dollars
- 13 in the case of a married couple filing a joint return."
- 14 2. Renumber sections and correct internal
- 15 references as are necessary in accordance with this
- 16 amendment.
- 17 3. Amend the title, line 2, by inserting after
- 18 the word "losses" the words "and political
- 19 contributions".

Amendment H—6330 was adopted.

Jochum 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. 2210)

The ayes were, 86:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleward
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 2:

Dyrland Gilloon

Absent or not voting, 12:

Arnould	Byerly	Chiodo	Den Herder
Egenes	Harvey	Hines	Lipsky
Newhard	Nielsen	Svoboda	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 2210)

Norland of Worth asked and received unanimous consent that Senate File 2210 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Brunow of Appanoose called up for consideration **Senate File 2163**, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6245 to the House amendment:

H—6245

- 1 Amend the House amendment, S—5601, to Senate
- 2 File 2163, as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1 of the amendment, by striking
- 5 lines 7 through 16.
- 6 2. Page 2 of the amendment, line 12, by
- 7 striking the figure "1,930,000" and inserting in lieu
- 8 thereof the figure "1,800,000".
- 9 3. Page 2, line 35, by striking the word
- 10 "Act" and inserting in lieu thereof the word "section".
- 11 4. Page 2 of the amendment, line 50, by
- 12 striking the words and figure "eight hundred twenty-
- 13 five thousand (825,000)" and inserting in lieu thereof
- 14 the words and figure "nine hundred fifty-five thousand
- 15 (955,000)".
- 16 5. Page 3 of the amendment, line 3, by
- 17 striking the words "a temporary" and inserting in
- 18 lieu thereof the words "constructing a".
- 19 6. Page 3 of the amendment, by striking
- 20 lines 6, 7 and 8.
- 21 7. Page 4 of the amendment, by striking
- 22 from lines 36 and 37 the words and figure "sixteen
- 23 thousand four hundred forty (2,016,440)" and inserting
- 24 in lieu thereof the words and figure "ninety-one
- 25 thousand four hundred forty (2,091,440)".
- 26 8. Page 4 of the amendment, line 43, by
- 27 striking the word "and" and inserting in lieu thereof
- 28 a comma.
- 29 9. Page 4 of the amendment, line 44, by
- 30 inserting after the word "home" the words "roof
- 31 replacement for two buildings at the mental health
- 32 institute at Mount Pleasant, repair of a boiler, pumps
- 33 and controls at the mental health institute at
- 34 Clarinda, replacement of a water pump at the mental
- 35 health institute at Cherokee, and an emergency and
- 36 contingency fund of fifty thousand dollars".
- 37 10. Page 5 of the amendment, by striking
- 38 from line 21 the figure "47,800,000" and inserting
- 39 in lieu thereof the figure "47,150,000".

- 40 11. Page 5 of the amendment, by striking
41 lines 22 through 38.
42 12. Page 5 of the amendment, by striking
43 lines 39, 40 and 41.
44 13. Page 7 of the amendment, by striking
45 lines 12 through 43 and inserting in lieu thereof
46 the following:
47 " . It is the intent of the general
48 assembly that the department of social services shall
49 review and analyze all of the costs and benefits that
50 might accrue to the state of Iowa and the recipients

Page 2

- 1 or potential recipients of medical assistance by
2 implementation of a rule to disallow certification
3 of eligibility of a recipient who has transferred
4 property, a resource or income, contrary to the
5 provisions of section two hundred forty-nine A point
6 five (249A.5) of the Code, and where such property,
7 resource or income, or the identifiable proceeds
8 thereof, is currently available to the recipient.
9 The department shall make its study and the
10 recommendations based thereon available to the governor
11 and to the general assembly as soon as it is
12 completed." "
13 14. Page 7 of the amendment, by inserting
14 after line 46 the following:
15 " . Page 13, by inserting after line 11
16 the following new subsection:
17 " . It is the intent of the general
18 assembly that, in addition to the funds appropriated
19 by this Act for aid to families with dependent
20 children, the state's share of federal antirecession
21 fiscal assistance funds to be received under Title
22 two (II) of the United States public works employment
23 Act of 1976 be utilized for the aid to families with
24 dependent children program." "
25 15. By striking page 7 of the amendment,
26 line 47, through page 8 of the amendment, line 1.
27 16. Page 8 of the amendment, by inserting
28 after line 17 the following:
29 " . Page 14, line 12, by inserting after
30 the word "homemaker" the words "for at least ten
31 years," "
32 17. Page 8 of the amendment, line 20, by
33 inserting before the word "victims" the words "women
34 who are".
35 18. Page 9 of the amendment, by striking
36 lines 23 through 31.

Roll call was requested by Dyrland of Clayton and Arnould of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the motion to concur prevail?"

The ayes were, 58:

Avenson	Baker	Bennett	Bina
Binneboese	Branstad	Brunow	Chiodo
Conlon	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Fitzgerald
Gettings	Gilson	Griffiee	Hansen
Hargrave	Harvey	Hinkhouse	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Lageschulte	Lindeen
Loneragan	Menke	Middleswart	Millen
Monroe	Norland	Pavich	Pellett
Pelton	Perkins	Poney	Rinas
Schneklloth	Schroeder	Shimanek	Smalley
Spear	Spencer	Stromer	Svoboda
Tauke	Walter	Wells	West
Woods	Mr. Speaker		

The nays were, 35:

Anderson	Arnould	Brandt	Brockett
Clark, B.J.	Clark, J.H.	Connors	Crawford
Dunton	Dyrland	Evans	Garrison
Gentleman	Gilloon	Halvorson	Harbor
Hines	Hoffmann	Horn	Jesse
Krewson	Lind	Miller, K.D.	Miller (Sergeant)
Newhard	O'Halloran	Oxley	Patchett
Small	Stephens	Thompson	Tofte
Varley	Welden	Wyckoff	

Absent or not voting, 7:

Byerly	Crabb	Den Herder	Egenes
Lipsky	Nielsen	Scheelhaase	

The motion prevailed and the House concurred in the Senate amendment H—6245 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. 2163)

The ayes were, 63:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Cusack	Daggett	Davitt	Dieleman
Doyle	Fitzgerald	Gettings	Gilloon
Gilson	Griffee	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Koogler	Lageschulte	Lindeen
Lonergan	Menke	Middleswart	Miller (Sergeant)
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poney
Rinas	Schnekloth	Schroeder	Small
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Varley	Wells
West	Woods	Mr. Speaker	

The nays were, 26:

Arnould	Brandt	Brockett	Conlon
Crawford	Danker	Dunton	Dyrland
Evans	Garrison	Gentleman	Halvorson
Harbor	Jesse	Krewson	Lind
Millen	Miller, K.D.	Newhard	Pelton
Shimanek	Stephens	Thompson	Tofte
Welden	Wyckoff		

Absent or not voting, 11:

Byerly	Crabb	Den Herder	Egenes
Junker	Krause	Lipsky	Nielsen
Pellett	Scheelhaase	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 2133, a bill for an act 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, was taken up for consideration.

Dieleman of Marion offered the following amendment H—6010 filed by Dieleman, et al., and moved its adoption:

H-6010

1 Amend House File 2133 as follows:

2 1. Page 1, by striking lines 7 through 10 and
3 inserting in lieu thereof the words "officer or
4 employee of the permit holder with the responsibility
5 to file a return and remit taxes who willfully fails
6 to do so, or a person who, with intent to evade tax,
7 causes a permit holder, or officer or employee of
8 the permit holder, so to fail to file a return or
9 remit taxes, shall be liable".

10 2. Page 2, line 21, by striking the words "which
11 shall include human error" and inserting in lieu
12 thereof the words "and not due to willful neglect".

13 3. Page 4, line 17, by striking the words "Each
14 permit holder who".

15 4. Page 4, by striking lines 18 through 21 and
16 inserting in lieu thereof the words "Each permit
17 holder, officer or employee of the permit holder with
18 the responsibility to file a return and remit taxes
19 who willfully fails to do so, or a person who, with
20 intent to evade tax, causes a permit holder, or officer
21 or employee of the permit holder, so to fail to file
22 a return or remit taxes, shall be liable to the state
23 of Iowa for any sum or sums due under this division".

24 5. Page 5, line 15, by striking the words "which
25 shall include human error" and inserting in lieu
26 thereof the words "and not due to willful neglect".

Amendment H-6010 was adopted placing out of order amendment H-5263, to page 2, filed by Bina of Scott and Dieleman of Marion on February 8, 1978.

Dieleman of Marion offered the following amendment H-6256 filed by Dieleman, et al., and moved its adoption:

H-6256

1 Amend House File 2133 as follows:

2 1. Page 6, by striking lines 9 through 13, and
3 by inserting in lieu thereof the following:
4 "by this chapter, shall be guilty of theft and
5 subject to penalties provided by law a felony and
6 shall, for each such offense, be fined not less than
7 five hundred dollars and not more than five thousand
8 dollars, or be imprisoned not exceeding one year, or
9 be subject to both such fine and imprisonment, in the
10 discretion of the court."

Amendment H-6256 was adopted.

Garrison of Black Hawk offered the following amendment H—6319 filed by him and moved its adoption:

H—6319

- 1 Amend House File 2133 as follows:
- 2 1. Page 1, line 19, by striking the word "ten"
- 3 and inserting in lieu thereof the words "ten fifteen".

Amendment H—6319 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. 2133)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbör	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
Oxley	Patchett	Pavich	Pelton
Perkins	Poney	Rinas	Scheelhaase
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 7:

Daggett	Danker	Gentleman	Harvey
Pellett	Schnekloth	Stephens	

Absent or not voting, 6:

Chiodo	Den Herder	Egenes	Lipsky
Nielsen	O'Halloran		

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

IMMEDIATE MESSAGE
(House File 2133)

Dieleman of Marion asked and received unanimous consent that House File 2133 be immediately messaged to the Senate.

SENATE FILE 2209 SUBSTITUTED FOR HOUSE FILE 72

O'Halloran of Black Hawk asked and received unanimous consent to substitute Senate File 2209 for House File 72.

Senate File 2209, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems, was taken up for consideration.

O'Halloran of Black Hawk offered the following amendment H—6257 filed by O'Halloran, et al. :

H—6257

1 Amend Senate File 2209 as amended and passed by
2 the Senate as follows:

3 1. By striking Page 1, line 1 through Page 2,
4 line 30, and inserting in lieu thereof the following:
5 "Section 1. Section four hundred forty-one point
6 twenty-one (441.21), subsection three (3), Code 1977,
7 is amended by adding the following new unnumbered
8 paragraphs:

9 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding
10 unnumbered paragraph one (1) of this subsection, any
11 construction or installation of a solar energy system
12 completed on property classified as agricultural,
13 residential or commercial property shall not increase
14 the actual, assessed and taxable values of such
15 property for assessment years beginning on January
16 1, 1979 and ending on or before December 31, 1983.

17 **NEW UNNUMBERED PARAGRAPH.** As used in this
18 subsection "solar energy system" means a system of
19 equipment capable of collecting and converting incident
20 solar radiation or wind energy into heat, mechanical
21 or electrical energy and transforming these forms
22 of energy by a separate apparatus to storage or to
23 point of use. The energy policy council shall adopt
24 rules relating to certification of a solar energy
25 system upon request of an assessor."

26 2. By renumbering sections as necessary.

- 27 3. Amend the title, line 2, by striking the words
28 "methane gas production systems" and inserting in
29 lieu thereof the words "coal held in inventory".

Brunow of Appanoose in the chair at 10:58 a.m.

Miller of Buchanan offered the following amendment H—6298, to amendment H—6257, filed by him and moved its adoption:

H—6298

- 1 Amend amendment H—6257 to Senate File 2209 as
2 amended and passed by the Senate and reprinted, as
3 follows:
4 1. Page 1, line 11, by inserting after the
5 word "system" the following: "or gas production
6 systems using waste or manure to produce gas".

Amendment H—6298 was adopted.

By unanimous consent the following amendment H—6341, to amendment H—6257, filed by O'Halloran of Black Hawk from the floor, was adopted:

H—6341

- 1 Amend amendment H—6257, to Senate File 2209 as
2 passed by the Senate and reprinted, as follows:
3 1. Page 1, by striking lines 27 through 29 and
4 inserting in lieu thereof the following:
5 "3. Amend the title, line 2, by inserting after
6 the word "systems" the word "coal held in inventory".

On motion by O'Halloran of Black Hawk, amendment H—6257, as amended, 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?" (S.F. 2209)

The ayes were, 95:

Anderson
Bennett
Branstad
Clark, B.J.
Connors

Arnould
Bina
Brockett
Clark, J.H.
Crabb

Avenson
Binneboese
Byerly
Cochran
Crawford

Baker
Brandt
Chiodo
Conlon
Daggett

Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
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	Wyckoff	Mr. Speaker (Brunow)	

The nays were, none.

Absent or not voting, 5:

Cusack	Den Herder	Fitzgerald	Koogler
Lipsky			

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

HOUSE FILE 72 WITHDRAWN

O'Halloran of Black Hawk asked and received unanimous consent to withdraw House File 72 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Patchett of Johnson called up for consideration **House File 2361**, a bill for an act relating to moneys available to school districts, providing for an additional enrichment amount, funds for unusual transportation problems and unique problems of school districts, changing the budget certification date for the site fund, altering the eligibility for one hundred twenty-five percent allowable growth, and prohibition of reduction of school budgets after their certification, amended by the Senate amendment H—6250, found on pages 1836 through 1841 of the House Journal.

Patchett of Johnson offered the following amendment H—6293, to the Senate amendment H—6250 filed by Patchett, et al. :

H—6293

1 Amend the Senate amendment, H—6250, to House File
2 2361, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 1, through page 6,
5 line 19, and inserting in lieu thereof the following:

6 "Amend House File 2361 as amended, passed and
7 reprinted by the House as follows:

8 1. By striking page 1, line 34 through page 2,
9 line 11.

10 2. Page 3, line 6, by inserting after the word
11 "section," the following: "If the proposed
12 additional enrichment amount is less than or equal
13 to five percent of the state cost per pupil, the board
14 shall publish notice in a newspaper of general
15 circulation in the school district listing the date,
16 time and location of each of three public hearings
17 to be held for reading and approval of the enrichment
18 resolution. The hearings shall be at least one week
19 apart with the third hearing to take place at least
20 forty-five days prior to the school board election
21 in September of the base year. If, on or before the
22 date of the third hearing, the school board receives
23 a petition signed by not less than five percent of
24 the registered voters in the school district protesting
25 the proposed enrichment resolution or if, by its own
26 motion the board determines that a referendum should
27 be held, the school board shall direct the county
28 commissioner of elections to submit the question of
29 whether to raise that amount under the provisions
30 of this section and section four hundred forty-two
31 point fifteen (442.15) of the Code, to the qualified
32 electors of the school district at a regular school
33 election held during September of the base year.
34 If the proposed additional enrichment amount exceeds
35 five percent of the state cost per pupil, the board".

36 3. Page 3, line 7, by striking the word "and"
37 and inserting in lieu thereof the word "and".

38 4. Page 3, line 35, by inserting after the word
39 "If" the words "a petition protesting the enrichment
40 resolution has not been received on or before the
41 date of the third public hearing or".

42 5. Page 4, by inserting after line 29 the follow-
43 ing sections:

44 "Sec. 9. The purpose of sections ten (10) through
45 twenty (20) of this Act is to allow school districts
46 to meet the increasing financial pressures caused
47 by declining enrollment by providing an appropriation
48 to the school budget review committee for the 1978-
49 1979 school year and establishing a modified adjusted
50 enrollment for the 1979-1980 and 1980-1981 school

Page 2

1 years.

2 Sec. 10. Section four hundred forty-two point
3 four (442.4), subsections one (1) and two (2), Code
4 1977, are amended to read as follows:

5 1. Basic enrollment for the budget year beginning
6 July 1, 1979 and each subsequent budget year is
7 determined by adding the resident pupils who were
8 enrolled on the second Friday of January September
9 in the base year in public elementary and secondary
10 schools of the district and in public elementary and
11 secondary schools in another district or state for
12 which tuition is paid by the district. For the school
13 year beginning July 1, 1975, pupils who were enrolled
14 on the second Friday of January in the base year in
15 special education programs conducted by a county or
16 joint county school system are included in basic
17 enrollment. For the school year beginning July 1,
18 1975, and each succeeding school year, pupils enrolled
19 in prekindergarten programs other than special
20 education programs are not included in basic
21 enrollment.

22 Resident pupils of high school age for which the
23 district pays tuition to attend an Iowa area school
24 are included in basic enrollment on a full-time
25 equivalent basis as of the second Friday of January
26 September in the base year for the budget year
27 beginning July 1, 1979 and each subsequent budget
28 year.

29 Shared-time and part-time pupils of school age,
30 irrespective of the districts in which the pupils
31 reside, are included in basic enrollment as of the
32 second Friday of January September in the base year
33 for the budget year beginning July 1, 1979 and each
34 subsequent budget year, in the proportion that the
35 time for which they are enrolled or receive instruction
36 for the school year is to the time that full-time
37 pupils carrying a normal course schedule, at the same
38 grade level, in the same school district, for the
39 same school year, are enrolled and receive instruction.
40 Tuition charges to the parent or guardian of a shared-
41 time or part-time out-of-district pupil shall be
42 reduced by the amount of any increased state aid
43 occasioned by the counting of the pupil.

44 Pupils attending a university laboratory school
45 are not counted in any district's basic enrollment,
46 but the laboratory school shall report them directly
47 to the department of public instruction.
48 A school district shall certify its basic enrollment
49 to the state department of public instruction by
50 January 25 September twenty-fifth of each year, and

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1 the department shall promptly forward the information
2 to the state comptroller. For purposes of determining
3 whether a district is entitled to an advance for
4 increasing enrollment, and for record-keeping purposes,
5 a determination of enrollment shall be made on the
6 second Friday of September in the budget year and
7 the second Friday of January in the base year, in
8 the same manner as the January September basic
9 enrollment is determined.

10 However, for the school year beginning July 1,
11 1974, basic enrollment is equal to the actual
12 enrollment used for that year prior to adjustment
13 for decreasing enrollment.

14 2. An adjusted enrollment for each district shall
15 be computed as follows:

16 a. For the school year beginning July 1, 1975,
17 if a district has a decrease from the sum of the basic
18 enrollment in the base year plus adjustments for
19 decreasing enrollment made in the base year, to the
20 basic enrollment in the budget year, the state
21 comptroller shall compute an amount to be added to
22 the basic enrollment for the budget year. The amount
23 to be added is equal to fifty percent of this decrease,
24 to the extent that the decrease does not exceed five
25 percent of the sum of the basic enrollment in the
26 base year plus adjustments made for decreasing
27 enrollment in the base year, and twenty-five percent
28 of the remaining decrease. If the district does not
29 experience this decrease, the adjusted enrollment
30 for the budget year is equal to the basic enrollment
31 for the budget year.

32 b a. For the school years subsequent to the school
33 year beginning July 1, 1975, and prior to the school
34 year beginning July 1, 1979, and for the school years
35 subsequent to the school year beginning July 1, 1980,
36 if a district has a decrease from the basic enrollment
37 in the base year to the basic enrollment in the budget
38 year the state comptroller shall compute an amount
39 to be added to the basic enrollment for the budget
40 year. The amount to be added is equal to fifty percent
41 of the basic enrollment decrease to the extent that
42 it does not exceed five percent of the base year's
43 basic enrollment, and twenty-five percent of the
44 remaining basic enrollment decrease. If the school
45 district does not experience a decrease from the basic
46 enrollment in the base year to the basic enrollment
47 in the budget year the adjusted enrollment for the
48 budget year is equal to the basic enrollment for the
49 budget year.

50 b. For the school years beginning July 1, 1979,

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1 and July 1, 1980, if a district has a decrease from
2 the basic enrollment in the base year to the basic
3 enrollment in the budget year the state comptroller
4 shall compute an amount to be added to the basic
5 enrollment for the budget year. The amount to be
6 added is equal to one hundred percent of the basic
7 enrollment decrease to the extent that it does not
8 exceed three percent of the base year's basic
9 enrollment, and fifty percent of the remaining basic
10 enrollment decrease. If the school district's basic
11 enrollment in the base year is equal to or less than
12 the basic enrollment for budget year the adjusted
13 enrollment shall equal the basic enrollment for the
14 budget year.

15 Sec. 11. Section four hundred forty-two point
16 five (442.5), subsection one (1), paragraph a, Code
17 1977, is amended to read as follows:

18 a. "Miscellaneous income" means all receipts
19 deposited to the general fund of a school district
20 which are not obtained from state aid provided under
21 section 442.1 or 442.11, or from property tax
22 authorized under section 442.2 or 442.9. Miscellaneous
23 income includes property tax levied under the
24 provisions of section six hundred thirteen A point
25 seven (613A.7) of the Code, to fund the costs of tort
26 liability insurance for the school district.

27 Sec. 12. Section four hundred forty-two point
28 seven (442.7), subsections one (1), two (2), three
29 (3), four (4), and five (5), Code 1977, are amended
30 to read as follows:

31 1. For the school year beginning July 1, 1975,
32 the state percent of growth is ten and seven-tenths
33 percent.

34 Seven-tenths of one percent of the state percent
35 of growth is to compensate for the cost of improvements
36 to the Iowa public employees' retirement system and
37 also to fund a portion of the cost of driver education
38 classes offered by the district and formerly funded
39 partly by a state appropriation.

40 2 1. For school years subsequent to the school
41 year beginning July 1, 1975 1978, a state percent
42 of growth for the budget year shall be computed by
43 the state comptroller prior to February 15 of each
44 September fifteenth in the base year and forwarded
45 to the superintendent of public instruction. The
46 state percent of growth shall be an average of the
47 following four percentages of growth:

48 a. The difference in the state general fund
49 revenues received during the year, adjusted for changes
50 in rates or basis, computed or estimated as a

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1 percentage of change for each of the following periods:

2 (1) From the year immediately preceding the base
3 year to the base year.

4 (2) From the base year to the budget year.

5 b. The difference in the Iowa consumer price index
6 which shall be computed by the state comptroller prior
7 to January 1, 1976, and recomputed each month
8 subsequent to January 1, 1976, based upon a
9 comprehensive sampling of the costs of goods and
10 services within Iowa, and until an Iowa consumer price
11 index is available, the consumer price index published
12 by the bureau of labor statistics, United States
13 department of labor computed or estimated as a
14 percentage of change for the following periods:

15 (1) From July 1 January first of the year prior
16 to the base year to July 1 January first of the budget
17 base year.

18 (2) From July 1 January first of the budget base
19 year to July 1 January first of the year immediately
20 following the budget year.

21 3 2. If the state percent of growth so computed
22 is negative, that percentage shall not be used and
23 the state percent of growth shall be zero.

24 4 3. Each year prior to February 15 September
25 fifteenth the state comptroller shall recompute the
26 state percent of growth for the previous year using
27 adjusted estimates and the actual figures available.
28 The difference between the recomputed state percent
29 of growth for the base year and the original
30 computation shall be added to or subtracted from the
31 state percent of growth for the budget year, as
32 applicable.

33 5. The state comptroller shall compute an estimated
34 state percent of growth for the budget year prior
35 to September 15 in the base year and shall forward
36 this estimate to the superintendent of public
37 instruction.

38 Sec. 13. Section four hundred forty-two point
39 seven (442.7), subsection eight (8), Code 1977, is
40 amended by striking the subsection.

41 Sec. 14. Section four hundred forty-two point
42 eight (442.8), Code 1977, is amended to read as
43 follows:

44 442.8 STATE COST PER PUPIL. As used in this
45 chapter, "state cost per pupil" for the school year
46 beginning July 1, 1974, and prior school years means
47 state cost per pupil in enrollment as enrollment was
48 determined under section 442.4 prior to January 1,
49 1975, and "state cost per pupil" for the school year
50 beginning July 1, 1975, and subsequent school years

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1 means state cost per pupil in weighted enrollment.
2 The state cost per pupil for the school year beginning
3 July 1, 1972, is nine hundred three dollars. The
4 state cost per pupil for the school year beginning
5 on July 1, 1973, and for each succeeding school year
6 is the base year's state cost per pupil plus the
7 allowable growth for the budget year. If the state
8 percent of growth is zero, the state cost per pupil
9 shall be the same as the base year's state cost per
10 pupil.

11 For the school year beginning July 1, 1975, the
12 allowable growth added to the state cost per pupil
13 shall be the basic allowable growth as otherwise
14 computed under section 442.7, increased by an amount
15 equal to the average of the amounts of allowable
16 growth added for each school district in the state
17 for special education support services provided through
18 the area education agencies under sections 273.9,
19 subsection 3, and 442.7, subsection 7, paragraph "c".
20 For each succeeding school year subsequent to the
21 school year beginning July 1, 1975, the allowable
22 growth added to the state cost per pupil as otherwise
23 computed under section 442.7 shall be the basic
24 allowable growth increased by an amount equal to the
25 average of the amounts of allowable growth added for
26 each school district in the state for additional
27 special education support services needed for that
28 year to serve newly identified children who require
29 the services, under sections 273.9, subsection 3 and
30 442.7, subsection 7, paragraph "d". The state
31 comptroller shall compute the applicable amount of
32 allowable growth to be added to the state cost per
33 pupil for each school year.

34 Sec. 15. Section four hundred forty-two point
35 nine (442.9), Code 1977, as amended by Acts of the
36 Sixty-seventh General Assembly, 1977 Extraordinary
37 Session, chapter two (2), section one (1), is amended
38 to read as follows:

39 442.9 DISTRICT COST PER PUPIL—DISTRICT COST—
40 ADDITIONAL SCHOOL DISTRICT PROPERTY TAX LEVY.

41 1. The state comptroller shall determine the
42 additional school district property tax levy for each
43 school district, which is in addition to the foundation
44 property tax levy, as follows:

45 a. As used in this chapter, "district cost per
46 pupil" for the school year beginning July 1, 1974,
47 and for prior school years means the district cost
48 per pupil in enrollment, as enrollment was determined
49 under section 442.4 prior to January 1, 1975, and
50 "district cost per pupil" for the school year beginning

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1 July 1, 1975, and subsequent school years means
2 district cost per pupil in weighted enrollment. The
3 district cost per pupil for the budget year is equal
4 to the district cost per pupil for the base year plus
5 the allowable growth.

6 b. The district cost for the budget year is equal
7 to the district cost per pupil for the budget year
8 multiplied by the weighted enrollment, plus the
9 additional district cost allocated to the district
10 under section 442.27 to fund media services and other
11 services provided through the area education agency.
12 A school district may not increase its district cost
13 for the budget year except to the extent that an
14 excess tax levy is authorized by the school budget
15 review committee as provided in section 442.13,
16 subsection 7.

17 c. The amount to be raised by the additional
18 school district property tax levy is equal to the
19 district cost for the budget year, less the product
20 of the state or district foundation base and the
21 weighted enrollment.

22 2. No later than May 1 first of each year, the
23 state comptroller shall notify the county auditor
24 of each county the amount, in dollars and cents per
25 thousand dollars of assessed value, of the additional
26 property tax levy in each school district in the
27 county. Each county auditor shall spread the
28 additional property tax levy for each school district
29 over all taxable property in the district.

30 Sec. 16. Section four hundred forty-two point
31 twenty-eight (442.28), unnumbered paragraph one (1),
32 Code 1977, is amended to read as follows:

33 If a district's weighted enrollment on the second
34 Friday of September in the budget year, determined
35 in the same manner as the January September weighted
36 enrollment is determined under section 442.4, is
37 higher than its weighted enrollment on the second
38 Friday of January September in the base year, the
39 district is entitled to an advance from the state
40 of an amount equal to its district cost per pupil
41 less the amount per pupil for special education support
42 services, media services and other services computed
43 as a part of district cost under the provisions of
44 section 442.7 and section 442.27 for the budget year
45 multiplied by its increase in weighted enrollment.
46 The advance shall be miscellaneous income.

47 Sec. 17. For the school year beginning July 1,
48 1979, the state cost per pupil shall be increased
49 to an amount which would otherwise have resulted for
50 the school year beginning July 1, 1979, if the surplus

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1 balances for area education agency support services
2 and for area education inherited funds had not been
3 offset against the total support budgets for the
4 school year beginning July 1, 1978. This adjustment
5 is to compensate for the reductions made to state
6 cost based upon the temporary offset of support budgets
7 by certain area education agency fund balances.

8 Sec. 18. Notwithstanding the provisions of House
9 File 463, as enacted by the Sixty-seventh General
10 Assembly, 1978 Session, as it pertains to the amount
11 of the reduction to the support service costs to be
12 allocated among the school districts, the amount of
13 the special education support services cost to be
14 reduced for area education agency XIII is equal to
15 ninety-nine thousand eight hundred ninety-nine dollars
16 rather than a reduction of one hundred twenty-one
17 thousand one hundred twenty dollars.

18 Sec. 19. To meet the special problems that result
19 from budget reductions due to declining enrollments
20 prior to the modifications in the adjustments for
21 declining enrollments to take effect commencing with
22 the school year beginning July 1, 1979, there is
23 appropriated from the general fund of the state for
24 the fiscal year beginning July 1, 1978 and ending
25 June 30, 1979, to the school budget review committee
26 the sum of eight hundred thousand (800,000) dollars,
27 or so much thereof as necessary to be used to minimize
28 the impact of the factor listed in paragraph two (2)
29 of this section, of the Code. The school budget
30 review committee may also establish a modified
31 allowable growth for the school district by increasing
32 the allowable growth for the school district to provide
33 additional funds to assist the school district with
34 hardships which result from the impact on the school
35 district's budget resulting from declining enrollment.

36 To assess whether a district has hardships resulting
37 from reduced funds because of declining enrollment,
38 the school budget review committee shall consider
39 whether the school district will be forced to terminate
40 an existing educational program because of insufficient
41 funds and thus diminish the overall quality of the
42 school program for the budget year from that provided
43 in the base year.

44 Sec. 20. The legislative council is directed to
45 establish a joint subcommittee of the House and Senate
46 committees on education composed of members of both
47 parties to study the information received from the
48 department of public instruction federally financed
49 state equalization of educational opportunity study
50 which is scheduled for completion in September of

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1 1978. The Sixty-seventh General Assembly recognizes
2 the needs of pupils for equal educational opportunity
3 can be improved over the existing school finance
4 formula. The weighting system to provide the funds
5 necessary to assist in the education of children
6 requiring special education has greatly assisted
7 Iowa's educational program to meet the needs of these
8 pupils, placing Iowa's program as one of the best
9 in the nation for children requiring special education.
10 It is recognized that a funding system designed to
11 meet the educational and financial needs of children
12 may require a substantial rewriting of the current
13 school finance system. The subcommittee shall prepare
14 a final report and submit necessary bill drafts to
15 implement the recommendations of the subcommittee
16 to the Sixty-eighth General Assembly.

17 Sec. 21. This Act, being deemed of immediate
18 importance, shall take effect and be in force from
19 and after its publication in The Sun & The Hawkeye
20 Record-Herald, a newspaper published in Mount Vernon,
21 Iowa, and in the Adams County Free Press, a newspaper
22 published in Corning, Iowa."

23 6. Renumber as necessary in conformance with this
24 amendment."

(House File 2361 and amendment H — 6293, to the Senate amendment H — 6250, 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:

Krause of Kossuth for the remainder of the day on request of Lageschulte of Bremer.

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 26, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 232, a bill for an act prohibiting the Iowa commerce commission from approving certain charges by telephone companies for telephone directory assistance.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 232

H-6347

1 Amend House File 232 as amended and passed by the
2 House as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section four hundred seventy-six point
6 six (476.6), unnumbered paragraph one (1), Code 1977,
7 is amended to read as follows:

8 No public utility subject to rate regulation shall
9 make effective any new or changed rate, charge,
10 schedule or regulation except by filing the same with
11 the commission at least thirty days prior to the
12 effective date thereof. The commission, for good
13 cause shown, may allow changes in rates, charges,
14 schedules or regulations to become effective on less
15 than thirty days' notice. The commission shall not
16 approve a charge nor shall a public utility make a
17 charge for telephone directory assistance unless:
18 (a) the utility shall demonstrate to the satisfaction
19 of the commission that the revenues and the net cost
20 savings associated with such charge will be applied
21 to reduce the utility's charges for basic exchange
22 service; and (b) each customer shall be given an
23 allowance of at least sixty calls to directory
24 assistance, without charge, during each calendar year.
25 However, if a customer's telephone is in operation
26 for less than a calendar year, the number of directory
27 assistance calls that can be made by the customer
28 without charge shall be prorated accordingly.
29 Sec. 2. This Act is repealed effective July 1,
30 1980."

SENATE MESSAGES CONSIDERED

Senate File 2111, a bill for an act limiting the ownership or acquisition of agricultural land by nonresident aliens.

Read first time and referred to the **sifting committee**.

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.

BUSINESS PENDING

The House resumed consideration of **House File 2361**, a bill for an act relating to moneys available to school districts, providing for an additional enrichment amount, funds for unusual transportation problems and unique problems of school districts, changing the budget certification date for the site fund, altering the eligibility for one hundred twenty-five percent allowable growth, and prohibition of reduction of school budgets after their certification, and amendment H—6293, to the Senate amendment H—6250.

Davitt of Warren offered the following amendment H—6340, to amendment H—6293, to the Senate amendment H—6250, filed by Davitt, Daggett, Hansen, Hullinger, Middleswart, Danker, Schroeder, Junker, Dieleman, Wyckoff, Lonergan, Miller (Sergeant) of Calhoun, Doyle, Oxley, Tofte, Stromer, Clark of Cerro Gordo, Hoffmann, Conlon, Pelton, Shimanek, Miller of Buchanan, Schnekloth, West, Pellett, Harbor, Halvorson, Evans, Stephens, Lindeen, Koogler, Rinas, Egenes, Crabb, Brockett, Smalley, Binneboese, Hinkhouse, Husak, Thompson, Svoboda, Garrison, Varley, Bennett, Lageschulte, Scheelhaase and Gentleman from the floor and moved its adoption:

H—6340

- 1 Amend the amendment, H—6293, to the Senate amend-
- 2 ment, H—6250, to House File 2361, as amended, passed
- 3 and reprinted by the House as follows:
- 4 1. Page 1, by striking lines 10 through 41.
- 5 2. Renumber as necessary in conformance with this
- 6 amendment.

Amendment H—6340 was adopted.

Lind of Black Hawk asked and received unanimous consent to withdraw amendment H—6342, to amendment H—6293 to the Senate amendment H—6250, filed by him from the floor.

Stromer of Hancock offered the following amendment H—6339, to amendment H—6293, to the Senate amendment H—6250, filed by Stromer, Welden, Clark of Cerro Gordo and West from the floor and moved its adoption:

H—6339

- 1 Amend the amendment, H—6293, to the Senate amend-
- 2 ment, H—6250, to House File 2361 as amended, passed
- 3 and reprinted by the House as follows:
- 4 1. By striking page 3, line 50, through page 4,
- 5 line 14, and inserting in lieu thereof the following:
- 6 "b. For the school years beginning July 1, 1979
- 7 and July 1, 1980, each school district shall compute
- 8 an adjusted enrollment. The adjusted enrollment shall
- 9 be equal to thirty-five percent of the adjusted
- 10 enrollment used for calculation of the school
- 11 district's budget for the school year beginning July
- 12 1, 1978, plus sixty-five percent of the adjusted
- 13 enrollment for the budget year as calculated for the
- 14 budget year under the provisions of paragraph a of '
- 15 this subsection."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 34, nays 50.

Amendment H—6339 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brunow of Appanoose for the remainder of the day on request of Davitt of Warren.

Hargrave of Johnson in the chair at 3:05 p.m.

Norland of Worth offered the following amendment H—6344, to amendment H—6293, to the Senate amendment H—6250, filed by him and Hansen of O'Brien from the floor and moved its adoption:

H—6344

- 1 Amend H—6293, filed by Patchett, et al, to H—6250,
- 2 the Senate amendment to House File 2361, as amended,

3 passed and reprinted by the House, as follows:
 4 1. Page 4, line 11, by striking the words "or
 5 less than".
 6 2. Page 4, by inserting after line 14 the follow-
 7 ing:
 8 "c. For the school years beginning July 1, 1979,
 9 and July 1, 1980, if a district has an increase from
 10 the basic enrollment in the base year to the basic
 11 enrollment in the budget year, the state comptroller
 12 shall compute an amount to be subtracted from the
 13 basic enrollment for the budget year. The amount
 14 to be subtracted is equal to one hundred percent of
 15 the basic enrollment increase to the extent that it
 16 does not exceed three percent of the base year's basic
 17 enrollment, and zero percent of the remaining basic
 18 enrollment increase. However, if the provisions of
 19 this paragraph are inadequate to fund the budget of
 20 a district that has an increase in basic enrollment,
 21 an application for an adjustment in the enrollment
 22 may be allowed if approved by the school budget review
 23 committee not to exceed a total adjusted enrollment
 24 equal to the basic enrollment for the budget year."

Roll call was requested by Oxley of Linn and Davitt of Warren.

On the question "Shall amendment H-6344 be adopted?"

The ayes were, 21:

Bennett	Clark, J.H.	Dunton	Evans
Garrison	Gilson	Griffiee	Hansen
Hinkhouse	Jesse	Loneragan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Norland
Patchett	Rinas	Spear	Wells
West			

The nays were, 67:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Brockett
Byerly	Chiodo	Clark, B.J.	Cochran
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dyrland	Egenes
Gentleman	Gettings	Gilloon	Halvorsen
Harbor	Harvey	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Millen	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Pavich	Poncy	Scheelhaase	Schneklath

Schroeder
Stromer
Tofte
Woods

Shimanek
Svoboda
Varley
Wyckoff

Smalley
Tauke
Walter
Mr. Speaker
(Hargrave)

Stephens
Thompson
Welden

Absent or not voting, 12:

Baker
Hines
Pelton

Brunow
Krause
Perkins

Den Herder
Lipsky
Small

Fitzgerald
Pellett
Spencer

Amendment H—6344 lost.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—6324, to amendment H—6293, to the Senate amendment H—6250, filed by him on April 25, 1978.

Poncy of Wapello offered the following amendment H—6343, to amendment H—6293, to the Senate amendment H—6250, filed by him from the floor and moved its adoption:

H—6343

- 1 Amend the amendment, H—6293, to the Senate
- 2 amendment, H—6250, to House File 2361, as amended,
- 3 passed and reprinted by the House, as follows:
- 4 1. Page 4, line 41, by striking the figures "1975
- 5 1978" and inserting in lieu thereof the figure "1975".
- 6 2. Page 4, line 43, by striking the words and
- 7 figure "~~February 15 of each~~" and inserting in lieu
- 8 thereof the words "~~February 15~~ fifteenth of each".
- 9 3. Page 4, line 44, by striking the words
- 10 "~~September fifteenth in the base~~".
- 11 4. Page 5, by striking lines 15 through 20 and
- 12 inserting in lieu thereof the following:
- 13 "(1) From July 1 first of the base year to July
- 14 1 first of the budget year."
- 15 (2) From July 1 first of the budget year to July
- 16 1 first of the year immediate following the budget
- 17 year."
- 18 5. Page 5, lines 24 and 25, by striking the words
- 19 and figure "~~February 15 September fifteenth~~" and
- 20 inserting in lieu thereof the words and figure
- 21 "~~February 15 fifteenth~~".
- 22 6. Page 5, by striking lines 33 through 37 and
- 23 inserting in lieu thereof the following:
- 24 "5. The state comptroller shall compute an
- 25 estimated state percent of growth for the budget year
- 26 prior to September 15 fifteenth in the base year and

27 shall forward this estimate to the superintendent
28 of public instruction."

Roll call was requested by Horn of Linn and Byerly of Polk.

Rule 69 was invoked.

On the question "Shall amendment H—6343 be adopted?"

The ayes were, 17:

Bina	Byerly	Chiodo	Dyrland
Gettings	Griffie	Horn	Junker
Koogler	Lind	Miller, K.D.	Monroe
Newhard	Pavich	Poncy	Walter
Woods			

The nays were, 72:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Branstad
Brockett	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Egenes	Evans
Garrison	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Husak
Jesse	Jochum	Krewson	Lageschulte
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller (Sergeant)	Norland	O'Halloran
Oxley	Patchett	Pellett	Pelton
Perkins	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Wyckoff	Mr. Speaker (Hargrave)

Absent or not voting, 11:

Brunow	Connors	Den Herder	Fitzgerald
Hines	Hullinger	Krause	Lipsky
Nielsen	Rinas	Svoboda	

Amendment H—6343 lost.

Baker of Buena Vista offered the following amendment H—6338, to amendment H—6293, to the Senate amendment H—6250, filed by him and Spear of Lee from the floor and moved its adoption:

H-6338

- 1 Amend the amendment, H-6293, to Senate amendment,
- 2 H-6250, to House File 2361 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 8, line 35, by inserting after the period
- 5 the following: "The school budget review committee,
- 6 in modifying the allowable growth of a school district
- 7 and in appropriating funds under the provisions of
- 8 this section shall not grant more than fifty percent
- 9 of a school district's request from the funds
- 10 appropriated under this section and the remaining
- 11 portion shall be based upon an increase to the
- 12 allowable growth of the school district. School
- 13 districts with an allowable growth increase under
- 14 the provisions of this section for the school year
- 15 beginning July 1, 1978, shall have an equivalent
- 16 reduction in the allowable growth otherwise calculated
- 17 for the school year beginning July 1, 1979."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 30, nays 54.

Amendment H-6338 lost.

Welden of Hardin offered the following amendment H-6337, to amendment H-6293, to the Senate amendment H-6250, filed by him from the floor and moved its adoption:

H-6337

- 1 Amend H-6293 to Senate Amendment H-6250 to
- 2 House File 2361 as passed and reprinted by the House
- 3 as follows:
- 4 1. Page 8 by striking lines 44 through 50.
- 5 2. Page 9 by striking lines 1 through 16.

A non-record roll call was requested.

The ayes were 27, nays 49.

Amendment H-6337 lost.

By unanimous consent, the following amendment H-6359, to amendment H-6293, to the Senate amendment H-6250, filed by Patchett of Johnson from the floor, was adopted:

H—6359

- 1 Amend amendment H—6293, to Senate amendment H—6250,
- 2 to House File 2361 as follows:
- 3 1. Page 9, by inserting after line 16 the following:
- 4 " Title page, by striking lines 1 through 8 and
- 5 inserting in lieu thereof the following:
- 6 "An Act relating to elementary and secondary
- 7 education and providing an appropriation." "

Patchett of Johnson moved the adoption of amendment H—6293, as amended, to the Senate amendment H—6250.

The motion prevailed and amendment H—6293, as amended, was adopted.

On motion by Patchett of Johnson, the House concurred in the Senate amendment H—6250, as amended.

Patchett 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. 2361)

The ayes were, 94:

Anderson	Arnould	Avenson	Baker
Benett	Bina	Binneboese	Brandt
Branstad	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	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lonerган	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer

Stephens
Thompson
Welden
Wyckoff

Stromer
Tofte
Wells
Mr. Speaker
(Hargrave)

Svoboda
Varley
West

Tauke
Walter
Woods

The nays were, 1:

Brockett

Absent or not voting, 5:

Brunow
Lipsky

Den Herder

Hines

Krause

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

Speaker Cochran in the chair at 4:50 p.m.

SENATE AMENDMENT CONSIDERED (House Refuses to Concur)

Walter of Pottawattamie called up for consideration **House File 232**, a bill for an act prohibiting the Iowa commerce commission from approving certain charges by telephone companies for telephone directory assistance, amended by the Senate amendment H—6347, found on page 1901 of the House Journal, and moved that the House concur in the Senate amendment H—6347.

A non-record roll call was requested.

The ayes were 37, nays 54.

The motion lost and the House refused to concur in the Senate amendment H—6347.

RULE 56 SUSPENDED

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 56 for the consideration of Study Bill 494B by the committee on cities.

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 16, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 545, a bill for an act relating to the management of loss and loss exposures of government.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 545

H-6358

- 1 Amend House File 545 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 28 and 29, by striking the words
- 4 "exempt revenue producing facilities" and inserting
- 5 in lieu thereof the words "revenue producing facilities
- 6 under the state board of regents".
- 7 2. Page 6, line 11, by striking the numeral "1979"
- 8 and inserting in lieu thereof the numeral "1980".

GOVERNOR'S ITEM VETO MESSAGE
(House File 33)

April 26, 1978

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 33, 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.

House File 33 is approved April 26, 1978, with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 4 which reads as follows:

Sec. 4. There is appropriated from the general fund to the department of health for the fiscal period beginning January 1, 1978 and ending June 30, 1978, the sum of fifteen thousand (15,000) dollars, or so much thereof as may be necessary, for the purpose of reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome.

While the \$15,000 appropriation contained in this section is for a very appropriate purpose — that of reimbursing counties for the expenses they incur because of the bill — it will be of no practical benefit to anyone. That is because of a mix-up in the timing of the appropriation.

House File 33 was introduced in the 1977 session of the legislature in a form that presumed it would be passed in 1977 and become effective July 1, 1977. The authors of the bill made the appropriation available for the period beginning January 1, 1978, and ending June 30, 1978.

Since House File 33 did not receive final passage in 1977, it was held over and passed in the 1978 session. Unfortunately the appropriation was not updated to reflect the new effective date of the bill, July 1, 1978. Therefore, we end up with the ironic situation that the appropriation will expire the day before the bill becomes effective. Hence, none of the appropriation may be used for its intended purpose.

The legislature has taken quick action to make sure that this situation does not occur. Funds have been appropriated in Senate File 2241 and House File 2440 for reimbursement to counties for expenses resulting from autopsies of suspected victims of the Sudden Infant Death Syndrome during the fiscal year ending in 1979. We fully expect the bill to receive final passage and be sent to the Governor for approval. Once that is accomplished, we will have funding for this important program.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 33 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

MOTIONS TO RECONSIDER (House File 2361)

I move to reconsider the vote by which House File 2361 passed the House on April 26, 1978.

PATCHETT of Johnson

(Senate File 2163)

I move to reconsider the vote by which Senate File 2163 passed the House on April 26, 1978.

HARGRAVE of Johnson

(Senate amendment H—6245 to Senate File 2163)

I move to reconsider the vote by which the House concurred in the Senate amendment H—6245 to Senate File 2163 on April 26, 1978.

HARGRAVE of Johnson

(Senate amendment H—6347 to House File 232)

I move to reconsider the vote by which the House refused to concur in the Senate amendment H—6347 to House File 232.

STROMER of Hancock

SIFTING COMMITTEE APPOINTMENT

The Speaker announced the appointment of Horn of Linn to the sifting committee, replacing Doyle of Woodbury.

COMMITTEE APPOINTMENTS

The Speaker announced the appointment of Representative Richard Welden as ranking member of the committee on budget replacing Representative Elmer Den Herder.

The Speaker announced the appointment of Representative John Pelton as ranking member of the committee on energy replacing Representative Richard Welden.

The Speaker announced the appointment of Representative James West to the committee on budget and his removal from the budget subcommittee on regulatory and finance.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber when the vote was taken on Senate File 2247. Had I been present I would have voted "aye."

MIDDLESWART of Warren

I was necessarily absent from the House chamber attending a leadership meeting when the vote was taken on Senate File 2209. Had I been present I would have voted "aye."

FITZGERALD of Webster

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 498 Budget

Appropriating funds from the general fund of the state to the state educational radio and television facility board for its general operations.

S.B. 499 Budget

Appropriating funds to the executive council to pay a special assessment levied by the city of Ames, Iowa.

PRESENTATION OF VISITORS

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

Forty-five eighth grade students from West Central Community School, Maynard, Iowa, accompanied by Pat Grennar and Ron Miller. By Avenson of Fayette.

Eight seventh grade students from Merrill Junior High School, Des Moines, Iowa, accompanied by Mr. Barrett. By Gentleman of Polk.

Thirty high school students from Central Webster Junior-Senior High School, Burnside, Iowa, accompanied by Jim Ainslie. By Fitzgerald of Webster.

One hundred students from Forest City High School, Forest City, Iowa, accompanied by Ron Sanderson and Gene Hesser. By Branstad of Winnebago.

Fifty fourth grade students from Perry Community School, Perry, Iowa, accompanied by Mrs. Seeley and Mrs. Leslie. By Varley of Adair.

Twenty-three eighth grade students from Dallas Community School, Grimes, Iowa, accompanied by Bill Wineland. By Krewson of Polk and Varley of Adair.

Sixteen students from Ottumwa Heights College, Ottumwa, Iowa, accompanied by Mrs. Maribel Page. By Poncy of Wapello.

Thirty-five exchange students from Alabama, attending Cedar Falls High School, Cedar Falls, Iowa, accompanied by R. C. Nichols. By Brandt of Black Hawk and O'Halloran of Black Hawk.

Forty-four sixth grade students from Logan-Magnolia Community School, Logan, Iowa. By Crabb of Crawford.

Thirty-six students from Meservey-Thornton Community School, Thornton, Iowa, accompanied by Mr. Frank and Mrs. Langlitz. By Clark of Cerro Gordo and Stromer of Hancock.

Eight students from Sacred Heart School, Boone, Iowa, accompanied by Diane Peterson. By Lonergan of Boone.

Fifty eighth grade students from Panora-Linden Community School, Panora, Iowa, accompanied by Mary Jane Carson and Hal Rosso. By Gilson of Guthrie and Varley of Adair.

Thirty senior students from Maxwell High School, Maxwell, Iowa, accompanied by Russell Hange and Virginia Schoenman. By Crawford of Story.

Fifty-one eighth grade students from Guthrie Center Junior High School, Guthrie Center, Iowa, accompanied by Rick Friedrich. By Gilson of Guthrie.

Twenty student council members from Waverly-Shell Rock Senior High School. By Lageschulte of Bremer.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a 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 EDUCATION

Scheduled: 9:00 a.m., April 25, 1978

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Horn, chair; Menke, ranking member; Baker, Brockett, Davitt, Egenes, Pelton and Poncy.

Absent: Anderson, Branstad (arrived 9:25 a.m.), Nielsen and Oxley (arrived 9:20 a.m.).

Discussed and recommended do pass on Senate File 2228, a bill for educational radio and television and a bill for Iowa State road assessment.

AMENDMENTS FILED

H - 6345	H.F. 593	Tauke of Dubuque
H - 6346	H.F. 593	Tauke of Dubuque
		Harbor of Mills
		Halvorson of Clayton
		Schroeder of Pottawattamie
		Hansen of O'Brien
		Daggett of Adams
		Welden of Hardin
		Brockett of Marshall
		Evans of Grundy
H - 6348	S.F. 2008	Monroe of Des Moines
H - 6349	S.F. 94	Spear of Lee
H - 6350	S.F. 2216	Pellett of Cass
		Husak of Tama
		Wyckoff of Benton
		Daggett of Adams
		Hinkhouse of Cedar
		Evans of Grundy
H - 6351	H.F. 2417	Smalley of Polk
		Patchett of Johnson
H - 6352	S.F. 321	Binneboese of Plymouth
		Gettings of Wapello
		Svoboda of Iowa
		Menke of O'Brien
		Krause of Kossuth
H - 6353	H.F. 2423	Brunow of Appanoose
		Hargrave of Johnson

H-6354	H.F. 2423	Doyle of Woodbury Spear of Lee Brunow of Appanoose Hargrave of Johnson Doyle of Woodbury Spear of Lee
H-6355	H.F. 2417	Patchett of Johnson Smalley of Polk
H-6356	H.F. 2189	Connors of Polk Hargrave of Johnson
H-6357	H.F. 593	Bennett of Ida West of Marshall

On motion by Fitzgerald of Webster, the House adjourned at 5:58 p.m., until 9:00 a.m., Thursday, April 27, 1978.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day—Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 27, 1978

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

Prayer was offered by the Reverend J. Grant Carlson, Director of Pastoral Care, Iowa Lutheran Hospital.

The Journal of Wednesday, April 26, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Barker, Davenport, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffmann of Muscatine for April 27 and 28 on request of Millen of Van Buren; Varley of Adair on request of Harbor of Mills.

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, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2035, a bill for an act relating to the taxation of property used for agricultural and horticultural purposes and located within the corporate limits of a city and making the provisions of this Act retroactive.

Also: That the Senate has on April 25, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2284, a bill for an act relating to the trapping of fur-bearing animals including the checking of traps and stamping of pelts.

Also: That the Senate has on April 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2289, a bill for an act transferring the responsibilities to administer the interstate fuel use tax law from the department of revenue to the state department of transportation.

Also: That the Senate has on April 25, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2331, a bill for an act relating to the authority of soil conservation district commissioners and their authorized agents or employees to enter upon public or private property.

Also: That the Senate has on April 25, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2335, a bill for an act relating to the administration of the temporary state land preservation policy commission.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2035

H-6360

- 1 Amend House File 2035, as passed by the House,
- 2 as follows:
- 3 1. Page 1, by inserting after line 19 the following
- 4 new section:
- 5 "Sec. . . . Section three hundred eighty-four point
- 6 sixty-two (384.62), Code 1977, is amended by adding
- 7 the following new unnumbered paragraphs:
- 8 NEW UNNUMBERED PARAGRAPH. A special assessment
- 9 for a public improvement against a tract of land used
- 10 and assessed as agricultural property shall not become
- 11 payable upon the filing of a request by the owner
- 12 for deferment until that land is not used and assessed
- 13 as agricultural property. At the time of the change
- 14 in the use of the property, the special assessment
- 15 shall become payable in the same manner as the special
- 16 assessment would have become payable had it not been
- 17 deferred by this section. This section shall not
- 18 apply to a tract of land of less than one-quarter
- 19 acre surrounding any dwelling or nonfarm structure
- 20 on that tract nor shall it apply to a special
- 21 assessment levied before the effective date of this
- 22 Act. This section shall not apply if the public
- 23 improvement is a sewer, water, gas or electrical line
- 24 to which the owner of the land makes a connection.
- 25 NEW UNNUMBERED PARAGRAPH. Payment of installments
- 26 of special assessments for a public improvement against

27 property used and assessed as agricultural property
28 shall be deferred as follows:
29 1. The property owner who seeks deferment of an
30 assessment shall file a written request for deferment
31 with the city clerk at the time of the hearing on
32 the resolution of necessity for the public improvement
33 or within ten days following the date of the hearing
34 and the request shall identify those lots subject
35 to proposed assessments for which the property owner
36 is seeking deferment which are used and assessed as
37 agricultural property. The request may be withdrawn
38 by the property owner at any time before or after
39 the adoption of the resolution of necessity.
40 2. The city shall indicate those lots for which
41 a deferment has been requested on the special
42 assessment schedule.
43 3. After the assessments for the public improvement
44 have been levied and the special assessment schedule
45 has been filed with the county auditor, the county
46 auditor shall indicate on the tax rolls those
47 assessments subject to deferment under this section.
48 4. An owner of property subject to an assessment
49 that may be deferred may file a statement at any time
50 up to six months before the assessment installment

Page 2

1 is due stating that a written request for deferment
2 of such assessments is filed with the city clerk and
3 that the entire lot subject to such assessment has
4 continued to be and is still used and assessed as
5 agricultural property. The collection of that
6 installment and any other unpaid portion of the
7 assessment shall be deferred until the next July first
8 and subsequent installments may thereafter be deferred
9 in the same manner for successive years in which a
10 statement is filed."

SENATE AMENDMENT TO
HOUSE FILE 2284

H-6361

1 Amend House File 2284 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 14, by striking the words "address
4 and" and inserting in lieu thereof the words "address.
5 All traps, except those which are placed entirely
6 under water,".

ADOPTION OF HOUSE RESOLUTION 133

Pursuant to House Rule 26, the Speaker announced that House Resolution 133, filed on April 11, 1978 and found on pages 1463 and 1464 of the House Journal, was adopted by unanimous consent.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 2173, a bill for an act providing for exemption certificates for exempt purchases under the sales tax law and assigning responsibility for the tax on nonexempt purchases subject to penalties provided by law, with report of committee recommending amendment and passage was taken up for consideration.

Dieleman of Marion offered the following amendment H—6208 filed by the committee on ways and means and moved its adoption:

H—6208

- 1 Amend Senate File 2173, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by striking the words "and
- 4 for" and inserting in lieu thereof the words "or
- 5 for".
- 6 2. Page 2, line 6, by striking the word "true".
- 7 3. Page 2, line 11, by striking the word "true".

Amendment H—6208 was adopted.

Speaker pro tempore Nielsen of Polk in the chair at 9:33 a.m.

Dieleman of Marion offered the following amendment H—6326 filed by him:

H—6326

- 1 Amend Senate File 2173 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 four hundred twenty-two point
- 6 forty-two (422.42), Code 1977, is amended by striking
- 7 subsection twelve (12) and inserting in lieu thereof
- 8 the following:
- 9 12. "Casual sales" means:
- 10 a. Sales of tangible personal property by the

11 owner of a nonrecurring nature, if the seller, at
12 the time of the sale, is not engaged for profit in
13 the business of selling tangible personal property
14 or services taxes under section four hundred twenty-
15 two point forty-three (422.43) of the Code.
16 b. The sale of all or substantially all of the
17 tangible personal property held or used by a retailer
18 in the course of the retailer's trade or business
19 for which the retailer is required to hold a sales
20 tax permit when the retailer sells or otherwise
21 transfers the trade or business to another person
22 who shall engage in a similar trade or business."
23 2. By renumbering the sections to conform with
24 this amendment.

By unanimous consent the following amendment H—6363, to amendment H—6326, filed by Thompson of Polk from the floor, was adopted:

H—6363

1 Amend amendment H—6326, To Senate File 2173, as
2 passed by the Senate and reprinted, as follows:
3 1. Page 1, line 10, by inserting after the word
4 "sales" the words "of a nonrecurring nature".
5 2. Page 1, line 11, by striking the words "of a
6 nonrecurring nature".

Action on amendment H—6326, as amended, was deferred.

Dieleman of Marion offered the following amendment H—6327 filed by him and West of Marshall and moved its adoption:

H—6327

1 Amend Senate File 2173 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, by inserting after line 11 the follow-
4 ing:
5 "c. The certificate shall state that there is
6 no penalty for perjury if the purchaser has completed
7 the certificate in good faith based upon the facts
8 known at the time of its completion. If the
9 circumstances should change and the tangible personal
10 property or services are used or disposed of by the
11 purchaser in a nonexempt manner, the purchaser shall
12 be liable solely for the taxes and shall remit said
13 taxes directly to the department in accordance with
14 this subsection."
15 2. By renumbering the sections to conform with
16 this amendment.

Amendment H—6327 was adopted.

The House resumed consideration of amendment H—6326, as amended.

By unanimous consent the following amendment H—6364, to amendment H—6326, filed by Norland of Worth from the floor was adopted:

H—6364

- 1 Amend amendment H—6326, to Senate File 2173, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, line 14, by striking the word "taxes"
- 4 and inserting in lieu thereof the word "taxed".

On motion by Dieleman of Marion, amendment H—6326, as amended, was adopted.

By unanimous consent the following amendment H—6366 filed by Dieleman of Marion from the floor, was adopted:

H—6366

- 1 Amend Senate File 2173, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Title page, line 2, by inserting after the
- 4 word "law" the words ", relating to casual sales".

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. 2173)

The ayes were, 81:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse

Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, none.

Absent or not voting, 19:

Avenson	Brandt	Branstad	Brockett
Byerly	Cusack	Den Herder	Egenes
Gilloon	Hines	Hoffmann	Krause
Lipsky	Loneragan	O'Halloran	Schroeder
Stromer	Varley	West	

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

House File 2407, a bill for an act authorizing memorial hospitals established pursuant to chapter thirty-seven (37) of the Code to issue tax anticipatory warrants, 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. 2407)

The ayes were, 81:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen

Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, none.

Absent or not voting, 19:

Avenson	Brandt	Brockett	Byerly
Cusack	Den Herder	Egenes	Hines
Hoffmann	Krause.	Lind	Lipsky
Lonergan	O'Halloran	Scheelhaase	Schroeder
Stromer	Varley	West	

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

HOUSE FILE 2338 WITHDRAWN

Evans of Grundy asked and received unanimous consent to withdraw House File 2338 from further consideration by the House.

Senate File 2043, a bill for an act relating to the payment of special assessments, with report of committee recommending amendment and passage was taken up for consideration.

Dieleman of Marion offered amendment H—6040 filed by the committee on ways and means on April 13, 1978 and found on page 1552 of the House Journal and moved its adoption.

Amendment H—6040 was adopted.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—5540 filed by him on March 6, 1978.

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. 2043)

The ayes were, 79: \

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Branstad
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Daggett	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Smalley
Spear	Spencer	Tauke	Thompson
Tofte	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, none.

Absent or not voting, 21:

Brandt	Brockett	Byerly	Cusack
Danker	Den Herder	Egenes	Gilloon
Hines	Hoffmann	Krause	Lind
Lipsky	Lonergan	O'Halloran	Small
Stephens	Stromer	Svoboda	Varley
West			

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

IMMEDIATE MESSAGES

(Senate Files 2043 and 2173 and House File 2407)

Norland of Worth asked and received unanimous consent that Senate Files 2043 and 2173 and House File 2407 be immediately messaged to the Senate.

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

The House resumed session, Speaker Cochran in the chair.

SENATE AMENDMENT CONSIDERED

Monroe of Des Moines called up for consideration **House File 593**, a bill for an act relating to procedures for nomination of candidates and for preparing for, conducting and canvassing elections, establishing a state elections council and a state department of elections, separating the office of state commissioner of elections from that of the secretary of state, and prescribing penalties, amended by the Senate amendment H—6153, found on pages 1707 through 1738 of the House Journal.

Tauke of Dubuque offered the following amendment H—6345, to the Senate amendment H—6153, filed by him:

H—6345

1 Amend the Senate amendment, H—6153, to House
2 File 593, as amended, passed and reprinted by the
3 House as follows:

4 1. Page 1, by striking lines 1 through 11 and
5 inserting in lieu thereof the following:
6 "Amend House File 593, as amended, passed and
7 reprinted by the House as follows:

8 1. By striking all after the enacting clause
9 and inserting in lieu thereof the following:

10 Section 1. Section thirty-nine point two
11 (39.2), subsection one (1), Code 1977, is amended
12 to read as follows:

13 1. All special elections which are authorized
14 or required by law, unless the applicable law
15 otherwise requires, shall be held on Tuesday. No
16 special election shall be held the first and second
17 Tuesday preceding and following the any primary,
18 and the general, city or school elections election.

19 Sec. 2. Section thirty-nine point three
20 (39.3), Code 1977, is amended by adding the following
21 new subsection:

22 NEW SUBSECTION. 'Ballot issue' means any
23 question, other than the retention in office of a
24 judge, which is lawfully submitted to the voters
25 at any election for determination by a yes or no
26 vote."

The Speaker ruled amendment H—6345 and amendment H—6346 (to amendment H—6345) filed by Tauke, et al., on April 25, 1978 out of order.

Tauke of Dubuque rose on a point of order and appealed the ruling of the chair.

On the question "Shall the ruling of the chair be sustained?", a non-record roll call was requested.

The ayes were 48, nays 31.

The motion prevailed and the ruling of the chair was sustained.

Tauke of Dubuque moved to suspend the rules for the consideration of amendment H—6345.

Roll call was requested by Millen of Van Buren and Tofte of Winneshiek.

Rules 69 and 70 were invoked.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 33:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Gentleman	Halvorson
Hansen	Harbor	Junker	Krewson
Lageschulte	Lind	Lindeen	Menke
Millen	Pellett	Pelton	Schnekloth
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Tofte	Weiden
West			

The nays were, 53:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffiee	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause

Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	Oxley
Patchett	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Svoboda	Walter	Wells	Wyckoff
Mr. Speaker			

Absent or not voting, 14:

Connors	Den Herder	Egenes	Evans
Hargrave	Harvey	Hoffmann	Lipsky
Newhard	O'Halloran	Spencer	Thompson
Varley	Woods		

The motion lost.

Monroe of Des Moines offered the following amendment H—6296, to the Senate amendment H—6153:

H—6296

- 1 Amend the Senate amendment, H—6153, to House File
- 2 593, as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking line 5 and inserting in
- 5 lieu thereof the following:
- 6 "Section 1. Section thirty-nine point two (39.2),
- 7 subsection one (1), Code 1977, is amended to read
- 8 as follows:
- 9 1. All special elections which are authorized
- 10 or required by law, unless the applicable law otherwise
- 11 requires, shall be held on Tuesday. No special
- 12 election may be held on the first or second Tuesday
- 13 preceding and following the primary and general
- 14 elections, nor within three days of a legal holiday
- 15 as defined by section thirty-three point one (33.1)
- 16 of the Code."
- 17 Sec. 2. Section thirty-nine point three".

Arnould of Scott offered the following amendment H—6334, to amendment H—6296, to the Senate amendment H—6153, filed by Monroe of Des Moines and him and moved its adoption:

H-6334

1 Amend the Monroe amendment H-6296 to the
2 Senate amendment H-6153, to House File 593 as amended,
3 passed and reprinted by the House, as follows:

4 1. Page 1, by striking lines 4 through 17
5 and inserting in lieu thereof the following:

6 "1. By striking page 1, line 5 through page
7 32, line 16, and inserting in lieu thereof the
8 following:

9 " "Section 1. Section thirty-nine point three
10 (39.3), Code 1977, is amended by adding the following
11 new subsection:

12 NEW SUBSECTION. "Ballot issue" means any
13 question, other than the retention in office of a
14 judge, which is lawfully submitted to the voters at
15 any election for determination by a yes or no vote.

16 Sec. 2. Section forty-three point sixty-

17 six (43.66), Code 1977, is amended to read as follows:

18 43.66 WRITE-IN CANDIDATES. The fact that
19 the candidate who receives the highest number of votes
20 cast for any party's nomination for an office to which
21 section 43.52 or 43.65 is applicable is a person whose
22 name was not printed on the official primary election
23 ballot shall not affect the validity of the person's
24 nomination as a candidate for that office in the
25 general election. However, if there is no candidate
26 on the official primary ballot of a political party
27 for nomination to a particular office, a write-in
28 candidate may obtain the party's nomination to that
29 office in the primary if the candidate receives a
30 number of votes equal to at least thirty-five percent
31 of the total vote cast for all of that party's
32 candidates for that office in the last preceding
33 primary election for which the party had candidates
34 on the ballot for that office. If there have been
35 no candidates from a political party for a seat in
36 the general assembly since the most recent
37 redistricting of the general assembly, a write-in
38 candidate shall be considered nominated who receives
39 a number of votes equal to at least thirty-five percent
40 of the total votes cast, in the last preceding primary
41 election in the precincts where that seat is on the
42 ballot, for all of that party's candidates for
43 governor. When two or more nominees are required,
44 the division procedure prescribed in section 43.52
45 shall be applied to establish the minimum number of
46 write-in votes necessary for nomination. If the
47 primary is inconclusive, the necessary nominations
48 shall be made in accordance with section 43.78,
49 subsection 1.

50 Sec. 3. Section forty-three point seventy-

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1 eight (43.78), subsection one (1), paragraph c, Code
2 1977, is amended to read as follows:

3 c. For senator or representative in the
4 general assembly, by the party precinct committee
5 members whose precincts lie within the senatorial
6 or representative district involved, who shall be
7 convened or reconvened as appropriate by the state
8 party chairperson. The party's state constitution
9 or bylaws may allow shall require that the voting
10 strength of each precinct represented at such a
11 convention to be made proportionate to the vote cast
12 for the party's candidate for the office in question
13 governor in the respective precincts at the last
14 general election for that office.

15 Sec. 4. Section forty-three point eighty-
16 eight (43.88), Code 1977, is amended by adding the
17 following new unnumbered paragraph:

18 **NEW UNNUMBERED PARAGRAPH.** Nominations
19 certified to the proper official under this section
20 shall be accompanied by an affidavit executed by the
21 nominee in substantially the form required by section
22 forty-three point sixty-seven (43.67) of the Code.

23 Sec. 5. Section forty-three point ninety-
24 two (43.92), Code 1977, is amended to read as follows:

25 43.92 **DATE OF CAUCUS PUBLISHED.** The date,
26 time, and place of each precinct caucus of a political
27 party shall be published at least twice in at least
28 one newspaper of general circulation in the precinct.
29 ~~Such~~ The first publication shall be made not more
30 than thirty fifteen days and ~~not~~ nor less than five
31 seven days before the date of the caucus and the
32 second shall be made not more than seven days before
33 and not later than the date of the caucus. Such
34 publication shall also state in substance that each
35 voter affiliated with the specified political party
36 may attend the precinct caucus. Publication in a
37 news item or advertisement in such newspaper shall
38 constitute publication for the purposes of this
39 section. The cost of such publication, if any, shall
40 be paid by the political party.

41 Sec. 6. Section forty-three point ninety-
42 three (43.93), Code 1977, is amended to read as
43 follows:

44 43.93 **PLACE OF HOLDING CAUCUS.** Each precinct
45 caucus shall be held in a building which is publicly
46 owned or is suitable for and from time to time made
47 available for holding public meetings wherever it
48 is possible to do so. A county political party
49 chairperson may apply to the appropriate authority
50 for use of suitable facilities in a public building

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1 for a precinct caucus of that political party. The
2 application shall be made as provided by section
3 forty-nine point twenty-one (49.21) of the Code.
4 Any damage to the building or furniture resulting
5 from the caucus shall be paid by the political party
6 holding the caucus.

7 Sec. 7. Section forty-three point one hundred
8 seventeen (43.117), Code 1977, is amended to read
9 as follows:

10 43.117 PLURALITY VOTE NOMINATES AND ELECTS.

11 A plurality shall nominate the party candidate for
12 all offices filled by elections authorized by section
13 43.112, and a plurality shall elect the precinct
14 committeemen committee members.

15 Sec. 8. Section forty-five point one (45.1),
16 Code 1977, is amended to read as follows:

17 45.1 NOMINATIONS BY PETITION. Nominations
18 for candidates for state offices may be made by
19 nomination paper or papers signed by not less than
20 one thousand eligible electors of the state; for
21 candidates for offices filled by the voters of a
22 county, district or other division by such papers
23 signed by eligible electors residing in the county,
24 district or division equal in number to at least two
25 percent of the total vote received by all candidates
26 for president of the United States or governor, as
27 the case may be, at the last preceding general election
28 in such county, district or division; and for township,
29 city or ward, by such papers signed by not less than
30 twenty five eligible electors, residents of such
31 township, city or ward who are (or would be, if
32 registered) entitled to vote to fill the office in
33 question, equal in number to at least two percent
34 of those who voted to fill the office in question
35 at the last preceding election at which the office
36 was on the ballot, but in no case fewer than ten
37 persons.

38 Sec. 9. Chapter forty-seven (47), Code 1977,
39 is amended by adding the following new section:

40 **NEW SECTION. COUNTY COMMISSIONERS ADVISORY**
41 **COMMITTEE.** There is established the county
42 commissioners advisory committee, for the purpose
43 of providing to the state voter registration
44 commission, the state commissioner and the campaign
45 finance disclosure commission liaison and advice
46 concerning implementation of the state's laws and
47 rules governing elections, and of the campaign
48 disclosure—income tax checkoff Act, at the local
49 level. The county commissioners advisory committee
50 shall consist of six county commissioners, one chosen

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1 by and serving at the pleasure of the voter
2 registration commission from each of the districts
3 in the state defined by the Iowa state association
4 of counties. Each appointment to the advisory
5 committee shall be made from a list of nominees
6 submitted by the association. The commissioners so
7 designated may be reimbursed from funds of the voter
8 registration commission for travel and other actual
9 and necessary expenses incurred in attending not more
10 than three meetings of the advisory committee each
11 fiscal year.

12 Sec. 10. Section forty-eight point two
13 (48.2), Code 1977, is amended by striking the section
14 and inserting in lieu thereof the following:

15 48.2 REGISTRATION PROCEDURE.

16 1. Any person who is an eligible elector
17 may register to vote by one of the following methods:

18 a. By personally submitting a completed
19 voter registration form to the commissioner, or an
20 employee of that officer, in the eligible elector's
21 county of residence.

22 b. By personally completing a voter
23 registration form with a mobile registrar according
24 to the provisions of section forty-eight point twenty-
25 seven (48.27) of the Code.

26 c. By submitting a completed postcard voter
27 registration form to the commissioner by one of the
28 following procedures:

29 (1) By United States mail, postage paid
30 by the sender.

31 (2) In person, either by the registrant
32 or by the county chairperson of a political party
33 as defined in section forty-three point two (43.2)
34 of the Code or of a nonparty political organization,
35 or the chairperson of the candidate's committee as
36 defined by section fifty-six point two (56.2) of the
37 Code designated by a candidate nominated under chapter
38 forty-five (45) of the Code. However, any such
39 chairperson may designate one particular individual
40 to act in lieu of that chairperson for the purpose
41 of this subparagraph.

42 A county or committee chairperson or such
43 chairperson's designee, or anyone who accepts delivery
44 of a completed postcard voter registration form,
45 either from the person who is intending to be
46 registered by this procedure or from someone else,
47 and who willfully fails to deliver or delays in
48 delivering any other person's completed postcard voter
49 registration form to the commissioner and thereby
50 causes that person to be ineligible to vote in an

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1 election commits a public offense punishable as a
2 simple misdemeanor.

3 d. By the method prescribed in section
4 fifty-three point thirty-eight (53.38) of the Code,
5 if the registrant is entitled to vote according to
6 the provisions of sections fifty-three point thirty-
7 seven (53.37) through fifty-three point fifty-two
8 (53.52) of the Code.

9 2. Any person who is an eligible elector
10 in all respects except age may, at any time during
11 the six months next preceding his or her eighteenth
12 birthday, register to vote.

13 3. An improperly addressed or delivered
14 registration form shall be forwarded to the appropriate
15 commissioner within five working days after it is
16 received by any other official.

17 4. No qualified elector shall be required
18 to re-register as a voter solely by reason of a change
19 of the street name or house number identifying the
20 place where that qualified elector resides.

21 Sec. 11. Section forty-eight point three
22 (48.3), Code 1977, is amended by striking the section
23 and inserting in lieu thereof the following:

24 48.3 EFFECTIVE DATE OF REGISTRATION. The
25 effective date of a registration to vote shall be:

26 1. The tenth day after the date of
27 registration if the registration was received pursuant
28 to section forty-eight point two (48.2), subsection
29 one (1), paragraphs a or b of the Code as amended
30 by this Act, except that the effective date shall
31 be eleven days after the date of registration if a
32 registration taken by a mobile registrar is completed
33 after 5:00 o'clock p.m. or received after 6:00 o'clock
34 p.m. and before 12:00 o'clock midnight on the tenth
35 day preceding an election occurring in the precinct
36 where the registrant lives.

37 2. The twenty-fifth day after the date of
38 the postmark on the registration card or the envelope
39 in which the card was enclosed, or the twenty-fifth
40 day after the day the registration was delivered in
41 person to the commissioner, if the registration was
42 received pursuant to section forty-eight point two
43 (48.2), subsection one (1), paragraph c of the Code
44 as amended by this Act.

45 Subsections one (1) and two (2) of this
46 section notwithstanding, the effective date of a
47 registration shall be the eighteenth birthday of the
48 registrant if that date is later than the date
49 specified in subsections one (1) or two (2) of this
50 section.

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1 Sec. 12. Section forty-eight point five
2 (48.5), subsection two (2), paragraphs d and e, Code
3 1977 Supplement, is amended to read as follows:
4 d. The state chairperson and the county
5 chairperson of each qualified political party, as
6 defined in section 48.4 and the chairperson of each
7 state political party central committee or nonparty
8 political organization, and each qualified candidate
9 nominated under chapter forty-five (45) of the Code
10 for a partisan office, may each request and shall
11 receive without charge three lists or reports during
12 the two-year period prior to each general election,
13 in the order and form requested. However, the actual
14 preparation cost of the lists to which any one
15 requester is entitled over such two-year period,
16 including the cost of special programming necessary
17 to comply with each particular request, shall not
18 exceed a total of two cents per qualified elector
19 in the state or in the county or district for which
20 the requester is entitled to receive lists. The lists
21 or data requested by the county chairpersons shall
22 pertain only to qualified electors of that county.
23 The lists or reports requested under this paragraph
24 shall be delivered on or before the date specified
25 by the requester, if the requester gives at least
26 thirty days advance notice of that date and the timing
27 of the request and the order and form specified do
28 not conflict with the restrictions of paragraph "c"
29 of this subsection. For the purposes of this
30 paragraph:

31 (1) A qualified political party, nonparty
32 political organization or candidate nominated under
33 chapter forty-five (45) of the Code for a partisan
34 office is one which has shown significant support
35 by having raised or expended not less than four cents
36 per qualified elector in the state in the two-year
37 period immediately preceding the most recent statewide
38 general election, or not less than three cents per
39 qualified elector in the state in the period since
40 the most recent statewide general election.

41 (2) A political party, nonparty political
42 organization or candidate nominated under chapter
43 forty-five (45) of the Code for a partisan office
44 which is not qualified at the state level under
45 subparagraph one (1) of this paragraph may obtain
46 lists or reports as provided by this paragraph for
47 the county or district, as the case may be with respect
48 to the partisan office being sought, if it has shown
49 significant support by having raised or expended not
50 less than four cents per qualified elector in that

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1 district or county in the two-year period immediately
2 preceding the most recent statewide general election,
3 or not less than three cents per qualified elector
4 in that district or county in the period since the
5 most recent statewide general election.

6 (3) The campaign finance disclosure
7 commission, or the secretary of state in the case
8 of a candidate for federal office, shall promptly
9 inform the registrar when the amount of money raised
10 or expended by any political party, nonparty political
11 organization or candidate nominated under chapter
12 forty-five (45) of the Code for a partisan office
13 entitles that party, organization or candidate to
14 free lists under this paragraph.

15 (4) A partisan office is one for which
16 candidates are listed on the general election ballot
17 under political party labels.

18 e. A periodic updating of the registration
19 lists showing all additions, changes and deletions
20 since the previous updating shall be provided at least
21 once each fourteen days month except during the two
22 three weeks prior to the close of registration before
23 any election, when it shall be provided daily every
24 second day if requested. Each requester under this
25 paragraph shall receive the updating data at the same
26 time, which shall be determined by the registrar,
27 but in an order and form specified by the requester.
28 Each requester, except those who obtained the initial
29 list of qualified electors under paragraph "d" of
30 this subsection, shall pay the cost of duplicating
31 the updating data before receiving a copy thereof.
32 Each requester who receives lists under paragraph
33 d of this subsection shall also receive updateings
34 of those lists without charge under this paragraph,
35 so long as the cost of the lists provided to that
36 requester, including the cost of any updating under
37 this paragraph and any associated administrative
38 costs, has not exceeded the two cents per qualified
39 elector maximum cost limitation of paragraph d.

40 Sec. 13. Section forty-eight point six
41 (48.6), Code 1977, is amended by striking the last
42 unnumbered paragraph.

43 Sec. 14. Section forty-eight point seven
44 (48.7), Code 1977, is amended by striking the section
45 and inserting in lieu thereof the following:

46 48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.

47 1. A qualified elector may record a legal
48 change of name or a change of address, for voter
49 registration purposes, by one of the following methods:

50 a. The qualified elector may submit to the

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1 commissioner a written notice of the change of name
2 or address, bearing the elector's signature. Upon
3 receipt of the notice, the commissioner shall change
4 the registration records accordingly and the change
5 shall be reflected in the election registers prepared
6 for the next election held ten or more days after
7 receipt of the qualified elector's notice. If the
8 notice received by the commissioner does not contain
9 the information necessary to properly update the
10 registration records, the commissioner shall
11 immediately send notice to the elector, by forwardable
12 mail directed to the elector's last known address,
13 that the elector's registration is defective. The
14 commissioner's notice shall advise the elector of
15 the corrections necessary.

16 b. A qualified elector who fails to notify
17 the commissioner of a change of name or address ten
18 or more days before an election may do so on the day
19 of that election at the polling place for the precinct
20 in which the elector currently resides, to the extent
21 permitted by subsection three (3) of this section.
22 The precinct election officials shall furnish such
23 a qualified elector a postcard registration form,
24 as prescribed for use under section forty-eight point
25 two (48.2), subsection one (1), paragraph c of the
26 Code as amended by this Act. The elector shall
27 complete the form and submit it to the precinct
28 election officials, who shall return it to the
29 commissioner with the election supplies.

30 2. A qualified elector who has recorded
31 a change of name or address at a polling place pursuant
32 to subsection one (1), paragraph b of this section
33 may then cast a ballot as follows:

34 a. If the qualified elector's name and
35 address under the former registration appear on the
36 election register of that polling place for the
37 election being held that day, the elector may cast
38 a ballot in the same manner as those whose names and
39 addresses appear correctly in the election register.

40 b. If the qualified elector claims to be
41 registered in some other precinct in the same county,
42 the elector may cast a ballot under section forty-
43 nine point eighty-one (49.81) of the Code. The
44 notation "recorded change of address at polls" shall
45 be placed by a precinct election official in the space
46 provided for stating the reason for challenge, and
47 the sealed ballot envelope shall be processed as
48 required by section fifty point twenty (50.20) of
49 the Code as amended by this Act.

50 3. The provisions of subsection one (1)

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1 of this section shall not apply to:

2 a. Any person who has not registered or
3 whose registration has been canceled pursuant to
4 section forty-eight point thirty-one (48.31) of the
5 Code; nor

6 b. Any person previously a qualified elector
7 who has failed to complete a new registration after
8 moving to a county in this state other than that in
9 which the person most recently registered, except
10 that a qualified elector may record a change of address
11 to a new county at a polling place on election day
12 and may then cast a ballot as provided by subsection
13 two (2), paragraph a of this section of the qualified
14 elector's name and address under the former
15 registration appear on an election register at that
16 polling place for the election being held that day.
17 In such cases, the registration form completed by
18 the qualified elector shall be forwarded to the
19 commissioner of the elector's current county of
20 residence by the commissioner conducting the election.

21 Sec. 15. Section forty-eight point eight
22 (48.8), unnumbered paragraph one (1), Code 1977, is
23 amended to read as follows:

24 The ~~county~~ commissioner of registration shall
25 prepare an election register for each county precinct
26 between the time of the closing of registration and
27 election day. The election register shall be a copy
28 of the list of all qualified electors of the precinct
29 and shall be in a form prescribed by the state
30 ~~commissioner of elections voter registration~~
31 ~~commission.~~

32 Sec. 16. Section forty-eight point ten
33 (48.10), Code 1977, is amended by striking the section
34 and inserting in lieu thereof the following:

35 48.10 DECEASED PERSONS—RECORD. The state
36 registrar of vital statistics shall transmit or cause
37 to be transmitted to the state registrar of voters,
38 on or before the tenth day of each month, a certified
39 list of all persons seventeen and one-half years of
40 age and older in the state whose deaths have been
41 reported to the records and statistics division of
42 the department of health since the previous list of
43 decedents was certified to the state registrar of
44 voters. The list shall be submitted according to
45 the specifications of the state registrar of voters,
46 who shall determine whether each listed decedent was
47 registered to vote in this state. If the decedent
48 was registered in a county which uses its own data
49 processing facilities for voter registration record-
50 keeping, the registrar shall notify the commissioner

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1 in that county who shall cancel the decedent's
2 registration. If the decedent was registered in a
3 county for which voter registration record-keeping
4 is performed under contract by the registrar, the
5 registrar shall immediately cancel the registration
6 and request the commissioner of the county in which
7 the decedent was registered to vote to remove that
8 person's registration from the manual files.

9 Sec. 17. Section forty-eight point eleven
10 (48.11), Code 1977, is amended by striking the section
11 and inserting in lieu thereof the following:

12 48.11 WHEN COMMISSIONER'S OFFICE TO BE OPEN.

13 The office of the commissioner shall be open from
14 8:00 a.m. until at least 6:00 p.m. on the tenth day
15 prior to each general election, and also prior to
16 any other election if so requested by a petition
17 signed by twenty-five or more eligible electors of
18 the political subdivision in which the election is
19 being held and filed in the commissioner's office
20 at least fifteen days prior to that election.

21 Sec. 18. Section forty-eight point twelve
22 (48.12), Code 1977, is amended by adding the following
23 new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. Within five working
25 days after receiving a registration in any manner
26 provided by section forty-eight point two (48.2),
27 subsection one (1), paragraph c of the Code as amended
28 by this Act, the commissioner shall send the registrant
29 a receipt of the registration by first class mail
30 marked "do not forward". If the receipt is returned
31 by the postal service the commissioner shall treat
32 the registration as prescribed by section forty-eight
33 point thirty-one (48.31), subsection eight (8) of
34 the Code.

35 Sec. 19. Section forty-eight point fifteen
36 (48.15), Code 1977, is amended by striking the section
37 and inserting in lieu thereof the following:

38 48.15 CHALLENGES OF VOTER REGISTRATIONS.

39 1. Any person may challenge the registration
40 to vote of any other person, by filing an individual
41 challenge in writing with the commissioner of the
42 county in which the person challenged is registered.
43 The written challenge need not be in detail, but must
44 allege one or more reasons why, under law, the
45 registration of the person challenged should not have
46 been accepted or should be canceled.

47 2. A challenge of a person's registration
48 filed less than seventy days prior to a regularly
49 scheduled election need not be processed by the
50 commissioner prior to that election unless the

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1 registration, change of name or change of address
2 has been recorded within twenty days prior to the
3 date of the challenge.
4 The commissioner shall immediately give
5 five days' notice of a hearing, by certified mail,
6 to the person whose registration is challenged and
7 to the challenger. The notice shall set forth the
8 reason for the challenge as stated by the challenger.
9 The person challenged may either appear in person
10 at the hearing, or respond in writing addressed to
11 the commissioner and delivered by mail or otherwise
12 prior to the time set for the hearing. However, if
13 the person challenged notifies the commissioner prior
14 to the date set for the hearing that such person
15 wishes to appear in person but will be unable to do
16 so on the date specified, the commissioner may
17 reschedule the hearing. On the basis of the evidence
18 presented by the challenger and the challenged elector,
19 the commissioner shall either cancel the registration
20 of the challenged elector or reject the challenge.
21 Either party may appeal to the district court of the
22 county in which the challenge is made, and a date
23 for the hearing shall be fixed and the decision of
24 such court shall be final.

25 Sec. 20. Section forty-eight point thirty-
26 one (48.31), subsection one (1), Code 1977, is amended
27 to read as follows:

28 1. The elector fails to vote once in the
29 last preceding next succeeding four consecutive
30 calendar years after the elector's most recent
31 registration or change of name or address or after
32 the elector most recently voted.

33 Sec. 21. Section forty-eight point thirty-
34 one (48.31), Code 1977, is amended by striking
35 subsection three (3).

36 Sec. 22. Section forty-nine point ten
37 (49.10), Code 1977, is amended by adding the following
38 new subsection:

39 **NEW SUBSECTION.** The residents of any precinct
40 may, at any time except within sixty days prior to
41 an election to be held in that precinct, petition
42 the commissioner to change the polling place for the
43 precinct. A petition submitted under this subsection
44 must briefly state how the proposed change would
45 facilitate voter access to the appropriate polling
46 place, and must bear the signatures of eligible
47 electors of the precinct equal in number to ten percent
48 of those registered to vote in that precinct. Within
49 thirty days after receipt of such a petition the
50 commissioner shall either comply with the request

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1 made in the petition or reply in writing that the
2 request has been denied and state the reasons for
3 the denial.

4 Sec. 23. Chapter forty-nine (49), Code 1977,
5 is amended by inserting after section forty-nine point
6 thirteen (49.13) the following new section:

7 **NEW SECTION. SUBSTITUTE PRECINCT ELECTION**
8 **OFFICIALS.**

9 1. The commissioner may appoint substitute
10 precinct election officials as alternates for election
11 board members. A majority of the original election
12 board members shall be present at the precinct polling
13 place at all times; at partisan elections such majority
14 shall include at least one precinct election official
15 from each political party. If the chairperson leaves
16 the polling place, he or she shall designate another
17 member of the board to serve as chairperson until
18 the chairperson returns. The responsibilities and
19 duties of a precinct election official present at
20 the time the polling place was opened on the day of
21 an election may be assumed at any later time that
22 day by a substitute appointed as an alternate. The
23 substitute shall serve either for the balance of that
24 election day or for such shorter period of time as
25 the commissioner may designate.

26 2. Substitute precinct election officials
27 shall be appointed and shall serve in accordance with
28 sections forty-nine point twelve (49.12), forty-nine
29 point thirteen (49.13), forty-nine point fifteen
30 (49.15) and forty-nine point sixteen (49.16) of the
31 Code, and shall receive compensation as provided by
32 sections forty-nine point nineteen (49.19), forty-
33 nine point twenty (49.20) and forty-nine point one
34 hundred twenty-five (49.125) of the Code. Upon
35 arriving at the polling place and prior to performing
36 any official duty, a substitute precinct election
37 official shall take the oath required by section
38 forty-nine point seventy-five (49.75) of the Code.

39 3. The commissioner shall not employ
40 a substitute precinct election officials in a partisan
41 election unless:

42 a. The election board panel drawn up pursuant
43 to section forty-nine point fifteen (49.15) of the
44 Code contains the names of a sufficient number of
45 political party designees to permit appointment of
46 both the regular precinct election officials and any
47 substitute precinct election officials from that
48 panel; or

49 b. The commissioner has informed the county
50 chairpersons of the political parties referred to

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1 in section forty-nine point thirteen (49.13),
2 subsection two (2) of the Code, thirty days prior
3 to the date of the election, of intent to appoint
4 substitute precinct election officials and has allowed
5 ten days thereafter for the respective county
6 chairpersons to provide additional names of persons
7 from whom the substitute precinct election officials
8 shall be appointed. If a county chairperson fails
9 to provide additional names after being so notified,
10 the commissioner may appoint persons known to be
11 members of the appropriate political party or parties.

12 Sec. 24. Section forty-nine point twenty
13 (49.20), Code 1977, is amended to read as follows:
14 49.20 COMPENSATION OF MEMBERS. The members
15 of election boards shall receive two dollars per hour
16 compensation at an hourly rate established by the
17 board of supervisors, which shall not be less than
18 the hourly rate of pay established for pay grade ten,
19 step one, under the state merit system, while engaged
20 in the discharge of their duties and shall be
21 reimbursed for actual and necessary travel expense,
22 except that persons whom the commissioner has been
23 advised prior to their appointment to the election
24 board are willing to serve without pay at elections
25 conducted for any school district or a city of three
26 thousand five hundred or less population shall receive
27 no compensation for service at those elections.
28 Compensation shall be paid to members of election
29 boards only after the vote has been canvassed and
30 it has been determined in the course of such canvass
31 that the election record certificate has been properly
32 executed by the election board.

33 Sec. 25. Section forty-nine point twenty-
34 one (49.21), unnumbered paragraph two (2), Code 1977,
35 is amended by striking the paragraph and inserting
36 in lieu thereof the following:

37 The authority which has control of any
38 buildings or grounds supported by taxation under the
39 laws of this state shall make available without charge
40 the necessary space therein for the purpose of holding
41 elections, upon request of the commissioner, and for
42 the purpose of holding political party precinct
43 caucuses, upon request of a county political party
44 chairperson.

45 Sec. 26. Section forty-nine point seventy
46 two (49.72), Code 1977, is amended to read as follows:
47 49.72 ABSENTEE VOTERS DESIGNATED BEFORE
48 POLLING PLACE OPENED. The commissioner shall deliver
49 to each precinct election board not less than one
50 hour before the time at which the polls are to open

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1 for any election the list of all qualified electors
2 of that precinct who have been given or sent an
3 absentee ballot for that election, and the election
4 board shall immediately designate those qualified
5 electors who are so listed and therefore not entitled
6 to vote in person at the polls, as required by except
7 pursuant to section 53.19. The designation shall
8 be different from the mark made to indicate that an
9 elector has actually voted.

10 Prior to recording the date a qualified
11 elector has most recently voted, on the permanent
12 registration records, the commissioner shall perfect
13 the election register by further designating those
14 electors who requested an absentee ballot but did
15 not return it nor vote pursuant to section fifty three
16 point nineteen (53.19) of the Code. Such electors
17 shall not be recorded as having voted.

18 Sec. 27. Section forty-nine point seventy-
19 seven (49.77), Code 1977, is amended by striking
20 subsection four (4) and inserting in lieu thereof
21 the following:

22 4. A person whose name does not appear on
23 the election register of the precinct in which that
24 person claims the right to vote shall be permitted
25 to vote there in the usual manner only if the
26 commissioner informs the precinct election officials
27 that an error has occurred and that the person is
28 a qualified elector of that precinct. However, a
29 person may cast a ballot in the manner prescribed
30 by section forty-nine point eighty-one (49.81) of
31 the Code if:

32 a. That person insists that he or she is
33 a qualified elector of the precinct, although the
34 commissioner finds no record of the person's
35 registration; or

36 b. That person is a qualified elector who
37 is entitled to do so under section forty-eight point
38 seven (48.7) subsection two (2), paragraph b of the
39 Code as amended by this Act.

40 Sec. 28. Section forty-nine point eighty-
41 one (49.81), Code 1977, is amended to read as follows:

42 49.81. PROCEDURE FOR CHALLENGED VOTER TO
43 CAST BALLOT.

44 1. A prospective voter who is prohibited
45 under section forty-eight point seven (48.7),
46 subsection two (2), paragraph b, 49.77, subsection
47 4, or 49.80 from voting except under this section
48 shall be permitted to cast a special paper ballot.
49 If a booth meeting the requirement of section 49.25
50 is not available at that polling place, the precinct

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1 election officials shall make alternative arrangements
2 to insure the challenged each voter required to use
3 a special paper ballot the opportunity to vote in
4 secret. The marked ballot, folded as required by
5 section 49.84, shall be delivered to a precinct
6 election official who shall immediately seal it in
7 an envelope of the type prescribed by subsection 4.
8 The sealed envelope shall be deposited in a special
9 envelope marked "ballots for special precinct" and
10 shall be considered as having been cast in the special
11 precinct established by section 53.20 for purposes
12 of the postelection canvass.

13 2. Each person who casts a challenged special
14 paper ballot under this section shall receive a printed
15 statement in substantially the following form: "Your
16 qualifications as an elector have been challenged
17 for the following reasons:

18 1.
19 2.
20 3.

21 Your right to vote will be reviewed by the special
22 precinct counting board on You have the
23 right and are encouraged to make a written statement
24 and submit additional written evidence to this board
25 supporting your qualifications as an elector. This
26 written statement and evidence may be given to an
27 election official of this precinct on election day
28 or mailed or delivered to the county commissioner
29 of elections, but must be received prior to noon on
30 at If your ballot is not counted
31 you will receive notification of this fact."

32 3. Any elector may present written statements
33 or documents, supporting or opposing the counting
34 of any challenged special paper ballot, to the precinct
35 election officials on election day, until the hour
36 for closing the polls. Any statements or documents
37 so presented shall be delivered to the commissioner
38 when the election supplies are returned.

39 4. The individual envelopes used for each
40 special paper ballot cast pursuant to subsection 1
41 shall have printed upon them:

42 "Challenged Elector's Special Paper Ballot

43 I believe I am a qualified elector of this
44 precinct. I registered to vote in this county on
45 or about at I have not moved
46 to a different precinct since that time without
47 recording the new address with the commissioner,
48 except as noted hereon. I am a United States citizen,
49 at least eighteen years of age.

50

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1 (signature of elector) (address of elector)

2

3 (signature of precinct (date)

4 election official)

5 Reason for challenge:

6

7

8 Sec. 29. Section forty-nine point eighty-
9 three (49.83), Code 1977, is amended to read as
10 follows:

11 49.83 NAMES TO BE MARKED ON ELECTION
12 REGISTER. The name of each voter shall be marked
13 on the election register by a precinct election
14 official when the voter's declaration of eligibility
15 has been ~~approved~~ received by the officials. The
16 name and address of each person who casts a paper
17 ballot pursuant to section forty-nine point eighty-
18 one (49.81) of the Code shall be clearly printed in
19 a special election register by a precinct election
20 official, and the elector casting the ballot shall
21 sign the special election register opposite his or
22 her name. The special election register so compiled
23 shall serve to meet the requirements of section fifty
24 point twenty (50.20) of the Code.

25 Sec. 30. Section forty-nine point one hundred
26 four (49.104), Code 1977, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. Any persons expressing an
29 interest in a ballot issue to be voted upon at any
30 election except a general or primary election. Any
31 such person shall file a notice of intent to serve
32 as an observer with the commissioner prior to election
33 day. If more than three such persons file a notice
34 of intent with respect to any issue or issues on the
35 ballot at any election, the commissioner shall appoint
36 from those submitting a notice of intent three persons
37 to serve as observers. The appointees, whenever
38 possible, shall include both opponents and proponents
39 of the ballot issue or issues.

40 Sec. 31. Section forty-nine point one hundred
41 twenty-five (49.125), Code 1977, is amended to read
42 as follows:

43 49.125 COMPENSATION OF TRAINEES. All
44 election personnel attending such training course
45 shall be paid for attending such course for a period
46 not to exceed two hours, and shall be reimbursed for
47 travel to and from the place where the training is
48 given at the rate specified in section 79.9 if the
49 distance involved is more than five miles. The wages
50 shall be two dollars per hour computed at the hourly

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1 rate established pursuant to section forty-nine point
2 twenty (49.20) of the Code, and payment of wages and
3 mileage for attendance shall be made at the time that
4 payment is made for duties performed on election day.

5 Sec. 32. Section fifty point seventeen
6 (50.17), Code 1977, is amended by striking the section
7 and inserting in lieu thereof the following:

8 50.17 RETURN OF ELECTION MATERIALS. All
9 precinct election registers, all ballots, the signed
10 and attested tally sheets, and all other election
11 supplies required by law to be returned to the
12 commissioner from the respective precinct polling
13 places shall be delivered to the commissioner by one
14 of the precinct election officials, designated for
15 that purpose by the commissioner, not later than noon
16 of the day following the election.

17 Sec. 33. Section fifty point twenty (50.20),
18 Code 1977, is amended to read as follows:

19 50.20 NOTICE OF NUMBER OF CHALLENGED SPECIAL
20 PAPER BALLOTS—REVIEW OF CERTAIN BALLOT ENVELOPES.

21 1. The commissioner shall compile a list
22 of the number of challenged special paper ballots
23 cast under section 49.81 in each precinct. The list
24 shall be made available to the public as soon as
25 possible, but in no case later than nine o'clock a.m.
26 on the second day following the election. Any elector
27 may examine the list during normal office hours, and
28 may also examine the affidavit envelopes bearing the
29 ballots of challenged electors cast under section
30 forty-nine point eighty-one (49.81) of the Code until
31 the reconvening of the special precinct board as
32 required by this chapter section fifty point twenty-
33 one (50.21) of the Code. Only those persons so
34 permitted by section 53.23, subsection 4, shall have
35 access to the affidavits ballot envelopes while that
36 board is in session. Any elector may present written
37 statements or documents, supporting or opposing the
38 counting of any challenged special paper ballot, at
39 the commissioner's office until the reconvening of
40 the special precinct board.

41 2. Prior to the reconvening of the special
42 precinct board, pursuant to section fifty point twenty-
43 one (50.21) of the Code, the commissioner shall examine
44 the registration records for each elector who cast
45 a special paper ballot under section forty-eight point
46 seven (48.7), subsection two (2), paragraph b of the
47 Code as amended by this Act, and the precinct election
48 register in which that elector's name appeared under
49 the former registration, and shall report the findings
50 without conclusions or recommendations to the special

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1 precinct board. The special precinct board shall
2 count the ballot unless it concludes that the qualified
3 elector has voted more than once in that election,
4 or that the person who cast the sealed ballot is not
5 a qualified elector.

6 Sec. 34. Section fifty point twenty-three
7 (50.23), Code 1977, is amended to read as follows:

8 50.23 MESSENGERS FOR MISSING TALLY LISTS.

9 The commissioner shall send messengers for all tally
10 lists and other election materials not received in
11 the commissioner's office by noon of the day following
12 the election the time required by section fifty point
13 seventeen (50.17) of the Code. The expense of securing
14 such tally lists shall be paid by the county.

15 Sec. 35. Chapter fifty (50), Code 1977,

16 is amended by adding the following new section:

17 NEW SECTION. GENERAL RECOUNT PROVISIONS.

18 1. The county board of canvassers shall
19 order a recount of the votes cast for a particular
20 office or nomination in one or more specified election
21 precincts in that county if a written request therefor
22 is made not later than five o'clock p.m. on the third
23 day following the county board's canvass of the
24 election in question. The request shall be filed
25 with the commissioner of that county, or with the
26 commissioner responsible for conducting the election
27 if section forty-seven point two (47.2), unnumbered
28 paragraph two (2), of the Code is applicable, and
29 shall be signed by:

30 a. A candidate for that office or nomination
31 whose name was printed on the ballot of the precinct
32 or precincts where the recount is requested; or

33 b. Any other person who receives votes for
34 that particular office or nomination in the precinct
35 or precincts where the recount is requested and who
36 is legally qualified to seek and to hold the office
37 in question.

38 This section shall not apply to any election
39 held by a city which is not the final election for
40 the office in question.

41 2. The candidate requesting a recount under
42 this section shall post a bond, unless the abstracts
43 prepared pursuant to section fifty point twenty-four
44 (50.24) of the Code, or section forty-three point
45 forty-nine (43.49) of the Code in the case of a primary
46 election, indicate that the difference between the
47 total number of votes cast for the apparent winner
48 and the total number of votes cast for the candidate
49 requesting the recount is less than the greater of
50 fifty votes or one percent of the total number of

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1 votes cast for the office or nomination in question.
2 Where votes cast for that office or nomination were
3 canvassed in more than one county, the abstracts
4 prepared by the county boards in all of those counties
5 shall be totaled for purposes of this subsection.
6 If a bond is required, it shall be filed with the
7 state commissioner for recounts involving a state
8 office, including a seat in the general assembly,
9 or a seat in the United States Congress, and with
10 the commissioner responsible for conducting the
11 election in all other cases, and shall be in the
12 following amount:

13 a. For an office filled by the electors
14 of the entire state, one thousand dollars.

15 b. For United States representative, five
16 hundred dollars.

17 c. For senator in the general assembly,
18 three hundred dollars.

19 d. For representative in the general
20 assembly, one hundred fifty dollars.

21 e. For an office filled by the electors
22 of an entire county having a population of fifty
23 thousand or more, two hundred dollars.

24 f. For any elective office to which
25 paragraphs a through e of this subsection are not
26 applicable, one hundred dollars.

27 After all recount proceedings for a particular
28 office are completed and the official canvass of votes
29 cast for that office is corrected or completed pursuant
30 to subsections five (5) and six (6) of this section,
31 if necessary, any bond posted under this subsection
32 shall be returned to the candidate who requested the
33 recount if the apparent winner before the recount
34 is not the winner as shown by the corrected or
35 completed canvass. In all other cases, the bond shall
36 be deposited in the general fund of the state if filed
37 with the state commissioner or in the election fund
38 of the county with whose commissioner it was filed.

39 3. The recount shall be conducted by a board
40 which shall consist of:

41 a. A designee of the candidate requesting
42 the recount, who shall be named in the written request
43 when it is filed.

44 b. A designee of the apparent winning
45 candidate, who shall be named by that candidate at
46 or before the time the board is required to convene.

47 c. A person chosen jointly by the members
48 designated under paragraphs a and b of this subsection.

49 The county commissioner shall convene the
50 persons designated under paragraphs a and b of this

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1 resulted from the recount.

2 Sec. 36. Section fifty-three point seventeen
3 (53.17), Code 1977, is amended to read as follows:

4 53.17 MAILING OR DELIVERING BALLOT. The
5 sealed envelope containing the absentee ballot shall
6 be enclosed in a carrier envelope which shall be
7 securely sealed. The sealed carrier envelope shall
8 be delivered by the qualified elector or his or her
9 designee to the commissioner or a deputy in his or
10 her office, or mailed, postage paid, to the office
11 of the commissioner. The carrier envelope shall be
12 received by the commissioner until eight o'clock p.m.
13 the time the polls are closed on election day. The
14 commissioner shall contact the post office serving
15 the commissioner's office at the latest practicable
16 hour on election day, and shall seek to arrange for
17 any absentee ballots received in that post office
18 but not yet delivered to the commissioner's office
19 to be brought to the commissioner's office prior to
20 the time the polls are closed.

21 Sec. 37. Section fifty-three point twenty-
22 two (53.22), subsection one (1), paragraph c. Code
23 1977, is amended to read as follows:

24 c. The special precinct election officers
25 shall both notarize each absent voter's affidavit
26 as required by section 53.16; any such officer who
27 is not a notary public shall be provided with a stamp
28 containing that person's name and the words "special
29 precinct election officer" and may notarize the
30 absentee affidavits so delivered by signing them and
31 applying the stamp. The special precinct election
32 officers shall travel together in the same vehicle
33 and both shall be present when an applicant casts
34 his or her absentee ballot. If either or both of
35 the special election officers fails to appear at the
36 time the duties set forth in this section are to be
37 performed, the commissioner shall at once appoint
38 some other person, giving preference to persons
39 designated by the respective county chairpersons of
40 the political parties described in section 49.13,
41 to carry out the requirements of this section. The
42 persons authorized by this subsection to deliver an
43 absentee ballot to an applicant may assist the
44 applicant in filling out the ballot as permitted by
45 section 49.90. The voted absentee ballots shall be
46 deposited in a sealed container which shall be returned
47 to the commissioner on the same day. On election
48 day the officers shall return the sealed container
49 by the time the polls are closed.

50 Sec. 38. Section fifty-six point eighteen

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1 subsection not later than nine o'clock a.m. on the
2 seventh day following the county board's canvass of
3 the election in question. If those two members cannot
4 agree on the third member by eight o'clock a.m. on
5 the ninth day following the canvass, they shall
6 immediately so notify the chief judge of the judicial
7 district in which the canvass is occurring, who shall
8 appoint the third member not later than five o'clock
9 p.m. on the eleventh day following the canvass.

10 4. When all members of the recount board
11 have been selected, the board shall undertake and
12 complete the required recount as expeditiously as
13 reasonably possible. Any member of the recount board
14 may at any time during the recount proceedings extend
15 the recount of votes cast for the office or nomination
16 in question to any other precinct or precincts in
17 the same county, or from which the returns were
18 reported to the commissioner responsible for conducting
19 the election, without the necessity of posting
20 additional bond. At the conclusion of the recount,
21 the recount board shall make and file with the
22 commissioner a written report of its findings, which
23 shall be signed by at least two members of the recount
24 board. The recount board shall complete the recount
25 and file its report not later than the eighteenth
26 day following the county board's canvass of the
27 election in question.

28 5. If the recount board's report is that
29 the abstracts prepared pursuant to the county board's
30 canvass were incorrect as to the number of votes cast
31 for the candidates for the office or nomination in
32 question, in that county or district, the commissioner
33 shall at once so notify the county board. The county
34 board shall reconvene within three days after being
35 so notified, and shall correct its previous
36 proceedings.

37 6. The commissioner shall promptly notify
38 the state commissioner of any recount of votes for
39 an office to which section fifty point thirty (50.30)
40 of the Code, or section forty-three point sixty (43.60)
41 of the Code in the case of a primary election, is
42 applicable. If necessary, the state canvass required
43 by section fifty point thirty-eight (50.38) of the
44 Code, or by section forty-three point sixty-three
45 (43.63) of the Code, as the case may be, shall be
46 delayed with respect to the office or the nomination
47 to which the recount pertains. The commissioner shall
48 subsequently inform the state commissioner at the
49 earliest possible time whether any change in the
50 outcome of the election in that county or district

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1 (56.18), Code 1977, is amended to read as follows:

2 56.18 CHECKOFF - INCOME TAX. Any person
3 whose state income tax liability for any taxable year
4 is one dollar or more may designate one dollar of
5 such liability to be paid over to the Iowa election
6 campaign fund for the account of any specified
7 political party, as defined by section 43.2 when
8 submitting his or her state income tax return to the
9 department of revenue. In the case of a joint return
10 of husband and wife having a state income tax liability
11 of two dollars or more, each spouse may designate
12 that one dollar be paid to any such account in the
13 fund. The director of revenue shall revise the income
14 tax form to allow the designation of political
15 contributions to a political party provide a space
16 on the face of the tax return and immediately above
17 the signature lines which the taxpayer may use to
18 designate contributions under this section to a
19 specified political party as defined by section forty-
20 three point two (43.2) of the Code, or to the Iowa
21 election campaign fund without specifying a political
22 party to receive the contribution.

23 Sec. 39. Section fifty-six point nineteen

24 (56.19), Code 1977, is amended to read as follows:

25 56.19 FUND CREATED. The "Iowa election
26 campaign fund" is created within the office of the
27 treasurer of state. The fund shall consist of funds
28 paid by persons having an Iowa income tax liability
29 as provided in section 56.18. The treasurer of state
30 shall maintain within the fund a separate account
31 for each political party as defined in section forty-
32 three point two (43.2) of the Code. The director
33 of revenue shall remit funds collected as provided
34 in section 56.18 to the treasurer of state who shall
35 deposit such funds in the appropriate account within
36 the Iowa election campaign fund, and shall divide
37 all contributions designated to the fund without
38 specifying a political party equally among each account
39 currently maintained in the fund. However, at any
40 time when more than two accounts are being maintained
41 within the fund contributions designated without
42 specifying a political party shall be divided among
43 the accounts in the same proportion as the number
44 of qualified electors declaring affiliation with each
45 political party for which an account is maintained
46 bears to the total number of qualified electors who
47 have declared such an affiliation. Any interest
48 income received by the treasurer of state from
49 investment of moneys deposited in the fund shall be
50 deposited in the Iowa election campaign fund. Such

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1 funds shall be subject to payment to the chairperson
2 of the specified political party by the state
3 comptroller in the manner provided by section 56.22.

4 Sec. 40. Section fifty-six point twenty-
5 five (56.25), Code 1977, is amended to read as follows:

6 **56.25 INCOME TAX FORM—CHECKOFF SPACE.**

7 The director of revenue shall provide space for this
8 campaign finance income tax checkoff on the most
9 frequently used Iowa income tax form. An explanation
10 shall be included which clearly states that this
11 checkoff does not constitute an additional tax
12 liability. The form shall provide for the taxpayer
13 to designate that the checkoff shall go either to
14 the political party of his or her choice or be divided
15 among all political parties as prescribed by section
16 fifty-six point nineteen (56.19) of the Code.

17 Sec. 41. Chapter fifty-six (56), Code 1977,
18 is amended by adding the following new section:

19 **NEW SECTION. CONTRIBUTIONS AND CERTAIN**
20 **SERVICES AND ITEMS AUTHORIZED—EXCLUSIONS FROM BRIBERY**
21 **STATUTES.**

22 1. Any person, except those prohibited by
23 section fifty-six point twenty-nine (56.29) of the
24 Code, may make contributions, and may provide services
25 and refreshments which are excluded from the definition
26 of contributions for reporting purposes by section
27 fifty-six point two (56.2), subsection four (4), of
28 the Code, to any candidate or committee.

29 2. A person who offers, promises, or makes
30 a contribution authorized by subsection one (1) of
31 this section does not thereby commit bribery under
32 section seven hundred twenty-two point one (722.1)
33 of the Code Supplement unless the person offers,
34 promises, or makes the contribution under an agreement
35 that either of the following will take place:

36 a. The act, vote, opinion, judgment,
37 decision, or exercise of discretion of a person engaged
38 in a public capacity or of a candidate will be given
39 in a particular manner or upon a particular side of
40 a question, cause, or other proceeding which is or
41 may by law be brought before the person in his or
42 her current official capacity or before the candidate
43 in his or her future official capacity should the
44 candidate be elected to the office he or she is
45 seeking; or

46 b. A particular nomination or appointment
47 will be made by the person in his or her current
48 official capacity or by the candidate in his or her
49 future official capacity should the candidate be
50 elected to the office he or she is seeking.

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1 3. A person who is engaged in a public
2 capacity or who is a candidate, who solicits or
3 knowingly receives a contribution authorized by
4 subsection one (1) of this section does not thereby
5 commit the crime of accepting a bribe under section
6 seven hundred twenty-two point two (722.2) of the
7 Code Supplement unless that person solicits or
8 knowingly receives the contribution under an agreement
9 that either of the following will take place:

10 a. The person's act, vote, opinion, judgment,
11 decision, or exercise of discretion will be given
12 in a particular manner or upon a particular side of
13 a question, cause, or other proceeding which is or
14 may by law be brought before the person either in
15 his or her current official capacity or in his or
16 her future official capacity should the candidate
17 be elected to the office he or she is seeking; or

18 b. A particular nomination or appointment
19 will be made by the person either in his or her current
20 official capacity or in his or her future official
21 capacity should the candidate be elected to the office
22 he or she is seeking.

23 Sec. 42. Chapter fifty-six (56), Code 1977,
24 is amended by adding the following new section:
25 NEW SECTION. POLITICAL ADVERTISING. Whenever
26 any person makes an expenditure for the purpose of
27 financing communications either advocating the election
28 or defeat of a candidate or ballot issue or soliciting
29 political contributions, through any radio or
30 television broadcasting facility, newspaper, magazine,
31 outdoor advertising device, direct mail or any other
32 type of advertising directed to the general public,
33 the communication so financed shall state the name
34 of the person who authorized and financed the
35 expenditure. If the expenditure was authorized by
36 a person other than the person making the expenditure,
37 the names of both persons shall be given. This notice
38 is not required on bumper stickers, pins, buttons
39 or similar small items specified by rule of the
40 campaign finance disclosure commission. The provisions
41 of section fifty-six point seventeen (56.17),
42 subsection one (1), of the Code shall apply to this
43 section.

44 Sec. 43. Section fifty-seven point one
45 (57.1), subsection two (2), paragraph c, Code 1977,
46 is amended to read as follows:

47 c. That prior to the election the incumbent
48 had been duly convicted of an infamous crime, and
49 that the judgment had not been reversed, annulled
50 or set aside, nor the incumbent pardoned or restored

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1 to the rights of citizenship by the governor under
2 section two hundred forty-eight point twelve (248.12)
3 of the Code, at the time of the election.

4 Sec. 44. Section sixty-nine point eight
5 (69.8), Code 1977, is amended by striking subsection
6 five (5).

7 Sec. 45. Section sixty-nine point twelve
8 (69.12), unnumbered paragraph one (1), Code 1977,
9 is amended to read as follows:

10 When a vacancy occurs in any nonpartisan
11 elective office of a political subdivision of this
12 state, and the statutes governing the office in which
13 the vacancy occurs require that it be filled by
14 election or are silent as to the method of filling
15 the vacancy, it shall be filled pursuant to this
16 section. As used in this section, "pending election"
17 means any election at which there will be on the
18 ballot either the office in which the vacancy exists,
19 or any other office to be filled or any public question
20 to be decided by the voters of the same political
21 subdivision.

22 Sec. 46. Section two hundred seventy-five
23 point twelve (275.12), subsection one (1), Code 1977,
24 is amended to read as follows:

25 1. A petition describing the boundaries,
26 or accurately describing the area included therein
27 by legal descriptions, of the proposed district, which
28 boundaries or area described shall conform to plans
29 developed or the petition shall request change of
30 the plan, shall be filed with the area education
31 agency administrator of the area education agency
32 in which the greatest number of electors reside.
33 Such petition shall be signed by voters eligible
34 electors who are (or would be, if registered) entitled
35 to vote for members of the board of directors in each
36 existing school district affected or portion thereof
37 equal in number to at least twenty percent of the
38 number of eligible voters or four hundred voters five
39 percent of the number of persons who voted at the
40 last preceding regular election at which candidates
41 for the office of school district director were on
42 the ballot, or fifty persons, whichever is the smaller
43 greater number. School districts affected or portion
44 thereof shall be defined to mean that area to be
45 included in the plan of the proposed new school
46 district.

47 Sec. 47. Section two hundred seventy-five
48 point eighteen (275.18), Code 1977, is amended to
49 read as follows:

50 275.18 SPECIAL ELECTION CALLED—TIME. When

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1 the boundaries of the territory to be included in
2 a proposed school corporation and the number and
3 method of the election of the school directors of
4 such proposed school corporation have been determined
5 as herein provided, the area education agency
6 administrator with whom such petition is filed shall
7 call a special election in such proposed school
8 corporation within thirty days from the date of the
9 final determination of such boundaries and serve give
10 written notice on of the proposed date of the election
11 to the county commissioner of elections of the county
12 in the proposed school corporation which has the
13 greatest taxable base in the proposed school
14 corporation therein. The proposed date shall be as
15 soon as possible pursuant to sections thirty-nine
16 point two (39.2), subsections one (1) and two (2),
17 and forty-seven point six (47.6), subsections one
18 (1) and two (2), of the Code, but not later than
19 December thirty-first. The county commissioner of
20 elections shall give notice of the election by one
21 publication in the same newspaper in which previous
22 notices have been published regarding the proposed
23 school reorganization, and in addition thereto, if
24 more than one county is involved, by one publication
25 in a legal newspaper in each county other than that
26 of the first publication, which publication shall
27 be not less than four nor more than twenty days prior
28 to the election. In the case of districts located
29 in more than one county, no notice for an election
30 shall be published until the time for appeal, which
31 shall be the same as that provided in section 285.12,
32 has expired; and in the event of an appeal, not until
33 the same has been disposed of.

34 Sec. 48. Section two hundred seventy-seven
35 point two (277.2), Code 1977, is amended to read as
36 follows:

37 277.2 SPECIAL ELECTION. The board of
38 directors in any school corporation may call a special
39 election at which election the voters shall have the
40 powers exercised at the regular election with reference
41 to the sale of school property and the application
42 to be made of the proceeds, the authorization of seven
43 members on the board of directors, the authorization
44 to establish or change the boundaries of directors
45 districts, and the authorization of a schoolhouse
46 tax or indebtedness, as provided by law, for the
47 purchase of a site and the construction of a necessary
48 schoolhouse, and for obtaining roads thereto.

49 Sec. 49. Section two hundred seventy-nine
50 point six (279.6), Code 1977, is amended to read as

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1 follows:

2 279.6 VACANCIES—QUALIFICATION-TENURE.

3 1. Vacancies occurring among the appointive
4 officers or members of a school board district shall
5 be filled by the board by appointment. A person so
6 appointed to fill a vacancy in an elective office
7 shall hold office until a successor is elected and
8 qualified pursuant to section 69.12. A person
9 appointed to fill a vacancy in an appointive office
10 shall hold such office for the residue remainder of
11 the unexpired term and until his or her successor
12 is appointed and qualified. Any person so appointed
13 shall qualify within ten days thereafter in the manner
14 required by section 277.28.

15 2. A vacancy in an elective school district
16 office during a term of office shall be filled, at
17 the board's option, by one of the two following
18 procedures.

19 a. By appointment by the remaining members
20 of the board, provided such remaining members
21 constitute a quorum of the full membership. The
22 appointment shall be for the period until the next
23 pending election as defined in section sixty-nine
24 point twelve (69.12) of the Code, and shall be made
25 within thirty days after the vacancy occurs. If the
26 board chooses to proceed under this paragraph, it
27 shall publish notice of its intent to fill the vacancy
28 in a newspaper of general circulation in the district.
29 The board may publish such notice in advance if a
30 board member submits a resignation to take effect
31 at a future date. The board may make an appointment
32 to fill the vacancy after the notice is published
33 or after the vacancy occurs, whichever date is later.
34 However, if within ten days after publication of the
35 notice the board is presented with a petition which
36 requests a special election to fill the vacancy and
37 which is signed by eligible electors who are (or would
38 be, if registered) entitled to vote to fill the office
39 in question, equal in number to two percent of those
40 who voted for candidates for the office at the last
41 preceding regular election at which the office was
42 on the ballot, but not less than twenty-five persons,
43 any appointment to fill the vacancy shall be temporary
44 and the board shall call a special election to fill
45 the vacancy permanently, under paragraph b of this
46 subsection. Any appointment made under this subsection
47 is permanent unless the board is presented with a
48 petition requesting a special election.

49 b. By a special election held to fill the
50 office for the remaining balance of the unexpired

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1 term, which may be held concurrently with any pending
2 election as provided by section sixty-nine point
3 twelve (69.12) of the Code if by so doing the vacancy
4 will be filled not more than ninety days after it
5 occurs. Otherwise, a special election to fill the
6 office shall be called at the earliest practicable
7 time after the board so opts, or is required to do
8 so under paragraph a of this subsection.

9 However, if 3. If a member of a school board
10 resigns from the board prior to the time for filing
11 nomination papers for office as a school board member,
12 as provided in section 277.4, and he specifies in
13 his the resignation that the resignation it will be
14 effective on the date the next term of office for
15 elective school officials begins, the president of
16 the board shall declare the office vacant as of that
17 date and nomination papers shall be received for the
18 unexpired term of the resigning member. The person
19 elected at the next regular school election to fill
20 the vacancy shall take office at the same time and
21 place as the other elected school board members.

22 Sec. 50. Chapter three hundred three (303),
23 Code 1977, is amended by adding to the historical
24 preservation districts division the following new
25 section:

26 NEW SECTION. A district may annex additional
27 area or reduce its size by holding an election within
28 the district or, in the case of an annexation, in
29 both the district and in the area proposed to be
30 annexed. Such elections shall be held following the
31 procedures for the establishment of a historic
32 preservation district in sections three hundred three
33 point twenty-one (303.21) through three hundred three
34 point twenty-four (303.24) of the Code.

35 A person shall be allowed to vote at the
36 referendum if the person is a qualified elector of
37 the historical preservation district or the area
38 proposed for annexation.

39 If a majority of those voting favor the
40 proposal, or in the case of an annexation, a majority
41 of both those in the district and in the area proposed
42 to be annexed are in favor, the referendum shall pass.

43 A vote under this section may occur no more
44 than once in a two year period.

45 Sec. 51. Chapter three hundred thirty-one
46 (331), Code 1977, is amended by inserting after section
47 three hundred thirty-one point nine (331.9) the
48 following new section:

49 NEW SECTION. VACANCIES ON BOARD. A vacancy
50 on the county board of supervisors during a term of

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1 office shall be filled, at the board's option, by
2 one of the two following procedures.

3 1. By appointment by the remaining members
4 of the board, provided such remaining members
5 constitute a quorum of the full membership. If the
6 board chooses to proceed under this subsection, the
7 appointment shall be for the period until the next
8 pending election as defined in section sixty-nine
9 point twelve (69.12) of the Code, and shall be made
10 within thirty days after the vacancy occurs, but only
11 after publication in a newspaper of general circulation
12 in the county of notice of the board's intent to fill
13 the vacancy. The board may publish such notice in
14 advance if a board member submits a resignation to
15 take effect at a future date. The board may make
16 an appointment to fill the vacancy after the notice
17 is published or after the vacancy occurs, whichever
18 date is later. However, if within ten days after
19 publication of the notice the board is presented with
20 a petition which requests a special election to fill
21 the vacancy and which is signed by eligible electors
22 who are (or would be, if registered) entitled to vote
23 to fill the office in question, equal in number to,
24 two percent of those who voted for candidates for
25 the office at the last preceding regular election
26 at which the office was on the ballot, but not less
27 than twenty-five persons, any appointment to fill
28 the vacancy shall be temporary and the board shall
29 call a special election to fill the vacancy
30 permanently, under subsection two (2) of this section.
31 Any appointment made under this subsection is permanent
32 unless the board is presented with a petition
33 requesting a special election.

34 2. By a special election held to fill the
35 office for the remaining balance of the unexpired
36 term, which may be held concurrently with any pending
37 election as provided by section sixty-nine point
38 twelve (69.12) of the Code if by so doing the vacancy
39 will be filled not more than ninety days after it
40 occurs. Otherwise, a special election to fill the
41 office shall be called at the earliest practicable
42 time after the board so opts, or is required to do
43 so under subsection one (1) of this section. If a
44 special election is called, nominations for the vacant
45 office may be made by political parties in the manner
46 provided by section forty-three point seventy-eight
47 (43.78) of the Code for filling general election
48 ballot vacancies for the office of county supervisor.

49 Sec. 52. Chapter three hundred thirty-one
50 (331), Code 1977, is amended by inserting before

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1 section three hundred thirty-one point twelve (331.12)
2 the following new section:
3 **NEW SECTION. CONCURRENT VACANCIES. IF**
4 concurrent vacancies at any time reduce the membership
5 of the county board of supervisors below a quorum
6 of the full membership, the vacancies shall be filled
7 on an interim basis by the auditor, the clerk of the
8 district court and the recorder of the county on whose
9 board the vacancies exist. The county commissioner
10 of elections shall call a special election at the
11 earliest practicable time to fill the vacancies for
12 the balance of the unexpired term, unless the vacancies
13 occur within sixty days of the next succeeding general
14 election. Nominations to the vacant offices shall
15 be made for the special election in the manner provided
16 by section forty-three point seventy-eight (43.78),
17 subsection one (1), paragraph e of the Code.

18 Sec. 53. Section three hundred thirty-one
19 point twenty-six (331.26), subsection one (1), Code
20 1977, is amended to read as follows:

21 1. The board of supervisors shall, before
22 November 1, 1969, and before November 1 first of the
23 nonelection year following each federal decennial
24 census thereafter, if necessary, divide the county
25 into a number of supervisor districts corresponding
26 to the number of supervisors in such county. However,
27 if such plan is selected pursuant to section 331.9,
28 the board shall so divide the county before March
29 15 fifteenth of the election year. The board shall
30 **make a good faith effort to achieve precise mathematical**
31 **equality in the population of such districts as**
32 **indicated by the most recent federal decennial census.**

33 Such supervisor districts may be drawn on
34 the basis of existing natural or artificial divisions
35 and boundaries of the county; township and voting
36 precinct lines may be crossed; but in no event shall
37 the existence of convenient district boundaries justify
38 the designation of supervisor districts which are
39 not of as nearly precise mathematical equality in
40 population as is practicable, nor which do not consist
41 of contiguous territory.

42 Sec. 54. Section three hundred forty-seven
43 point twenty-five (347.25), unnumbered paragraph one
44 (1), Code 1977, is amended to read as follows:

45 The election of hospital trustees whose
46 offices are established by this chapter or chapter
47 145A or 347A shall take place at the general election
48 on ballots which shall not reflect a nominee's
49 political affiliation. Nomination shall be made by
50 petition in accordance with chapter 45. The petition

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1 form shall be furnished by the county commissioner
2 of elections, signed by eligible electors of the
3 county equal in number to one percent of the vote
4 cast for president of the United States or governor,
5 as the case may be, by both political parties at least
6 two percent of those who voted to fill the office
7 of hospital trustee in the last previous general
8 election, and at which the office was on the ballot,
9 but in no case fewer than ten persons. The petition
10 shall be filed with the county commissioner of
11 elections at least fifty-five days prior to the date
12 of said general election. A plurality shall be
13 sufficient to elect hospital trustees, it being the
14 intent that there be no primary election.

15 Sec. 55. Section three hundred sixty-four
16 point two (364.2), subsection four (4), paragraph
17 b, Code 1977, is amended to read as follows:
18 b. No such ordinance shall become effective
19 unless approved at an election. The proposal may
20 be submitted by the council on its own motion to the
21 voters at any city election. Upon receipt of a valid
22 petition as defined in section 362.4 requesting that
23 a proposal be submitted to the voters, the council
24 shall submit the proposal at the next regular city
25 election or at a special election called for that
26 purpose prior to the next regular city election.
27 If a majority of those voting on the ballot issue
28 approves the proposal the city may proceed as proposed.

29 Sec. 56. Section three hundred seventy-two
30 point thirteen (372.13), subsection two (2), Code
31 1977, is amended by striking the subsection and
32 inserting in lieu thereof the following:

33 2. A vacancy in an elective city office
34 during a term of office shall be filled, at the
35 council's option, by one of the two following
36 procedures.

37 a. By appointment by the remaining members
38 of the council, provided such remaining members
39 constitute a quorum of the full membership. The
40 appointment shall be for the period until the next
41 pending election as defined in section sixty-nine
42 point twelve (69.12) of the Code, and shall be made
43 within thirty days after the vacancy occurs. If the
44 council chooses to proceed under this paragraph, it
45 shall publish notice of its intent to fill the vacancy
46 in the manner prescribed by section three hundred
47 sixty-two point three (362.3) of the Code. The council
48 may publish notice in advance if a council member
49 submits a resignation to take effect at a future date.
50 The council may make an appointment to fill the vacancy

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1 after the notice is published or after the vacancy
2 occurs, whichever is later. However, if within ten
3 days after publication of the notice the council is
4 presented with a petition which requests a special
5 election to fill the vacancy and which is signed by
6 eligible electors who are (or would be, if registered)
7 entitled to vote to fill the office in question, equal
8 in number to two percent of those who voted for
9 candidates for the office at the last preceding regular
10 election at which the office was on the ballot, but
11 not less than twenty-five persons, any appointment
12 to fill the vacancy shall be temporary and the council
13 shall call a special election to fill the vacancy
14 permanently, under paragraph b of this subsection.
15 Any appointment made under this paragraph is permanent
16 unless the council is presented with a petition
17 requesting a special election.

18 b. By a special election held to fill the
19 office for the remaining balance of the unexpired
20 term, which may be held concurrently with any pending
21 election as provided by section sixty-nine point
22 twelve (69.12) of the Code if by so doing the vacancy
23 will be filled not more than ninety days after it
24 occurs. Otherwise, a special election to fill the
25 office shall be called at the earliest practicable
26 time after the council so opts, or is required to
27 do so under paragraph a of this subsection. A special
28 election held under this subsection is subject to
29 neither a primary nor run-off election even if such
30 an election is required when the office in question
31 is filled at a regular city election, and the candidate
32 receiving a plurality of the vote shall be declared
33 elected.

34 Sec. 57. Sections forty-three point fifty-
35 six (43.56), forty-three point fifty-seven (43.57),
36 forty-three point fifty-eight (43.58), forty-three
37 point one hundred three (43.103), and two hundred
38 seventy-nine point seven (279.7), Code 1977, are
39 repealed.

40 Sec. 58. This Act, being deemed of immediate
41 importance, shall take effect and be in force from
42 and after its publication in The Daily Gate City,
43 a newspaper published in Keokuk, Iowa, and in the
44 Muscatine Journal, a newspaper published in Muscatine,
45 Iowa.

46 Sec. 59.

47 1. Sections one (1) through nine (9), fifteen
48 (15), sixteen (16), nineteen (19) through twenty-three
49 (23), twenty-six (26), thirty (30), thirty-one (31),
50 thirty-five (35) through forty (40) and forty-two

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1 (42) through fifty-seven (57) of this Act are effective

2 July 1, 1978.

3 2. The director of revenue shall implement

4 sections thirty-eight (38), thirty-nine (39) and forty

5 (40) of this Act beginning with individual income

6 tax returns required to be filed on or after January
7 1, 1979.

8 3. Section twenty-four (24) of this Act

9 is effective July 1, 1979."

10 2. Title, by striking lines 3 through 6

11 and inserting in lieu thereof "to registration of

12 voters, to the campaign disclosure—income tax checkoff

13 Act, and to other Iowa election laws and certain

14 related sections of the Code, and prescribing

15 penalties." " "

Roll call was requested by Junker of Woodbury and Pelton of Clinton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6334 be adopted?"

The ayes were, 54:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffie	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Perkins	Poney	Small
Spear	Svoboda	Walter	Wells
Wyckoff	Mr. Speaker		

The nays were, 35:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Gentleman	Halvorson
Hansen	Harbor	Harvey	Junker
Krewson	Lageschulte	Lind	Lindeen
Menke	Millen	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Smalley

Stephens
Tofte

Stromer
Welden

Tauke
West

Thompson

Absent or not voting, 11:

Den Herder
Lipsky
Spencer

Egenes
O'Halloran
Varley

Evans
Rinas
Woods

Hoffmann
Scheelhaase

Amendment H—6334 was adopted.

Monroe of Des Moines moved the adoption of amendment H—6296, as amended, to the Senate amendment H—6153.

Roll call was requested by Harbor of Mills and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6296 be adopted?"

The ayes were, 54:

Anderson
Bina
Byerly
Davitt
Dyrland
Gilloon
Hines
Hullinger
Koogler
Miller, K.D.
Norland
Perkins
Spear
Wyckoff

Arnould
Binneboese
Chiodo
Dieleman
Fitzgerald
Gilson
Hinkhouse
Husak
Krause
Miller (Sergeant)
Oxley
Poncy
Svoboda
Mr. Speaker

Avenson
Brandt
Connors
Doyle
Garrison
Griffiee
Horn
Jesse
Lonergan
Monroe
Patchett
Scheelhaase
Walter

Baker
Brunow
Cusack
Dunton
Gettings
Hargrave
Howell
Jochum
Middleswart
Nielsen
Pavich
Small
Woods

The nays were, 36:

Bennett
Clark, J.H.
Daggett
Halvorson
Junker
Lindeen
Pelton
Smalley
Thompson

Branstad
Conlon
Danker
Hansen
Krewson
Menke
Schneklath
Stephens
Tofte

Brockett
Crabb
Evans
Harbor
Lageschulte
Millen
Schroeder
Stromer
Welden

Clark, B.J.
Crawford
Gentleman
Harvey
Lind
Pellett
Shimanek
Tauke
West

Absent or not voting, 10:

Den Herder
Newhard
Varley

Egenes
O'Halloran
Wells

Hoffmann
Rinas

Lipsky
Spencer

Amendment H—6296, as amended, was adopted.

Tauke of Dubuque asked and received unanimous consent that amendment H—6346, to amendment H—6345, (to the Senate amendment H—6153) not be printed in the House Journal.

With the adoption of amendment H—6296, as amended, the following amendments are out of order:

H—6249 filed by Monroe of Des Moines on April 24, 1978.

H—6259 filed by Tauke, et al., on April 25, 1978.

H—6260 filed by Halvorson of Clayton on April 25, 1978.

H—6261 filed by Stromer of Hancock and Varley of Adair on April 25, 1978.

H—6262 filed by Thompson, et al., on April 25, 1978.

H—6263 filed by Harbor of Mills and Daggett of Adams on April 25, 1978.

H—6264 filed by Thompson, et al., on April 25, 1978.

H—6265 filed by Menke, et al., on April 25, 1978.

H—6266 filed by Egenes of Story and Welden of Hardin on April 25, 1978.

H—6267 filed by Hansen, et al., on April 25, 1978.

H—6268 filed by Hansen of O'Brien and Clark of Cerro Gordo on April 25, 1978.

H—6269 filed by Clark of Cerro Gordo on April 25, 1978.

H—6270 filed by Thompson, et al., on April 25, 1978.

H—6271 filed by Daggett, et al., on April 25, 1978.

H—6272 filed by Clark of Cerro Gordo and Menke of O'Brien on April 25, 1978.

H—6273 filed by Halvorson of Clayton on April 25, 1978.

H—6275 filed by Hansen of O'Brien on April 25, 1978.

H—6276 filed by Menke of O'Brien and Welden of Hardin on April 25, 1978.

H—6277 filed by Tauke of Dubuque on April 25, 1978.

H—6278 filed by Conlon, et al., on April 25, 1978.

H—6279 filed by Halvorson, et al., on April 25, 1978.

H—6280 filed by Crabb of Crawford and Harbor of Mills on April 25, 1978.

H-6283 filed by Schroeder of Pottawattamie and Crabb of Crawford on April 25, 1978.

H-6284 filed by West of Marshall on April 25, 1978.

H-6285 filed by Evans of Grundy on April 25, 1978.

H-6286 filed by Stromer of Hancock on April 25, 1978.

H-6287 filed by Thompson, et al., on April 25, 1978.

H-6288 filed by Conlon of Muscatine on April 25, 1978.

H-6289 filed by Evans of Grundy on April 25, 1978.

H-6301 filed by Clark of Cerro Gordo and Daggett of Adams on April 25, 1978.

H-6302 filed by Welden of Hardin and Thompson of Polk on April 25, 1978.

H-6306 filed by Tauke of Dubuque on April 25, 1978.

H-6307 filed by Hansen of O'Brien and Harbor of Mills on April 25, 1978.

H-6308 filed by Stromer of Hancock and Clark of Cerro Gordo on April 25, 1978.

H-6309 filed by West of Marshall and Norland of Worth on April 25, 1978.

H-6310 filed by Harbor of Mills and Daggett of Adams on April 25, 1978.

H-6311 filed by Varley of Adair and Harbor of Mills on April 25, 1978.

H-6312 filed by Stromer of Hancock on April 25, 1978.

H-6313 filed by Halvorson, et al., on April 25, 1978.

H-6314 filed by Crawford of Story and Crabb of Crawford on April 25, 1978.

H-6315 filed by Daggett of Adams and Harbor of Mills on April 25, 1978.

H-6316 filed by Hansen, et al., on April 25, 1978.

H-6317 filed by Thompson, et al., on April 25, 1978.

H-6318 filed by Conlon of Muscatine on April 25, 1978.

H-6331 filed by West of Marshall and Norland of Worth on April 25, 1978.

H-6357 filed by Bennett of Ida and West of Marshall on April 26, 1978.

H-6362 filed by Harvey of Scott on April 27, 1978.

H-6367 filed by Miller of Buchanan on April 27, 1978.

On motion by Monroe of Des Moines, the House concurred in the Senate amendment H-6153, as amended.

Arnould of Scott 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. 593)

The ayes were, 56:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Duntun	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffie	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Loneragan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 35:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Junker	Krewson	Lageschulte	Lind
Lindeen	Menke	Millen	Pellett
Pelton	Schnekloth	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Welden	West	

Absent or not voting, 9:

Brockett	Byerly	Den Herder	Hoffmann
Lipsky	O'Halloran	Schroeder	Spencer
Varley			

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 593)

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 April 27, 1978.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 34, nays 46.

The motion lost.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 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:

O'Halloran of Black Hawk for the remainder of the day and April 28, 1978 on request of Hullinger of Decatur.

QUORUM CALL

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

INTRODUCTION OF BILL

House File 2448, by committee on cities, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made.

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

ADOPTION OF REPORT OF CONFERENCE COMMITTEE (House File 2074)

Avenson of Fayette called up for consideration the report of the conference committee on **House File 2074**, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute, and providing remedies and damages, as follows and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2074

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 2074, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute, and providing remedies and damages, respectfully make the following report:

1. That the House recede from its amendment S-5581 to Senate amendment H-5914 to House File 2074 as amended, passed and reprinted by the House.

2. That the Senate recede from its amendment H-5914 to House File 2074 as amended, passed and reprinted by the House.

3. That House File 2074 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, line 30, by striking the word "discussion,".

2. Page 1, line 34, by striking the words "ministerial, social or informational" and inserting in lieu thereof the words "ministerial or social".

3. Page 1, by striking line 35 through page 2, line 1, and inserting in lieu thereof the following: "no discussion of policy or no intent to avoid the purposes of this Act."

4. Page 2, by striking lines 2 through 7 and inserting in lieu thereof the following:

"3. "Open session" means a meeting to which all members of the public have access."

5. Page 2, by striking lines 12 through 15 and inserting in lieu thereof the following: "permitted by law. Except as provided in section six (6) of this Act, all actions and

discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session."

6. Page 2, line 23, by inserting after the word "body" the following: ", except township trustees,".

7. Page 2, lines 26 through 28, by striking the words "The tentative agenda shall include any proposed ratification of ministerial matters conducted by mail."

8. Page 2, line 28, by striking the words "communicating with" and inserting in lieu thereof the word "advising".

9. Page 2, line 29, by inserting after the word "media" the words "who have filed a request for notice with the governmental body".

10. Page 3, line 8, by striking the word "only".

11. Page 3, by inserting after line 23 the following:

"4. If another section of the Code requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section."

12. Page 3, line 27, by inserting after the word "present" the words "at the meeting".

13. Page 3, line 30, by inserting after the word "required" the words "or authorized".

14. Page 3, lines 31 and 32, by striking the words "or exempted from any disclosure requirements of the Code".

15. Page 3, line 33, by striking the word "the" and inserting in lieu thereof the word "that".

16. Page 4, line 9, by inserting before the word "conduct" the words "discuss whether to conduct a hearing or to".

17. Page 4, line 15, by inserting after the word "of" the word "specific".

18. Page 4, line 19, by inserting after the word "of" the word "specific".

19. Page 4, by striking lines 23 through 26 and inserting in lieu thereof the following:

"i. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session."

20. Page 5, by striking lines 3 and 4 and inserting in lieu thereof the following:

"business during a closed session which does not directly relate to the specific reason announced as justification for the closed session."

21. Page 5, line 5, by inserting after the word "action" the words "by any governmental body".

22. Page 5, line 25, by striking the words "of those" and inserting in lieu thereof the words "and use of all or".

23. Page 5, line 26, by striking the words "to be disclosed".

24. Page 6, by striking lines 19 through 22 and inserting in lieu thereof the words "more than five hundred dollars nor less than one hundred dollars. These".

25. Page 7, lines 11 through 13, by striking the words ", except with respect to the issuance of bonds under paragraph d of this subsection".

26. Page 7, line 14, by striking the words "ninety days" and inserting in lieu thereof the words "six months".

27. Page 7, line 18, by inserting after the word "session." the words "This paragraph shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness."

28. Page 7, by striking lines 19 through 27.

29. Page 8, by inserting before line 11 the following: "The public may use cameras or recording devices at any open session."

30. Page 8, line 16, by striking the word "governing" and inserting in lieu thereof the word "governmental".

31. Page 8, line 18, by striking the word "governing" and inserting in lieu thereof the word "governmental".

32. Page 8, line 20, by striking the word "governing" and inserting in lieu thereof the word "governmental".

33. Page 8, by inserting after line 35 the following:

"Sec. ____ . Section twenty point seventeen (20.17), subsection three (3), Code 1977, is amended to read as follows:

3. Negotiating sessions, ~~including~~ strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter 28A. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than two weeks following the first bargaining session. Both sessions shall be open to the public and subject to the provisions of chapter twenty-eight A (28A) of the Code. Hearings conducted by arbitrators shall be open to the public."

34. By renumbering the sections and subsections to conform with this amendment.

ON THE PART OF THE SENATE:

CLOYD ROBINSON, Chair
C. JOSEPH COLEMAN
E. KEVIN KELLY
BOB RUSH

ON THE PART OF THE HOUSE

DONALD AVENSON, Chair
ROBERT T. ANDERSON
COOPER EVANS
NANCY J. SHIMANEK

The motion prevailed and the conference committee report was adopted.

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. 2074)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schnekloth	Schroeder
ShimaneK	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Thompson	Tofte	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 4:

Crabb

Danker

Egenes

Evans

Absent or not voting, 8:

Den Herder
O'Halloran

Hoffmann
Tauke

Krause
Varley

Lipsky
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 2074)

Avenson of Fayette asked and received unanimous consent that House File 2074 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tauke of Dubuque for the remainder of the day on request of Crawford of Story.

CONSIDERATION OF BILLS Budget Calendar

House File 2423, a bill for an act making appropriations to the department of general services for designated capital improvements and expenses, was taken up for consideration.

Jesse of Polk asked and received unanimous consent to defer action on amendment H—6168.

Wyckoff of Benton offered the following amendment H—6177 filed by him and Cusack of Scott:

H—6177

- 1 Amend House File 2423 as follows:
- 2 1. Page 1, by striking lines 13 through 35.
- 3 2. Page 2, by striking lines 1 through 24 and inserting in
- 4 lieu thereof the following:
- 5 "1. For capital improvements and repairs as follows....\$560,000
- 6 a. For construction of a new parking lot on the executive hill's
- 7 grounds.
- 8 b. For the construction of a maintenance building.
- 9 c. For new paving and curbs for the west capitol drives.
- 10 d. For resurfacing the vehicle dispatcher lot and alley.
- 11 e. For demolition of the old service station and

12 construction of a parking lot.

13 f. For phase IV of sidewalk and curb replacement on the
14 capitol grounds.

15 It is the intent of the general assembly in appropriating
16 funds under paragraph a of this subsection that the building
17 known as executive hills not be demolished and that the
18 department of general services determine alternative uses
19 for such building and make a report to the budget committee
20 in regard to such uses during the 1979 legislative session.

21

22 2. OFFICE OF THE DIRECTOR

23

24 a. For furniture and moving expense for agencies to be located
25 in the Hoover building.....\$700,000

26 b. For acquisition of land within the boundaries bounded by
27 Des Moines Street on the south, Interstate I-235 on the north, East
28 Fourteenth Street on the east, and Pennsylvania Avenue on
29 the west.....\$250,000

30 c. For the preparation of a full schematic
31 architectural and engineering design for construction
32 in the east capitol courtyard area as part of the
33 capitol mall project, and for preliminary study of
34 an additional three hundred car underground parking
35 garage.....\$ 25,000"

Jesse of Polk offered amendment H-6191, to amendment
H-6177 filed by him and requested division as follows:

H-6191

1 Amend H-6177 to House File 2423 as follows:

H-6191A

2 1. Page 1, by inserting after line 14 the
3 following: "g. For reopening Locust Street."

H-6191B

4 2. Page 1, line 18, by inserting after the word
5 "determine" the words "the feasibility and duration
6 of".

H-6191A

7 3. Page 1, line 20, by inserting after the
8 word "session." the following: "It is further
9 the intent of the general assembly in appropriating
10 funds under this section that Locust Street
11 be reopened to traffic of not less than two lanes."

H—6191C

12 4. Page 1, by inserting after line 35 the
13 following: "The director of the department of
14 general services shall cooperate with the capitol
15 planning commission in the preparation of the
16 plans for which funds are appropriated by this
17 paragraph. The capitol planning commission shall
18 make periodic reports to the legislative council
19 regarding the development of such plans, and shall
20 make a formal report on such plans to the 1979
21 Session of the Sixty-eighth General Assembly."

On motion by Jesse of Polk, amendment H—6191A was adopted.

On motion by Jesse of Polk, amendment H—6191B was adopted.

On motion by Jesse of Polk, amendment H—6191C was adopted.

Action on amendment H—6177, as amended, was deferred.

Brockett of Marshall offered the following amendment H—6300
filed by Brockett, et al., and moved its adoption:

H—6300

1 Amend House File 2423 as follows:
2 1. Page 2, by inserting after line 20 the
3 words "It is the intent of the general assembly
4 that no visual obstruction excepting sky walks,
5 the walls of which are essentially transparent,
6 should be constructed over streets which provide
7 an extended view of past or present capitols."

Amendment H—6300 was adopted.

The House resumed consideration of amendment H—6177, as amended.

Brunow of Appanoose offered the following amendment H—6353, to amendment H—6177, filed by Brunow, et al., and moved its adoption:

H—6353

1 Amend amendment H—6177 to House File 2423 as
2 follows:

- 3 1. Page 1, by inserting after line 25 the
 4 following:
 5 "It is a condition of this appropriation that funds
 6 appropriated for furniture, furniture components, and
 7 office dividers for agencies to be located in the
 8 Hoover building be purchased from Iowa state industries."

Roll call was requested by Brunow of Appanoose and Griffiee of Chickasaw.

Rule 70 was invoked.

On the question "Shall amendment H—6353 be adopted?"

The ayes were, 49:

Anderson	Baker	Bina	Binneboese
Brandt	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Connors	Crabb	Cusack
Davitt	Dieleman	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffiee	Hines
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Lageschulte
Lindeen	Loneragan	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	Pavich
Perkins	Poney	Rinas	Scheelhaase
Spear	Spencer	Svoboda	Walter
Mr. Speaker (Nielsen)			

The nays were, 37:

Bennett	Branstad	Brockett	Cochran
Conlon	Crawford	Daggett	Danker
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Junker
Koogler	Krewson	Lind	Menke
Millen	Oxley	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Small
Smalley	Stephens	Stromer	Thompson
Tofte	Welden	Wells	West
Wyckoff			

Absent or not voting, 14:

Arnould	Avenson	Byerly	Den Herder
Doyle	Hargrave	Hoffmann	Lipsky
Middleswart	O'Halloran	Patchett	Tauke
Varley	Woods		

Amendment H—6353 was adopted.

Lageschulte of Bremer moved to reconsider the vote by which amendment H—6353, to amendment H—6177, was adopted by the House on April 27, 1978.

Roll call was requested by Brunow of Appanoose and Tofte of Winneshiek.

Rule 70 was invoked.

On the question "Shall the motion to reconsider amendment H—6353 prevail?"

The ayes were, 50:

Baker	Bennett	Binneboese	Branstad
Brockett	Clark, B.J.	Cochran	Conlon
Crabb	Crawford	Daggett	Danker
Davitt	Dieleman	Dunton	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Menke	Middleswart	Millen
Miller, K.D.	Oxley	Patchett	Pellett
Pelton	Schneklath	Schroeder	Shimaneck
Smalley	Spencer	Stephens	Stromer
Thompson	Tofte	Welden	Wells
West	Wyckoff		

The nays were, 36:

Anderson	Avenson	Bina	Brandt
Brunow	Chiodo	Clark, J.H.	Connors
Cusack	Dyrland	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffie
Hines	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Lonergan
Miller (Sergeant)	Monroe	Newhard	Norland
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Walter	Mr. Speaker (Nielsen)

Absent or not voting, 14:

Arnould	Byerly	Den Herder	Doyle
Hargrave	Hoffmann	Krause	Lipsky
O'Halloran	Perkins	Svoboda	Tauke
Varley	Woods		

The motion prevailed and the House reconsidered amendment H—6353.

Brunow of Appanoose asked for unanimous consent to withdraw amendment H—6353.

Objection was raised.

Brunow of Appanoose moved the adoption of amendment H—6353.

Roll call was requested by Brunow of Appanoose and Menke of O'Brien.

Rule 70 was invoked.

On the question "Shall amendment H—6353 be adopted?"

The ayes were, 37:

Arnould	Avenson	Bina	Brandt
Brunow	Chiodo	Clark, J.H.	Cusack
Davitt	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffiee	Hargrave	Hines	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Krause	Loneragan	Miller (Sergeant)
Monroe	Norland	Pavith	Poncy
Rinas	Scheelhaase	Small	Spear
Walter			

The nays were, 49:

Anderson	Baker	Bennett	Binneboese
Branstad	Brockett	Clark, B.J.	Cochran
Conlon	Crabb	Crawford	Daggett
Danker	Dieleman	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Menke	Middleswart	Millen	Miller, K.D.
Oxley	Patchett	Pellett	Schnekloth
Schroeder	Shimanek	Smalley	Spencer
Stephens	Stromer	Thompson	Tofte
Welden	Wells	West	Wyckoff
Mr. Speaker (Nielsen)			

Absent or not voting, 14:

Byerly	Connors	Den Herder	Doyle
Hoffmann	Lipsky	Newhard	O'Halloran
Pelton	Perkins	Svoboda	Tauke
Varley	Woods		

Amendment H—6353 lost.

Brunow of Appanoose offered the following amendment H—6372, to amendment H—6177, filed by him from the floor and moved its adoption:

H—6372

- 1 Amend H—6177 to House File 2423 as follows:
- 2 1. Page 1, by striking lines 24 and 25 and inserting
- 3 in lieu thereof the following:
- 4 a. For moving expense for agencies to be located
- 5 in the Hoover building.....\$50,000

Roll call was requested by Brunow of Appanoose and Spear of Lee.

On the question "Shall amendment H—6372 be adopted?"

The ayes were, 23:

Arnould	Avenson	Brunow	Chiodo
Dieleman	Dyrland	Gilloon	Gilson
Griffiee	Hargrave	Hines	Horn
Howell	Hullinger	Jochum	Krause
Loneragan	Middleswart	Miller (Sergeant)	Monroe
Poncy	Spear	Svoboda	

The nays were, 61:

Anderson	Baker	Bennett	Bina
Binneboese	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Husak
Jesse	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Menke
Millen	Miller, K.D.	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Schneklloth
Shimaneck	Small	Smalley	Stephens

Stromer
Welden
Mr. Speaker
(Nielsen)

Thompson
Wells

Tofte
West

Walter
Wyckoff

Absent or not voting, 16:

Brandt
Den Herder
Lipsky
Spencer

Byerly
Doyle
Newhard
Tauke

Connors
Gettings
O'Halloran
Varley

Davitt
Hoffmann
Schroeder
Woods

Amendment H—6372 lost.

On motion by Wyckoff of Benton, amendment H—6177, as amended, was adopted.

Garrison of Black Hawk offered the following amendment H—6373 filed by him and Connors of Polk from the floor:

H—6373

- 1 Amend House File 2423 as follows:
- 2 1. Page 3, by inserting after line 4 as follows:
- 3 "At least 10% of the work for which funds are appropri-
- 4 ated by this subsection, shall be contracted with an
- 5 Iowa based small business, when possible, whose gross
- 6 receipts are less than \$250,000 in the most recently
- 7 completed tax year."

Garrison of Black Hawk asked and received unanimous consent to withdraw amendment H—6373.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brunow of Appanoose for the remainder of the day on request of Lonergan of Boone.

Brockett of Marshall asked and received unanimous consent to reconsider the vote by which amendment H—6300 was adopted by the House and that amendment H—6300 be withdrawn.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—6168 filed by him on April 21, 1978.

The Speaker announced the following amendments out of order:

H—6198, to amendment H—6168, filed by Schroeder of Pottawattamie on April 21, 1978.

H—6354, to page 2, filed by Brunow, et al., on April 26, 1978.

Thompson of Polk offered the following amendment H—6169 filed by her and moved its adoption:

H—6169

1 Amend House File 2423 as follows:

2 1. Page 2, by inserting after line 24 the follow-
3 ing:

4 "Funds appropriated by this subsection shall be
5 used, but not limited to, for fulfilling the terms of
6 the contract entered into August 24, 1976 by the
7 department of general services, representing the state
8 of Iowa, for low height relocatable/movable partitions
9 and components. The provisions of this subsection shall
10 supersede any provisions of law enacted by the first
11 session of the Sixty-seventh General Assembly meeting
12 in the year 1977, which are inconsistent with this
13 subsection."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 34, nays 41.

Amendment H—6169 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?" (H.F. 2423)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	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	Gettings

Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Thompson	Tofte	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 1:

Harvey

Absent or not voting, 11:

Brunow	Byerly	Den Herder	Hoffmann
Lipsky	Monroe	Norland	O'Halloran
Tauke	Varley	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 2423)

Wyckoff of Benton asked and received unanimous consent that House File 2423 be immediately messaged to the Senate.

House File 2442, a bill for an act appropriating funds to the state department of health to implement a program to regulate the installation and use of radiation emitting equipment and materials, 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. 2442) .

The ayes were, 81:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Chiodo	Clark, B.J.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Harbor
Hargrave	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poney	Scheelhaase	Schneklloth	Shimanek
Small	Smalley	Spear	Spencer
Stromer	Svoboda	Thompson	Tofte
Walter	Wells	West	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, 4:

Hansen	Harvey	Stephens	Welden
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Absent or not voting, 15:

Brunow	Byerly	Clark, J.H.	Den Herder
Hines	Hoffmann	Lindeen	Lipsky
Norland	O'Halloran	Rinas	Schroeder
Tauke	Varley	Woods	

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

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, with report of committee recommending amendment and passage was taken up for consideration.

Baker of Buena Vista offered amendment H—6216 filed by the committee on budget on April 24, 1978 and found on pages 1830 through 1833 of the House Journal and moved its adoption.

Amendment H—6216 was adopted.

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. 264)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Thompson	Tofte	Walter
Wells	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 3:

Brockett	Evans	Welden
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Absent or not voting, 14:

Brunow	Byerly	Den Herder	Gilloon
Harvey	Hoffmann	Lipsky	Norland
O'Halloran	Rinas	Tauke	Varley
West	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 264)

Baker of Buena Vista asked and received unanimous consent that Senate File 264 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norland of Worth for the remainder of the day on request of Hansen of O'Brien.

MOTION TO RECONSIDER PREVAILS
(House File 2218)

Harbor of Mills called up for consideration the motion to reconsider **House File 2218**, filed on March 30, 1978, and moved to reconsider the vote by which House File 2218, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor, failed to pass the House and was placed on its last reading on March 30, 1978.

A non-record roll call was requested.

The ayes were 63, nays 0.

The motion prevailed and the House reconsidered House File 2218.

Speaker Cochran in the chair at 5:43 p.m.

SENATE FILE 2233 SUBSTITUTED FOR HOUSE FILE 2218

Wyckoff of Benton asked and received unanimous consent to substitute Senate File 2233 for House File 2218.

Senate File 2233, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-6239 filed by him and moved its adoption:

H-6239

- 1 Amend Senate File 2233, 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 eighty-eight A point one
- 6 (88A.1), subsection seven (7), Code 1977, is amended
- 7 to read as follows:
- 8 7. "Concession booth" means a structure, or
- 9 enclosure, located used at a more than one fair or
- 10 carnival from which amusements are offered to the
- 11 public."
- 12 2. By renumbering the remaining sections and
- 13 correcting internal references in accordance with
- 14 this amendment.

Amendment H-6239 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5992 filed by Schroeder, et al., on April 11, 1978.

By unanimous consent the following amendment H-6375 filed by Spear of Lee from the floor, was adopted:

H-6375

- 1 Amend Senate File 2233 as follows:
- 2 1. Page 1, line 17, by striking the word
- 3 "concessions," and inserting in lieu thereof the
- 4 following "concessions, concession".

Monroe of Des Moines moved to reconsider the vote by which amendment H-6239 was adopted by the House on April 27, 1978.

A non-record roll call was requested.

The ayes were 34, nays 41.

The motion lost.

Wyckoff of Benton offered the following amendment H-6376 filed by him from the floor and moved its adoption:

H-6376

- 1 Amend Senate File 2233 as amended, passed and

2 reprinted by the Senate as follows:

- 3 1. Page 2, line 12, by striking the words "for each
- 4 piece of equipment" and inserting in lieu thereof
- 5 the words "for piece of equipment".
- 6 2. Page 2, line 12, by inserting after the word
- 7 "follows" the words "for each piece of equipment".

Amendment H—6376 was adopted.

Lageschulte of Bremer offered the following amendment H—6377 filed by Lageschulte, Wyckoff and Dieleman from the floor and moved its adoption:

H—6377

- 1 Amend Senate File 2233, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 5 and inserting in
- 4 lieu thereof the following:
- 5 "1. Permit fees, ten dollars per year.
- 6 a. One through ten rides, or devices or con-
- 7 cessions, ten dollars.
- 8 b. Eleven or more rides, or devices or con-
- 9 cessions, twenty dollars."

Amendment H—6377 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. 2233)

The ayes were, 62:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Dieleman	Dunton	Dyrland	Egenes
Fitzgerald	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Harbor	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Middleswart	Miller, K.D.	Miller (Sergeant)	Nielsen
Patchett	Pavich	Pelton	Perkins
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear

Spencer
Tofte
Wyckoff

Stromer
Walter
Mr. Speaker

Svoboda
Wells

Thompson
West

The nays were, 17:

Bennett
Davitt
Harvey
Millen
Welden

Branstad
Doyle
Husak
Monroe

Daggett
Evans
Loneragan
Pellett

Danker
Hansen
Menke
Stephens

Absent or not voting, 21:

Arnould
Crabb
Gettings
Lipsky
Oxley
Woods

Brockett
Cusack
Hoffmann
Newhard
Poney

Brunow
Den Herder
Jesse
Norland
Tauke

Byerly
Garrison
Krause
O'Halloran
Varley

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

IMMEDIATE MESSAGE (Senate File 2233)

Wyckoff of Benton asked and received unanimous consent that Senate File 2233 be immediately messaged to the Senate.

HOUSE FILE 2218 WITHDRAWN

Wyckoff of Benton asked and received unanimous consent to withdraw House File 2218 from further consideration by the House.

HOUSE CONCURRENT RESOLUTION 123 By Fitzgerald and Koogler

- 1 *Whereas*, a White House Conference on the Family is
- 2 scheduled to be held in Washington, D.C. in December,
- 3 1979; and
- 4 *Whereas*, this White House Conference is to be pre-
- 5 ceded by a number of state and regional conferences
- 6 on the family; and
- 7 *Whereas*, the School of Home Economics of Iowa State
- 8 University is planning, in conjunction with preparations
- 9 for the White House Conference on the Family, a confer-
- 10 ence to be called The Future of the Family, II; *Now*

11 *Therefore,*

12 *Be It Resolved by the House of Representatives, the*
13 *Senate Concurring,* That the General Assembly supports
14 and encourages these efforts to plan and hold an Iowa
15 conference, prior to and in coordination with the 1979
16 White House Conference; and

17 *Be It Further Resolved,* That the conference on "The
18 Future of the Family, II" to be held at Iowa State
19 University on September 23-26, 1979 shall be designated
20 as the State of Iowa Conference on the Family to become
21 associated with the White House Conference on the
22 Family, to be held in Washington, D.C. on December 9-13,
23 1979.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 124

By Doyle, Scheelhaase, Crabb,

Clark of Cerro Gordo, and Gentleman

1 *Whereas,* a Penal and Correctional Systems Joint Sub-
2 committee of the Senate Standing Committee on Judiciary
3 and the House Standing Committee on Judiciary and Law
4 Enforcement was established during the 1977 legislative
5 interim; and

6 *Whereas,* subcommittee meetings were held at the State
7 House on such subjects as progress made in developing
8 the long-range master-plan for corrections in Iowa, the
9 Crime Commission's progress in developing and implementing
10 jail standards, the status of and plans for community-based
11 corrections in Iowa, and victim and witness programs
12 operating in Polk County; and

13 *Whereas,* it is important to keep the lines of communica-
14 tion and exchange open among the Iowa General Assembly,
15 the Department of Social Services, and administrators,
16 staff, and inmates of the penal institutions; and

17 *Whereas,* the need remains for additional study of
18 county jails, pre-trial release programs, and ten percent
19 cash bond provisions whereby a defendant can put up
20 ten percent of the bond and then recover that ten
21 percent upon his or her appearance in court; *Now There-*
22 *fore,*

23 *Be It Resolved by the House of Representatives, the*
24 *Senate Concurring,* That the legislative council is urged
25 to create an interim joint subcommittee composed of members
26 of the Judiciary Committees of both Houses of the General
27 Assembly to further investigate county jails, implementation
28 of jail standards, development and implementation of pre-
29 trial release programs, the Iowa prisons and reformatories,
30 victim and witness programs, sentencing guidelines, and

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- 1 cash bond provisions of this and other states. The
- 2 subcommittee would then report its findings with
- 3 appropriate legislation to the Judiciary Committees,
- 4 to the Legislative Council, and to the General
- 5 Assembly.

Referred to the committee on judiciary and law enforcement.

HOUSE CONCURRENT RESOLUTION 125
By Committee on State Government

- 1 *Whereas*, the general assembly exercises the lawmaking
- 2 function of the state of Iowa pursuant to article III of
- 3 the constitution of the state of Iowa; and
- 4 *Whereas*, inherent in that lawmaking power is the
- 5 power to oversee executive agencies and conduct investi-
- 6 gations, including the powers to subpoena witnesses, and
- 7 documents, put witnesses under oath and to punish for
- 8 contempt; and
- 9 *Whereas*, the organization and procedures of the Iowa
- 10 national guard have been called into question; and
- 11 *Whereas*, serious questions have arisen as to use of
- 12 state funds appropriated by the general assembly to the
- 13 Iowa national guard; and
- 14 *Whereas*, serious questions have also arisen with
- 15 respect to the liability of the state for the alleged
- 16 improper expenditures of federal funds by the Iowa national
- 17 guard; and
- 18 *Whereas*, the general assembly is charged in article III
- 19 of the constitution with the expenditure of these funds; and
- 20 *Whereas*, the general assembly deems it necessary,
- 21 appropriate and advisable to investigate the foregoing
- 22 actions of the Iowa national guard so that the general
- 23 assembly can determine more accurately any future appropria-
- 24 tion levels, or need for legislation; *Now Therefore*,
- 25 *Be It Resolved by the House of Representatives, the*
- 26 *Senate Concurring*,
- 27 1. That there is established a joint committee of the
- 28 general assembly. The committee shall be called the govern-
- 29 ment operations committee. The committee shall be composed
- 30 of five members appointed from the house and five members

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- 1 appointed from the senate.
- 2 2. That the members from the senate shall be appointed
- 3 by the senate majority leader. The members from the house
- 4 shall be appointed by the speaker of the house. Not more
- 5 than three members from each house shall be appointed from
- 6 the same political party.

7 3. That the committee shall continue in existence
8 from the date of appointment to January 8, 1979.

9 4. That the committee is authorized and empowered to
10 exercise all of the inherent and statutory investigative
11 powers of the general assembly, including the power to sub-
12 poena documents and witnesses, put witnesses under oath and
13 punish for contempt within the authorized scope of its
14 investigations.

15 5. That the committee shall select from its membership
16 a chairperson and vice-chairperson. The committee shall
17 adopt rules of procedure governing its proceedings. The
18 chairperson or the vice-chairperson in the chairperson's
19 absence shall preside over the committee. Vacancies in
20 the membership shall be filled in the same manner as the
21 original appointment and shall not affect the authority of
22 the remaining members to execute the functions with which
23 the committee is empowered.

24 6. That a majority of the members of the committee
25 shall constitute a quorum for the transaction of business,
26 but the committee may fix a lesser number as a quorum for
27 the purpose of taking testimony or taking depositions.

28 7. That the general assembly expressly authorizes
29 and directs the committee to make a complete investigation
30 and study of all activities of any and all persons or

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1 groups of persons or organizations of any kind (including
2 governmental agencies) which investigation may reveal the
3 full facts in respect to the following matters or questions:

4 a. The misappropriation of state funds, materials and
5 supplies for personal use.

6 b. The misuse of federal equipment and funds for
7 personal use for which the state may be required to reimburse
8 the federal government.

9 c. The misuse of federal equipment for unauthorized use
10 for which the state may be required to reimburse the federal
11 government.

12 d. The filing of duplicate claims for travel reimburse-
13 ment with both federal and state authorities.

14 e. The use of non-appropriated state funds.

15 f. Enlistment practices.

16 g. The use of training time of guard personnel for personal purposes.

17 h. The expenditures by the national guard of all moneys
18 appropriated to the body by the state of Iowa, or by the
19 federal government.

20 i. The accounting procedures of the guard.

21 j. All other matters which affect or relate to the above.

22 8. That the general assembly hereby empowers and directs
23 the legislative council as an agency of the general assembly
24 and pursuant to section two point twelve (2.12) of the Code

25 to employ and fix the compensation of such clerical, investi-
26 gative, legal, technical and other assistants as the council
27 deems necessary and appropriate to the committee's investi-
28 gation.
29 9. That, with respect to the investigation by the govern-
30 ment operations committee authorized by this resolution, the

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1 legislative council shall exercise all those powers and
2 duties not otherwise inconsistent with this resolution, which
3 powers and duties the council is authorized with respect to
4 interim committees pursuant to chapter two (2) of the Code.
5 10. That the committee as an agency of the general
6 assembly and with the approval of the legislative council
7 is hereby empowered and directed:
8 a. To sit and act at any time or place during sessions,
9 recesses, and interims between sessions of the general
10 assembly.
11 b. To hold hearings and take testimony under oath or
12 to receive documentary or physical evidence relating to
13 the matters and questions it is authorized to investigate.
14 c. To require by subpoena or otherwise the attendance
15 of witnesses who the committee believes have knowledge or
16 information concerning any matters or questions it is
17 authorized to investigate and study.
18 d. To require by subpoena or order any departments,
19 agency, officer, or employee of the executive branch of the
20 state, or any private person, firm, or corporation, or any
21 officers thereof to produce for the committees considera-
22 tion—evidence, books, records, recordings, tapes, or
23 material in obedience to any subpoena or order.
24 e. To take depositions and other testimony under oath
25 within this state.
26 f. To obtain the temporary or intermittent services
27 of individual consultants subject to approval of the legis-
28 lative council.
29 g. To hold hearings and conduct other committee action
30 in closed session when the witness requests and when the

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1 committee determines that in the interest of justice
2 such meetings should be closed.
3 h. To have access, through the agency of any member of
4 the committee, counsel of the committee, or any other person
5 upon written authorization of the committee chair, to any
6 data, evidence, information, reports, documents or analysis
7 of the matters or questions which it is authorized and
8 directed to investigate and study in the custody or under
9 the control of any department agency, officer, or employee
10 of the executive branch having the power under the laws of

11 this state to investigate alleged criminal activities or to
12 prosecute persons charged with crimes against the state
13 which will aid the committee to prepare for or conduct the
14 investigation and study authorized and directed by this
15 resolution unless such information is prohibited to it
16 pursuant to law.

17 i. Subpoenas may be issued by the committee acting
18 through the chairperson or any other member designated by
19 the chair and may be served as provided for subpoenas in
20 civil actions in the district court. The chairperson or
21 any member authorized by such person is hereby authorized
22 to administer oaths to any witnesses appearing before the
23 committee.

24 11. That the committee shall recommend to the general
25 assembly any legislation which the investigation reveals
26 is necessary or desirable.

Referred to sifting committee.

HOUSE RESOLUTION 142

By Crawford, Egenes
and Hines

1 *Whereas*, fifty years ago students, faculty, staff
2 and alumni of Iowa State University founded the Iowa
3 State Memorial Union to honor the service of those men
4 and women from Iowa State University in the armed con-
5 flicts of this nation and created within the Union the
6 Gold Star Hall to serve as an outstanding memorial to
7 the valor and patriotism of these Iowa sons and
8 daughters; and

9 *Whereas*, the facilities of the Union now serve an
10 average of eighteen thousand persons each day, providing
11 not only food, refreshment and recreation for the campus
12 community and university guests every day of the year,
13 but extracurricular cultural and educational classes,
14 conferences, seminars, exhibits and workshops that supple-
15 ment the course work and the educational and scientific
16 resources of the university and may be enjoyed by the
17 campus community and all residents of Iowa alike; and

18 *Whereas*, the Memorial Union and its facilities have
19 been repeatedly enlarged without the use of tax dollars,
20 including the addition of a million-dollar parking ramp;
21 and

22 *Whereas*, this memorial project which has not closed
23 its doors for fifty years has become a notable and much-
24 used addition to the educational facilities of the state
25 of Iowa and Iowa State University serving all persons
26 throughout the state; *Now Therefore*,

27 *Be It Resolved by the House of Representatives*, That
28 the House of Representatives commemorates the Iowa State

- 29 Memorial Union for fifty years of growth, progress and
30 outstanding service to the university community and the
31 people of Iowa.

Laid over under Rule 25.

HOUSE RESOLUTION 143

By Millen, Cochran and Fitzgerald

- 1 *Whereas*, The Honorable Elmer Den Herder, a member of
2 the House of Representatives, has served for twenty-two
3 years and has expended a great deal of time and energy in
4 his efforts to maintain and improve the quality of life
5 for Iowans;
6 *Be It Resolved by the House of Representatives*, That
7 Representative Den Herder, who is retiring and has served
8 for twenty-two years, be given a chair similar to that
9 occupied by him during the Sixty-seventh General Assembly,
10 as a token of appreciation for his years of distinguished
11 service; and that the superintendent of buildings and
12 grounds be instructed to expeditiously crate said chair
13 for shipment to the home residence of Representative Den
14 Herder; and
15 *Be It Further Resolved*, That the chief clerk of the
16 House be authorized and directed to procure a suitable
17 name plate to be properly engraved and attached to said
18 chair; and
19 *Be It Further Resolved*, That a copy of this resolu-
20 tion be sent to Representative Den Herder at his home in
21 Sioux Center, Iowa.

Laid over under Rule 25.

HOUSE RESOLUTION 144

By Dunton

- 1 *Whereas*, the Sigourney Community High School,
2 Class 2 A football team has won second place in the
3 state football playoffs, the fall of 1976; and
4 *Whereas*, in the pursuit of these accomplishments
5 the Savages displayed the utmost in spirit, citizenship,
6 dedication and athletic talent, *Now Therefore*,
7 *Be It Resolved by the House of Representatives*,
8 That the members of the Sixty-seventh General Assembly
9 of the state of Iowa extend their heartiest
10 congratulations to the Sigourney Savages and their
11 coaches Chuck Henry, Jack Smith, Don Baldus and Mike
12 Mateer for their excellence and sportsmanship, and to
13 the faculty and administration, families and all
14 loyal fans who encouraged and supported them; and
15 *Be It Further Resolved*, That copies of this

- 16 resolution be sent to Superintendent Craig J. Downing
17 and coaches Chuck Henry, Jack Smith, Don Baldus and
18 Mike Mateer, and to Sigourney Community High School
19 in Sigourney, Iowa.

Laid over under Rule 25.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 27, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 616, an act amending the criminal code revision to define "incendiary device".

House File 2165, an act appropriating funds for the administration of the Iowa Public Employees' Retirement System and providing for a securities lending program and allocating funds appropriated by this act for the administration of such program.

House File 2176, an act relating to the Claims Appeal Board of the Iowa Department of Job Service.

House File 2227, an act increasing the dollar limit of real estate projects for which a proposition need not be submitted to electors in the case of federal revenue sharing or matching funds and funds on hand in all counties except counties having a population of more than two hundred thousand.

House File 2245, an act making an appropriation to the State Department of Health to fund the gathering of evidence and the cost of treatment required by Section Seven Hundred Nine Point Ten (709.10), Code 1977 Supplement.

House File 2294, an act to define an additional substance as a controlled substance under the Uniform Controlled Substances Act.

Senate File 141, an act relating to the definition and bonding of withholding agent for income tax purposes and making the act retroactive.

Senate File 365, an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties.

Senate File 376, an act relating to the protection of the rights of owners of enterprises, and providing penalties.

Senate File 2056, an act providing for the business and nonbusiness distinction in allocating and apportioning corporate net income for tax purposes and making the act retroactive.

UNANIMOUS CONSENT CALENDAR
(House Resolution 141)

We hereby respectfully request that House Resolution 141, filed on April 26, 1978 and found on page 1880 of the House Journal, be placed on the unanimous consent calendar.

DUNTON of Keokuk
HULLINGER of Decatur
O'HALLORAN of Black Hawk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber attending a meeting in the Governor's office when the vote was taken on Senate File 2173, House File 2407, and Senate File 2043. Had I been present I would have voted "aye."

WEST of Marshall

I was necessarily absent from the House chamber the morning of April 27, 1978. Had I been present, I would have voted "aye" on final passage of House File 2407, Senate File 2043 and Senate File 2173.

LONERGAN of Boone

I was in the Senate chamber on April 27, 1978 when House File 2074 was placed on final passage. Had I been present, I would have voted "aye."

KRAUSE of Kossuth

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 500 Budget

Appropriating funds to the legislative oversight bureau.

S.B. 501 Sifting Committee

For the legalization of the sale of \$390,000 general obligation corporate purpose bonds dated April 1, 1978, and \$320,000 water

revenue bonds dated April 1, 1978, of the city of Grimes, Polk County, Iowa.

S.B. 502 Sifting Committee

To specify the tax table for the collection of unemployment compensation contributions.

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 to debate.
4. The chair may by majority vote present priority and committee bills without charge to himself and he may be permitted to present noncontroversial calendars to the committee for its approval, and the chair may be permitted to appoint committees to bring in lists of noncontroversial bills.
5. The order of choosing to bring a bill out of committee shall be by priority to be established by drawing 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 five-minute noncontroversial calendar and shall be allotted five minutes for debate. If debate on such bill exceeds the time allotted, the bill will return to its status prior to consideration by such noncontroversial committee.
8. Bills may be placed on a fifteen-minute noncontroversial calendar and shall be allotted fifteen minutes for debate. If debate on such bill exceeds the time allotted, the bill will return to its status prior to consideration by such noncontroversial committee.
9. Objections to consideration of bills placed on a 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 a noncontroversial calendar.
10. Any bill eliminated by objection from consideration as a noncontroversial item made in accordance with sifting committee Rule 9 will return to its status prior to consideration by such noncontroversial committee.

REPORTS 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 regular calendar:

- S.F. 149 Relating to mandatory wage assignment in child support orders. By committee on human resources.
- H.F. 2421 To create a county finance committee and to specify its powers and duties. By committee on county government.
- H.F. 2432 Relating to the employment and payment by the state board of regents of attorneys and counselors as its authorized bargaining representatives for purposes of collective bargaining. By committee on education.
- S.B. 502 To specify the tax table for the collection of unemployment compensation contributions. By sifting committee.
- S.F. 2200 Making technical changes of a corrective nature to the new criminal code. By committee on judiciary.
- S.F. 2202 Specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence. By committee on judiciary.
- H.F. 304 Relating to the disclosure of criminal history and intelligence data and providing a penalty. By Schroeder and Small.
- S.F. 2103 Permitting an inmate to be placed on work release for longer than six months in any twelve-month period. By Kelly.
- H.F. 2162 Relating to the hours during which alcoholic beverages and beer may be sold on December 31, 1978 and January 1, 1979 by liquor control licensees and beer permittees. By Horn.
- H.F. 2285 To create an Iowa boundary commission. By Scheelhaase, et al.
- H.F. 2147 Authorizing a county to provide emergency shelter services and support services for battered women. By Brandt.
- S.F. 2111 Limiting the ownership or acquisition of agricultural land by nonresident aliens. By Briles.
- S.F. 321 Relating to bonded agricultural warehouses. By committee on commerce.
- S.F. 2235 Relating to pipelines by establishing construction standards for pipelines to protect soil conservation and drainage structures and practices and allowing land surveys by pipeline companies after notice. By committee on agriculture.
- H.F. 580 Authorizing the director of general services to invite bids for purchases from small businesses only. By Byerly, et al.

- S.F. 2022 Prohibiting smoking in certain public areas and providing a civil penalty. By Orr, et al.
- S.B. 497 Providing for the future establishment of a unified state mental health agency, creating a state mental health advisory council, and authorizing county boards of supervisors to implement a policy that admission to a state mental health institute shall be based on a preliminary diagnostic evaluation by a community mental health center or an alternative diagnostic facility. By committee on human resources.
- H.F. 2425 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, and providing penalties. By committee on commerce.
- H.F. 2384 Relating to the authorization to manufacture, distribute, sell, prescribe and use amygdalin in this state and providing a penalty. By committee on judiciary and law enforcement.
- H.C.R. 125 Establishing a joint committee of the general assembly to make a complete investigation of the Iowa National Guard. By committee on state government.
- S.F. 2221 Relating to city development by clarifying the definition of territory, defining qualified elector, requiring the city development board to be notified of annexation moratorium agreements and hearings, allowing a property owner under certain circumstances to serve on the city development committee even though he or she is not a qualified elector, and assigning election costs. By committee on cities.
- S.F. 356 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. By committee on cities.
- H.F. 2210 Relating to the filing of a complaint for nonsupport. By Nielsen.
- S.F. 2187 Relating to transportation. By committee on transportation.
- H.F. 2101 Encouraging the development and use of solar energy. By Svoboda, et al.

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 noncontroversial five-minute calendar:

- H.F. 28 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. By Newhard.

- H.F. 2315 To legalize proceedings taken by the board of supervisors of Cerro Gordo county relating to the sale of certain properties. By Clark of Cerro Gordo and Norland.
- H.F. 2316 To legalize proceedings taken by the city of Kensett relating to the letting of certain contracts. By Norland.
- H.F. 2322 Relating to the number of residential parties connected on a telephone party line. By committee on commerce.
- H.F. 2377 To legalize proceedings taken by the Van Buren county board of supervisors relating to sale of certain real estate belonging to the Van Buren county conservation board subject to certain conditions and easements. By committee on judiciary and law enforcement.
- H.F. 2383 To legalize and validate the procedures whereby the Fremont-Mills Community School District in the counties of Fremont and Mills contracted for the sale of tracts of real estate and the contracts entered into with the respective purchasers. By committee on judiciary and law enforcement.
- H.F. 2368 To repeal the authority of the special education division of the department of public instruction to provide standards and certification for special education teachers. By committee on education.
- H.F. 2406 Providing that money used to pay for hospital, nursing, and medical attention for members of a city police or fire department who are injured in the line of duty may be paid out of an appropriation for that purpose in the trust and agency fund. By committee on cities.
- H.F. 2441 Increasing the maximum lending limit of a small loan company to two thousand dollars. By committee on commerce.
- S.F. 2131 To consolidate the licensing of funeral directors and embalmers. By committee on state government.
- S.F. 2158 Relating to food stamp program, vesting the authority to administer the program in the department of social services and prescribing penalties for violations. By committee on human resources.
- S.F. 2176 Relating to the probing of grain for foreign material content. By committee on agriculture.
- S.F. 2180 To establish standards for the production and processing of cottage cheese dry curd, cottage cheese, and low fat cottage cheese. By committee on agriculture.
- S.F. 2189 Relating to the excise tax on egg sales. By committee on agriculture.
- S.F. 2205 Amending the criminal code revision to prohibit a person from photographing a child involved in certain prohibited sexual acts, and providing a penalty. By committee on judiciary.

- S.B. 433 Relating to the certification of pesticide applicators. By committee on agriculture.
- S.B. 456 To legalize proceedings taken by the board of supervisors of Chickasaw county, relating to the sale of certain properties. By committee on judiciary and law enforcement.
- S.B. 501 Legalizing sale of general obligation corporate purpose bonds and water revenue bonds of the city of Grimes.

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 noncontroversial fifteen-minute calendar:

- H.F. 468 Relating to the establishment of a depository library center within the Iowa library department. By Small, et al.
- H.F. 2152 Relating to annual reports by licensed warehouse operators. By Binneboese.
- S.F. 2213 Amending the weapons chapter of the criminal code revision to authorize a peace officer to go armed anywhere in the state at all times when he or she obtains a professional permit to carry weapons, to forbid a convicted felon to obtain a permit to carry weapons, to eliminate the need for a seller who is a firearm licensee to report sales or transfers. By committee on judiciary.
- H.F. 2352 Authorizing group insurance, health or medical service for dependents of public employees. By committee on labor and industrial relations.
- H.F. 2364 Providing that repairs to goods by a seller within prescribed limitations shall not be considered consumer fraud. By committee on commerce.
- H.F. 2367 To provide an exception to the foreign language requirement for school districts. By committee on education.
- H.F. 2392 Creating within the Iowa development commission a grain alcohol motor fuel program, a committee to administer the program and prescribing the duties of the committee. By committee on energy.
- H.F. 2403 To legalize proceedings taken by the county board of supervisors of Clinton county relating to the remodeling, expansion and repair of the Clinton county care facility and to authorize payments for additional costs incurred if the payments can be accomplished without a levy of additional taxes. By Hinkhouse, et al.
- S.F. 389 Relating to persons who engage in the business of buying or selling grain, or who participate in the buying or selling of grain as a bargaining agent for the benefit of others. By committee on commerce.
- S.F. 2008 To provide a salary increase for shorthand reporters. By Willits.

- S.F. 2076 Relating to training and certification of and services performed by advanced emergency medical technicians and paramedics authorizing the department of health and the board of medical examiners to make rules pursuant to this act. By Junkins, et al.
- S.F. 2107 Relating to contract and bidding procedures for the repair or construction of county buildings. By Taylor.
- S.F. 2118 Granting certain counties the authority to acquire and finance certain public improvements. By Willits.
- S.F. 2120 Providing for the reimbursement of counties for the expense of temporarily confining alleged work release or parole violators. By committee on judiciary.
- S.F. 2181 Providing for the destruction of certain court records. By committee on judiciary.
- S.F. 2190 Creating in the department of social services the right of subrogation to recover payments made under the medical assistance program. By committee on human resources.

FITZGERALD of Webster

ADDITIONAL SIFTING COMMITTEE NONCONTROVERSIAL CALENDAR COMMITTEE APPOINTMENTS

The Speaker announced the appointment of the following additional members to the sifting committee noncontroversial calendar committee: Anderson of Jasper and Evans of Grundy.

PRESENTATION OF VISITORS

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

Twenty-seven sixth grade students from Farragut Community School, Farragut, Iowa, accompanied by Mrs. Henstorf, Mrs. Wing and Mr. Allen. By Harbor of Mills.

Sixty eighth grade students from East Buchanan Community School, Winthrop, Iowa, accompanied by Ron Foster and Ken Coppel. By Miller of Buchanan and Wyckoff of Benton.

Eighty students from St. Edwards School, Waterloo, Iowa, accompanied by Sister Judy Sinnwell, Mr. Don Sullivan and Mrs. Joyce Olsen. By Lind of Black Hawk.

Thirty-four seventh and eighth grade students from Lohrville

Community School accompanied by Arthur W. Pixler and Mark Armstrong. By Miller (Sergeant) of Calhoun.

Thirty-seven students from the Community Lutheran School, Readlyn, Iowa, accompanied by Leslie Miller. By Avenson of Fayette and Lageschulte of Bremer.

Forty-five ninth grade students from Fairfield Junior High School, Fairfield, Iowa, accompanied by Nadine Franklin. By Millen of Van Buren.

Eighty eighth grade students from Van Buren Community Middle School, Keosauqua, Iowa, accompanied by Mr. Stockport. By Millen of Van Buren.

Eighty-seven fourth grade students from Adel Elementary School, Adel, Iowa. By Varley of Adair.

Forty-eight sixth grade students from Woodrow Wilson Elementary School, Newton, Iowa, accompanied by Rose Evans. By Anderson of Jasper and Dieleman of Marion.

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., April 26, 1978

Convened: 1:10 p.m.

Adjourned: 1:30 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Crawford, Dieleman, Griffie, Hansen, Junker, Poncy, Shimanek, Tauke, Walter and West.

Absent: Brandt, Jesse, Middleswart, Patchett and Stromer.

Committee Bill, (Formerly House Concurrent Resolution 122), a concurrent

resolution establishing a joint committee called the government operations committee; authorizing the committee to make complete investigation and study of all activities of persons, groups, organizations (including governmental agencies) etc.

Recommended Do Pass.

Fiscal note is not required.

Aye: Monroe, Woods, Harvey, Arnould, Crawford, Dieleman, Hansen, Junker, Poncy, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or not voting: Avenson, Brandt, Griffee, Jesse, Middleswart, Patchett and Stromer.

COMMITTEE ON CITIES

Scheduled: 8:00 a.m., April 27, 1978

Convened: 8:04 a.m.

Adjourned: 9:05 a.m.

Present: Bina, chair; Clark of Lee, ranking member; Connors, Koogler, Krewson, Lind, Pavich, Rinas, Schnekloth, Spear and Tofte.

Absent: Hines, vice-chair; Dunton, Hargrave (arrived 8:31 a.m.), Newhard, Nielsen, Perkins (arrived 8:20 a.m.) and Stephens (arrived 8:10 a.m.).

Excused: Gentleman, Hoffmann and Smalley.

Study Bill 423, a bill for an act allowing cities to certify a tax for the general fund levy for solid waste disposal systems and collection systems.

Recommended Do Pass.

Aye: Bina, Clark of Lee, Connors, Hargrave, Krewson, Lind, Pavich, Perkins, Rinas, Schnekloth, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hines, Dunton, Gentleman, Hoffmann, Koogler, Newhard, Nielsen and Smalley.

Study Bill 494-B, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made.

Recommended Do Pass.

Aye: Bina, Clark of Lee, Connors, Hargrave, Krewson, Lind, Pavich, Perkins, Rinas, Schnekloth, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hines, Dunton, Gentleman, Hoffmann, Koogler, Newhard, Nielsen and Smalley.

House Concurrent Resolution, a concurrent resolution relating to special charter city assessment practices.

Recommended Do Pass.

Aye: Bina, Clark of Lee, Connors, Hargrave, Koogler, Krewson, Lind, Pavich, Perkins, Rinas, Schneklath, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hines, Dunton, Gentleman, Hoffmann, Newhard, Nielsen and Smalley.

House Concurrent Resolution, a concurrent resolution relating to urban revitalization needs.

Recommended Do Pass.

Aye: Bina, Clark of Lee, Connors, Hargrave, Koogler, Krewson, Lind, Pavich, Perkins, Rinas, Schneklath, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hines, Dunton, Gentleman, Hoffmann, Newhard, Nielsen and Smalley.

COMMITTEE ON BUDGET

Scheduled: 1:15 p.m., April 27, 1978

Convened: 1:25 p.m.

Adjourned: 1:30 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Jesse, Koogler, Norland and Wells.

Absent: Welden, ranking member; Harvey, Stromer, Varley and West.

Excused: O'Halloran.

Study Bill 498, a bill for an act appropriating funds from the general fund of the state to the state educational radio and television facility board for its general operations.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland and Wells.

Nay: None.

Absent or not voting: Welden, Harvey, Stromer, Varley, West and O'Halloran.

Study Bill 500, a bill for an act appropriating funds to the legislative oversight bureau.

Recommended Do Pass.

Motion to reconsider filed.

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland and Wells.

Nay: None.

Absent or not voting: Welden, Harvey, Stromer, Varley, West and O'Halloran.

AMENDMENTS FILED

H—6369

H.F. 2282

Newhard of Jones

H—6370

S.F. 2216

Welden of Hardin

Middleswart of Warren

Hullinger of Decatur

Harbor of Mills

Gilson of Guthrie

Lageschulte of Bremer

Tofte of Winneshiek

Danker of Pottawattamie

Menke of O'Brien

Daggett of Adams

Millen of Van Buren

Dunton of Keokuk

Wyckoff of Benton

Schroeder of Pottawattamie

Evans of Grundy

Hansen of O'Brien

Pellett of Cass

Halvorson of Clayton

West of Marshall

H—6371

S.F. 2216

Welden of Hardin

Middleswart of Warren

Hullinger of Decatur

Harbor of Mills

Gilson of Guthrie

Lageschulte of Bremer

Tofte of Winneshiek

Danker of Pottawattamie

Millen of Van Buren

Dunton of Keokuk

Wyckoff of Benton

Schroeder of Pottawattamie

Evans of Grundy

Hansen of O'Brien

Pellett of Cass

Menke of O'Brien
Daggett of Adams

Halvorson of Clayton
West of Marshall

H-6374 S.F. 2128

Cusack of Scott
Monroe of Des Moines
Stromer of Hancock
West of Marshall

H-6378 S.F. 2216

Brandt of Black Hawk
Pellett of Cass

H-6379 H.F. 2440

Monroe of Des Moines

Scheelhaase of Woodbury
Hansen of O'Brien
Miller (Sergeant) of Calhoun
West of Marshall
Griffie of Chickasaw
Davitt of Warren
Junker of Woodbury
Daggett of Adams
Baker of Buena Vista
Poncy of Wapello
Arnould of Scott

Doyle of Woodbury
Oxley of Linn
Koogler of Mahaska
Schroeder of Pottawattamie
Menke of O'Brien
Dyrland of Clayton
Halvorson of Clayton
Patchett of Johnson
Horn of Linn
Lonergan of Boone
Hullinger of Decatur

On motion by Fitzgerald of Webster, the House adjourned at
6:20 p.m., until 9:00 a.m., Friday, April 28, 1978.

JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day — Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 28, 1978

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

Prayer was offered by the Reverend Louis H. Valbracht, pastor of St. John's Lutheran Church, Des Moines, Iowa.

The Journal of Thursday, April 27, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Bailey, Anamosa, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Varley of Adair on request of Harbor of Mills; Cusack of Scott on request of Bina of Scott.

INTRODUCTION OF BILLS

House File 2449, by committee on budget, a bill for an act appropriating funds to the legislative oversight bureau.

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

House File 2450, by committee on budget, a bill for an act appropriating funds from the general fund of the state to the state educational radio and television facility board for its general operations.

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

House File 2451, by committee on sifting, a bill for an act for the legalization of the sale of \$390,000 general obligation corporate pur-

pose bonds dated April 1, 1978, and \$320,000 water revenue bonds dated April 1, 1978, of the city of Grimes, Polk County, Iowa.

Read first time and placed on the sifting calendar.

House File 2452, by committee on sifting, a bill for an act to specify the tax table for the collection of unemployment compensation contributions.

Read first time and placed on the sifting 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 28, 1978 refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game.

Also: That the Senate has on April 26, 1978, amended and failed to pass the following bill in which the concurrence of the Senate was asked:

House File 2325, a bill for an act relating to choice of care for a work related injury covered by workers' compensation.

KEVIN P. LIGHT, Acting Secretary

ADOPTION OF HOUSE RESOLUTION 137

Pursuant to House Rule 26, the Speaker announced that House Resolution 137, filed on April 20, 1978 and found on page 1669 of the House Journal was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 143

Millen of Van Buren asked and received unanimous consent for the immediate consideration of House Resolution 143 filed on April 27, 1978 and found on page 1992 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted unanimously.

SENATE AMENDMENTS CONSIDERED

Griffie of Chickasaw called up for consideration **House File 2189**, a bill for an act making appropriations to miscellaneous state and local government agencies including regulatory agencies and boards and local and state government administrative agencies and imposing a fee, amended by the Senate amendment H—6212, found on pages 1783 and 1784 of the House Journal.

Connors of Polk offered the following amendment H—6356, to the Senate amendment H—6212, filed by him and Hargrave of Johnson and moved its adoption:

H—6356

- 1 Amend H—6212 to House File 2189 as follows:
- 2 Page 1, line 33, by striking the figures
- 3 "4,376,594" and inserting in lieu thereof the
- 4 figures "4,241,594".

Amendment H—6356 was adopted.

Griffie of Chickasaw offered the following amendment H—6381, to the Senate amendment H—6212, filed by him and Connors of Polk from the floor and moved its adoption:

H—6381

- 1 Amend the Senate amendment, H—6212, to House
- 2 File 2189, as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. Page 1, line 49, by inserting after
- 5 the word "units" the words "and other necessary
- 6 data processing equipment".

Amendment H—6381 was adopted.

On motion by Griffie of Chickasaw, the House concurred in the Senate amendment H—6212, as amended.

Griffie of Chickasaw 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. 2189)

The ayes were, 77:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Monroe
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Shimanek
Spear	Spencer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 3:

Danker	Miller (Sergeant)	Stephens
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Absent or not voting, 20:

Arnould	Branstad	Chiodo	Cusack
Den Herder	Egenes	Gilloon	Harvey
Hoffmann	Jesse	Krause	Lipsky
Newhard	Nielsen	O'Halloran	Schroeder
Small	Smalley	Stromer	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 (House File 2189)

Griffiee of Chickasaw asked and received unanimous consent that House File 2189 be immediately messaged to the Senate.

HOUSE REFUSES TO CONCUR

Koogler of Mahaska called up for consideration **House File 2277**, a bill for an act relating to the sale by area schools of student-constructed buildings and certain property, amended by the Senate

amendment H—6165, found on page 1706 of the House Journal, and moved that the House concur in the Senate amendment H—6165.

The motion lost and the House refused to concur in the Senate amendment H—6165.

SENATE AMENDMENT CONSIDERED

Small of Johnson called up for consideration **House File 545**, a bill for an act relating to the management of loss and loss exposures of government, amended by the Senate amendment H—6358, found on page 1910 of the House Journal and moved that the House concur in the Senate amendment H—6358.

The motion prevailed and the House concurred in the Senate amendment H—6358.

Small of Johnson 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. 545)

The ayes were, 68:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Halvorson	Hansen
Hargrave	Harvey	Hines	Horn
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Middleswart
Miller, K.D.	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Walter	Welden
Wells	West	Woods	Mr. Speaker

The nays were, 17:

Bennett	Crabb	Daggett	Danker
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Griffie
Lonergan
Perkins
Wyckoff

Hinkhouse
Menke
Schnekloth

Howell
Millen
Stephens

Husak
Miller (Sergeant)
Tofte

Absent or not voting, 15:

Arnould
Egenes
Hullinger
O'Halloran

Branstad
Gilloon
Jesse
Smalley

Cusack
Harbor
Krause
Varley

Den Herder
Hoffmann
Lipsky

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 amendment H—6347 to House File 232)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider the vote by which the House refused to concur in the Senate amendment H—6347 to House File 232 filed by him on April 26, 1978.

WAYS AND MEANS CALENDAR

Senate File 221, a bill for an act relating to the examination, certification, and appointment of assessors, with report of committee recommending amendment and passage was taken up for consideration.

Hines of Story offered the following amendment H—6147 filed by the committee on ways and means and moved its adoption:

H—6147

- 1 Amend Senate File 221, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 2 through 35 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. . . . Section four hundred forty-one point
- 6 eight (441.8), Code 1977, is amended by striking the
- 7 section and inserting in lieu thereof the following:
- 8 441.8 TERM — FILLING VACANCY. The term of office
- 9 of an assessor appointed under this chapter shall
- 10 be for six years. Appointments for each succeeding

11 term shall be made in the same manner as the original
12 appointment except that not less than ninety days
13 before the expiration of the term of the assessor
14 the conference board shall hold a meeting to determine
15 whether or not it desires to reappoint the incumbent
16 assessor to a new term.

17 Effective January 1, 1980, the conference board
18 shall have the power to reappoint the incumbent
19 assessor only if the incumbent assessor has
20 satisfactorily completed the continuing education
21 program provided for in this section.

22 The commission established by this section shall
23 develop and administer a program of continuing
24 education which shall emphasize assessment and
25 appraisal procedures, and the assessment laws of this
26 state, and which shall include the subject matter
27 specified in section four hundred forty-one point
28 five (441.5) of the Code.

29 There is created a commission consisting of the
30 director of revenue, two Iowa assessors appointed
31 by the executive board of the Iowa state association
32 of assessors, and one member appointed by the state
33 board of tax review, and three lay persons appointed
34 by the governor to four year terms subject to the
35 approval of two-thirds of the members of the senate.
36 A majority of the members of the board shall constitute
37 a quorum. The lay persons appointed to the commission
38 who are not public employees shall be paid a forty
39 dollar per diem and shall be reimbursed for actual
40 and necessary expenses incurred while on official
41 commission business. All compensation and
42 reimbursements shall be paid by the department of
43 revenue from the appropriation made to it for the
44 fiscal year in which the claim for per diem or expenses
45 is made.

46 The commission shall establish or designate the
47 courses to be offered as part of the continuing
48 education program, the content of said courses, and
49 the number of hours of classroom instruction for each
50 course. At least once each year the commission shall

Page 2

1 meet to evaluate the continuing education program
2 and make necessary changes in the program.

3 Upon the successful completion of each course
4 contained in the program of continuing education,
5 as demonstrated by attendance at sessions of the
6 course and attaining a grade of at least seventy
7 percent on an examination administered at the
8 conclusion of the course, the assessor shall receive
9 credit equal to the number of hours of classroom

10 instruction contained in said course. An assessor
11 shall not be allowed to obtain credit for a course
12 for which the assessor has previously received credit
13 during his or her current term of office except for
14 those courses designated by the commission. The
15 examinations shall be confidential to the commission
16 and persons designated by the commission to have
17 access to said examinations.

18 Upon receiving credit equal to two hundred forty
19 hours of classroom instruction during the assessor's
20 current term of office, the commission shall certify
21 to the assessor's conference board that said assessor
22 is eligible to be reappointed to his or her present
23 position. For assessors whose present terms of office
24 expire before six years from the effective date of
25 this Act, or who are appointed to complete an unexpired
26 term, the number of credits required to be certified
27 as eligible for reappointment shall be prorated
28 according to the amount of time remaining in the
29 present term of said assessor.

30 Within each six-year period following January 1,
31 1980 or the appointment of a deputy assessor appointed
32 after the effective date of this Act, said deputy
33 assessor shall comply with the provisions of this
34 section except that upon the successful completion
35 of one hundred fifty hours of classroom instruction
36 said deputy assessor shall be certified by the
37 commission as being eligible to remain in his or her
38 present position. In the event a deputy assessor
39 fails to comply with the provisions of this section,
40 said deputy assessor shall be removed from his or
41 her present position.

42 Each conference board shall include in the budget
43 for the operation of the assessor's office funds
44 sufficient to enable the assessor and any deputy
45 assessor to obtain certification as provided in this
46 section. The conference board shall also allow the
47 assessor and any deputy assessor sufficient time off
48 from his or her regular duties to obtain certification.
49 The commission shall adopt rules pursuant to chapter
50 seventeen A (17A) of the Code to implement and

Page 3

1 administer the provisions of this section.

2 If the incumbent assessor is not reappointed as
3 above provided, then not less than sixty days before
4 the expiration of the term of said assessor, a new
5 assessor shall be selected as provided in section
6 four hundred forty-one point six (441.6) of the Code.

7 In the event of the removal, resignation, death,

8 or removal from the county of said assessor, the
9 conference board shall proceed to fill the vacancy
10 by appointing an assessor to serve the unexpired term
11 in the manner provided in section four hundred forty-
12 one point six (441.6) of the Code. Until the vacancy
13 is filled, the chief deputy shall act as assessor,
14 and in the event there be no deputy, in the case of
15 counties the auditor shall act as assessor and in
16 the case of cities having an assessor the city clerk
17 shall act as assessor."

18 2. Page 4, by striking lines 1 through 35.

19 3. Page 5, line 16, by striking the figure "1978"
20 and inserting in lieu thereof the figure "1979".

The committee amendment H—6147 was adopted.

Harvey of Scott asked and received unanimous consent to defer action on amendment H—6006.

West of Marshall offered the following amendment H—6380 filed by him from the floor:

H—6380

1 Amend Senate File 221, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section four hundred forty-one point
6 one (441.1), Code 1977, is amended by striking the
7 section and inserting in lieu thereof the following:
8 441.1 OFFICE CREATED. In every county in the
9 state of Iowa the office of county assessor is hereby
10 created."

11 2. Page 5, by inserting after line 15 the follow-
12 ing new section:

13 "Sec. Chapter four hundred forty-one (441),
14 Code 1977, is amended by adding the following new
15 sections:

16 NEW SECTION. The office of city assessor is
17 abolished. However, any city which has an office
18 of city assessor on the effective date of this Act,
19 may continue to have such office until July 1, 1983.
20 If prior to July 1, 1983 the city assessor dies,
21 resigns, is removed from office or is not reappointed
22 to a new term, that office of city assessor shall
23 be abolished thirty days after the date of the death,
24 resignation, removal or expiration of term of the
25 assessor or on July 1, 1983 whichever date occurs
26 first. The jurisdiction of the county assessor shall

27 be extended to include all property within any city
28 located within that county where the office of city
29 assessor has been abolished.

30 NEW SECTION. On the date the office of city asses-
31 sor is abolished, the conference board, examining
32 board, and board of review of that city assessing
33 jurisdiction are abolished. Any moneys in the city
34 assessor assessment expense fund authorized by section
35 four hundred forty-one point sixteen (441.16) of the
36 Code or the city assessor special appraiser fund
37 authorized by section four hundred forty-one point
38 fifty (441.50) of the Code, as of the date the office
39 of city assessor is abolished shall be transferred
40 to the appropriate fund of the county assessor. All
41 valid contracts entered into by a city assessor and
42 in effect as of the date the office of city assessor
43 is abolished shall be assumed and honored by the
44 county assessor. The county assessor shall assume
45 responsibility for all matters affecting the city
46 assessor on the date the office of city assessor is
47 abolished. The county conference board may authorize
48 the county assessor to employ any employee of the
49 city assessor's office, however, such employment is
50 made pursuant to the provisions of this chapter.

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1 NEW SECTION. On the date the last office of city
2 assessor within a county is abolished, the voting
3 units of the conference board and the membership of
4 the board of review shall be changed as follows:

5 1. The voting units of the county conference board
6 shall be increased from three to five voting units.
7 The voting units shall consist of the board of super-
8 visors; the mayor of the largest city in the county;
9 the representative from the board of directors of
10 the largest high school district in the largest city;
11 the mayors of all the incorporated cities in the
12 county, except the mayor of the largest city; and
13 the representatives from the board of directors of
14 each high school district of the county, except the
15 representative from the board in the largest city.
16 An action of the conference board shall not be valid
17 except by the vote of not less than three out of the
18 five voting units.

19 2. The membership of the county board of review
20 shall consist of five members, one shall be an owner
21 of agricultural property who is actively engaged in
22 farming; one shall be an owner of an urban residential
23 dwelling and residing in the residential dwelling;
24 one shall be an architect or contractor; one shall

25 be a licensed real estate broker, and one shall be
26 selected because of the person's knowledge of
27 commercial or industrial real estate values in the
28 assessor jurisdiction.

29 This section shall apply only to the conference
30 boards and boards of review in those counties which
31 have a city assessor's office in existence on the
32 effective date of this Act."

33 3. Amend the title, lines 1 and 2, by striking
34 the words "the examination, certification, and appoint-
35 ment of assessors" and inserting in lieu thereof the
36 words "assessors by providing for the examination,
37 certification, and appointment of assessors, by
38 abolishing the office of city assessor and city
39 conference boards within six years, and by providing
40 for the membership of conference boards and boards
41 of review in those counties in which the office of
42 city assessor is abolished".

43 4. Renumber sections and correct internal refer-
44 ences as are necessary in accordance with this
45 amendment.

Anderson of Jasper rose on a point of order that amendment
H-6380 was not germane.

The Speaker ruled the point well taken and amendment
H-6380 not germane.

Harvey of Scott offered the following amendment H-6383 filed
by him from the floor:

H-6383

1 Amend Senate File 221, as amended and passed by
2 the Senate, as follows:
3 1. Page 1, by inserting before line 1 the following
4 new section:
5 "Section 1. Section four hundred forty-one point
6 one (441.1), Code 1977, is amended to read as follows:
7 441.1 OFFICE CREATED. In every city in the state
8 of Iowa having more than one hundred twenty-five
9 thousand population and in every county in the state
10 of Iowa the office of assessor is hereby created.
11 A city having a population of ten thousand or more,
12 but not in excess of one hundred twenty-five thousand,
13 according to the latest federal census, may by
14 ordinance provide for the selection of a city assessor
15 and for the assessment of property in the city under
16 the provisions of this chapter. A city desiring to
17 provide for assessment under the provisions of this

18 chapter shall, not less than sixty days before the
19 expiration of the term of the assessor in office,
20 notify the taxing bodies affected and proceed to
21 establish a conference board, examining board, and
22 board of review and select an assessor, all as provided
23 in this chapter."

24 2. Renumber sections and correct internal
25 references as are necessary in accordance with this
26 amendment.

Hines of Story rose on a point of order that amendment H—6383 was not germane.

The Speaker ruled the point well taken and amendment H—6383 not germane.

Harvey of Scott asked and received unanimous consent to withdraw amendment H—6006 filed by him on April 12, 1978.

Clark of Lee asked and received unanimous consent to withdraw amendment H—6236, to amendment H—6006, filed by him on April 24, 1978.

Davitt of Warren offered the following amendment H—6386 filed by him from the floor:

H—6386

1 Amend Senate File 221, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 16 the follow-
4 ing:

5 "Sec. 5. Section four hundred forty-one point
6 twenty-three (441.23), Code 1977, is amended to read
7 as follows:

8 441.23 NOTICE OF VALUATION. If there has been
9 an increase or decrease in the valuation of the
10 property, or upon the written request of the person
11 assessed, the assessor shall, at the time of making
12 the assessment, inform the person assessed, in writing,
13 of the valuation put upon his the taxpayer's property,
14 and notify him the person, if he or she feels
15 aggrieved, to appear before the board of review and
16 show why the assessment should not be changed. The notice
17 of valuation issued by the assessor to owners of
18 agricultural property shall list separately the value
19 of the land and the value of each building located
20 on the land. In odd-numbered years, the owners of

21 real property shall be notified not later than April
22 ~~15~~ fifteenth of any adjustment of the real property
23 assessment. In even-numbered years, the notice of
24 an increase or decrease in the valuation of the
25 property shall be provided to the owners of real
26 property not later than June ~~30~~ thirtieth as provided
27 in section 441.49.

28 Sec. 6. The provisions of this Act notwithstanding,
29 section five (5) of this Act shall become effective
30 January 1, 1980."

31 2. Amend the title, line 1 and 2, by striking the
32 words "and appointment" and inserting in lieu thereof
33 the words "appointment, and duties".

Hines of Story rose on a point of order that amendment H—6386 was not germane.

The Speaker ruled the point well taken and amendment H—6386 not germane.

Hines of Story asked for unanimous consent to suspend the rules governing germaneness for the consideration of amendment H—6386.

Objection was raised.

Hines of Story moved that the rules governing germaneness be suspended for the consideration of amendment H—6386.

A non-record roll call was requested.

The ayes were 66, nays 9.

The motion prevailed and the rules were suspended.

Davitt of Warren moved the adoption of amendment H—6386.

A non-record roll call was requested.

The ayes were 57, nays 14.

Amendment H—6386 was adopted.

Byerly of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H—6380.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 36, nays 49.

The motion lost.

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. 221)

The ayes were, 77:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Davitt
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	Oxley
Patchett	Pavich	Pelton	Perkins
Rinas	Scheelhaase	Schnekloth	Shimanek
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 11:

Danker	Doyle	Gettings	Harvey
Husak	Lind	Loneragan	Pellett
Poncy	Spear	Stromer	

Absent or not voting, 12:

Branstad	Cusack	Den Herder	Gilloon
Hoffmann	Lipsky	Newhard	O'Halloran
Schroeder	Small	Smalley	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 221)

Hines of Story asked and received unanimous consent that Senate File 221 be immediately messaged to the Senate.

HOUSE INSISTS

(House File 356)

Wyckoff of Benton called up for consideration **House File 356**, relating to the licenses and certificates for the taking of fish and game; repealing sections one hundred nine point seventy-four (109.74) and one hundred ten point eighteen (110.18) of the Code; the taking and possession of migratory birds; and removing authorization for the payment of bounties on wolf, wildcat or bobcat, lynx, crow and fox, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

WAYS AND MEANS CALENDAR

House File 2389, a bill for an act relating to the imposition of an excise tax on the use of aviation fuel and providing penalties, was taken up for consideration.

Daggett of Adams offered the following amendment H—5960 filed by Daggett, et al., and moved its adoption:

H—5960

- 1 Amend House File 2389 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "Code." the words "Aircraft while used in agricultural
- 4 aircraft operations shall not be deemed to be an
- 5 aircraft."
- 6 2. Page 2, by inserting after line 15 the follow-
- 7 ing subsection:
- 8 " "Agricultural aircraft operation" means
- 9 the operation of an aircraft for the purposes of:
- 10 a. dispensing any substance for preventing,
- 11 destroying, repelling or mitigating any insects,
- 12 rodents, nematodes, fungi, weeds and other forms of
- 13 plant or animal life or viruses or for use as a plant

- 14 regulator, defoliant or desiccant.
15 b. dispensing any other substance intended for
16 plant nourishment, soil treatment, propagation of
17 plant life, or pest control,
18 c. engaging in dispensing activities directly
19 affecting agriculture, horticulture, or forest
20 preservation, but not including the dispensing of
21 live insects,
22 d. transporting agricultural grain storage
23 containers, or
24 e. aiding in the construction of agricultural
25 buildings;
26 and for which a valid agricultural aircraft oper-
27 ator certificate or a valid rotorcraft external-load
28 operator certificate has been issued to the operator
29 by the federal aviation administration and is in
30 effect."
31 3. Page 7, line 12, by inserting after the word
32 "dyeing" the words "for use in agricultural aircraft
33 operations".
34 4. Page 8, by striking lines 15 through 18 and
35 inserting in lieu thereof the following: "fee
36 therefore. A special permit shall be obtained by
37 applicants claiming a refund under the provisions
38 of this chapter on account of motor fuel or aviation
39 fuel used for the purpose of operating aircraft in
40 agricultural aircraft operations. Application for
41 a refund permit shall be made to".
42 5. Page 17, line 34, by inserting after the word
43 "dyeing," the words "for use in agricultural aircraft
44 operations".
45 6. Page 18, by striking lines 16 and 17 and insert-
46 ing in lieu thereof the words "The fuel tax credit
47 for tax paid on motor aviation fuel used for the
48 purpose of operating aircraft in agricultural aircraft
49 operations must be itemized separately."

Amendment H—5960 was adopted.

Monroe of Des Moines offered the following amendment
H—6388 filed by him from the floor and moved its adoption:

H—6388

- 1 Amend House File 2389 as follows:
2 1. Page 3, line 10, by inserting after the word
3 "Code" the words "or with respect to aviation fuel
4 used in aircraft operated by air carriers certified
5 by the United States civil aviation board".

Roll call was requested by Junker of Woodbury and Thompson of Polk.

On the question "Shall amendment H—6388 be adopted?"

The ayes were, 19:

Arnould	Bina	Binneboese	Brandt
Clark, B.J.	Conlon	Garrison	Gentleman
Harvey	Hinkhouse	Horn	Junker
Lind	Monroe	Poncy	Scheelhaase
Spear	Thompson	Woods	

The nays were, 59:

Avenson	Baker	Bennett	Brockett
Brunow	Byerly	Clark, J.H.	Crabb
Crawford	Daggett	Danker	Davitt
Dunton	Dyrland	Egenes	Evans
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Howell
Husak	Jesse	Jochum	Krause
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Rinas
Schnekloth	Schroeder	Shimanek	Spencer
Stephens	Stromer	Svoboda	Tauke
Tofte	Walter	Welden	Wells
West	Wyckoff	Mr. Speaker	

Absent or not voting, 22:

Anderson	Branstad	Chiodo	Connors
Cusack	Den Herder	Dieleman	Doyle
Fitzgerald	Gilloon	Hines	Hoffmann
Hullinger	Koogler	Lipsky	Newhard
Nielsen	O'Halloran	Perkins	Small
Smalley	Varley		

Amendment H—6388 lost.

Daggett of Adams offered the following amendment H—6323 filed by him:

H—6323

- 1 Amend House File 2389 as follows:
- 2 1. Page 17, by inserting after line 18 the
- 3 following new section:
- 4 "Sec. . Section three hundred twenty-eight

5 point thirty-six (328.36), Code 1977, is amended to
6 read as follows:
7 328.36 STATE AVIATION FUND. There is hereby
8 created a fund to be known as the state aviation fund,
9 which shall consist of all moneys received by the
10 department, together with all moneys appropriated
11 to said fund by the state.

12 Unless otherwise provided, the aeronautics state
13 aviation fund is hereby appropriated for airport
14 construction and the department shall give priority
15 in the distribution of funds to those airports which
16 need construction or modernization of facilities to
17 meet state and federal safety standards."

Monroe of Des Moines asked for unanimous consent to defer action on amendment H—6323 for the consideration of amendment H—6387.

Objection was raised.

Monroe of Des Moines moved to defer action on amendment H—6323 for the consideration of amendment H—6387.

The motion lost.

On motion by Daggett of Adams, amendment H—6323 was adopted, placing out of order amendment H—6387 filed by Monroe of Des Moines from the floor.

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 last time.

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

The ayes were, 64:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brockett	Brunow
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gettings
Griffie	Halvorson	Hansen	Harbor
Hargrave	Hines	Howell	Hullinger
Jochum	Koogler	Krause	Krewson
Lageschulte	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Norland	Oxley	Patchett	Pavich

Pelton
Shimanek
Svoboda
Wells

Rinas
Small
Tauke
West

Schnekloth
Spencer
Tofte
Wyckoff

Schroeder
Stephens
Walter
Mr. Speaker

The nays were, 26:

Binneboese
Clark, B.J.
Hinkhouse
Junker
Nielsen
Scheelhaase
Welden

Brandt
Gentleman
Horn
Lind
Pellett
Spear
Woods

Byerly
Gilson
Husak
Lindeen
Perkins
Stromer

Chiodo
Harvey
Jesse
Monroe
Poncy
Thompson

Absent or not voting, 10:

Branstad
Gilloon
Smalley

Cusack
Hoffmann
Varley

Den Herder
Lipsky

Doyle
O'Halloran

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 2389)

Rinas of Linn asked for unanimous consent that House File 2389 be immediately messaged to the Senate.

Objection was raised.

Rinas of Linn moved to reconsider the vote by which House File 2389 passed the House on April 28, 1978.

A non-record roll call was requested.

The yeas were 42, nays 36.

The motion, having failed to receive a constitutional majority, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk for the morning session on request of Evans of Grundy.

On motion by Fitzgerald of Webster, the House was recessed until 1:45 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 remainder of the day and May 1, 1978 on request of Wyckoff of Benton; Brockett of Marshall for the remainder of the day on request of Evans of Grundy; Spencer of Clay for the remainder of the day on request of Crawford of Story; Smalley of Polk for a portion of the afternoon on request of Evans of Grundy.

HOUSE CONCURRENT RESOLUTION 126

By Committee on Cities

1 *Whereas*, the special charter city of Davenport is
2 currently experiencing property assessment diffi-
3 culties because of its special charter; and

4 *Whereas*, the state of Iowa in recent years has
5 modified its property tax provisions significantly
6 enough to create potential property tax inequities
7 for the residents of the city of Davenport; and

8 *Whereas*, the Iowa legislature has repeatedly
9 expressed its legislative intent to strive for
10 property tax equity for all Iowans including those
11 in the special charter city of Davenport; and

12 *Whereas*, the dates and timing of state and city
13 administrative functions are increasingly inter-
14 related; and

15 *Whereas*, no overview of those interrelations of
16 the city functions and executive agencies has been
17 done recently; and

18 *Whereas*, no comprehensive study of Iowa's special
19 charter city provision has been undertaken; *Now*
20 *Therefore*,

21 *Be It Resolved by the House of Representatives,*
22 *the Senate Concurring*, That the Legislative Council
23 is authorized to create a study committee as pro-
24 vided by law composed of members of the House and
25 Senate Standing Committees on Cities of the Sixty-
26 seventh General Assembly representing both political
27 parties to conduct a study during the 1978 legis-
28 lative interim of the interaction of special charter
29 cities and their relationship to the state of Iowa
30 in the implementation of property assessment procedures

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- 1 that would be more closely aligned with the taxation
2 of all other local jurisdictions; and
3 *Be It Further Resolved*, That the study committee
4 shall prepare a report of its findings and submit it
5 to the Legislative Council and the members of the
6 Sixty-eighth General Assembly, 1979 Session, accom-
7 panied by legislative bill drafts designed to carry
8 out the recommendations of the interim study committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 127
By Committee on Cities

- 1 *Whereas*, urban areas have great concern for the
2 ever increasing problem of residential and commercial
3 deterioration in Iowa's urban areas; and
4 *Whereas*, this deterioration diminishes the quality
5 of life in Iowa's cities and undermines the economic
6 stability of Iowa's cities by eroding the tax base;
7 and
8 *Whereas*, the Iowa legislature and the executive
9 branch of government have indicated a strong desire
10 to address the need for urban revitalization of the
11 deteriorating areas of the community; and
12 *Whereas*, tax incentive programs to encourage
13 residential and commercial redevelopment and reha-
14 bilitation are of significant importance to warrant
15 our top legislative effort; *Now Therefore*,
16 *Be It Resolved by the House of Representatives*,
17 *the Senate Concurring*, That the legislative council
18 is authorized to create a study committee as pro-
19 vided by law composed of members of the House and
20 Senate Standing Committees on Cities of the Sixty-
21 seventh General Assembly representing both political
22 parties to conduct a study during the 1978 legislative
23 interim of the possible tax abatement provisions of
24 an urban revitalization program; and
25 *Be It Further Resolved*, That the study committee
26 shall prepare an illustrated report of its findings
27 and submit it to the Legislative Council and the
28 members of the Sixty-eighth General Assembly, 1979
29 Session, accompanied by legislative bill drafts
30 designed to carry out the recommendations of the
31 interim study committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 128
By Norland, Dieleman, Conlon, Dunton, Clark of Lee,
Harbor, Thompson, Miller of Buchanan, Howell, Varley,
Menke, Cusack, Svoboda, Wells, Daggett, Bina, West,
Pavich and Lind

- 1 *Whereas*, the general assembly has acted in recent
2 years to make the state individual income tax more
3 equitable; and
4 *Whereas*, there continues to be a need to review
5 the state individual income tax to remove inequities
6 that may exist; and
7 *Whereas*, there exists an inequity between a married
8 couple who are required to file a joint state indi-
9 vidual income tax return because only one spouse has
10 income and a married couple who are able to file
11 separately on a combined state individual income
12 tax return because both persons have earned income;
13 and
14 *Whereas*, this situation imposes a greater tax
15 liability upon married couples required to file jointly
16 than upon married couples who are able to file sepa-
17 rately on a combined return; *Now Therefore*,
18 *Be It Resolved by the House of Representatives, the*
19 *Senate Concurring*, That a joint subcommittee composed
20 of members representing the respective Committees on
21 Ways and Means be appointed by the Legislative Council
22 to conduct a study during the 1978 interim of the
23 state individual income tax to resolve the inequity
24 specified in this resolution; and
25 *Be It Further Resolved*, That the joint subcommittee
26 prepare a report accompanied by bill drafts designed to
27 carry out its recommendations and that such report be
28 submitted to the Legislative Council and the General
29 Assembly meeting in the year 1979.

Referred to committee on **ways and means**.

HOUSE CONCURRENT RESOLUTION 129
By Norland, Dieleman, Dunton, Pavich, Lind,
Miller of Buchanan, Howell, Daggett,
Bina, Wells and West

- 1 *Whereas*, intangible personal property is the only
2 class of property which is exempt from an ad valorem
3 tax; and
4 *Whereas*, this exemption imposes a greater burden
5 of taxation upon other classes of property in this
6 state; and
7 *Whereas*, the general assembly has not conducted
8 a comprehensive study of taxing intangible personal

- 9 property in recent years; *Now Therefore,*
 10 *Be It Resolved by the House of Representatives, the*
 11 *Senate Concurring,* That a joint subcommittee composed
 12 of members representing the respective Committees on
 13 Ways and Means be appointed by the Legislative Council
 14 to conduct a study during the 1978 interim of the
 15 feasibility of imposing a tax on intangible personal
 16 property; and
 17 *Be It Further Resolved,* That the study committee
 18 prepare a report accompanied by bill drafts designed
 19 to carry out its recommendations and that such report
 20 be submitted to the Legislative Council and the General
 21 Assembly meeting in the year 1979.

Referred to committee on **ways and means.**

CONSIDERATION OF BILLS Regular Calendar

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, with report of committee recommending amendment and passage was taken up for consideration.

Pellett of Cass offered amendment H—5689 filed by the committee on agriculture on March 16, 1978 and found on pages 1053 and 1054 of the House Journal and moved its adoption.

Amendment H—5689 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. 121)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines

Hinkhouse	Horn	Howell	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Branstad	Brockett	Byerly	Cusack
Den Herder	Doyle	Fitzgerald	Hoffmann
Hullinger	Junker	Lipsky	Newhard
O'Halloran	Smalley	Spencer	Varley

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

IMMEDIATE MESSAGE (Senate File 121)

Scheelhaase of Woodbury asked and received unanimous consent that Senate File 121 be immediately messaged to the Senate.

House File 2040, a bill for an act to provide a paid leave of absence to compete in olympic competition, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered amendment H—5548 filed by the committee on labor and industrial relations on March 7, 1978 and found on page 851 of the House Journal.

Lageschulte of Bremer asked and received unanimous consent to defer action on amendments H—5548 and H—6042.

Thompson of Polk offered the following amendment H—5873 filed by her and moved its adoption:

H—5873

1 Amend House File 2040 as follows:
2 1. Page 1, by inserting after line 24 the follow-
3 ing: "There is hereby appropriated each year from
4 the general fund of the state an amount necessary
5 to reimburse a political subdivision for the costs
6 incurred in granting a leave of absence to participate
7 in olympic competition and training under the
8 provisions of this section. Applications to the state
9 comptroller upon forms provided by the state
10 comptroller for reimbursement by a political
11 subdivision shall be made quarterly for the periods
12 ending September thirtieth, December thirty-first,
13 March thirty-first, and June thirtieth. Reimbursement
14 shall be forwarded to the political subdivisions by
15 the state comptroller within fifteen days after receipt
16 of the quarterly application."

A non-record roll call was requested.

The ayes were 39, nays 31.

Amendment H—5873 was adopted.

Lageschulte of Bremer asked for unanimous consent to withdraw amendments H—6041 and H—6042.

Objection was raised.

Lageschulte of Bremer moved to withdraw amendment H—6041, to amendment H—5548, filed by him on April 13, 1978.

The motion prevailed and amendment H—6041 was withdrawn.

Lageschulte of Bremer asked and received unanious consent to withdraw amendment H—6042 filed by him on April 13, 1978.

Clark of Cerro Gordo offered the following amendment H—6084 filed by her and moved its adoption:

H—6084

1 Amend House File 2040 as follows:
2 1. Page 1, by inserting after line 24 the following
3 section:
4 "Sec. . Nothing in this Act shall duplicate

- 5 any federal plan for paid leave of absence to compete in
6 or train for olympic competition."

Amendment H—6084 was adopted.

The House resumed consideration of amendment H—5548.

Jochum of Dubuque moved the adoption of the committee amendment H—5548.

Amendment H—5548 lost.

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?" (H.F. 2040)

The ayes were, 62:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Connors	Crabb
Crawford	Danker	Davitt	Dieleman
Dunton	Egenes	Fitzgerald	Garrison
Gettings	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Horn	Howell	Hullinger	Husak
Jesse	Krause	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller (Sergeant)	Nielsen	Oxley
Patchett	Pavich	Pellett	Pelton
Poncy	Scheelhaase	Schroeder	Shimanek
Stephens	Stromer	Thompson	Tofte
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 20:

Arnould	Baker	Conlon	Daggett
Dyrland	Evans	Gentleman	Gilloon
Hinkhouse	Jochum	Krewson	Miller, K.D.
Monroe	Norland	Perkins	Schneklath
Spear	Svoboda	Tauce	Welden

Absent or not voting, 18:

Branstad	Brockett	Byerly	Cusack
Den Herder	Doyle	Hines	Hoffmann

Junker
O'Halloran
Spencer

Koogler
Rinas
Varley

Lipsky
Small

Newhard
Smalley

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 to suspend the rules and place on the sifting committee fifteen-minute noncontroversial calendar House Files 2435 and 2053 and to place on the five-minute noncontroversial calendar House Concurrent Resolution 123.

SENATE FILE 2100 SUBSTITUTED FOR HOUSE FILE 468

Griffie of Chickasaw asked and received unanimous consent to substitute Senate File 2100 for House File 468.

Senate File 2100, a bill for an act relating to the establishment of a depository library center within the Iowa library department, 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. 2100)

The ayes were, 84:

Anderson
Bennett
Chiodo
Connors
Danker
Dyrland
Garrison
Gilson
Harbor
Hinkhouse
Husak
Krause
Lindeen
Millen

Arnould
Bina
Clark, B.J.
Crabb
Davitt
Egenes
Gentleman
Griffie
Hargrave
Horn
Jesse
Krewson
Lonergan
Miller, K.D.

Avenson
Binneboese
Clark, J.H.
Crawford
Dieleman
Evans
Gettings
Halvorson
Harvey
Howell
Jochum
Lageschulte
Menke
Miller (Sergeant)

Baker
Brandt
Conlon
Daggett
Dunton
Fitzgerald
Gilloon
Hansen
Hines
Hullinger
Koogler
Lind
Middleswart
Monroe

Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Spear

Absent or not voting, 15:

Branstad	Brockett	Brunow	Byerly
Cusack	Den Herder	Doyle	Hoffmann
Junker	Lipsky	O'Halloran	Rinas
Smalley	Spencer	Varley	

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

HOUSE FILE 468 WITHDRAWN

Griffie of Chickasaw asked and received unanimous consent to withdraw House File 468 from further consideration by the House.

House File 2152, a bill for an act relating to annual reports by licensed warehouse operators, was taken up for consideration.

Gettings of Wapello offered the following amendment H—6391 filed by Gettings, Binneboese and Scheelhaase from the floor:

H—6391

- 1 Amend House File 2152 as follows:
- 2 1. Page 1, by striking lines 3 through 8 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. Every licensed warehouseman shall,
- 5 on or before July first of each year, send a statement
- 6 for each holder of a warehouse receipt at that
- 7 warehouse to his or her last known address. The
- 8 statement shall show the amount of all grain held
- 9 pursuant to warehouse receipt for such warehouse
- 10 receipt holder and the amount of any storage charges
- 11 held by the licensed warehouseman against that grain.
- 12 Failure to prepare a statement required by this section
- 13 shall be punishable by a civil fine not to exceed
- 14 one hundred dollars."

- 15 2. Amend the title, line 2, by inserting after
16 the word "ators" the words "and providing a penalty".

Evans of Grundy offered the following amendment H—6392, to amendment H—6391, filed by Evans, Davitt and Koogler from the floor and moved its adoption:

H—6392

- 1 Amend amendment H—6391 to House File 2152 as
2 follows:
3 1. Page 1, line 8, by inserting after the word
4 "held" the words "for more than one year".

A non-record roll call was requested.

The ayes were 52, nays 13.

Amendment H—6392 was adopted.

Harbor of Mills offered the following amendment H—6394, to amendment H—6391, filed by him from the floor and moved its adoption:

H—6394

- 1 Amend amendment H—6391, to House File 2152, as
2 follows:
3 1. Page 1, by inserting after line 11 the follow-
4 ing:
5 "However, a licensed warehouseman need not prepare
6 this annual statement for a holder of a warehouse
7 receipt, if the licensed warehouseman prepares such
8 statements monthly, quarterly or for any other
9 period more frequent than annually."

Amendment H—6394 was adopted.

On motion by Gettings of Wapello, amendment H—6391, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2152)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Davitt	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Hargrave	Harvey	Hinkhouse	Horn
Howell	Hullinger	Husak	Jochum
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 3:

Danker	Harbor	Pellett
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Absent or not voting, 15:

Branstad	Brockett	Cusack	Den Herder
Doyle	Gentleman	Hines	Hoffmann
Jesse	Junker	Lipsky	O'Halloran
Smalley	Spencer	Varley	

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 2316, a bill for an act to legalize proceedings taken by the city of Kensett relating to the letting of certain contracts, 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?" (H.F. 2316)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Horn	Howell	Hullinger	Husak
Jochum	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 18:

Branstad /	Brockett	Cusack	Den Herder
Doyle	Gentleman	Gilloon	Hines
Hoffmann	Jesse	Junker	Lipsky
O'Halloran	Small	Smalley	Spencer
Svoboda	Varley		

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

House File 2421, a bill for an act to create a county finance committee and to specify its powers and duties, with report of committee recommending passage was taken up for consideration.

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. 2421)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Spear	Stephens	Tauke
Thompson	Tofte	Walter	Weiden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Branstad	Brockett	Cusack	Den Herder
Doyle	Gentleman	Hoffmann	Junker
Lipsky	O'Halloran	Smalley	Spencer
Stromer	Svoboda	Varley	

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

IMMEDIATE MESSAGE (House File 2421)

Gilson of Guthrie asked and received unanimous consent that House File 2421 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stromer of Hancock for the remainder of the day and May 1, 1978 on request of Millen of Van Buren.

House File 2432, a bill for an act relating to the employment and payment by the state board of regents of attorneys and counselors as its authorized bargaining representatives for purposes of collective bargaining, with report of committee recommending passage was taken up for consideration.

Patchett of Johnson offered the following amendment H—6197 filed by Patchett, et al., and moved its adoption:

H—6197

1 Amend House File 2432 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section two hundred sixty-two point
5 nine (262.9), Code 1977, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. In its discretion employ or retain
8 attorneys or counselors when acting as a public
9 employer for the purpose of carrying out collective
10 bargaining and related responsibilities provided for
11 under chapter twenty (20) of the Code. This subsection
12 shall supersede the provisions of section thirteen
13 point seven (13.7) of the Code.

14 Sec. 2. The state board of regents may make payment
15 to an attorney or counselor for services rendered
16 prior to the effective date of this Act to the state
17 board of regents in connection with its
18 responsibilities as a public employer pursuant to
19 chapter twenty (20) of the Code."

20 2. Amend the title, line 2, by striking the words
21 "as its".

22 3. Amend the title, by striking lines 3 and 4
23 and inserting in lieu thereof the words "for the
24 purpose of acting as an employer under the provisions
25 of chapter twenty (20) of the Code."

A non-record roll call was requested.

The ayes were 64, nays 5.

Amendment H—6197 was adopted.

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. 2432)

The ayes were, 76:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Davitt	Dieleman
Dyrland	Evans	Garrison	Gentleman
Gilloon	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Horn	Howell	Husak
Jochum	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Spear	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 4:

Danker	Dunton	Koogler	Stephens
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Absent or not voting, 20:

Branstad	Brockett	Cusack	Den Herder
Doyle	Egenes	Fitzgerald	Gettings
Harvey	Hoffmann	Hullinger	Jesse
Junker	Lipsky	O'Halloran	Smalley
Spencer	Stromer	Svoboda	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 (House File 2432)

Patchett of Johnson asked and received unanimous consent that House File 2432 be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Senate File 2022, a bill for an act prohibiting smoking in certain public areas and providing a civil penalty, with report of committee

recommending amendment and passage was taken up for consideration.

Monroe of Des Moines offered amendment H—5951 filed by the committee on state government on April 10, 1978, and found on pages 1454 and 1455 of the House Journal and moved its adoption.

A non-record roll call was requested.

The ayes were 21, nays 48.

Amendment H—5951 lost.

Brandt of Black Hawk asked and received unanimous consent to withdraw amendment H—5863, to page 2, filed by her on March 31, 1978.

Welden of Hardin offered the following amendment H—6395 filed by him from the floor and moved its adoption:

H—6395

- 1 Amend Senate File 2022 as passed and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 2, by striking lines 31 through 35.
- 4 2. Page 3, by striking lines 1 through 4.

Roll call was requested by Byerly of Polk and Harvey of Scott.

Rule 70 was invoked.

On the question “Shall amendment H—6395 be adopted?”

The ayes were, 39:

Arnould	Baker	Binneboese	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Dyrland	Egenes	Garrison	Gentleman
Gilloon	Hansen	Harbor	Harvey
Hinkhouse	Horn	Husak	Jesse
Krewson	Lind	Lindeen	Miller, K.D.
Monroe	Newhard	Norland	Pavich
Perkins	Scheelhaase	Schroeder	Shimanek
Smalley	Spear	Thompson	Tofte
Welden	Woods	Wyckoff	

The nays were, 42:

Anderson	Avenson	Bennett	Bina
Brandt	Brunow	Conlon	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Dunton	Evans	Gilson
Griffiee	Halvorson	Hargrave	Howell
Koogler	Krause	Lageschulte	Lonergan
Menke	Middleswart	Millen	Miller (Sergeant)
Oxley	Patchett	Pellett	Pelton
Poncy	Rinas	Schnekloth	Small
Stephens	Tauke	Walter	Wells
West	Mr. Speaker		

Absent or not voting, 19:

Branstad	Brockett	Cusack	Den Herder
Doyle	Fitzgerald	Gettings	Hines
Hoffmann	Hullinger	Jochum	Junker
Lipsky	Nielsen	O'Halloran	Spencer
Stromer	Svoboda	Varley	

Amendment H—6395 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque on request of Dyrland of Clayton; Gettings of Wapello on request of Walter of Pottawattamie, both for the remainder of the day.

Schroeder of Pottawattamie offered the following amendment H—6396 filed by him from the floor and moved its adoption:

H—6396

- 1 Amend Senate File 2022 as amended, passed and re-
- 2 printed by the Senate as follows:
- 3 1. Page 2, line 34, by striking the word "violation"
- 4 and inserting in lieu thereof the word "conviction".
- 5 2. Page 3, line 1, by striking the word "violation"
- 6 and inserting in lieu thereof the word "conviction".

Roll call was requested by Schroeder of Pottawattamie and Woods of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—6396 be adopted?"

The ayes were, 36:

Arnould	Baker	Binneboese	Byerly
Chiodo	Clark, J.H.	Connors	Danker
Dyrland	Egenes	Garrison	Gentleman
Gilloon	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Horn	Husak
Jesse	Krewson	Lind	Lindeen
Miller, K.D.	Monroe	Newhard	Norland
Pelton	Perkins	Schroeder	Smalley
Thompson	Welden	Woods	Wyckoff

The nays were, 47:

Anderson	Avenson	Bennett	Bina
Brandt	Brunow	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Davitt
Dieleman	Dunton	Evans	Gilson
Griffiee	Hines	Howell	Hullinger
Koogler	Krause	Lageschulte	Lonergan
Menke	Middleswart	Miller (Sergeant)	Nielsen
Oxley	Patchett	Pavich	Pellett
Poncy	Rinas	Scheelhaase	Schneklloth
Shimanek	Small	Spear	Stephens
Svoboda	Tauke	Tofte	Walter
Wells	West	Mr. Speaker	

Absent or not voting, 17:

Branstad	Brockett	Cusack	Den Herder
Doyle	Fitzgerald	Gettings	Halvorson
Hoffmann	Jochum	Junker	Lipsky
Millen	O'Halloran	Spencer	Stromer
Varley			

Amendment H—6396 lost.

Woods of Polk moved to reconsider the vote by which the committee amendment H—5951 failed to be adopted by the House on April 28, 1978.

The motion lost.

Scheelhaase of Woodbury offered the following amendment H—6398 filed by him from the floor and moved its adoption:

H — 6398

- 1 Amend Senate File 2022, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 2, by striking line 35 and inserting in
- 4 lieu thereof the following: "each subsequent violation."
- 5 2. Page 3, by striking line 1.

Roll call was requested by Schroeder of Pottawattamie and Thompson of Polk.

Rule 70 was invoked.

On the question "Shall amendment H — 6398 be adopted?"

The ayes were, 40:

Arnould	Baker	Bina	Byerly
Chiodo	Clark, J.H.	Davitt	Dyrland
Egenes	Garrison	Gentleman	Gilloon
Gilson	Griffiee	Hansen	Harbor
Harvey	Hinkhouse	Horn	Husak
Jesse	Krewson	Lind	Lindeen
Lonergan	Miller, K.D.	Monroe	Norland
Pavich	Pelton	Perkins	Scheelhaase
Schroeder	Shimanek	Smalley	Spear
Thompson	Welden	Woods	Wyckoff

The nays were, 40:

Anderson	Avenson	Bennett	Brandt
Brunow	Clark, B.J.	Conlon	Crabb
Crawford	Daggett	Danker	Dieleman
Dunton	Evans	Fitzgerald	Halvorson
Hargrave	Hines	Howell	Koogler
Krause	Lageschulte	Menke	Middleswart
Millen	Miller (Sergeant)	Nielsen	Oxley
Patchett	Pellett	Rinas	Schneklloth
Small	Stephens	Svoboda	Tauke
Walter	Wells	West	Mr. Speaker

Absent or not voting, 20:

Binneboese	Branstad	Brockett	Connors
Cusack	Den Herder	Doyle	Gettings
Hoffmann	Hullinger	Jochum	Junker
Lipsky	Newhard	O'Halloran	Poncy
Spencer	Stromer	Tofte	Varley

Amendment H — 6398 lost.

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. 2022)

The ayes were, 67:

Anderson	Avenson	Bennett	Bina
Brandt	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Dunton	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Howell
Hullinger	Husak	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller (Sergeant)
Newhard	Nielsen	Norland	Oxley
Patchett	Pellett	Pelton	Perkins
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Svoboda	Tauke	Thompson	Walter
Wells	West	Mr. Speaker	

The nays were, 15:

Arnould	Baker	Dyrland	Garrison
Griffiee	Horn	Jesse	Lind
Miller, K.D.	Monroe	Pavich	Scheelhaase
Welden	Woods	Wyckoff	

Absent or not voting, 18:

Binneboese	Branstad	Brockett	Connors
Cusack	Den Herder	Doyle	Gettings
Hoffmann	Jochum	Junker	Lipsky
O'Halloran	Poncy	Spencer	Stromer
Tofte	Varley		

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 2361)

Patchett of Johnson asked and received unanimous consent to

withdraw the motion to reconsider House File 2361 filed by him on April 26, 1978.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that Senate File 2115 be placed on the sifting committee fifteen-minute noncontroversial calendar.

CONFERENCE COMMITTEE APPOINTMENT (House File 356)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 356: Middleswart of Warren, Chair; Avenson of Fayette, Wyckoff of Benton, Halvorson of Clayton and Welden of Hardin.

HOUSE ADMINISTRATION COMMITTEE APPOINTMENT

The Speaker announced the appointment of Representative Patricia Thompson to the House Administration Committee replacing Representative Elmer Den Herder.

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, 1978, insisted on its amendment to House File 2223, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of stepparent adoptions, and that the members of the conference committee, appointed April 28, 1978, on the part of the Senate are:

The Senator from Webster, Senator Coleman, Chair; the Senator from Woodbury, Senator Calhoun; the Senator from Sioux, Senator DeKoster; the Senator from Polk, Senator Hill; and the Senator from Linn, Senator Redmond.

Also: That the Senate has on April 28, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2244, a bill for an act to adopt the Uniform Landlord Tenant Act as modified and providing penalties.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2244

H—6397

1 Amend House File 2244 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 17 the follow-
4 ing new lettered paragraph:

5 " . To insure that the right to the receipt
6 of rent is inseparable from the duty to maintain the
7 premises."

8 2. Page 3, line 6, by striking the word and figure
9 "fifteen (15)" and inserting in lieu thereof the word
10 and figure "fourteen (14)".

11 3. Page 3, line 25, by striking the word and
12 figure "twenty (20)" and inserting in lieu thereof
13 the word and figure "nineteen (19)".

14 4. Page 6, by striking lines 32 through 35 and
15 inserting in lieu thereof the words "this Act".

16 5. Page 7, by striking lines 14 through 19.

17 6. Page 7, line 35, by inserting after the word
18 "deposit" the words "during the first five years of
19 a tenancy".

20 7. Page 8, by inserting after line 16 the following
21 new paragraph:

22 "c. To recover expenses incurred in acquiring
23 possession of the premises from a tenant who does
24 not act in good faith in failing to surrender and
25 vacate the premises upon noncompliance with the rental
26 agreement and notification of such noncompliance
27 pursuant to this Act."

28 8. Page 10, lines 11 and 12 by striking the words
29 "provide a written explanation of" and inserting in
30 lieu thereof the words "shall fully explain".

31 9. Page 10, lines 24 and 25, by striking the word
32 and figure "seventeen (17)" and inserting in lieu
33 thereof the word and figure "sixteen (16)".

34 10. Page 10, line 27, by striking the word and
35 figure "thirty-seven (37)" and inserting in lieu
36 thereof the word and figure "thirty-six (36)".

37 11. Page 12, by striking lines 4 and 5.

38 12. Page 13, line 12, by striking the word "It"
39 and inserting in lieu thereof the words "A rule".

40 13. Page 13, line 13, by inserting after the word
41 "only" the words "if it is written and".

42 14. Page 14, lines 14 and 15, by striking the
43 words and figures "thirty-one (31) and thirty-two
44 (32)" and inserting in lieu thereof the words and
45 figures "thirty (30) and thirty-one (31)".

46 15. Page 14, line 31, by striking the word and

47 figure "seventeen (17)" and inserting in lieu thereof
48 the word and figure "sixteen (16)".

49 16. Page 14, line 32, by striking the words "the
50 tenant may" and inserting in lieu thereof the words

Page 2

1 "the tenant may elect to commence an action under
2 this section and shall".

3 17. Page 15, line 14, by inserting after the word
4 "agreement" the words "unless the landlord has
5 exercised due diligence and effort to remedy the
6 breach which gave rise to the noncompliance".

7 18. Page 15, lines 21 and 22 by striking the word
8 and figure "seventeen (17)" and inserting in lieu
9 thereof the word and figure "sixteen (16)".

10 19. Page 15, line 34, by striking the word and
11 figure "fourteen (14)" and inserting in lieu thereof
12 the word and figure "thirteen (13)".

13 20. Page 16, by striking lines 15 through 17 and
14 inserting in lieu thereof the words "the actual damages
15 sustained by the tenant and reasonable attorney's
16 fees."

17 21. Page 16, lines 20 and 21 by striking the word
18 and figure "seventeen (17)" and inserting in lieu
19 thereof the word and figure "sixteen (16)".

20 22. Page 16, line 35, by striking the word and
21 figure "twenty-three (23)" and inserting in lieu
22 thereof the word and figure "twenty-two (22)".

23 23. Page 18, line 9, by striking the word and
24 figure "fourteen (14)" and inserting in lieu thereof
25 the word and figure "thirteen (13)".

26 24. Page 18, by striking lines 19 through 21 and
27 inserting in lieu thereof the words "in either case,
28 recover the actual damages sustained by the tenant
29 and reasonable attorney's."

30 25. Striking page 18, line 24, through page 19,
31 line 29.

32 26. Page 20, line 1, by striking the word and
33 figure "nineteen (19)" and inserting in lieu thereof
34 the word and figure "eighteen (18)".

35 27. Page 20, line 25, by striking the word and
36 figure "nineteen (19)" and inserting in lieu thereof
37 the word and figure "eighteen (18)".

38 28. Page 20, by inserting after line 31 the
39 following new subsection:

40 "4. In any action by a landlord for possession
41 based upon nonpayment of rent, proof by the tenant
42 of the following shall be a defense to any action
43 or claim for possession by the landlord, and the
44 amounts expended by the claimant in correcting the

- 45 deficiencies shall be deducted from the amount claimed
46 by the landlord as unpaid rent:
47 a. That the landlord failed to comply either with
48 the rental agreement or with section sixteen (16)
49 of this Act; and
50 b. That the tenant notified the landlord at least

Page 3

- 1 fourteen days prior to the due date of the tenant's
2 rent payment of the tenant's intention to correct
3 the condition constituting the breach referred to
4 in paragraph a of this subsection at the landlord's
5 expense; and
6 c. That the reasonable cost of correcting the
7 condition constituting the breach is equal to or less
8 than one month's periodic rent; and
9 d. That the tenant in good faith caused the
10 condition constituting the breach to be corrected
11 prior to receipt of written notice of the landlord's
12 intention to terminate the rental agreement for
13 nonpayment of rent."
14 29. Page 20, line 33, by striking the word and
15 figure "nineteen (19)" and inserting in lieu thereof
16 the word and figure "eighteen (18)".
17 30. Page 21, line 15, by striking the word and
18 figure "twenty-two (22)" and inserting in lieu thereof
19 the word and figure "twenty-one (21)".
20 31. Page 22, line 15, by striking the word and
21 figure "thirty (30)" and inserting in lieu thereof
22 the word and figure "twenty-nine (29)".
23 32. Page 23, line 3, by striking the word "an".
24 33. Page 23, by striking lines 4 through 6 and
25 inserting in lieu thereof the words "the actual damages
26 sustained by the landlord and reasonable attorney's
27 fees. If the landlord".
28 34. Page 23, line 8, by striking the word and
29 figure "ten (10)" and inserting in lieu thereof the
30 word and figure "nine (9)".
31 35. Page 23, line 35, by striking the word and
32 figure "seventeen (17)" and inserting in lieu thereof
33 the word and figure "sixteen (16)".
34 36. Page 24, by striking lines 4 and 5 and
35 inserting in lieu thereof the following: "(1) of
36 this section, the tenant may recover from the landlord
37 the actual damages sustained by the tenant and
38 reasonable attorney's fees, and has".
39 37. Page 24, line 33, by striking the word and
40 figure "twenty-three (23)" and inserting in lieu
41 thereof the word and figure "twenty-two (22)".
42 38. Renumbering the remaining sections and
43 correcting internal references in accordance with
44 this amendment.

UNANIMOUS CONSENT CALENDAR
(House Resolution 142)

We hereby respectfully request that House Resolution 142, filed on April 27, 1978 and found on page 1991 of the House Journal, be placed on the unanimous consent calendar.

CRAWFORD of Story
EGENES of Story
HINES of Story

(House Resolution 144)

We hereby respectfully request that House Resolution 144, filed on April 27, 1978 and found on page 1992 of the House Journal, be placed on the unanimous consent calendar.

DUNTON of Keokuk
GARRISON of Black Hawk
HORN of Linn

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 27, 1978 he approved and transmitted to the Secretary of State the following bills:

House File 246, an act creating a legislative oversight bureau and specifying its powers and duties.

House File 2329, an act creating and making an appropriation for the purpose of funding the acquisition, development, installation and use of a data processing interactive decision evaluation system encompassing state and local finance and budgeting procedures.

PRESENTATION OF VISITORS

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

Twenty-two students from the Christian Education Service School, Plano, Iowa, accompanied by Duane Dudley. By Brunow of Appanoose.

Forty fifth grade students from Washington Elementary School, Muscatine, Iowa, accompanied by Charles Christophersen and Tom Randleman. By Hoffmann of Muscatine and Conlon of Muscatine.

Thirty-six sixth grade students from South Hamilton Community School District, Jewell, Iowa, accompanied by Janet Peterson. By Egenes of Story.

Thirty-five junior high students from Holmes Junior High School, Cedar Falls, Iowa, accompanied by Sue Jorgensen and Cyril Klein. By O'Halloran of Black Hawk.

Fifteen fifth grade students from Woden-Crystal Lake Community School, Crystal Lake, Iowa, accompanied by Dennis Bortuit. By Stromer of Hancock.

Twenty-eight fifth grade students from Clive Elementary School, West Des Moines, Iowa, accompanied by Virginia Crone. By Thompson of Polk.

Forty-four fifth grade students from Roosevelt Elementary School, Ames, Iowa, accompanied by Nathan Tosten and Laura Specht. By Crawford of Story and Hines of Story.

AMENDMENTS FILED

H-6385	S.F. 2111	Hinkhouse of Cedar
		Scheelhaase of Woodbury
		Crabb of Crawford
		Dunton of Keokuk
		Binneboese of Plymouth
		Poncy of Wapello
		Hullinger of Decatur
		Husak of Tama
		Daggett of Adams
		Gilson of Guthrie
		Gettings of Wapello
		Danker of Pottawattamie
		Pellett of Cass
H-6389	H.F. 468	Evans of Grundy
		Brockett of Marshall
H-6399	S.F. 2216	Middleswart of Warren
		Welden of Hardin
H-6400	S.F. 2213	Wyckoff of Benton
		Daggett of Adams
		Hinkhouse of Cedar
		Middleswart of Warren

H—6401	S.F. 2111	Gettings of Wapello
H—6402	S.F. 2111	Wyckoff of Benton
		Danker of Pottawattamie
		Daggett of Adams
		Pellett of Cass
		Scheelhaase of Woodbury
H—6403	H.F. 2425	Welden of Hardin
H—6404	S.F. 2200	Jesse of Polk
H—6405	S.F. 2200	Jesse of Polk
H—6406	H.F. 580	Welden of Hardin
H—6407	H.F. 2341	Nielsen of Polk
H—6409	S.F. 389	Davitt of Warren
H—6410	S.F. 2187	Husak of Tama
		Wyckoff of Benton
		Harbor of Mills
		Crabb of Crawford
		Hansen of O'Brien
		Hinkhouse of Cedar
		West of Marshall
H—6411	H.F. 2147	Evans of Grundy
H—6412	H.F. 2425	Krause of Kossuth
		Chiodo of Polk

On motion by Fitzgerald of Webster, the House adjourned at 5:25 p.m., until 10:00 a.m., Monday, May 1, 1978.

JOURNAL OF THE HOUSE

One Hundred Thirteenth Calendar Day—Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 1, 1978

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

Prayer was offered by the Reverend Del Carstens, pastor of the Swedesburg Lutheran Church, Swedesburg, Iowa.

The Journal of Friday, April 28, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patti Binder, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd for the morning session on request of Dieleman of Marion; Patchett of Johnson for the morning session on request of Dyrland of Clayton; O'Halloran of Black Hawk on request of Hullinger of Decatur; Binneboese of Plymouth for the morning session on request of Newhard of Jones.

ADOPTION OF HOUSE RESOLUTION 130

Pursuant to House Rule 26, the Speaker announced that House Resolution 130, filed on April 4, 1978 and found on pages 1334 and 1335 of the House Journal, was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 138

Pursuant to House Rule 26, the Speaker announced that House Resolution 138, filed on April 20, 1978 and found on pages 1699 and 1700 of the House Journal, was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 139

Pursuant to House Rule 26, the Speaker announced that House

Resolution 139, filed on April 21, 1978 and found on page 1774 of the House Journal, was adopted by unanimous consent.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 123

Koogler of Mahaska called up for consideration House Concurrent Resolution 123 filed on April 27, 1978 and found on pages 1986 and 1987 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS Sifting Committee Noncontroversial Five-Minute Calendar

House File 2406, a bill for an act providing that money used to pay for hospital, nursing, and medical attention for members of a city police or fire department who are injured in the line of duty may be paid out of an appropriation for that purpose in the trust and agency fund, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2406)

The ayes were, 80:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brockett	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Gentleman
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneran
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Pavich	Pellett	Pelton
Perkins	Poney	Rinas	Schnekloth

Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 20:

Binneboese	Brandt	Branstad	Brunow
Clark, J.H.	Den Herder	Doyle	Egenes
Garrison	Hines	Howell	Junker
O'Halloran	Oxley	Patchett	Scheelhaase
Small	Stromer	Svoboda	Varley

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

House File 2441, a bill for an act increasing the maximum lending limit of a small loan company to two thousand dollars, 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?" (H.F. 2441)

The ayes were, 76:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brockett	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Dyrland
Evans	Fitzgerald	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hinkvay	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Dunton

Absent or not voting, 23:

Binneboese	Brandt	Branstad	Brunow
Clark, J.H.	Den Herder	Doyle	Egenes
Garrison	Gilloon	Hines	Howell
Junker	O'Halloran	Oxley	Patchett
Scheelhaase	Small	Spencer	Stephens
Stromer	Svoboda	Varley	

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

House File 2322, a bill for an act relating to the number of residential parties connected on a telephone party line, with report of committee recommending passage was taken up for consideration.

Danker 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. 2322)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brockett	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Dunton
Evans	Fitzgerald	Gentleman	Gettings
Gilloon	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Tauke	Thompson	Tofte
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 3:

Dyrland

Lipsky

Welden

Absent or not voting, 19:

Binneboese

Brandt

Branstad

Brunow

Clark, J.H.

Den Herder

Doyle

Egenes

Garrison

Hines

Howell

Junker

O'Halloran

Oxley

Patchett

Scheelhaase

Stromer

Svoboda

Varley

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

IMMEDIATE MESSAGE

(House File 2322)

Danker of Pottawattamie asked and received unanimous consent that House File 2322 be immediately messaged to the Senate.

House File 2368, a bill for an act to repeal the authority of the special education division of the department of public instruction to provide standards and certification for special education teachers, with report of committee recommending passage was taken up for consideration.

Miller (Sergeant) of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2368)

The ayes were, 81:

Anderson

Arnould

Avenson

Baker

Bennett

Bina

Brockett

Byerly

Chiodo

Clark, B.J.

Conlon

Connors

Crabb

Crawford

Cusack

Daggett

Danker

Davitt

Dieleman

Duntun

Dyrland

Evans

Fitzgerald

Garrison

Gentleman

Gettings

Gilloon

Gilson

Griffiee

Halvorson

Hansen

Harbor

Hargrave

Harvey

Hinkhouse

Hoffmann

Horn

Hullinger

Husak

Jesse

Jochum

Koogler

Krause

Krewson

Lageschulte

Lind

Lindeen

Lipsky

Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Pavich	Pellett
Pelton	Perkins	Poney	Rinas
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 19:

Binneboese	Brandt	Branstad	Brunow
Clark, J.H.	Den Herder	Doyle	Egenes
Hines	Howell	Junker	O'Halloran
Oxley	Patchett	Scheelhaase	Schroeder
Stromer	Svoboda	Varley	

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

BUDGET CALENDAR

Senate File 2230, a bill for an act directing the executive council to sell the valley bank building, 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. 2230)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen

Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Binneboese	Brandt	Branstad	Clark, J.H.
Den Herder	Doyle	Egenes	Hines
Howell	Junker	O'Halloran	Oxley
Patchett	Stromer	Svoboda	Varley

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

Senate File 2246, a bill for an act making an appropriation to the judicial department, 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. 2246)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Pavich

Pellett	Pelton	Perkins	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 17:

Binneboese	Branstad	Clark, B.J.	Clark, J.H.
Den Herder	Doyle	Egenes	Hines
Howell	Junker	O'Halloran	Oxley
Patchett	Poncy	Stromer	Svoboda
Varley			

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 2244**, a bill for an act to adopt the Uniform Landlord Tenant Act as modified and providing penalties; amended by the Senate amendment H-6397, found on pages 2046 through 2048 of the House Journal.

Perkins of Greene offered the following amendment H-6413, to the Senate amendment H-6397, filed by him from the floor and moved its adoption:

H-6413

- 1 Amend the Senate amendment H-6397 to House File
- 2 2244 as follows:
- 3 1. Page 1, by striking lines 14 and 15.

Roll call was requested by Schroeder of Pottawattamie and Lageschulte of Bremer.

Rule 70 was invoked.

On the question "Shall amendment H-6413 be adopted?"

The ayes were, 46:

Baker	Bennett	Branstad	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Daggett	Danker	Davitt	Dieleman
Dunton	Evans	Gettings	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hinkhouse	Husak	Lageschulte	Lindeen
Lonerган	Menke	Millen	Miller (Sergeant)
Nielsen	Norland	Pellett	Pelton
Perkins	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spencer	Stephens
Tofte	Varley	Weiden	West
Wyckoff	Mr. Speaker		

The nays were, 37:

Anderson	Arnould	Avenson	Bina
Brandt	Brockett	Byerly	Crawford
Cusack	Dyrland	Garrison	Gentleman
Gilloon	Hargrave	Harvey	Hoffmann
Horn	Jesse	Jochum	Koogler
Krause	Krewson	Lind	Lipsky
Middleswart	Miller, K.D.	Monroe	Newhard
Pavich	Poncy	Smalley	Spear
Tauke	Thompson	Walter	Wells
Woods			

Absent or not voting, 17:

Binneboese	Chiodo	Connors	Den Herder
Doyle	Egenes	Fitzgerald	Hines
Howell	Hullinger	Junker	O'Halloran
Oxley	Patchett	Rinas	Stromer
Svoboda			

Amendment H—6413 was adopted.

On motion by Monroe of Des Moines, the House concurred in the Senate amendment H—6397, as amended.

Monroe of Des Moines moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2244)

The ayes were, 65:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Cusack
Dieleman	Dunton	Dyrland	Evans
Garrison	Gentleman	Gilloon	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hoffmann	Horn	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Monroe	Newhard	Nielsen
Norland	Pavich	Pelton	Perkins
Schnekloth	Shimanek	Small	Spear
Spencer	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Mr. Speaker			

The nays were, 18:

Byerly	Crabb	Daggett	Danker
Gettings	Gilson	Hinkhouse	Lipsky
Miller, K.D.	Miller (Sergeant)	Pellett	Poncy
Scheelhaase	Schroeder	Smalley	Stephens
Welden	Wyckoff		

Absent or not voting, 17:

Binneboese	Connors	Davitt	Den Herder
Doyle	Egenes	Fitzgerald	Hines
Howell	Junker	O'Halloran	Oxley
Patchett	Rinas	Stromer	Svoboda
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 2244)

Monroe of Des Moines asked and received unanimous consent that House File 2244 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oxley of Lian for a portion of the morning session on request of Miller (Sergeant) of Calhoun.

SIFTING COMMITTEE CALENDAR

The House resumed consideration of **House File 304**, a bill for an act relating to disclosure of criminal history and intelligence data and providing a penalty, and the Harbor of Mills motion to reconsider amendment H—5947.

The motion prevailed and the House reconsidered amendment H—5947, to page 4, found on page 1531 of the House Journal.

Small of Johnson offered the following amendment H—6023, to amendment H—5947, filed by him and moved its adoption:

H—6023

- 1 Amend amendment H—5947 to House File 304 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "receive" the words ", if authorized by the confiden-
- 5 tial records council,".

Amendment H—6023 was adopted.

On motion by Lipsky of Linn, amendment H—5947, as amended, was adopted.

Pelton of Clinton asked and received unanimous consent to withdraw amendment H—6022 filed by him on April 13, 1978.

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?" (H.F. 304)

The ayes were, 78:

Anderson
Bennett

Arnould
Bina

Avenson
Brandt

Baker
Branstad

Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Dieleman	Dunton	Evans	Fitzgerald
Garrison	Gettings	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jochum	Koogler
Krause	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Pavich
Pellett	Pelton	Perkins	Poney
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wyckoff	Mr. Speaker		

The nays were, 3:

Dyrland	Gentleman	Gilloon
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Absent or not voting, 19:

Binneboese	Connors	Davitt	Den Herder
Doyle	Egenes	Hines	Howell
Jesse	Junker	Krewson	O'Halloran
Oxley	Patchett	Rinas	Spencer
Stromer	Svoboda	Woods	

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

OBJECTION TO IMMEDIATE MESSAGE

(House File 304)

Schroeder of Pottawattamie asked for unanimous consent that House File 304 be immediately messaged to the Senate.

Objection was raised.

House File 2285, a bill for an act to create an Iowa boundary commission, with report of committee recommending passage was taken up for consideration.

Pelton of Clinton offered the following amendment H—6415 filed by him and Scheelhaase of Woodbury from the floor and moved its adoption:

H—6415

- 1 Amend House File 2285 as follows:
- 2 1. Page 1, line 25, by striking the second word
- 3 "the".
- 4 2. Page 1, by striking line 26 and inserting in
- 5 lieu thereof the following: "Iowa's boundaries and
- 6 problems related to those boundaries".

Amendment H—6415 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?" (H.F. 2285)

The ayes were, 72:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Crabb	Crawford	Daggett
Danker	Dieleman	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Horn	Hullinger
Husak	Jochum	Krause	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Scheelhaase	Schnekloth	Schroeder	Shimanek
Spear	Spencer	Stephens	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Wyckoff	Mr. Speaker

The nays were, 7:

Conlon	Cusack	Hoffmann	Lipsky
Poney	Small	Smalley	

Absent or not voting, 21:

Binneboese	Chiodo	Connors	Davitt
Den Herder	Doyle	Egenes	Hines
Howell	Jesse	Junker	Koogler
Krewson	Lind	O'Halloran	Patchett

Rinas
Woods

Stromer

Svoboda

Welden

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

IMMEDIATE MESSAGE
(House File 2285)

Scheelhaase of Woodbury asked and received unanimous consent that House File 2285 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren for a portion of the afternoon on request of Welden of Hardin.

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, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 491, a bill for an act providing for an expression of legislative intent concerning diagonal roads and raising the motor fuel and special fuel tax.

Also: That the Senate has on April 20, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2137, 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.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO HOUSE FILE 491

H—6416

1 Amend House File 491 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. Chapter three hundred six (306), Code
6 1977, is amended by adding the following new section:

7 NEW SECTION. It is declared to be the policy of
8 the state of Iowa that relocation of primary highways
9 through cultivated land shall be avoided to the maximum
10 extent possible. Whenever the volume of traffic for
11 which the road is designed or other conditions require
12 such relocation, diagonal routes shall be avoided
13 wherever feasible and prudent alternatives exist.

14 It is further declared that improvement of two-
15 lane roads shall utilize the existing right-of-way
16 unless alignment or other conditions make changes
17 imperative, and when any two-lane road is expanded
18 to a four-lane road, the normal procedure would be
19 that the additional right-of-way would be contiguous
20 to the existing right-of-way unless relocated for
21 compelling reasons. This policy shall not apply to
22 any highway project for which the corridor has been
23 approved by the state department of transportation
24 and which corridor has been finalized by September
25 1, 1977.

26 Sec. 2. Section three hundred six point one
27 (306.1), subsection two (2), paragraph a, Code 1977,
28 is amended to read as follows:

29 a. The freeway-expressway system shall consist
30 of those roads connecting and serving the major urban
31 and regional areas of the state with high volume,
32 long-distance traffic movements, and generally
33 connecting with like roads of adjacent states. The
34 national system of interstate and defense highways
35 shall be a part of the freeway-expressway system.
36 The freeway-expressway system, including the national
37 interstate and defense highway mileage, shall not
38 exceed three two thousand six hundred sixty miles.

39 Sec. 3. Section three hundred six point six
40 (306.6), subsection two (2), unnumbered paragraph
41 two (2), Code 1977, is amended to read as follows:

42 It shall be the responsibility of the state
43 functional classification review board to hear any
44 and all appeals from classification boards or board
45 members, relative to disputes arising out of the
46 functional classification of any segment of highway
47 or street. It shall also be the responsibility of
48 the board to establish the necessary guidelines,
49 procedures, and the time limits to be followed in
50 transferring jurisdiction in accordance with section

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1 three hundred six point eight (306.8), of the Code.
2 The state functional classification review board shall
3 have the authority and the responsibility to make
4 final administrative determinations based on sound
5 functional classification principles for all disputes
6 relative to functional classification including those
7 disputes relative to the transfer of jurisdictions.
8 The review board shall also serve, when requested
9 jointly by state and local jurisdictions, as an
10 advisory committee for review and adjustment of
11 construction and maintenance guidelines used in
12 updating road and street needs studies.

13 Sec. 4. Section three hundred six point eight
14 (306.8), Code 1977, is amended to read as follows:

15 306.8 TRANSFER OF JURISDICTION. When a change
16 of jurisdiction occurs as a result of the
17 classification or reclassification of a road or street,
18 the unit of government having jurisdiction shall,
19 prior to such change of jurisdiction, either place
20 the road or street and any structures thereon on the
21 road in good repair sufficient for the traffic thereon
22 or provide for the transfer of money to the appropriate
23 jurisdiction sufficient for the repairs to the road
24 or street and any structures on the road.

25 Transfers of the jurisdiction and control of roads
26 and streets may take place if agreements are entered
27 into between the jurisdictions of government involved
28 in the transfer of such roads and streets.

29 Sec. 5. Section three hundred seven A (307A).
30 Code 1977, is amended by adding the following new
31 subsection:

32 NEW SUBSECTION. For the four year period beginning
33 July 1, 1979, and for each subsequent four year period,
34 prepare, adopt and cause to be published the results
35 of a study of all roads and streets in the state.
36 The study shall be so designed to investigate present
37 deficiencies and future twenty-year maintenance and
38 construction needs of the roads and the ability of
39 each applicable authority to meet the needs for the
40 planning, construction, repair and maintenance of
41 roads within their jurisdiction. The commission shall
42 have the authority to gather information necessary
43 to complete this study and shall be furnished such
44 assistance from any state agency as necessary to
45 prepare, update and publish a report to be referred
46 to as the "quadrennial need study" for the purposes
47 of this chapter and chapter three hundred twelve (312)
48 of the Code. This subsection shall not preclude the
49 commission from updating the quadrennial need study
50 when necessary to reflect changes in road and street

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1 needs in the state.

2 Sec. 6. Section three hundred seven A point two
3 (307A.2), subsection eleven (11), Code 1977, is amended
4 to read as follows:

5 11. Construct, reconstruct, improve and maintain
6 state institutional roads and state park roads as
7 defined in section 306.3 and bridges on such roads,
8 roads located on state fair grounds as defined in
9 chapter one hundred seventy-three (173) of the Code
10 and the roads and bridges located on area school
11 property as defined in chapter two hundred eighty
12 A (280A) of the Code upon the request of the state
13 board, department or commission which has jurisdiction
14 over such roads. This shall be done in such manner
15 as may be agreed upon by the commission and the state
16 board, department or commission which has jurisdiction.
17 The commission may contract with any county or
18 municipality for the construction, reconstruction,
19 improvement or maintenance of such roads and bridges.
20 Any state park road which is an extension of either
21 a primary or secondary highway which both enters and
22 exits from a state park at separate points shall be
23 constructed, reconstructed, improved and maintained
24 as provided in section 306.4. Funds allocated from
25 the road use tax fund for the purposes of this
26 subsection shall be apportioned in the ratio that
27 the needs of the state institution roads and bridges,
28 park roads and bridges or area school roads and bridges
29 bear to the total needs of these facilities based
30 upon the most recent quadrennial park and institution
31 need study. The commission shall conduct a study
32 of the road and bridge facilities in state parks,
33 state institutions, state fair grounds and on area
34 school property. The study shall evaluate the
35 construction and maintenance needs and projected needs
36 based upon estimated growth for each type of facility
37 to provide a quadrennially updated standard upon which
38 to allocate funds appropriated for the purposes of
39 this subsection.

40 Sec. 7. Section three hundred twelve point two
41 (312.2), Code 1977, is amended to read as follows:

42 312.2 ALLOCATIONS FROM FUND. The treasurer of
43 the state shall, on the first day of each month,
44 credit all road use tax funds which have come into
45 his hands been received by the treasurer, to the
46 primary road fund, the secondary road fund of the
47 counties, the farm-to-market road fund, and the street
48 construction fund of cities in the following manner
49 and amounts:

50 1. To the primary road fund, ~~forty-seven~~ forty-

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1 five percent.

2 2. To the secondary road fund of the counties,
3 twenty-nine twenty-eight percent.

4 3. To the farm-to-market road fund, nine percent.

5 4. To the street construction fund of the cities,
6 fifteen eighteen percent.

7 5. The treasurer of state shall before making
8 the above allotments credit annually to the highway
9 grade crossing safety fund the sum of five hundred
10 thousand dollars, credit annually from the road use
11 tax fund the sum of five hundred thousand dollars
12 to the highway railroad grade crossing surface repair
13 fund, credit annually monthly to the primary road
14 fund the sum of one million four hundred thousand
15 dollars yielded from an allotment of sixty-five
16 hundredths of one percent of all road use tax funds
17 for the express purpose of carrying out subsection
18 12 eleven (11) of section 307A.2, the last paragraph
19 of section 313.4 subsection two (2), of the Code
20 and section 307A.5, and credit annually to the primary
21 road fund the sum of five hundred thousand dollars
22 to be used for paying expenses incurred by the state
23 department of transportation other than expenses
24 incurred for extensions of primary roads in cities.
25 All unobligated funds provided by this subsection,
26 except those funds credited to the highway grade
27 crossing safety fund, shall at the end of each year
28 revert to the road use tax fund. Funds in the highway
29 grade-crossing safety fund shall not revert to the
30 road use tax fund except to the extent they exceed
31 five hundred thousand dollars at the end of any
32 biennium.

33 6. The treasurer of state shall before making
34 the above allotments credit annually to the primary
35 road fund the sum of two million five hundred thousand
36 dollars or an amount equal to one-ninth of the federal
37 allotment whichever is the smaller, said sum to be
38 used for matching the federal allotment to the state
39 of Iowa for the use of the interstate and national
40 defense highways in the state of Iowa.

41 7 6. The treasurer of state shall before making
42 the allotments provided for in this section credit
43 monthly to the division of motor vehicle registration
44 of the state department of transportation funds
45 sufficient in amount to pay the costs of purchasing
46 supplies and materials and for the cost of prison
47 labor used in manufacturing motor vehicle registration
48 plates, decalcomania emblems, and validation stickers
49 at the prison industries.

50 7. The treasurer of state, before making the

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1 allotments provided in this section, shall credit
2 annually to the primary road fund from the road use
3 tax fund the sum of seven million one hundred thousand
4 dollars.

5 8. Beginning July 1, 1981, and each subsequent
6 year, the treasurer of state, before making any
7 allotments to counties under the provisions of this
8 section, shall reduce the allotment to any county
9 for the secondary road fund by an amount by which
10 the total funds that the county raised during the
11 prior calendar year under the provisions of section
12 three hundred nine point eight (309.8), subsections
13 one (1), three (3), and four (4), of the Code are
14 less than seventy-five percent of the maximum funds
15 that the county could have raised in the prior calendar
16 year under the provisions of section three hundred
17 nine point seven (309.7) of the Code. Funds remaining
18 in the secondary road fund of the counties due to
19 a reduction of allocations to counties for failure
20 to maintain a minimum local tax effort shall be
21 reallocated to counties that are not reduced under
22 the provisions of this subsection pursuant to the
23 allocation provisions of section three hundred twelve
24 point three (312.3), subsection one (1), of the Code,
25 based upon the needs and area of the county. Infor-
26 mation necessary to make allocations under this sub-
27 section shall be provided by the state department
28 of transportation or the state comptroller upon request
29 by the treasurer of state.

30 9. The treasurer of state, before making the
31 allotments provided for in this section, shall credit
32 annually to the Iowa Department of Soil Conservation
33 five hundred thousand (500,000) dollars from the road
34 use tax funds. The Department of Soil Conservation,
35 in cooperation with the Department of Transportation
36 and the Iowa Conservation Commission shall expend
37 such funds, for the lease or other use of land intended
38 for the planting or maintenance of wind erosion control
39 barriers designed to reduce wind erosion interfering
40 with the maintenance of highways in the state or the
41 safe operation of vehicles thereon.

42 Sec. 8. Section three hundred twelve point four
43 (312.4), Code 1977, is amended by adding the following
44 new subsection:

45 NEW SUBSECTION. The amount of the road use tax
46 fund which has been credited to carry out the
47 provisions of section three hundred seven A point
48 two (307A.2), subsection eleven (11), section three
49 hundred thirteen point four (313.4), subsection two
50 (2), and section three hundred seven A point five

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1 (307A.5) of the Code.

2 Sec. 9. Section three hundred twelve point three
3 (312.3), subsections one (1) and two (2), Code 1977,
4 are amended to read as follows:

5 1. Apportion among the counties in the ratio that
6 the needs of the secondary roads of each county bear
7 to the total needs of the secondary roads of the state
8 for the twenty-year improvement program developed
9 by the automotive safety foundation and filed with
10 the Iowa highway study committee created by chapter
11 426, Acts of the Fifty-eighth General Assembly through
12 the period ending June 30, 1979, and for each year
13 beginning July 1, 1979, based upon the total needs
14 of secondary roads of the state as shown in the latest
15 quadrennial need study report developed by the state
16 department of transportation, and which is on record
17 at the department, sixty percent of the allocation
18 from road use tax funds which he has is credited to
19 the secondary road fund of the counties, and apportion
20 among the counties in the ratio that the area of such
21 county bears to the total area of the state, forty
22 percent of the allocation from road use tax funds
23 which he has is credited to the secondary road fund
24 of the counties. However, for a hold harmless period
25 each county shall be guaranteed a base year amount.
26 The amount in the secondary road fund of the counties
27 in each fiscal year during the hold harmless period
28 in excess of the sum of the base period amounts
29 allocated to all counties shall be distributed
30 proportionally based on the relative needs and area
31 factors to only those counties entitled to receive
32 more than the base year amount.

33 For the purposes of this subsection:

34 a. "Hold harmless period" means the fiscal years
35 beginning July 1, 1979 and ending June 30, 1983.

36 b. "Base year amount" means the amount of the
37 secondary road fund of the counties received by a
38 county for the fiscal year beginning July 1, 1977.

39 2. Apportion among the cities of the state, in
40 the ratio which the population of each city, as shown
41 by the latest available federal census, bears to the
42 total population of all such cities in the state,
43 the fifteen percent percentage of the road use tax
44 funds which he has is credited to the street fund
45 of the cities, and shall remit to the city clerk of
46 each such city the amount so apportioned to such city.
47 A city may have one special federal census taken each
48 decade, and the population figure thus obtained shall
49 be used in apportioning amounts under this subsection
50 beginning the calendar year following the year in

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1 which the special census is certified by the secretary
2 of state.

3 Sec. 10. Section three hundred twelve point five
4 (312.5), unnumbered paragraph three (3), Code 1977,
5 is amended to read as follows:

6 Need allotment farm-to-market road funds shall
7 be allotted among the counties in the ratio that the
8 needs of the farm-to-market roads in each county bear
9 to the total needs of the farm-to-market roads in
10 the state for the twenty-year program developed by
11 the automotive safety foundation and filed with the
12 Iowa highway study committee created by chapter 426,
13 Acts of the Fifty-eighth General Assembly through
14 the period ending June 30, 1979, and for each year
15 beginning July 1, 1979, based upon the total needs
16 of the farm-to-market roads in the state as shown
17 in the latest quadrennial need study report developed
18 by the state department of transportation, and which
19 is on record at the department. However, for a hold
20 harmless period each county shall be guaranteed a
21 base year amount. The amount in the farm-to-market
22 road fund in each fiscal year during the hold harmless
23 period in excess of the sum of the base period amounts
24 allocated to all counties shall be distributed
25 proportionally based on the relative needs and area
26 factors to only those counties entitled to receive
27 more than the base year amount.

28 For the purposes of this section:

29 a. "Hold harmless period" means the fiscal years
30 beginning July 1, 1979 and ending June 30, 1983.

31 b. "Base year amount" means the amount of the
32 farm-to-market road fund received by a county for
33 the fiscal year beginning July 1, 1977.

34 Sec. 11. Section three hundred twelve point eleven
35 (312.11), Code 1977, is amended to read as follows:

36 312.11 ACCOUNTS OF EXPENDITURES - PERCENTAGE
37 REQUIRED ON ARTERIAL STREETS. Each city shall keep

38 accounts showing the amount spent on street
39 construction and reconstruction on arterial streets
40 on extensions of rural systems, municipal arterial
41 and municipal collector systems as classified pursuant
42 to section three hundred six point six (306.6) of
43 the Code and the amount spent on street construction
44 and reconstruction on local streets municipal service
45 systems. Such amounts spent on arterial streets
46 extensions of rural systems, municipal arterial, and
47 municipal collector systems and such amounts spent
48 on local streets municipal service systems shall be
49 shown on the annual street report required by section
50 312.14.

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1 Of the total street construction and reconstruction
2 expenditures made each year from road use tax funds
3 by each city, at least seventy-five percent shall
4 be spent on the arterial streets of such city.
5 However, if any city council by resolution declares
6 that the seventy-five percent is not needed on its
7 arterial streets, then it may be used on any other
8 streets in the city.

9 Sec. 12. Section three hundred twelve point twelve
10 (312.12), Code 1977, is amended by striking the section
11 and inserting in lieu thereof the following:
12 312.12 PROGRAMS SUBMITTED. Cities which receive
13 funds from road use tax funds and which have a
14 population of at least five thousand shall prepare,
15 adopt and submit to the department on or before
16 December first of each year a comprehensive program
17 of street construction and reconstruction. Such
18 program shall be prepared for a period of five fiscal
19 years subsequent to the fiscal year in which the
20 program is submitted, based upon the construction
21 funds estimated to be available for each fiscal year.
22 At the close of each fiscal year, as a part of the
23 five-year plan, the city shall include a statement
24 of the progress made toward the completion of each
25 project contained in the approved program. Such
26 cities which have a population of less than five
27 thousand and greater than one thousand shall prepare
28 and submit annually by December thirty-first of each
29 year to the department for examination and review,
30 a program of proposed street construction and
31 reconstruction for its total system of streets for
32 the ensuing fiscal year. Nothing in this section
33 shall prohibit a city of less than five thousand from
34 adopting by resolution a comprehensive five-year plan.

35 Sec. 13. Section three hundred twelve point fifteen
36 (312.15), Code 1977, is amended to read as follows:

37 312.15 WHEN FUNDS NOT ALLOCATED. ~~No funds~~ Funds
38 shall not be allocated to any city until such city
39 shall have complied with the provisions of sections
40 312.12 and three hundred twelve point eleven (312.11),
41 three hundred twelve point twelve (312.12) and 312.14,
42 of the Code.

43 The department shall notify the treasurer of state
44 if any city fails to comply with the provisions of
45 sections 312.10 to three hundred twelve point eleven
46 (312.11), three hundred twelve point twelve (312.12)
47 and 312.14, of the Code.

48 Sec. 14. Section three hundred thirteen point
49 two (313.2), unnumbered paragraphs six (6), seven
50 (7), and eight (8), Code 1977, are amended to read

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1 as follows:

2 Reasonable maintenance and surveillance of rest
3 area sites and buildings located thereon shall be
4 provided by regular maintenance employees of the
5 department under the district maintenance engineer
6 in the district where the rest areas are located
7 within the limits of appropriations provided for such
8 purpose.

9 No transfer of jurisdiction and control of any
10 road or street as required by this Act shall be
11 effective until the enactment of legislation which
12 allocates the road use tax fund in a manner different
13 from the law existing on January 1, 1974, and in a
14 manner which compensates state, county and municipal
15 jurisdictions for additional highway, road or street
16 needs acquired by such transfer as determined by the
17 department.

18 Notwithstanding the foregoing provision of this
19 section, transfers in jurisdiction and control of
20 roads and streets may take place if agreements are
21 entered into by the jurisdictional divisions of
22 government involved in the transfer of such roads
23 and streets.

24 Sec. 15. Section three hundred thirteen point
25 four (313.4), subsection two (2), Code 1977, is amended
26 to read as follows:

27 2. Such fund is also appropriated and shall be
28 used for the construction, reconstruction, improvement
29 and maintenance of state institutional roads and state
30 park roads and bridges on such roads and roads and
31 bridges on area school property as provided in
32 subsection ~~12~~ eleven (11) of section 307A.2 of the
33 Code, for restoration of secondary roads used as
34 primary road detours and for compensation of counties
35 for such use, for restoration of municipal streets
36 so used and for compensation of cities for such use,
37 and for the payments required in section 307A.5.

38 Sec. 16. Section three hundred twenty-four point
39 three (324.3), Code 1977, is amended to read as
40 follows:

41 324.3 LEVY OF EXCISE TAX - EXEMPTIONS - CREDITS.

42 For the privilege of operating motor vehicles in this
43 state an excise tax of ~~seven cents a gallon~~ eight
44 and one-half cents per gallon beginning July 1, 1978,
45 and ten cents per gallon beginning July 1, 1979 is
46 hereby imposed upon the use of all motor fuel used
47 for any purpose except motor fuel containing at least
48 ten percent alcohol distilled from agricultural
49 products for the period beginning July 1, 1978 and
50 ending June 30, 1983 and except as otherwise provided

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1 in this division. The tax shall be paid in the first
2 instance by the distributor upon the invoiced gallonage
3 of all motor fuel received by him the distributor
4 in this state, within the meaning of the word
5 "received" as defined in this division, less the
6 deductions hereinafter authorized. Thereafter, except
7 as otherwise provided, the per gallon amount of such
8 tax shall be added to the selling price of each and
9 every gallon of such motor fuel sold in this state
10 and collected from the purchaser to the end that the
11 ultimate consumer shall bear the burden of such tax;
12 provided, however, that no tax shall be imposed or
13 collected under this division with respect to the
14 following:

15 1. Motor fuel sold for export or exported from
16 this state to any other state, territory, or foreign
17 country.

18 2. Motor fuel sold to the United States or any
19 agency or instrumentality thereof.

20 3. Motor fuel sold to any post exchange or other
21 concessionaire on any federal reservation within this
22 state; but the tax on motor fuel so sold, to the
23 extent permitted by federal law, shall be collected
24 by the post exchange or concessionaire, reported and
25 paid the department of revenue.

26 4. Motor fuel sold to the state of Iowa or any
27 of its agencies, but this exemption shall not apply
28 to or to any political subdivisions of this state.
29 Each state agency and political subdivision shall
30 file with the department of revenue prior to January
31 fifteenth in each year a report of the number of
32 gallons of motor fuel and special fuel purchased by
33 the state agency or the political subdivision in the
34 prior calendar year and a calculation of the amount
35 of motor fuel and special fuel tax that would have
36 been required for the previous calendar year if the
37 state agency or political subdivision had been required
38 to pay state motor fuel and state special fuel taxes.

39 Sec. 17. Section three hundred twenty-four point
40 thirty-three (324.33), subsections two (2), three
41 (3), four (4) and five (5), Code 1977, are amended
42 to read as follows:

43 2. "Use" means the receipt, delivery or placing
44 of special fuels by a special fuel user into a supply
45 fuel tank of a motor vehicle while the vehicle is
46 in this state or delivered into a motor vehicle special
47 fuel holding tank.

48 3. "Special fuel dealer" means any person in the
49 business of handling special fuel who delivers any
50 part thereof into a fuel supply tank of any motor

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1 vehicle or delivers special fuel to a motor vehicle
2 special fuel holding tank.

3 4. "Special fuel user" means the owner or other
4 person responsible for the operation of a motor vehicle
5 at the time special fuel is placed in a fuel supply
6 tank thereof while the vehicle is in this state or
7 the owner of a motor vehicle special fuel holding
8 tank into which special fuel is delivered to be used
9 for highway use only and upon which special fuel the
10 special fuel tax is paid upon receipt.

11 5. "Licensed special fuel user" means and includes
12 any person licensed by the department who dispenses
13 special fuel, upon which the special fuel tax has
14 not been previously paid, for highway use from bulk
15 sources owned and controlled by himself the person
16 into the fuel supply tank of a motor vehicle or
17 commercial motor vehicle owned or controlled by himself
18 the person. A licensed special fuel user shall make
19 bulk purchases of special fuel for highway use only
20 from a licensed special fuel distributor.

21 Sec. 18. Section three hundred twenty-four point
22 thirty-three (324.33), Code 1977, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 7. "Motor vehicle special fuel
25 holding tank" means a tank with a capacity of not
26 more than five hundred gallons owned by a special
27 fuel user in which special fuel is contained for use
28 by the special fuel user only in a motor vehicle for
29 highway use.

30 Sec. 19. Section three hundred twenty-four point
31 thirty-four (324.34), unnumbered paragraphs one (1),
32 two (2) and three (3), Code 1977, is amended to read
33 as follows:

34 For the privilege of operating motor vehicles in
35 this state, there is hereby levied and imposed an
36 excise tax on the use (as defined herein) of special
37 fuel in any motor vehicle. The rate of tax on special
38 (diesel engine) fuel shall be eight ten cents per
39 gallon beginning July 1, 1978, and shall be eleven
40 and one-half cents per gallon beginning July 1, 1979.
41 On all other special fuel the per gallon rate shall
42 be the same as the motor fuel tax. The tax, with
43 respect to all special fuel delivered by a special
44 fuel dealer for use in this state as defined by section
45 324.33, shall attach at the time of the delivery and
46 shall be collected by the dealer from the special
47 fuel user and shall be paid over to the department
48 of revenue as hereinafter provided. The tax, with
49 respect to special fuel acquired by a special fuel
50 user in any manner other than by delivery by a special

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1 fuel dealer into a fuel supply tank of a motor vehicle
2 or delivery into a motor vehicle special fuel holding
3 tank by a special fuel dealer or distributor, shall
4 attach at the time of the use (as herein defined)
5 of the fuel and shall be paid over to the department
6 of revenue by the user as hereinafter provided.

7 All deliveries by distributors of special fuel
8 to be used for highway use, except deliveries into
9 a motor vehicle special fuel holding tank, must be
10 made into storage connected to a sealed meter pump
11 as licensed in said section. Special fuel delivered
12 to a motor vehicle special fuel holding tank of a
13 special fuel user by a distributor shall be metered
14 upon delivery and the special fuel tax shall be
15 collected by the distributor and paid over to the
16 department of revenue.

17 The department of revenue shall make reasonable
18 rules and regulations governing the dispensing of
19 special fuel at retail service stations and licensed
20 special fuel user locations and by distributors,
21 special fuel dealers and licensed special fuel users.
22 The department shall require that all pumps located
23 at said stations special fuel dealer locations and
24 licensed special fuel user locations through which
25 fuel oil can be dispensed, be metered, inspected,
26 tested for accuracy, sealed and licensed by the state
27 department of agriculture, and that special fuel
28 delivered into the fuel supply tank of any motor
29 vehicle or into a motor vehicle special fuel holding
30 tank shall be dispensed only through these tested
31 metered pumps.

32 Sec. 20. Section three hundred twenty-four point
33 thirty-five (324.35), Code 1977, is amended to read
34 as follows:

35 324.35 EXEMPTIONS. No tax is imposed under this
36 division on special fuel used by the United States
37 or any of its agencies or instrumentalities, but the
38 tax on special fuel used or delivered into fuel supply
39 tanks of motor vehicles by any post exchange or
40 concessionaire on any federal reservation in this
41 state, to the extent permitted by federal law, shall
42 be collected by the post exchange or concessionaire
43 and paid to the department of revenue.

44 No tax is imposed under this division on special
45 fuel used by the state of Iowa or any of its agencies,
46 but this exemption shall not apply to or used by
47 political subdivisions of this state.

48 Sec. 21. Section three hundred twenty-four point
49 seventy-nine (324.79), unnumbered paragraphs one (1)
50 and two (2), Code 1977, are amended to read as follows:

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1 The net proceeds of seven and one-half cents per
2 gallon the excise tax on the diesel special fuel and
3 six and one-half cents per gallon the excise tax on
4 motor fuel and other special fuel, and penalties
5 collected under the provision of this chapter, shall
6 be credited to the road use tax fund.

7 The net proceeds of one-half cent per gallon excise
8 tax on diesel special fuel and one-half cent per
9 gallon excise tax on motor fuel and other special
10 fuel collected under the provisions of this chapter
11 shall be credited by the treasurer of state to the
12 primary road fund.

13 Sec. 22. Section three hundred twenty-seven G
14 point twenty-nine (327G.29), Code 1977, is amended
15 to read as follows:

16 327G.29 GRADE CROSSING SURFACE REPAIR FUND. There
17 is established a highway railroad grade crossing
18 surface repair fund in the office of the treasurer
19 of state. The department may credit to this fund:

20 1. Moneys appropriated to the department from
21 the general fund of the state.

22 2. Moneys appropriated to the department from
23 the road use tax fund or the primary road fund.

24 3. Available federal funds.

25 4. Moneys acquired by the department from any
26 gift, grant, or contributions from any source.

27 **The total amount of funds, except funds acquired**
28 **pursuant to subsections 3 and 4, which shall be**
29 **credited to the highway railroad grade crossing surface**
30 **fund shall not exceed two hundred fifty thousand**
31 **dollars in any one year Notwithstanding the provisions**
32 **of section eight point thirty-three (8.33) of the**
33 **Code unencumbered funds remaining in the highway**
34 **railroad grade crossing surface repair fund at the**
35 **close of each fiscal year ending on June thirtieth**
36 **shall revert to the road use tax fund.**

37 Sec. 23. It is the intent of the general assembly
38 that effective July 1, 1979 the functional
39 reclassification of roads shall be implemented as
40 provided by law.

41 Sec. 24. Sections three hundred twelve point nine
42 (312.9) and three hundred twelve point ten (312.10),
43 three hundred thirteen point fifty-eight (313.58),
44 three hundred nine point eighty-three (309.83) and
45 chapter three hundred eighteen (318), Code 1977, are
46 repealed.

47 Sec. 25. It is the intent of the general assembly
48 that the state department of transportation, in
49 cooperation with the standing committee on ways and
50 means and the standing committee on transportation

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1 of the general assembly, study methods of reflecting
2 local revenue efforts for maintenance, repair and
3 construction of roads in the distribution of the
4 secondary road fund of the counties, the farm-to-
5 market road fund and the street construction fund
6 of the cities. The findings of this study shall be
7 presented to the Sixty-eighth General Assembly prior
8 to February 1, 1979.

9 It is the further intent of the general assembly
10 ~~that~~ upon approval by the Iowa general assembly, of
11 those findings, the findings shall be considered in
12 reassessing the distribution of road use tax fund
13 allocations among counties within the funds allocated
14 to the secondary road fund of the counties and in
15 reassessing the allocations among cities within the
16 funds allocated to the street construction fund of
17 the cities for road construction.

18 Sec. 26. Notwithstanding the provisions of chapters
19 three hundred twenty-five (325), three hundred twenty-
20 seven (327), three hundred twenty-seven A (327A) and
21 three hundred twenty-seven D (327D) of the Code, the
22 transportation regulation board shall approve any
23 rate increase application filed by a truck operator,
24 motor carrier or liquid carrier to compensate for
25 increased costs which result from the increase in
26 motor fuel and special fuel taxes as provided in this
27 Act."

28 2. Renumber as necessary in conformance with this
29 amendment.

CONSIDERATION OF BILLS

Sifting Committee Calendar

House File 2147, a bill for an act authorizing a county to provide emergency shelter services and support services for battered women, with report of committee recommending passage was taken up for consideration.

Lonergan of Boone asked and received unanimous consent to take up for immediate consideration the following amendment H-6414 filed by the committee on human resources from the floor:

H-6414

1 Amend House File 2147 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. For
5 purposes of this Act, unless a different meaning is
6 clearly indicated by the context:

7 1. "Domestic abuse" means committing assault as
8 defined in section seven hundred eight point one
9 (708.1) of the Code Supplement under either of the
10 following circumstances:

11 a. The assault is between family or household
12 members who resided together at the time of the
13 assault; or

14 b. The assault is between separated spouses not
15 residing together at the time of the assault.

16 2. "Emergency shelter services" include but are
17 not limited to secure crisis shelters or housing for
18 victims of domestic abuse.

19 3. "Family or household members" mean spouses,
20 persons cohabiting, parents, or other persons related
21 by consanguinity or affinity, except children under
22 eighteen.

23 4. "Support services" include but are not limited
24 to legal services, counseling services, transportation
25 services, child care services, and twenty-four hour
26 information and referral services.

27 Sec. 2. NEW SECTION. SHELTERS FOR VICTIMS OF
28 DOMESTIC ABUSE. County boards of supervisors may
29 either singly or in conjunction with one or more other
30 counties provide emergency shelter and support services
31 for victims of domestic abuse.

32 Sec. 3. This Act is effective January 1, 1979."

33 2. Amend the title, line 2, by striking the words
34 "battered women" and inserting in lieu thereof the
35 words "victims of domestic violence".

Avenson of Fayette asked and received unanimous consent to temporarily defer action on House File 2147.

SIFTING COMMITTEE NONCONTROVERSIAL FIFTEEN-MINUTE CALENDAR

House File 2435, a bill for an act relating to providing additional funding for the second injury fund under workers' compensation, with report of committee recommending passage was taken up for consideration.

Jochum 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. 2435)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Dieleman	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 2:

Danker Lind

Absent or not voting, 11:

Clark, J.H.	Den Herder	Doyle	Egenes
Gilloon	Hullinger	Junker	Middleswart
O'Halloran	Rinas	Stromer	

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

MOTION TO RECONSIDER PREVAILS (House File 304)

Miller of Buchanan asked and received unanimous consent to reconsider the vote by which House File 304, a bill for an act relating to the disclosure of criminal history and intelligence data and providing a penalty, passed the House and was placed on its last reading May 1, 1978.

Miller of Buchanan asked and received unanimous consent to reconsider the vote by which amendment H—5947 was adopted by the House.

Miller of Buchanan offered the following amendment H—6417, to amendment H—5947, filed by him from the floor and moved its adoption:

H—6417

- 1 Amend amendment H—5947, to House File 304, as
- 2 follows:
- 3 1. Page 1, by inserting after line 28 the follow-
- 4 ing:
- 5 "The criminal justice agency shall send a copy of
- 6 any information requested to the prospective employee
- 7 at the same time such information is obtained by the
- 8 prospective employer."

Amendment H—6417 was adopted.

On motion by Miller of Buchanan, amendment H—5947, as amended, was adopted.

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?" (H.F. 304)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gettings	Gilson	Griffee	Halvorson
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Spear
Spencer	Stephens	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Gentleman Tauke

Absent or not voting, 14:

Clark, J.H.	Den Herder	Doyle	Egenes
Gilloon	Harbor	Harvey	Junker
Middleswart	O'Halloran	Small	Smalley
Stromer	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 304)

Miller of Buchanan asked and received unanimous consent that House File 304 be immediately messaged to the Senate.

SIFTING COMMITTEE CALENDAR

The House resumed consideration of **House File 2147**, a bill for an act authorizing a county to provide emergency shelter services and support services for battered women, and amendment H—6414, filed by the committee on human resources from the floor and found on pages 2079 and 2080 of the House Journal.

Hansen of O'Brien offered the following amendment H—6418, to amendment H—6414, filed by him and Miller of Buchanan from the floor and moved its adoption:

H—6418

- 1 Amend amendment H—6414, to House File 2147, as
- 2 follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 "abuse." the following: "The actual cost of such
- 5 shelter and support services shall be reimbursed to
- 6 the county by the state."

Amendment H—6418 lost.

On motion by Lonergan of Boone, amendment H—6414 was adopted, placing out of order amendment H—6411 filed by Evans of Grundy on April 28, 1978.

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

On the question "Shall the bill pass?" (H.F. 2147)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Conlon	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Harbor	Hargrave	Harvey
Hines	Hoffmann	Horn	Howell
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Loneragan	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Mr. Speaker		

The nays were, 11:

Bennett	Crabb	Daggett	Danker
Evans	Hansen	Lind	Pellett
Schnekloth	Schroeder	Wyckoff	

Absent or not voting, 11:

Chiodo	Clark, J.H.	Den Herder	Egenes
Hinkhouse	Hullinger	Jesse	Junker
Middleswart	O'Halloran	Stromer	

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

SIFTING COMMITTEE NONCONTROVERSIAL FIFTEEN-MINUTE CALENDAR

Senate File 2076, a bill for an act relating to the training and certification of and the services performed by advanced emergency

medical technicians and paramedics, authorizing the department of health and the board of medical examiners to make rules pursuant to this Act with the advice of an advanced emergency medical care council, and imposing penalties, with report of committee recommending passage was taken up for consideration.

Monroe of Des Moines offered the following amendment H—6419 filed by Monroe, Schroeder and Griffiee from the floor and moved its adoption:

H—6419

- 1 Amend Senate File 2076 as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "state," the words "and adopted by rule by the
- 4 board,".

Amendment H—6419 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.

Under the provisions of Rule 71, Walter of Pottawattamie refrained from voting.

On the question "Shall the bill pass?" (S.F. 2076)

The ayes were, 83:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hoffmann	Horn
Howell	Hullinger	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Rinas	Scheelhaase

Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Svoboda	Tauke.
Thompson	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 7:

Clark, B.J.	Crabb	Hinkhouse	Husak
Schnekloth	Stephens	Tofte	

Absent or not voting, 10:

Anderson	Den Herder	Egenes	Jesse
Junker	Middleswart	O'Halloran	Stromer
Varley	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 2076)

Griffie of Chickasaw asked and received unanimous consent that Senate File 2076 be immediately messaged to the Senate.

House File 2367, a bill for an act to provide an exception to the foreign language requirement for school districts, with report of committee recommending passage was taken up for consideration.

Horn of Linn offered the following amendment H—5940 filed by him:

H—5940

- 1 Amend House File 2367 as follows:
- 2 1. Page 1, lines 2 and 3, by striking the words
- 3 and figure "paragraph f, Code 1977, is" and inserting
- 4 in lieu thereof the words and figure "paragraphs f
- 5 and g, Code 1977, are".
- 6 2. Page 1, by inserting after line 14 the follow-
- 7 ing:
- 8 "g. All students physically able shall be required
- 9 to participate in physical education activities during
- 10 each semester a student is enrolled in school except
- 11 as otherwise provided in this paragraph. A minimum
- 12 of one-eighth unit each semester shall be required,
- 13 except that any pup student participating in an
- 14 organized and supervised high school athletic program

15 which requires at least as much time of participation
16 per week as one-eighth unit may be excused from the
17 physical education course during the time of his or
18 her participation in the athletic program. In
19 addition, a twelfth grade student who is enrolled
20 in a cooperative or work-study program may be excused
21 from the physical education requirement by the
22 principal of the school in which the student is
23 enrolled. Physical education activities shall
24 emphasize leisure time activities which will benefit
25 the student outside the school environment and after
26 graduation from high school."
27 3. Amend the title, line 1, by inserting after
28 the word "language" the words "and physical education".
29 4. Amend the title, line 2, by striking the word
30 "requirement" and inserting in lieu thereof the word
31 "requirements".

Menke of O'Brien rose on a point of order that amendment H—5940 was not germane.

The Speaker ruled the point well taken and amendment H—5940 not germane.

Horn of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H—5940.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 54, nays 30.

The motion prevailed and the rules were suspended.

On motion by Horn of Linn, amendment H—5940 was adopted.

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?" (H.F. 2367)

The ayes were, 74:

Anderson
Bennett

Arnould
Binneboese

Avenson
Brandt

Baker
Branstad

Brockett	Brunow	Byerly	Clark, B.J.
Conlon	Connors	Crabb	Daggett
Davitt	Dieleman	Doyle	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Lageschulte	Lind	Lindeen
Lipsky	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 15:

Bina	Clark, J.H.	Crawford	Cusack
Dyrland	Gentleman	Hargrave	Krause
Krewson	Loneragan	Menke	Monroe
Norland	Poney	Small	

Absent or not voting, 11:

Chiodo	Danker	Den Herder	Hines
Junker	Middleswart	O'Halloran	Rinas
Stromer	Varley	Welden	

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

IMMEDIATE MESSAGE

(House File 2367)

Baker of Buena Vista asked and received unanimous consent that House File 2367 be immediately messaged to the Senate.

CONFERENCE COMMITTEE APPOINTED

(House File 2223)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2223: Newhard of Jones, Chair; Connors of Polk, Shimanek of Jones, Lipsky of Linn and Nielsen of Polk.

House File 2053, a bill for an act to make violation of a custodial order punishable whether or not the child is removed from the state, and providing that the parent who takes a child from the custody of the other parent prior to a court order shall be guilty of a serious misdemeanor, with report of committee recommending amendment and passage was taken up for consideration.

Newhard of Jones offered amendment H — 6077 filed by the committee on judiciary and law enforcement on April 17, 1978 and found on pages 1587 and 1588 of the House Journal and moved its adoption.

Amendment H — 6077 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. 2053)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Chiodo	Den Herder	Gilloon	Hullinger
Junker	Middleswart	Norland	O'Halloran
Rinas	Stromer	Varley	

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

House File 2392, a bill for an act creating within the Iowa development commission a grain alcohol motor fuel program, a committee to administer the program and prescribing the duties of the committee, with report of committee recommending passage was taken up for consideration.

Scheelhaase of Woodbury offered the following amendment H—6421 filed by him and Harbor of Mills from the floor and moved its adoption:

H—6421

- 1 Amend House File 2392 as follows:
- 2 1. Page 1, lines 31 and 32, by striking the words
- 3 "grain farming" and inserting in lieu thereof the
- 4 words "on the farm grain production".
- 5 2. Page 1, line 33, by striking the word "the"
- 6 and inserting in lieu thereof the words "on the farm".

Amendment H—6421 was adopted.

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?" (H.F. 2392)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Harvey

Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Spear	Spencer
Stephens	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 1:

Clark, J.H.

Absent or not voting, 8:

Den Herder	Junker	Middleswart	Newhard
O'Halloran	Stromer	Svoboda	Varley

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

IMMEDIATE MESSAGE (House File 2392)

Harbor of Mills asked and received unanimous consent that House File 2392 be immediately messaged to the Senate.

SIFTING COMMITTEE CALENDAR

House File 2210, a bill for an act relating to the filing of a complaint for nonsupport, with report of committee recommending passage was taken up for consideration.

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?" (H.F. 2210)

The ayes were, 91:

Anderson	Arnould	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
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Oxley	Patchett	Pavich	Pellet
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Den Herder	Hines	Junker	Middleswart
Norland	O'Halloran	Stromer	Svoboda
Varley			

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

Senate File 2202, a bill for an act specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence, with report of committee recommending passage was taken up for consideration.

Gentleman of Polk offered the following amendment H—6174 filed by the committee on judiciary and law enforcement and moved its adoption:

H—6174

- 1 Amend Senate File 2202 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 2, by inserting after line 15 the follow-
- 4 ing section:
- 5 "Sec. . Chapter nine hundred one (901), Code

- 6 1977 Supplement, is amended by adding the following
7 new section:
8 NEW SECTION. CONSECUTIVE SENTENCES. If a person
9 is sentenced for two or more separate offenses, the
10 sentencing judge may order the second or further
11 sentence to begin at the expiration of the first or
12 succeeding sentence. If a person is sentenced for
13 escape under section seven hundred nineteen point
14 four (719.4) of the Code Supplement or for a crime
15 committed while confined in a detention facility or
16 penal institution, the sentencing judge shall order
17 the sentence to begin at the expiration of any existing
18 sentence. If consecutive sentences are specified
19 in the order of commitment, the several terms shall
20 be construed as one continuous term of imprisonment."
21 2. Amend the title, line 3, by inserting after
22 the word "sentence" the words "and providing for
23 consecutive sentences".
24 3. By renumbering sections as necessary.

Amendment H-6174 was adopted.

Cusack of Scott in the chair at 3:22 p.m.

Woods of Polk moved that Senate File 2202 be referred to the sifting committee.

Roll call was requested by Woods of Polk and Nielsen of Polk.

Rule 70 was invoked.

On the question "Shall the motion to refer to committee prevail?"

The ayes were, 40:

Baker	Bennett	Brockett	Chiodo
Conlon	Crabb	Daggett	Danker
Davitt	Dieleman	Dunton	Evans
Gettings	Gilson	Halvorson	Harvey
Hinkhouse	Hoffmann	Horn	Husak
Lageschulte	Lind	Lindeen	Menke
Miller, K.D.	Nielsen	Oxley	Pellett
Pelton	Perkins	Poncy	Schneklath
Smalley	Spencer	Stephens	Tauke
Welden	West	Woods	Wyckoff

The nays were, 49:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Connors
Crawford	Doyle	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Griffiee	Hansen	Hargrave	Hines
Howell	Jesse	Jochum	Koogler
Krause	Krewson	Lipsky	Lonergan
Miller (Sergeant)	Monroe	Newhard	Norland
Patchett	Pavich	Rinas	Scheelhaase
Schroeder	Shimanek	Spear	Svoboda
Thompson	Tofte	Walter	Wells
Mr. Speaker (Cusack)			

Absent or not voting, 11:

Cochran	Den Herder	Harbor	Hullinger
Junker	Middleswart	Millen	O'Halloran
Small	Stromer	Varley	

The motion lost.

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.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 2202)

The ayes were, 51:

Arnould	Avenson	Biaa	Binneboese
Brandt	Branstad	Brunow	Clark, B.J.
Clark, J.H.	Crawford	Doyle	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Griffiee	Hansen	Hargrave
Hines	Horn	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Krewson	Lindeen	Lipsky	Lonergan
Miller (Sergeant)	Monroe	Newhard	Norland
Patchett	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Shimanek	Small
Spear	Thompson	Tofte	Varley
Walter	Wells	Mr. Speaker (Cusack)	

The nays were, 42:

Anderson	Baker	Bennett	Brockett
Chiodo	Conlon	Connors	Crabb
Daggett	Danker	Davitt	Dieleman
Dunton	Evans	Gettings	Gilson
Halvorson	Harvey	Hinkhouse	Hoffmann
Husak	Junker	Lageschulte	Lind
Menke	Middleswart	Millen	Miller, K.D.
Nielsen	Pellett	Pelton	Schneklloth
Schroeder	Smalley	Spencer	Stephens
Svoboda	Tauke	Welden	West
Woods	Wyckoff		

Absent or not voting, 7:

Byerly	Cochran	Den Herder	Harbor
O'Halloran	Oxley	Stromer	

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

House File 2364, a bill for an act providing that repairs to goods by a seller within prescribed limitations shall not be considered consumer fraud, 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.

On the question "Shall the bill pass?" (H.F. 2364)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Danker
Davitt	Dieleman	Doyle	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lipsky	Lonergan	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Monroe

Newhard	Nielsen	Norland	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	Wyckoff	Mr. Speaker (Cusack)	

The nays were, 1:

Gettings

Absent or not voting, 12:

Byerly	Cochran	Den Herder	Dunton
Harbor	Hines	Howell	Lindeen
Middleswart	O'Halloran	Rinas	Stromer

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

OBJECTION TO IMMEDIATE MESSAGE (House File 2364)

West of Marshall asked for unanimous consent that House File 2364 be immediately messaged to the Senate.

Objection was raised.

House File 2101, a bill for an act encouraging the development and use of solar energy in Iowa, with report of committee recommending amendment and passage was taken up for consideration.

Svoboda of Iowa offered amendment H—6003 filed by the committee on energy on April 12, 1978 and found on pages 1517 through 1523 of the House Journal.

Svoboda of Iowa offered amendment H—6420, to the committee amendment H—6003, filed by Svoboda, Evans, Howell, Griffiee, Pelton, O'Halloran, Connors, Varley, Davitt, Hullinger, Clark of Cerro Gordo, Dieleman, Middleswart, Bina, Harvey, Hinkhouse, West and Lind from the floor, and moved its adoption:

H—6420

1 Amend the amendment, H—6003, to House File 2101

2 as follows:

3 1. Page 1, by striking lines 35 through 40.

4 2. Page 1, by striking lines 46 through 50.

5 3. Page 2, by striking lines 1 through 44 and

6 inserting in lieu thereof the following subsections:

7 " "Solar energy system" means a system of
8 equipment capable of collecting and converting incident
9 solar radiation, wind energy or organic materials
10 into heat, mechanical or electrical energy and
11 transferring these forms of energy by a separate
12 apparatus to point of storage or end use.

13 "Solar skyspace" means the maximum three
14 dimensional space extending".

15 4. Page 2, by striking lines 47 through 50.

16 5. Page 3, by striking lines 1 through 44.

17 6. Page 4, by inserting after line 29 the follow-
18 ing subsection:

19 " "Performance standards for solar energy
20 systems."

21 7. Page 4, line 34, by inserting after the word
22 "necessary." the words "The initial progress report
23 shall include bill drafts necessary to implement the
24 council's solar skyspace rights recommendations."

25 8. Page 6, line 23, by inserting after the word
26 "sources." the words "As used in this section,
27 "renewable energy sources" includes, but is not limited
28 to, solar heating, wind power and the conversion of
29 urban and agricultural organic wastes into methane
30 gas and liquid fuels."

31 9. By renumbering sections and subsections and
32 correcting internal references as necessary.

Amendment H—6420 was adopted.

Avenson of Fayette asked and received unanimous consent to temporarily defer action on House File 2101. (Amendment H—6003, as amended, pending.)

SENATE AMENDMENT CONSIDERED

Davitt of Warren called up for consideration **House File 2035**, a bill for an act relating to the taxation of property used for agricultural and horticultural purposes and located within the corporate limits of a city and making the provisions of this Act retroactive, amended by the Senate amendment H—6360, found on pages 1918 and 1919 of the House Journal, and moved that the House concur in the Senate amendment H—6360.

Roll call was requested by Tofte of Winneshiek and Varley of Adair.

On the question "Shall the House concur in the Senate amendment H—6360?"

The ayes were, 59:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Crabb	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Evans
Garrison	Gettings	Griffee	Halvorson
Hansen	Hinkhouse	Horn	Howell
Hullinger	Husak	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Newhard	Norland	Oxley	Patchett
Pavich	Pellett	Poncy	Rinas
Schnekloth	Schroeder	Shimanek	Smalley
Spear	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker (Cusack)	

The nays were, 26:

Arnould	Conlon	Crawford	Dyrland
Egenes	Gentleman	Gilloon	Gilson
Harvey	Hoffmann	Jochum	Krewson
Lipsky	Lonergan	Millen	Monroe
Pelton	Perkins	Small	Stephens
Tauke	Thompson	Tofte	Varley
Welden	West		

Absent or not voting, 15:

Brockett	Brunow	Byerly	Cochran
Den Herder	Fitzgerald	Harbor	Hargrave
Hines	Jesse	Nielsen	O'Halloran
Scheelhaase	Spencer	Stromer	

The motion prevailed and the House concurred in the Senate amendment H—6360.

Davitt 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.

On the question "Shall the bill pass?" (H.F. 2035)

The ayes were, 73:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Evans	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Perkins	Poncy	Scheelhaase	Schnekloth
Shimanek	Small	Smalley	Spear
Stephens	Svoboda	Tauke	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker (Cusack)			

The nays were, 14:

Arnould	Brandt	Dyrland	Egenes
Garrison	Gentleman	Husak	Jochum
Lipsky	Loneragan	Pelton	Thompson
Tofte	Varley		

Absent or not voting, 13:

Brockett	Byerly	Cochran	Den Herder
Fitzgerald	Harbor	Jesse	O'Halloran
Rinas	Schroeder	Spencer	Stromer
Welden			

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

IMMEDIATE MESSAGE

(House File 2035)

Smalley of Polk asked and received unanimous consent that House File 2035 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER
(Senate File 2202)

I move to reconsider the vote by which Senate File 2202 passed the House on May 1, 1978.

GENTLEMAN of Polk

(Senate File 2202)

I move to reconsider the vote by which Senate File 2202 passed the House on May 1, 1978.

BRANSTAD of Winnebago

(House File 2035)

I move to reconsider the vote by which House File 2035 passed the House on May 1, 1978.

SMALL 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 members of the conference committee appointed May 1, 1978, for House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game, on the part of the Senate are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Woodbury, Senator Calhoun; the Senator from Marshall, Senator Miller; the Senator from Pottawattamie, Senator Slater; and the Senator from Clayton, Senator Tieden.

KEVIN P. LIGHT, Acting Secretary

HOUSE CONCURRENT RESOLUTION 130
By Welden, Millen, Varley, Stromer and Harvey

- 1 *Whereas*, the costs of operating the legislative branch
- 2 of government have always come from a standing unlimited
- 3 appropriation and no attempt has been made to set up a
- 4 prospective budget; and
- 5 *Whereas*, the budget committee in March 1977 passed a
- 6 motion declaring their intent to prepare a legislative
- 7 budget and the subcommittee appointed to deal with that
- 8 motion has never met and the budget committee has taken
- 9 no action; and

10 *Whereas*, the interim expenses for the 62nd General As-
11 sembly through the 66th General Assembly have increased
12 by 1,800 percent and the total cost of the legislature
13 has increased by 375 percent, and since these costs af-
14 fect the year-end balance in the general fund and are in-
15 creasing at a faster rate than any other branch or politi-
16 cal subdivision of government; *Now Therefore*,
17 *Be It Resolved by the House of Representatives, the*
18 *Senate Concurring*, That the projected expenditures for
19 the legislature for the fiscal year beginning July 1,
20 1978 shall not exceed \$5,083,000 and the chief clerk of
21 the House and the secretary of the Senate are hereby in-
22 structed to develop a detailed budget within this total
23 and submit it to the Legislative Council for approval.
24 Expenditures in excess of the amounts so determined, in-
25 cluding any retirement programs voted by the Legislature,
26 shall be only by resolution of the House or the Senate
27 as the case may be.

Referred to committee on **budget**.

**REMOVAL FROM SIFTING
NONCONTROVERSIAL CALENDAR
(House File 2352)**

We hereby respectfully request that House File 2352 be re-
moved from the fifteen-minute noncontroversial calendar pursuant
to Sifting Committee Rule 9.

**MILLEN of Van Buren
WELDEN of Hardin
HANSEN of O'Brien**

COMMUNICATION FROM THE SECRETARY OF STATE

May 1, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2099, was published in the Eldora Herald-Ledger,
Eldora, Iowa on April 25, 1978, and in The Record, Cedar Falls, Iowa on April 27, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

PROOF OF PUBLICATION

Published copy of House File 2451 and verified proof of publication of said bill in The Des Moines Register on April 24, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber April 27 and 28 due to a death in the family. Had I been present I would have voted "aye" on House Files 545, 2040, 2047, 2074, 2152, 2189, 2316, 2389, 2421, 2423, 2432, 2442; Senate Files 121, 221, 264, 2022, 2043, 2100, 2173, 2233; "nay" on amendments H-6296 and H-6334 to House File 593, House File 593, amendments H-6388 to House File 2389, amendments H-6353 and H-6372 to House File 2423 and amendments H-6395, H-6396, and H-6398 to Senate File 2022.

HOFFMANN of Muscatine

Due to my meeting with the Governor the morning of Thursday, April 27, 1978, to discuss with him reasons why he ought to sign into law our bill creating a Legislative Oversight Bureau, I missed a few votes. Had I been present, I would have voted "aye" on House File 2407, Senate Files 2043 and 2173.

CUSACK of Scott

As I was attending the funeral of an honored friend, Mr. Jesse Vargas, in my district in Davenport on Friday, April 28, 1978, I missed several votes. Had I been present, I would have voted "aye" on House Files 545, 2152, 2189, 2389, 2421, 2432, amendment H-6388 to House File 2389, Senate Files 121, 221, 2022 and 2100; "nay" on House Files 2040, 2316, amendments H-6395, H-6396 and H-6398 to Senate File 2022.

CUSACK of Scott

I was necessarily absent from the House chamber on May 1, 1978. Had I been present I would have voted "aye" on the following bills: House Files 304, 2147, 2285, 2322, 2367, 2392, 2406 and 2435.

JUNKER of Woodbury

I was necessarily absent from the House chamber during debate

on House File 2285 and House File 2244 attending a meeting in the Governor's office. Had I been present I would have voted "aye" on House File 2244 and "nay" on House File 2285.

DAVITT of Warren

PRESENTATION OF VISITORS

Husak of Tama presented to the House Roberto Borgatti, an AFS student from Italy, attending Grinnell-Newberg Community School, Grinnell, Iowa. He is the guest of the Merlin Manatt family.

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

Forty-eight sixth grade students from Gilbert Community School, Gilbert, Iowa, accompanied by Mrs. Gleason. By Egenes of Story.

One hundred fifty members of the junior and senior class from Grinnell Community High School, Grinnell, Iowa, accompanied by Steve Crawford. By Husak of Tama.

Eighty-four ninth grade students from Oelwein Junior High School, Oelwein, Iowa, accompanied by Mr. Williamson. By Avenson of Fayette.

Twenty-five eighth grade students from Mid Prairie Junior High School, Kalona, Iowa, accompanied by Mr. Olson. By Dunton of Keokuk.

Thirty-eight seventh and eighth grade students from St. Donatus School, St. Donatus, Iowa. By Gilloon of Dubuque.

AMENDMENTS FILED

H-6422	S.F. 2228	Jesse of Polk
H-6423	H.F. 2224	Jesse of Polk
H-6424	H.F. 2419	Jesse of Polk
H-6425	H.F. 491	Pelton of Clinton
H-6426	S.F. 149	Tauke of Dubuque
H-6427	H.F. 191	Dieleman of Marion
H-6428	H.F. 191	Dieleman of Marion

H-6429	H.F. 580	Evans of Grundy West of Marshall Byerly of Polk
H-6430	S.F. 149	Smalley of Polk
H-6431	H.F. 467	Evans of Grundy
H-6432	H.F. 491	Spear of Lee
H-6433	H.F. 491	Spear of Lee
H-6434	S.F. 2187	Krause of Kossuth Rinas of Linn Anderson of Jasper Brunow of Appanoose Krewson of Polk
H-6435	H.F. 2451	Hullinger of Decatur
H-6436	S.F. 2118	Wyckoff of Benton
H-6437	S.F. 2115	Krause of Kossuth
H-6438	S.F. 2187	Newhard of Jones Binneboese of Plymouth Jesse of Polk Hullinger of Decatur
H-6439	S.F. 2190	Walter of Pottawattamie Krewson of Polk
H-6440	H.F. 2101	Welden of Hardin Hullinger of Decatur Evans of Grundy
H-6441	H.F. 2417	Jochum of Dubuque Walter of Pottawattamie Connors of Polk Tauke of Dubuque Monroe of Des Moines Baker of Buena Vista Shimanek of Jones

On motion by Avenson of Fayette the House adjourned at 6:06 p.m., until 9:30 a.m., Tuesday, May 2, 1978.

JOURNAL OF THE HOUSE

One Hundred Fourteenth Calendar Day — Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 2, 1978

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

Prayer was offered by the Reverend John DeBoef, pastor of the Hilltop Chapel, What Cheer, Iowa.

The Journal of Monday, May 1, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Harry Adamo, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnould of Scott on request of Dyrland of Clayton; Hines of Story for a portion of the day by Horn of Linn.

SPECIAL PRESENTATION

Speaker Cochran presented House Page Holly Higgins who introduced John Baker and Mark Snell, Senate Pages, and Emily Matthews, House Page, for a special presentation.

Mark then presented a check for \$1,000 from the House and Senate Pages Ball to Linda Jackson, representing the American Cancer Society.

Miss Jackson expressed her thanks and appreciation on behalf of the Iowa Chapter.

HOUSE CONCURRENT RESOLUTION 131

By Howell, Scheelhaase, Dieleman, Pellett,
Connors, Lageschulte, Monroe, Crabb,
Wyckoff, Husak, Rinas, Harbor, Miller
of Buchanan, Hines, Junker, Binneboese,
Gettings, Newhard, Middleswart, Doyle,

Davitt, Menke, Pelton, Branstad, Shimanek,
Gilson, Tofte, Hansen, Baker, Koogler,
and Evans

1 *Whereas*, the Sixty-sixth General Assembly established
2 a separate retirement provision under the Iowa public
3 employees' retirement system for the conservation peace
4 officers; and

5 *Whereas*, the Sixty-seventh General Assembly is
6 considering establishing a separate retirement provi-
7 sion under the Iowa public employees' retirement system
8 for sheriffs and deputy sheriffs; and

9 *Whereas*, there are many persons employed in similar
10 occupations who are members of the Iowa public
11 employees' retirement system; *Now Therefore*,

12 *Be It Resolved By The House of Representatives, The*
13 *Senate Concurring*, That the Legislative Council is
14 directed to approve the establishment of a joint subcom-
15 mittee of the appropriate standing committees of the
16 House and Senate to study during the legislative interim
17 the feasibility and cost of establishing a separate
18 hazardous occupation provision under the Iowa public
19 employees' retirement system which would include the
20 correction officers at the state correctional institu-
21 tions, the university campus guards, the capitol
22 security guards, the police in cities below eight
23 thousand population, and the department of transporta-
24 tion enforcement officers; and

25 *Be It Further Resolved*, That the joint subcommittee
26 shall report its findings and recommendations, with
27 legislative bill drafts to implement its recommendations,
28 to its committees, the Legislative Council, and the
29 general assembly convening in 1979.

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 April 28, 1978, adopted the conference committee report and passed House File 2074, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order in open session unless otherwise exempted by statute.

Also: That the Senate has on April 28, 1978, concurred in the House amendment to and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2194, a bill for an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make and collect such claim for them.

Also: That the Senate has on May 1, 1978, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2209, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems.

Also: That the Senate has on April 28, 1978, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2229, a bill for an act relating to and appropriating funds for capital projects relating to educational agencies.

KEVIN P. LIGHT, Acting Secretary

ADOPTION OF HOUSE RESOLUTION 140

Pursuant to House Rule 26, the Speaker announced that House Resolution 140, filed on April 21, 1978 and found on page 1774 of the House Journal, was adopted by unanimous consent.

CONSIDERATION OF BILLS Sifting Committee Noncontroversial Five-Minute Calendar

Senate File 2131, a bill for an act to consolidate the licensing of funeral directors and embalmers, 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?" (S.F. 2131)

The ayes were, 85:

Avenson	Baker	Bennett	Bina
Brandt	Branstad	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte

Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Oxley	Pavich
Pellett	Pelton	Perkins	Poney
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	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, 15:

Anderson	Arnould	Binneboese	Chiodo
Den Herder	Egenés	Gilloon	Krause
Newhard	Nielsen	Norland	O'Halloran
Patchett	Rinas	Smalley	

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 2452, a bill for an act to specify the tax table for the collection of unemployment compensation contributions, with report of committee recommending passage was taken up for consideration.

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?" (H.F. 2452)

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	Daggett
Danker	Davitt	Dielemen	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger

Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	Oxley	Pavich
Pellet	Pelton	Perkins	Poney
Scheelhaase	Schneklath	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Harvey

Absent or not voting, 11:

Arnould	Den Herder	Egenes	Krause
Newhard	Nielsen	O'Halloran	Patchett
Rinas	Schroeder	Varley	

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

SIFTING COMMITTEE NONCONTROVERSIAL FIVE-MINUTE CALENDAR

Senate File 2158, a bill for an act relating to the food stamp program, vesting the authority to administer the program in the department of social services, and prescribing penalties for violations, with report of committee recommending passage 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. 2158)

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	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald

Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Arnould	Den Herder	Egenes	Krause
Newhard	Nielsen	O'Halloran	Patchett
Rinas	Varley		

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

Senate File 2180, a bill for an act to establish standards for the production and processing of cottage cheese dry curd, cottage cheese, and low fat cottage cheese, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5722 filed by him on March 21, 1978.

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. 2180)

The ayes were, 86:

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	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklloth
Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Arnould	Den Herder	Egenes	Hines
Jesse	Krause	Newhard	Nielsen
Norland	O'Halloran	Patchett	Rinas
Small	Varley		

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

Senate File 2205, a bill for an act amending the criminal code revision to prohibit a person from photographing a child involved in certain prohibited sexual acts, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Dieleman of Marion offered the following amendment H-6443 filed by him and Branstad of Winnebago from the floor and moved its adoption:

H-6443

- 1 Amend Senate File 2205 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 3, by striking the word "section"
- 4 and inserting in lieu thereof the word "sections".
- 5 2. Page 1, by inserting after line 12 the follow-
- 6 ing new section:

7 "NEW SECTION. DISSEMINATION OR EXHIBITION OF
8 INDECENT MATERIAL TO MINORS. It is a serious
9 misdemeanor for a person to willfully or knowingly
10 do any of the following with a live show or material
11 which has a cover or content that exploits, is devoted
12 to, or is principally composed of descriptions or
13 depictions of a sex act or human masturbation; which
14 consists of pictures of nude or partially nude figures
15 posed or presented in a manner to provoke or arouse
16 lust or passion; or which exploits sex, lust, or
17 perversion for commercial gain:

18 1. Disseminate, exhibit, or advertise it to a
19 minor;

20 2. Possess it with intent to sell or commercially
21 distribute it to a minor; or

22 3. Display it at a newsstand or at any other
23 business establishment frequented by minors or where
24 minors are or may be invited as a part of the general
25 public.

26 For the purpose of this section "knowingly" means
27 to be aware of the character and content of the matter.
28 "Knowingly" also means failure, on notice, to exercise
29 reasonable inspection which would disclose the
30 character and content of the matter."

31 3. Page 1, line 15, by striking the word "subsec-
32 tion" and inserting in lieu thereof the word
33 "subsections".

34 4. Page 1, by inserting after line 15 the follow-
35 ing new subsection:

36 "NEW SUBSECTION. "Nude or partially nude figures"
37 means either of the following:

38 1. Less than completely and opaquely covered human
39 genitals, pubic regions, buttocks, or female breast
40 below a point immediately above the top of the areola.

41 2. Human male genitals in a discernibly turgid
42 state even if completely and opaquely covered."

43 5. Page 1, by inserting after line 32 the follow-
44 ing section:

45 "Sec. . Sections seven hundred twenty-eight
46 point two (728.2), seven hundred twenty-eight point
47 three (728.3), and seven hundred twenty-eight point
48 four (728.4), Code 1977 Supplement, are repealed."

49 6. Amend the title, line 3, by inserting after
50 the word "acts," the words "prohibiting a person from

Page 2.

1 disseminating, exhibiting, advertising, or possessing
2 indecent material with intent to sell it to a minor,".

3 7. Amend the title, line 3, by striking the words
4 "a penalty" and inserting in lieu thereof the word
5 "penalties".

6 8. By renumbering as necessary.

Jesse of Polk rose on a point of order that amendment H—6443 was not germane.

The Speaker ruled the point well taken and amendment H—6443 not germane.

Dieleman of Marion moved that the rules governing germaneness be suspended for the consideration of amendment H—6443.

Roll call was requested by Branstad of Winnebago and Tauke of Dubuque.

Rules 69 and 70 were invoked.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 38:

Bennett	Binneboese	Branstad	Chiodo
Conlon	Crabb	Daggett	Danker
Davitt	Dieleman	Gilson	Halvorson
Hansen	Harvey	Hinkhouse	Howell
Husak	Junker	Lageschulte	Lind
Middleswart	Miller, K.D.	Pavich	Pellett
Pelton	Perkins	Schnekloth	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Wells
Woods	Wyckoff		

The nays were, 52:

Anderson	Avenson	Baker	Bina
Brandt	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Connors	Crawford
Cusack	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Griffie	Harbor	Hargrave
Hoffmann	Horn	Hullinger	Jesse
Jochum	Koogler	Krause	Krewson
Lindeen	Lipsky	Lonergan	Menke
Millen	Miller (Sergeant)	Monroe	Newhard
Norland	Oxley	Poncy	Rinas
Scheelhaase	Schroeder	Small	Tofte
Walter	Welden	West	Mr. Speaker

Absent or not voting, 10:

Arnould	Den Herder	Doyle	Egenes
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Hines
Svoboda

Nielsen
Varley

O'Halloran

Patchett

The motion lost.

Debate having exceeded the allowed time, Senate File 2205 was referred to the sifting committee.

Tauke of Dubuque asked for unanimous consent to suspend the rules for the further consideration of Senate File 2205.

Objection was raised.

Senate File 2205 referred to the sifting committee.

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.

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

The House resumed session, Speaker Cochran in the chair.

SIFTING COMMITTEE CALENDAR

The House resumed consideration of **House File 2101**, a bill for an act encouraging the development and use of solar energy in Iowa, and the committee amendment H—6003, as amended.

Svoboda of Iowa offered the following amendment H—6442, to the committee amendment H—6003, filed by her from the floor and moved its adoption:

H—6442

- 1 Amend amendment H—6003 to House File 2101 as
- 2 follows:
- 3 1. Page 5, by striking lines 17 through 21 and

- 4 inserting in lieu thereof the following:
- 5 "3. Develop criteria for load forecast projections
- 6 in the service area of public energy suppliers,
- 7 which consider the potential use of solar energy systems."
- 8 2. Page 5, by striking line 44 and inserting in lieu
- 9 thereof the following: "systems."

Amendment H—6442 was adopted.

Welden of Hardin offered the following amendment H—6440, to the committee amendment H—6003, filed by Welden, et al., and moved its adoption:

H—6440

- 1 Amend amendment H—6003 to House File 2101 as
- 2 follows:
- 3 1. Page 6, line 18, by striking the word
- 4 "higher" and inserting in lieu thereof the word
- 5 "diseriminatory".

Amendment H—6440 was adopted.

On motion by Griffiee of Chickasaw, amendment H—6003, as amended, 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?" (H.F. 2101)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonerger	Menke

Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	Oxley
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	

The nays were, 1:

Danker

Absent or not voting, 8:

Arnould	Chiodo	Den Herder	Harvey
Monroe	O'Halloran	Patchett	Spencer

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

Senate File 2111, a bill for an act limiting the ownership or acquisition of agricultural land by nonresident aliens, with report of committee recommending passage was taken up for consideration.

Hinkhouse of Cedar offered the following amendment H—6385 filed by Hinkhouse, et al. :

H—6385

- 1 Amend Senate File 2111 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Chapter five hundred sixty-seven
- 5 (567), Code 1977, is repealed and sections two (2)
- 6 through nine (9) of this Act are substituted in lieu
- 7 thereof:
- 8 Sec. 2. **NEW SECTION. DEFINITIONS.**
- 9 1. "Agricultural land" means land suitable for
- 10 use in farming.
- 11 2. "Nonresident alien" means an individual who
- 12 is not a citizen of the United States and who has
- 13 not been classified as a resident alien by the United
- 14 States immigration and naturalization service.
- 15 3. "Farming" means the cultivation of land for
- 16 the production of agricultural crops, the raising

17 of poultry, the production of eggs, the production
18 of milk, the production of fruit or other horticultural
19 crops, grazing or the production of livestock. Farming
20 shall not include the production of timber, forest
21 products, nursery products, or sod and farming shall
22 not include a contract where a processor or distributor
23 of farm products or supplies provides spraying,
24 harvesting or other farm services.

25 4. "Foreign business" means a corporation
26 incorporated under the laws of any foreign country,
27 or a business entity whether or not incorporated in
28 which a majority interest is owned directly or
29 indirectly by nonresident aliens. Legal entities,
30 including but not limited to trusts, holding companies,
31 multiple corporation and other business arrangements,
32 shall be disregarded when determining ownership or
33 control of a foreign business.

34 5. "Foreign government" means a government other
35 than the government of the United States, its states
36 or its territories and possessions.

37 Sec. 3. NEW SECTION. ALIEN RIGHTS. A nonresident
38 alien, foreign business or foreign government may
39 acquire, by grant, purchase, devise or descent, real
40 property, except agricultural land or any interest
41 therein in this state, and may own, hold, devise or
42 alienate such real property, and shall incur the same
43 duties and liabilities in relation thereto as citizens
44 and residents of the United States.

45 Sec. 4. NEW SECTION. RESTRICTION ON AGRICULTURAL
46 LAND HOLDINGS.

47 1. A nonresident alien, foreign business or foreign
48 government shall not purchase or otherwise acquire
49 agricultural land in this state. A nonresident alien,
50 foreign business or foreign government which owns

Page 2

1 or holds agricultural land in this state on the
2 effective date of this Act may continue to own or
3 hold such land, but shall not purchase or otherwise
4 acquire additional agricultural land in this state.

5 2. A person who acquires agricultural land in
6 violation of this Act remains in violation of this
7 Act for long as the person holds an interest in
8 the land.

9 3. The restrictions set forth in this section
10 shall not apply to agricultural land or any interest
11 therein acquired by a nonresident alien, foreign
12 business or foreign government by devise or descent
13 or for immediate or potential use in nonfarming
14 purposes. However, pending the development of
15 agricultural land for nonfarm purposes, such land
16 shall not be used for farming except under lease to

17 an individual, trust, corporation, partnership or
18 other business entity not subject to the restriction
19 on the increase in agricultural land holdings imposed
20 by section one hundred seventy-two C point four
21 (172C.4) of the Code, as amended by Acts of the Sixty-
22 seventh General Assembly, 1977 Session, chapter eighty-
23 two (82), section three (3).

24 Sec. 5. NEW SECTION. LAND ACQUIRED BY DEVISE
25 OR DESCENT. A nonresident alien, foreign business
26 or foreign government which acquires agricultural
27 land by devise or descent shall have two years from
28 the date of acquiring title to divest of all right,
29 title and interest in such lands or to convert such
30 lands to nonfarming use.

31 Sec. 6. NEW SECTION. REGISTRATION. A nonresident
32 alien, foreign business or foreign government which
33 owns any interest in agricultural lands within this
34 state on or after the effective date of this Act shall
35 register the agricultural land with the secretary
36 of state. Such registration shall be made within
37 sixty days after the effective date of this Act or
38 after acquiring such real property, whichever time
39 is the later, in the form and manner prescribed by
40 the secretary and shall contain the name of the owner
41 and the location and number of acres of the
42 agricultural land by township and county. If the
43 owner of the land or interest therein is a corporation,
44 the registration shall also include the name of any
45 principal for which that land, or interest therein,
46 was purchased.

47 Sec. 7. NEW SECTION. ENFORCEMENT.

48 1. If the secretary finds that a nonresident
49 alien, foreign business, foreign government or an
50 agent, trustee, or other fiduciary thereof has acquired

Page 3

1 or holds title to or interest in agricultural land
2 in this state in violation of this Act or has failed
3 to timely register as required under section six (6)
4 of this Act, the secretary shall report the violation
5 to the attorney general.

6 2. The attorney general shall initiate an action
7 in the district court of any county in which the land
8 owned by the nonresident alien, foreign business,
9 foreign government, agent, trustee or other fiduciary,
10 alleged to have violated this Act, is located.

11 3. The attorney general shall file a notice of
12 the pendency of the action with the recorder of deeds
13 of each county in which any such lands are located.
14 If the court finds that the lands in question have
15 been acquired or held in violation of this Act

16 or the required registration has not been timely
17 filed, it shall enter an order so declaring and shall
18 file a copy of the order with the recorder of deeds
19 of each county in which any portion of the lands are
20 located.

21 Sec. 8. NEW SECTION. ESCHEAT. If the court finds
22 that the lands in question have been acquired in
23 violation of this Act, the court shall declare the
24 land escheated to the state. When escheat is decreed
25 by the court, the clerk of court shall notify the
26 governor that the title to the real estate is vested
27 in the state by decree of the court. Any real estate,
28 the title to which shall be acquired by the state
29 under the provisions of this Act, shall be sold in
30 the manner provided by law for the foreclosure of
31 a mortgage on real estate for default of payment,
32 and the proceeds of such sales shall become a part
33 of the county general fund.

34 Sec. 9. NEW SECTION. PENALTY - FAILURE TO TIMELY
35 FILE. A nonresident alien, foreign business or foreign
36 government, or an agent, trustee or other fiduciary
37 therefore, which fails to timely file the required
38 registration under this Act shall be punished by a
39 fine of not more than two thousand dollars.

40 Sec. 10. Sections four hundred ninety-one point
41 sixty-seven (491.67) and five hundred eighty-nine
42 point seven (589.7), Code 1977, are repealed.

43 Sec. 11. This Act is effective January 1, 1979."

Gettings of Wapello offered the following amendment H-6401,
to amendment H-6385, filed by him and moved its adoption:

H-6401

- 1 Amend amendment H-6385 to Senate File 2111 as
- 2 follows:
- 3 1. Page 1, line 20, by striking the word "not".
- 4 2. Page 1, line 21, by striking the words "and
- 5 farming" and inserting in lieu thereof the following:
- 6 ". Farming".

Amendment H-6401 was adopted.

Wyckoff of Benton offered amendment H-6402, to amendment
H-6385, filed by Wyckoff, et al., and requested division as follows:

H-6402

- 1 Amend the amendment, H-6385, to Senate File 2111
- 2 as follows:

H—6402A

- 3 1. Page 2, lines 29 and 30, by striking the words
 4 "or to convert such lands to nonfarming uses".

H—6402B

- 5 2. Page 3, line 32, by inserting after the word
 6 "sales" the words "shall be used to pay all court
 7 costs with the remaining funds to be paid to the
 8 person divested of the property but only in an amount
 9 not exceeding the actual cost paid by such person
 10 for that property. Any proceeds remaining after the
 11 payment of court costs and the payment to the person
 12 divested of the property".

On motion by Wyckoff of Benton, amendment H—6402A was adopted.

On motion by Wyckoff of Benton, amendment H—6402B was adopted.

On motion by Hinkhouse of Cedar, amendment H—6385, as amended, 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?" (S.F. 2111)

The ayes were, 90:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich

Pellett	Pelton	Perkins	Poney
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, 4:

Brockett	Clark, J.H.	Harvey	Lipsky
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Absent or not voting, 6:

Arnould	Byerly	Cusack	Den Herder
Newhard	Wells		

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

Senate File 2200, a bill for an act making technical changes of a corrective nature to the new criminal code, with report of committee recommending amendment and passage was taken up for consideration.

Jesse of Polk offered amendment H—6075 filed by the committee on judiciary and law enforcement on April 17, 1978 and found on pages 1590 through 1592 of the House Journal.

Conlon of Muscatine offered the following amendment H—6241 to the committee amendment H—6075, filed by him and moved its adoption:

H—6241

- 1 Amend the Committee amendment, H—6075, to
- 2 Senate File 2200 as follows:
- 3 1. Page 1, by striking lines 30 through 50.
- 4 2. Page 2, by striking lines 1 through 22.

Roll call was requested by Junker of Woodbury and Dyrland of Clayton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6241 be adopted?"

The ayes were, 56:

Avenson	Bennett	Bina	Binneboese
Brandt	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Dyrland
Egenes	Evans	Gentleman	Gilloon
Gilson	Halvorson	Hansen	Harvey
Hines	Hoffmann	Husak	Jochum
Junker	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Monroe	Pellett	Pelton
Schneklöth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	West

The nays were, 37:

Anderson	Baker	Brunow	Chiodo
Connors	Davitt	Dieleman	Doyle
Garrison	Gettings	Griffee	Harbor
Hargrave	Hinkhouse	Horn	Howell
Hullinger	Jesse	Koogler	Loneragan
Middleswart	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Perkins	Poncy	Scheelhaase
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 7:

Arnould	Byerly	Den Herder	Dunton
Fitzgerald	O'Halloran	Rinas	

Amendment H—6241 was adopted, placing out of order amendment H—6305, to the committee amendment H—6075, filed by Conlon of Muscatine on April 25, 1978.

Jesse of Polk asked and received unanimous consent to defer action on the committee amendment H—6075.

Jesse of Polk offered the following amendment H—6115 filed by him and moved its adoption:

H—6115

- 1 Amend Senate File 2200 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 7 the follow-

4 ing sections:

5 "Sec. . Section twenty-nine A point thirty-
6 five (29A.35), Code 1977, is amended to read as
7 follows:

8 29A.35 USE FOR MILITARY ONLY. All arms, clothing,
9 equipment, and other military property furnished or
10 issued by the federal government or the state or for
11 which an allowance has been made, shall be used for
12 military purposes only, and each officer and enlisted
13 person upon being separated from the military forces
14 of the state, or upon demand of the commanding officer,
15 shall forthwith surrender such military property in
16 the officer's or enlisted person's possession to said
17 commanding officer. Any member of the national guard
18 who shall neglect to return to the armory of the unit,
19 or place in charge of the commanding officer of the
20 organization to which the member belongs, any arms,
21 clothing, equipment, or other military property or
22 portion thereof, belonging to the federal government
23 or the state, upon being notified by said commanding
24 officer to do so, shall be guilty of a serious
25 misdemeanor.

26 Sec. . Section twenty-nine A point thirty-six
27 (29A.36), Code 1977, is amended to read as follows:

28 29A.36 INJURY OR DESTRUCTION OF PROPERTY. Every
29 person who shall willfully or wantonly injure or
30 destroy any articles of arms, clothing, equipment,
31 or other military property furnished or issued by
32 the federal government or the state, and refuses to
33 make good such injury or loss; or who shall sell,
34 dispose of, secrete or remove the same with intent
35 to sell or dispose of it, shall be punished by a fine
36 of not less than one hundred dollars nor more than
37 five hundred dollars, or be imprisoned in the county
38 jail for not more than four months, or by both such
39 fine and imprisonment guilty of a simple misdemeanor.

40 Sec. . Section twenty-nine A point thirty-eight
41 (29A.38), Code 1977, is amended to read as follows:

42 29A.38 SERIOUS MISDEMEANORS. Any officer or
43 enlisted person of the national guard who knowingly
44 makes any false certificate of muster or false return
45 of federal or state property or funds in the officer's
46 or enlisted person's possession shall be guilty of
47 a serious misdemeanor.

48 Sec. . Section twenty-nine A point thirty-nine
49 (29A.39), Code 1977, is amended to read as follows:

50 29A.39 EMBEZZLEMENT THEFT. Any officer or enlisted

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1 person of the national guard who willfully neglects

2 or refuses to apply all money, in the officer's or
3 enlisted person's possession drawn from the state
4 treasury, to the purpose for which such money was
5 appropriated or who fails or refuses to account for
6 or return any state or federal property or funds in
7 the officer's or enlisted person's possession shall
8 be guilty of the crime of embezzlement by bailee and
9 punished accordingly theft.

10 Sec. . Section twenty-nine A point forty
11 (29A.40), Code 1977, is amended to read as follows:
12 29A.40 FALSE WEARING OF UNIFORM. No member of
13 the national guard shall wear the uniform thereof
14 while not on duty without permission from competent
15 authority. No person, firm, or corporation, other
16 than a military organization or the members of veterans
17 of such organizations organizing for the benefit of
18 all its members, shall incorporate under the name
19 of, or adopt any trade name which embodies the name
20 or designation, officially or generally recognized
21 as the name of a military organization now or
22 heretofore in existence, or any distinctive part of
23 such name. Any person found guilty of a violation
24 of any of the provisions of this section shall be
25 punished by a fine of not less than fifty dollars
26 nor more than one hundred dollars, or by imprisonment
27 in the county jail not to exceed thirty days guilty
28 of a simple misdemeanor.

29 Any person who, without authority under the laws
30 of the United States or of one of the states, wears
31 the uniform of, or a distinctive part of the uniform
32 of the armed forces of the United States, shall be
33 guilty of a simple misdemeanor, and shall be punished
34 as provided in this section.

35 Sec. . Section twenty-nine A point forty-two
36 (29A.42), Code 1977, is amended to read as follows:
37 29A.42 TRESPASS OR INTERFERENCE WITH OFFICIAL
38 ACTS. Any person who shall trespass upon any military
39 reservation, camp, or armory, in violation of the
40 orders of the commander thereof, or officer charged
41 with the responsibility therefor, or shall be guilty
42 of trespass and shall be punished as provided in
43 section seven hundred sixteen point eight (716.8)
44 of the Code Supplement.

45 Any person who shall molest, or interfere with
46 any member of the national guard, in the discharge
47 of his the member's duty, shall be guilty of a
48 misdemeanor interference with official acts which
49 is section seven hundred nineteen point one (719.1)
50 of the Code Supplement. The commanding officer of

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1 such force may order the arrest of such person and
2 cause him the person to be delivered to a peace officer
3 or magistrate.

4 Sec. . . . Section twenty-nine A point forty-three
5 (29A.43), Code 1977, is amended to read as follows:

6 29A.43 DISCRIMINATION PROHIBITED — LEAVE OF ABSENCE.

7 No person, firm, or corporation, shall discriminate
8 against any officer or enlisted person of the national
9 guard or organized reserves of the armed forces of
10 the United States because of his membership therein.
11 No employer, or agent of any employer, shall discharge
12 any person from employment because of being an officer
13 or enlisted person of the military forces of the
14 state, or hinder or prevent the officer or elected
15 person from performing any military service such
16 person may be called upon to perform by proper
17 authority. Any member of the national guard or
18 organized reserves of the armed forces of the United
19 States ordered to temporary active duty for the purpose
20 of military training or ordered on active state
21 service, shall be entitled to a leave of absence
22 during the period of such duty or service from the
23 member's private employment, other than employment
24 of a temporary nature, and upon completion of such
25 duty or service the employer shall restore such person
26 to the position held prior to such leave of absence,
27 or employ such person in a similar position, provided,
28 however, that such person shall give evidence to the
29 employer of satisfactory completion of such training
30 or duty, and further provided that such person is
31 still qualified to perform the duties of such position.
32 Such period of absence shall be construed as an absence
33 with leave, and shall in no way affect the employee's
34 rights to vacation, sick leave, bonus, or other
35 employment benefits relating to the employee's
36 particular employment. Any person violating any of
37 the provisions of this section shall be punished by
38 a fine of not to exceed one hundred dollars, or by
39 imprisonment in the county jail for a period of not
40 to exceed thirty days guilty of a simple misdemeanor.

41 Sec. . . . Section twenty-nine A point forty-four
42 (29A.44), Code 1977, is amended to read as follows:

43 29A.44 ASSAULT ON GUARDSMAN. Whenever the national
44 guard is called into service under proclamation of
45 the governor for the performance of any duties
46 contemplated in this chapter any person who willfully
47 assaults, or fires at, or throws any dangerous missile
48 at, against, or upon any member or body of the national
49 guard so engaged, or civil officer or other persons
50 lawfully aiding or assisting them in the discharge

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- 1 of their duties, shall be deemed guilty of a felony
- 2 and upon conviction shall be imprisoned in the state
- 3 penitentiary for not more than two years an aggravated
- 4 misdemeanor."
- 5 2. By renumbering as necessary.

Amendment H—6115 was adopted.

Jesse of Polk offered the following amendment H—6404 filed by him and moved its adoption:

H—6404

- 1 Amend Senate File 2200 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by inserting after line 16 the follow-
- 4 ing section:
- 5 "Sec. . Section one hundred twenty-three point
- 6 ninety (123.90), Code 1977, is amended to read as
- 7 follows:
- 8 123.90 PENALTIES GENERALLY. Unless other penalties
- 9 are herein provided, any person, except a person under
- 10 legal age, who violates any of the provisions of this
- 11 chapter, or who makes a false statement concerning
- 12 any material fact in submitting an application for
- 13 a permit or license, shall be punished by a fine of
- 14 not more than one thousand dollars, or by imprisonment
- 15 in the county jail for not more than one year, or
- 16 by both such fine and imprisonment guilty of a serious
- 17 misdemeanor. Any person under legal age who violates
- 18 any of the provisions of this chapter shall upon
- 19 conviction be punished by a fine not to exceed one
- 20 hundred dollars or by imprisonment in the county jail
- 21 not to exceed thirty days guilty of a simple
- 22 misdemeanor."
- 23 2. By renumbering sections as necessary.

Amendment H—6404 was adopted.

Doyle of Woodbury offered the following amendment H—5941 filed by him and Husak of Tama and moved its adoption:

H—5941

- 1 Amend Senate File 2200 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 7, by inserting after line 25 the following
- 4 section:

5 "Sec. . Chapter three hundred five A (305A),
6 Code 1977, is amended by adding the following new
7 section:

8 **NEW SECTION. AUTHORITY TO DENY PERMISSION TO**
9 **DISINTER HUMAN REMAINS.** The state archaeologist shall
10 have the authority to deny permission to disinter
11 human remains that he or she determines have state
12 and national significance from an historical or
13 scientific standpoint for the inspiration and benefit
14 of the people of the United States."

15 2. Page 11, by striking line 35.

16 3. Page 12, by striking lines 1 through 6 and
17 inserting in lieu thereof the following section:

18 "Sec. . Section seven hundred sixteen point
19 five (716.5), Code 1977 Supplement, is amended by
20 adding the following new unnumbered paragraph:

21 **NEW UNNUMBERED PARAGRAPH.** A person commits criminal
22 mischief in the third degree who does either of the
23 following:

24 1. Intentionally disinters human remains from
25 a burial site without lawful authority.

26 2. Intentionally disinters human remains that
27 have state and national significance from an historical
28 or scientific standpoint for the inspiration and
29 benefit of the United States without the permission
30 of the state archaeologist."

31 4. By renumbering sections as necessary.

Amendment H—5941 was adopted.

Jesse of Polk offered the following amendment H—6119 filed by
him and moved its adoption:

H—6119

1 Amend Senate File 2200 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 7, by inserting after line 25 the follow-
4 ing section:

5 "Sec. . Section three hundred twenty-one point
6 ninety-seven (321.97), Code 1977 Supplement, is amended
7 to read as follows:

8 **321.97 FRAUDULENT APPLICATIONS.** Any person who
9 fraudulently uses a false or fictitious name in any
10 application for the registration of, or certificate
11 of title to, a vehicle or knowingly makes a false
12 statement or knowingly conceals a material fact or
13 otherwise commits a fraud in any such application
14 is guilty of a fraudulent practice."

15 2. Page 8, by inserting after line 29 the follow-
16 ing section:

17 "Sec. . Section five hundred seven point sixteen
18 (507.16), Code 1977 Supplement, is amended to read
19 as follows:
20 507.16 UNLAWFUL SOLICITATION OF BUSINESS. Any
21 officer, manager, agent, or representative of any
22 insurance company contemplated by this chapter, who,
23 with knowledge that its certificate of authority has
24 been suspended or revoked, or that it is insolvent,
25 or is doing an unlawful or unauthorized business,
26 solicits insurance for said company, or receives
27 applications therefor, or does any other act or thing
28 toward receiving or procuring any new business for
29 said company, shall be deemed guilty of a serious
30 misdemeanor, and the provisions of said sections five
31 hundred eleven point sixteen (511.16) of the Code
32 Supplement and five hundred eleven point seventeen
33 (511.17) of the Code are hereby extended to all
34 companies contemplated by this chapter."
35 3. Page 9, line 14, by striking the word "subsec-
36 tion" and inserting in lieu thereof the words and
37 figure "subsections three (3) and".
38 4. Page 9, by inserting after line 15 the follow-
39 ing subsection:
40 "3. A person who willfully and knowingly engages
41 in the business of entering into consumer credit
42 transactions, or of taking assignments of rights
43 against consumers arising therefrom and undertaking
44 direct collection of payments or enforcement of these
45 rights, without complying with the provisions of this
46 chapter concerning notification under section 537.6202
47 or payment of fees under section 537.6203, is guilty
48 of a simple misdemeanor and upon conviction may be
49 sentenced to pay a fine not exceeding one hundred
50 dollars."

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1 5. Page 9, line 21, by inserting after the words
2 and figure "paragraph one (1)" the words and figure
3 "and subsection two (2), paragraph a".
4 6. Page 9, by inserting after line 24 the follow-
5 ing lettered paragraph:
6 "a. A preplacement investigation and report of
7 the investigation shall be completed and the
8 prospective adoption petitioner approved for a
9 placement by the person making the investigation prior
10 to any agency or independent placement of a minor
11 person in the petitioner's home in anticipation of
12 an ensuing adoption. A report of a preplacement
13 investigation that has approved a prospective adoption
14 petitioner for a placement shall not authorize
15 placement of a minor person with that petitioner after

16 one year from the date of the report's issuance.
17 However, if the prospective adoption petitioner is
18 a stepparent or a relative within the fourth degree
19 of consanguinity who has assumed custody of a minor
20 person to be adopted, a preplacement investigation
21 of this petitioner and a report of the investigation
22 may be completed at a time established by the court
23 or may be waived as provided in section 6 subsection
24 twelve (12) of this section."

25 7. By renumbering as necessary.

Amendment H-6119 was adopted.

Schroeder of Pottawattamie offered the following amendment
H-6450 filed by him from the floor and moved its adoption:

H-6450

1 Amend Senate File 2200 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 7, by inserting after line 25 the follow-
4 ing sections:
5 "Sec. . Section two hundred four point one
6 hundred one (204.101), subsection one (1), paragraph
7 b, unnumbered paragraph two (2), Code 1977, is amended
8 to read as follows:
9 Nothing contained in this chapter shall be construed
10 to prevent a physician, dentist, podiatrist or
11 veterinarian from delegating the administration of
12 controlled substances under this chapter to a nurse,
13 or intern, or other qualified individual, or, as to
14 veterinarians, to an orderly or assistant, under his
15 or her direction and supervision; all pursuant to
16 rules adopted by the board.
17 Sec. . Section two hundred seventeen point
18 thirty (217.30), subsection seven (7), Code 1977,
19 is amended to read as follows:
20 7. Violation of this section shall constitute
21 a serious misdemeanor punishable by a fine not to
22 exceed two thousand dollars or by imprisonment in
23 the county jail not to exceed one year, or by both
24 such fine and imprisonment.
25 Sec. . Section two hundred seventeen point
26 thirty (217.30), Code 1977, is amended by adding the
27 following new subsection:
28 NEW SUBSECTION. The provisions of this section
29 shall take precedence over section seventeen A point
30 twelve (17A.12), subsection seven (7), of the Code."
31 2. Page 21, by inserting after line 12 the follow-
32 ing section:
33 "Sec. . Section nine hundred seven point four

34 (907.4), Code 1977 Supplement, is amended to read
35 as follows:
36 907.4 DEFERRED JUDGMENT DOCKET. Any deferment
37 of judgment under section 907.3 shall be reported
38 promptly by the clerk of the district court to the
39 supreme court administrator who shall maintain a
40 permanent record thereof including the name of the
41 defendant, the district court docket number, the
42 nature of the offense, and the date of the deferment.
43 Before granting deferment in any case, the court shall
44 request of the supreme court administrator a search
45 of the deferred judgement docket and shall consider
46 any prior record of a deferment of judgment against
47 the defendant. The permanent record provided for
48 in this section shall constitute a confidential record
49 exempted from public access under section 68A.7 and
50 shall be available only to justices of the supreme

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1 court, judges of the court of appeals, district judges,
2 district associate judges, and judicial magistrates
3 requesting information pursuant to this section or
4 the designee of such justice, judge, or magistrate."
5 3. By renumbering as necessary.

Amendment H—6450 was adopted.

Spear of Lee offered the following amendment H—5879 filed by him:

H—5879

1 Amend Senate File 2200 as amended and passed by
2 the Senate as follows:
3 1. Page 11, by inserting after line 34 the
4 following section:
5 "Sec. . Section seven hundred nine point four
6 (709.4), Code 1977 Supplement, is amended by adding
7 the following new subsection:
8 **NEW SUBSECTION. 5.** The person is six or more years
9 older than the other participant, and that other
10 participant is fourteen or fifteen years of age."
11 2. By renumbering as necessary.

Jesse of Polk rose on a point of order that amendment H—5879 was not germane.

The Speaker ruled the point well taken and amendment H—5879 not germane.

Spear of Lee asked for unanimous consent to suspend the rules governing germaneness for the consideration of amendment H—5879.

Objection was raised.

Spear of Lee moved that the rules governing germaneness be suspended for the consideration of amendment H—5879.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 54, nays 37.

The motion prevailed and the rules were suspended.

Spear of Lee moved the adoption of amendment H—5879.

Roll call was requested by Spear of Lee and Lageschulte of Bremer.

On the question "Shall amendment H—5879 be adopted?"

The ayes were, 62:

Anderson	Baker	Bennett	Bina
Binneboese	Brunow	Byerly	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Egenes	Evans	Gilson
Griffie	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Junker	Koogler
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller (Sergeant)	Nielsen
Norland	Oxley	Pellet	Pelton
Perkins	Schneklath	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Thompson	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 30:

Avenson	Brandt	Brockett	Clark, J.H.
Connors	Doyle	Dyrland	Garrison

Gentleman
Horn
Krewson
Monroe
Poncey
Tauke

Gettings
Jesse
Lipsky
Newhard
Rinas
Walter

Gilloon
Jochum
Loneragan
Patchett
Scheelhaase

Hargrave
Krause
Miller, K.D.
Pavich
Schroeder

Absent or not voting, 8:

Arnould
Fitzgerald

Branstad
Hines

Chiodo
O'Halloran

Den Herder
Tofte

Amendment H—5879 was adopted.

Spear of Lee offered the following amendment H—6113 filed by him and moved its adoption:

H—6113

- 1 Amend Senate File 2200 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 11, by inserting after line 34 the follow-
- 4 ing section:
- 5 "Sec. Section seven hundred nine point four
- 6 (709.4), unnumbered paragraph one (1) and subsections
- 7 one (1) and four (4), Code 1977 Supplement, are amended
- 8 to read as follows:
- 9 Any sex act between persons who are not at the
- 10 time cohabiting as husband and wife is sexual abuse
- 11 in the third degree by either of the participants
- 12 a person when the act is performed with the other
- 13 participant in any of the following circumstances:
- 14 1. Such act is done by force or against the will
- 15 of the other participant.
- 16 4. The other person participant is fourteen or
- 17 fifteen years of age but less than sixteen years of
- 18 age and the defendant person is a member of the same
- 19 household as the victim other participant, the
- 20 defendant person is related to the victim other
- 21 participant by blood or affinity to the fourth degree,
- 22 or the defendant person is in a position of authority
- 23 over the victim other participant and used this
- 24 authority to coerce the victim other participant to
- 25 submit."
- 26 2. By renumbering sections as necessary.

Amendment H—6113 was adopted.

Jesse of Polk offered the following amendment H—6405 filed by him and moved its adoption:

H—6405

- 1 Amend Senate File 2200 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 12, by inserting after line 20 the
4 following section:
5 "Sec. . . . Section seven hundred twenty-five point
6 nine (725.9), Code 1977 Supplement, is amended to
7 read as follows:
8 725.9 POSSESSION OF GAMBLING DEVICES PROHIBITED.
9 No one shall, A person who in any manner or for any
10 purpose whatever, except under proceeding to destroy
11 the same, have, keep, or hold has in possession or
12 control any gambling device shall be guilty of a
13 serious misdemeanor. The term "gambling device" means
14 and includes every device used or adapted or designed
15 to be used for gambling. Roulette wheels, klondike
16 tables, punchboards punchboards, faro layouts, keno
17 layouts, numbers tickets, slot machines, pinball
18 machines, push cards, jar tickets and pull-tabs are
19 gambling devices per se. The term "gambling device"
20 does not include any device regularly manufactured
21 and offered for sale and sold as a toy, except that
22 any use of such a device for gambling purposes
23 constitutes unlawful gambling."
24 2. By renumbering sections as necessary.

Amendment H—6405 was adopted.

Doyle of Woodbury offered the following amendment H—6458
filed by him from the floor:

H—6458

- 1 Amend Senate File 2200 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 18, by inserting after line 13 the
4 following section:
5 "Sec. . . . Section eight hundred fifteen point
6 seven (815.7), Code 1977 Supplement, is amended to
7 read as follows:
8 815.7 FEES TO ATTORNEYS. An attorney appointed
9 by the court to represent any person charged with
10 a crime in this state shall be entitled to a reasonable
11 compensation which shall be the ordinary and customary
12 charges for like services in the community to be
13 decided in each case by a judge of the district judge
14 court, including such sum or sums as the court may
15 determine are necessary for investigation in the
16 interests of justice and in the event of appeal the

17 cost of obtaining the transcript of the trial and
18 the printing of the trial record and necessary briefs
19 in behalf of the defendant. Such attorney need not
20 follow the case into another county or into the
21 appellate court unless so directed by the court at
22 the request of the defendant, where grounds for further
23 litigation are not capricious or unreasonable, but
24 if such attorney does so his or her fee shall be
25 determined accordingly. Only one attorney fee shall
26 be so awarded in any one case except that in class
27 A felony cases, two may be authorized."
28 2. By renumbering as necessary.

Schneklloth of Scott offered the following amendment H—6465, to amendment H—6458, filed by him from the floor and moved its adoption:

H—6465

1 Amend amendment H—6458 to Senate File 2200 as
2 follows:
3 1. Page 1, lines 11 and 12, by striking the
4 words "which shall be the ordinary and customary
5 charges for like services in the community" and
6 by inserting in lieu thereof the words "which shall
7 be the ordinary and customary charges for like
8 services in the community".

A non-record roll call was requested.

The ayes were 25, nays 49.

Amendment H—6465 lost.

On motion by Doyle of Woodbury, amendment H—6458 was adopted.

Spencer of Clay offered the following amendment H—6454 filed by Spencer, Miller of Buchanan, Woods, Wyckoff, Gilson, Dunton, Binneboese, Howell, Spear, Gettings, Oxley, Conlon, Smalley, Danker, Branstad, Pellett, Tofte, Lind, Daggett, Brockett, Koogler, Stephens, Lindeen, Baker, Halvorson, Harvey, Lageschulte and Poncy from the floor:

H-6454

1 Amend Senate File 2200 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 23, by inserting after line 22 the follow-
4 ing:

5 "Sec. 67. Section seven hundred one point seven
6 (701.7), Code 1977 Supplement, is amended to read
7 as follows:

8 701.7 FELONY DEFINED AND CLASSIFIED. A public
9 offense is a felony of a particular class, when the
10 statute defining the crime declares it to be a felony.
11 Felonies are a capital felony, class A felonies, class
12 B felonies, class C felonies and class D felonies.
13 Where the statute defining the offense declares it
14 to be a felony, but does not state what class of
15 felony it is nor provides for a specific penalty,
16 such felony shall be a class D felony.

17 Sec. 68. Chapter seven hundred seven (707), Code
18 1977 Supplement, is amended by adding the following
19 new section:

20 NEW SECTION. CAPITAL MURDER. A person commits
21 capital murder if the person willfully and deliberately
22 kills another person in conjunction with committing
23 the offense of sexual abuse in the first degree against
24 the person killed.

25 Sec. 69. Section seven hundred seven point two
26 (707.2), unnumbered paragraph one (1), Code 1977
27 Supplement, is amended to read as follows:

28 707.2 MURDER IN THE FIRST DEGREE. A person
29 commits murder in the first degree when he or she
30 commits murder which is not capital murder and which
31 is committed under any of the following circumstances:

32 Sec. 70. Section seven hundred seven point three
33 (707.3), unnumbered paragraph one (1), Code 1977
34 Supplement, is amended to read as follows:

35 A person commits murder in the second degree when
36 he or she commits murder which is not capital murder
37 or murder in the first degree.

38 Sec. 71. Section seven hundred seven point four
39 (707.4), unnumbered paragraph two (2), Code 1977
40 Supplement, is amended to read as follows:

41 Voluntary manslaughter is an included offense under
42 an indictment for capital murder or murder in the
43 first or second degree.

44 Sec. 72. Section seven hundred seven point five
45 (707.5), subsection two (2), unnumbered paragraph
46 two (2), Code 1977 Supplement, is amended to read
47 as follows:

48 Involuntary manslaughter as defined in this section
49 is an included offense under an indictment for capital
50 murder or murder in the first or second degree or

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1 voluntary manslaughter.

2 Sec. 73. Section eight hundred two point one
3 (802.1), Code 1977 Supplement, is amended to read
4 as follows:

5 802.1 MURDER. A prosecution for capital murder
6 or murder in the first or second degree may be
7 commenced at any time after the death of the victim.

8 Sec. 74. Section eight hundred eleven point one
9 (811.1), Code 1977 Supplement, is amended to read
10 as follows:

11 811.1 BAILABLE AND NONBAILABLE OFFENSES. All
12 defendants are bailable both before and after
13 conviction, by sufficient surety, or subject to release
14 upon condition or on their own recognizance, except
15 that a defendant convicted of capital murder or a
16 class A felony shall not be admitted to bail while
17 appealing such conviction or seeking post-conviction
18 relief.

19 Sec. 75. Section eight hundred thirteen point
20 two (813.2), Code 1977 Supplement, is amended by
21 adding the following new sections as rules of criminal
22 procedure:

23 NEW SECTION. Rule 31.1 CAPITAL MURDER — PROCEDURE.

24 1. Upon a finding that the defendant is guilty
25 of capital murder, the court shall conduct a separate
26 sentencing proceeding to determine whether the
27 defendant shall be sentenced to death or to life
28 imprisonment. The proceeding shall be conducted in
29 the trial court before the trier of fact as soon as
30 practicable. In the proceeding, additional evidence
31 may be presented as to any matter which is relevant
32 to sentence. The court shall receive when offered
33 any evidence that is required by the rules of criminal
34 procedure. This subsection shall not be construed
35 to authorize the introduction of any evidence secured
36 in violation of the Constitution of the United States
37 or of the state of Iowa. The state and the defendant
38 or his or her counsel shall be permitted to cross-
39 examine witnesses and to present argument for or
40 against a sentence of death.

41 2. On conclusion of the presentation of the
42 evidence, the court shall submit the following issues
43 to the jury:

44 a. Whether the actual conduct of the defendant
45 was committed with the reasonable expectation that
46 the death of the deceased or another would result;
47 and

48 b. Whether there is a probability that in the
49 future the defendant will commit criminal acts of
50 violence that will constitute a continuing threat

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1 to society.

2 In the event the case is not tried to a jury, the
3 court shall determine the issues.

4 3. The state must prove each issue beyond a
5 reasonable doubt, and the jury, or the court if there
6 is no jury, shall return a special verdict of "yes"
7 or "no" on each issue.

8 4. If the case is tried to a jury, the court shall
9 charge the jury that:

10 a. It shall answer any issue "yes" if it agrees
11 unanimously; and

12 b. It must answer any issue "no" or if the jurors
13 unanimously agree that the answer is "no" or if the
14 jurors do not unanimously agree that the answer is
15 "yes".

16 5. If the jury, or the court in actions not tried
17 to a jury, returns an affirmative finding on both
18 issues, the court shall sentence the defendant to
19 death. If the jury or the court returns a negative
20 finding on any issue, the court shall sentence the
21 defendant to the custody of the division of adult
22 corrections for confinement in the state penitentiary
23 for life.

24 6. The provisions of chapters nine hundred one
25 (901) through nine hundred nine (909) of the Code
26 Supplement shall not apply to any conviction of capital
27 murder when the defendant is sentenced to death.
28 If the defendant is sentenced to life imprisonment
29 chapter nine hundred two (902) of the Code Supplement
30 shall apply as if the conviction were of a class A
31 felony.

32 **NEW SECTION. Rule 31.2 EVIDENCE AT SENTENCING**
33 **HEARING IN CAPITAL MURDER CASES.**

34 1. In a proceeding to determine whether the
35 sentence shall be death or life imprisonment, evidence
36 may be presented as to any matter which the court
37 deems relevant to sentence, including but not limited
38 to the nature, circumstances and manner of completion
39 of the murder, and the defendant's character,
40 background, history, mental and physical condition.

41 2. When offered by the defendant, the court shall
42 admit any relevant evidence respecting any of the
43 following mitigating circumstances:

44 a. The defendant has no significant history of
45 prior criminal activity.

46 b. The victim was a participant in the killing
47 or consented to the killing.

48 c. The killing was committed under circumstances
49 which the defendant believed to provide a moral
50 justification or extenuation for his or her conduct.

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1 d. The defendant was an accomplice in a killing
2 committed by another person and the defendant's
3 participation was relatively minor.

4 e. The youthfulness of the defendant at the time
5 of the crime.

6 **NEW SECTION. Rule 31.3 AUTOMATIC REVIEW — STAY**
7 **OF JUDGMENT.**

8 1. A judgment of conviction and sentence of death
9 shall be reviewed automatically in the manner provided
10 in section seventy-six (76) of this Act, and the Iowa
11 supreme court shall have exclusive jurisdiction for
12 review.

13 2. Upon entry of judgment and sentence of death,
14 the sentencing court shall prepare a complete record
15 and transcript of the action in the manner provided
16 in the rules of criminal procedure and shall docket
17 the same with the clerk of the supreme court.

18 3. The judgment and sentence of the trial court
19 is stayed as a matter of law from the time of its
20 entry until the judgment of the supreme court is
21 certified to and entered by the trial court. Upon
22 entry of a judgment of the supreme court which affirms
23 the conviction and sentence, the stay of the judgment
24 and sentence terminates as a matter of law.

25 **NEW SECTION. Rule 31.4 ISSUANCE OF WARRANT.**

26 1. Upon entry by the district court of the judgment
27 of the supreme court affirming a judgment and sentence
28 of death, a district judge shall within five days
29 thereafter issue a warrant under the seal of the court
30 for the execution of the sentence of death. The
31 warrant shall specifically set forth the offense and
32 the fact of conviction, shall state the judgment and
33 sentence of the court, shall state that the judgment
34 and sentence was affirmed by the supreme court and
35 the date of entry of judgment of the supreme court
36 in the district court, and shall specify the date
37 fixed for execution of the defendant which shall be
38 not less than fifty nor more than sixty days after
39 the date of entry in the district court of the judgment
40 of the supreme court affirming the judgment and
41 sentence of death. The warrant shall be directed
42 to the director of the division of adult corrections
43 commanding him or her to cause the same to be carried
44 into execution on the date specified. The district
45 court shall deliver the warrant to the sheriff of
46 the county in which judgment of conviction was entered
47 and the sheriff shall deliver the warrant and the
48 defendant to the custody of the division of adult
49 corrections for confinement in the state penitentiary.
50 The director of the division of adult corrections

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1 shall acknowledge receipt of the warrant and defendant,
2 and the sheriff shall return same to the office of
3 the clerk of court from which the warrant was issued.

4 2. Immediately after issuance of a warrant ordering
5 a sentence of death, the clerk of the court issuing
6 the warrant shall transmit by mail to the governor
7 copies of the indictment, the plea, the verdict and
8 special findings, the judgment of the supreme court,
9 and the complete transcript.

10 Sec. 76. Chapter eight hundred fourteen (814),
11 Code 1977 Supplement, is amended by adding the
12 following new section:

13 NEW SECTION. REVIEW OF DEATH SENTENCE.

14 1. In any case in which a sentence of death is
15 imposed, the supreme court must review the judgment
16 and sentence.

17 2. A review by the supreme court of a judgment
18 and sentence imposing the punishment of death shall
19 have priority over all other criminal and other actions
20 pending before the supreme court.

21 3. The supreme court shall review the trial and
22 judgment, and separately shall review the sentencing
23 proceeding. Upon determining that errors did not
24 occur at the trial which would require reversal or
25 modification of the judgment, the supreme court shall
26 proceed to determine if the sentence of death is
27 lawfully imposed. In its review of the sentencing
28 proceeding the supreme court shall determine the
29 following:

30 a. That the trial court did not commit prejudicial
31 error in admitting or refusing to admit evidence
32 relevant to the issue of whether or not punishment
33 of death should be imposed;

34 b. That the special findings required under
35 subsection two (2) of Rule thirty-one point one (31.1)
36 of the rules of criminal procedure are supported by
37 the evidence.

38 c. That the sentence of death was not imposed
39 capriciously or under the influence of prejudice or
40 other arbitrary factor, considering both the
41 circumstances of the crime and the defendant.

42 4. If the supreme court determines that the
43 sentence of death was not lawfully imposed the court
44 shall set aside the sentence and shall remand the
45 case to the trial court for imposition of a sentence
46 of life imprisonment.

47 5. If the supreme court affirms the judgment and
48 sentence of death, the supreme court clerk shall
49 certify the judgment of the supreme court under the
50 seal of the court to the clerk of the trial court.

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1 Sec. 77. Code 1977 Supplement is amended by adding
2 the following new sections as a new chapter:

3 NEW SECTION. TIME AND MANNER OF EXECUTION.

4 1. A sentence of death shall be executed pursuant
5 to warrant therefor at any time before the time of
6 sunrise on the day set for the execution by causing
7 to pass through the body of the person a current of
8 electricity of sufficient intensity to cause death,
9 and by the application and continuance of such current
10 through the body of the person until dead.

11 2. The director of the division of adult
12 corrections shall cause the execution. The executioner
13 shall be the person appointed by the director for
14 that purpose.

15 3. The execution shall take place within the
16 confines of the state penitentiary in an enclosed
17 facility arranged for that purpose.

18 4. The following persons may be present at the
19 execution: The director of the division or a deputy;
20 the warden of the state penitentiary or a deputy;
21 the executioner, and such persons as may be necessary
22 to assist him or her in conducting the execution;
23 two physicians, including the prison physician; the
24 spiritual advisor, if any, of the condemned; the
25 chaplains of the division of adult corrections; a
26 district judge; the sheriff or a deputy sheriff of
27 the county in which the state penitentiary is situated;
28 and any of the relatives or friends of the condemned
29 person that he or she may request, not exceeding five
30 in number.

31 5. Persons other than those specifically designated
32 in subsection four (4) of this section, or those
33 specifically requested by the defendant under the
34 authority of subsection four (4) of this section,
35 shall not be present at the execution. Notwithstanding
36 subsection four (4) of this section, a person shall
37 not be present at an execution if the person is less
38 than eighteen years of age, or if the person is in
39 possession of any device for receiving, transmitting
40 or recording sounds or pictures.

41 NEW SECTION. DELAY OF EXECUTION — NEW WARRANT.

42 1. If the condemned person escapes after sentence
43 and before his or her delivery to the division of
44 adult corrections, and is not arrested until after
45 the time fixed for execution, the court by whom the
46 condemned was sentenced shall again appoint a time
47 for the execution, not more than thirty days after
48 issuance of a new warrant.

49 2. If the condemned person escapes after his or
50 her delivery to the division of adult corrections,

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1 and is not arrested before the time appointed for
2 execution, the director shall certify the facts of
3 escape and recapture to the court in which sentence
4 was passed, and the court shall appoint a time for
5 the execution which shall be not more than thirty
6 days after issuance of a new warrant.

7 3. If for any other reason execution of the death
8 penalty is delayed beyond the date specified in the
9 warrant of execution, the court which originally
10 sentenced the defendant shall establish a later date
11 for execution, which shall not be more than thirty
12 days after issuance of the warrant.

13 NEW SECTION. RETURN OF WARRANT. On the arrival
14 of the date set for execution the division shall cause
15 the execution. In case of the death of any condemned
16 person before the time for execution arrives, or if
17 the person is pardoned or his or her sentence is
18 commuted by the governor, no execution shall be had.
19 In all cases, the director of the division of adult
20 corrections shall return the warrant and certificate
21 with a statement of his or her proceedings endorsed
22 thereon. In the event of execution the return shall
23 be accompanied by a statement showing what disposition
24 was made of the body. Return shall be made to the
25 clerk of the court in which the sentence was passed
26 who shall record the warrant and return in the docket
27 of the court.

28 NEW SECTION. DISPOSITION OF BODY. The body of
29 a person who has been executed shall be embalmed
30 immediately as directed by the director of the division
31 of adult corrections at state expense. If the body
32 is demanded or requested by a relative within forty-
33 eight hours after execution it shall be delivered
34 to the relative who shall pay the costs of
35 transportation. If the body is not delivered to a
36 relative the director shall cause the body to be
37 buried, and the costs of burial shall be paid by the
38 division of adult corrections.

39 Sec. 78. Sections sixty-seven (67) through seventy-
40 seven (77) of this Act shall take effect January 1,
41 1979. The remaining sections of this Act shall take
42 effect as otherwise provided by law."

43 2. Amend the title, by striking lines 1 and 2
44 and inserting in lieu thereof the following: "An Act
45 relating to the Iowa criminal code and providing
46 penalties, including but not limited to the penalty
47 of death."

Dyrland of Clayton rose on a point of order that amendment
H-6454 was not germane.

The Speaker ruled the point well taken and amendment H—6454 not germane.

Spencer of Clay moved that the rules governing germaneness be suspended for the consideration of amendment H—6454.

Krewson of Polk rose on a point of order that the motion, having been debated, was out of order.

The Speaker ruled the point well taken and the motion out of order.

Spear of Lee moved that the rules governing germaneness be suspended for the consideration of amendment H—6454.

Roll call was requested by Lageschulte of Bremer and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 41:

Baker	Bennett	Binneboese	Chiodo
Conlon	Connors	Crabb	Daggett
Danker	Dieleman	Dunton	Evans
Gettings	Gilson	Halvorson	Hansen
Harbor	Harvey	Horn	Howell
Junker	Lageschulte	Lind	Lindeen
Millen	Miller, K.D.	Oxley	Pellett
Poncy	Schnekloth	Smalley	Spear
Spencer	Stephens	Stromer	Tofte
Welden	Wells	West	Woods
Wyckoff			

The nays were, 54:

Anderson	Avenson	Bina	Brandt
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Crawford	Cusack	Davitt	Doyle
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Griffiee	Hargrave
Hinkhouse	Hoffmann	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lipsky	Loneragan	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard

Nielsen	Norland	O'Halloran	Patchett
Pavich	Pelton	Perkins	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Svoboda	Tauke	Thompson	Varley
Walter	Mr. Speaker		

Absent or not voting, 5:

Arnould	Branstad	Brockett	Den Herder
Hines			

The motion lost.

Small of Johnson moved to reconsider the vote by which amendment H—5879 was adopted by the House on May 2, 1978.

The motion lost.

Jesse of Polk asked and received unanimous consent to defer action on Senate File 2200 and that the bill retain its place 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 2, 1978, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2098, a bill for an act appropriating to various trust funds for various operations and grants and aids to departments and agencies of the state.

Also: That the Senate has on May 2, 1978, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2361, a bill for an act relating to moneys available to school districts and the prohibition of reduction of school budgets after their certification.

KEVIN P. LIGHT Acting Secretary

HOUSE INSISTS

Patchett of Johnson called up for consideration **House File 2361**, a bill for an act relating to moneys available to school districts, pro-

viding for an additional enrichment amount, funds for unusual transportation problems and unique problems of school districts, changing the budget certification date for the site fund, altering the eligibility for one hundred twenty-five percent allowable growth, and prohibition of reduction of school budgets after their certification, and moved that the House insist on its amendment to the Senate amendment.

The motion prevailed and the House insists on its amendment.

HOUSE INSISTS

Perkins of Greene called up for consideration **House File 2098**, a bill for an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research, and moved that the House insist on its amendment to the Senate amendment.

The motion prevailed and the House insists on its amendment.

Leave of absence was granted as follows:

Brockett of Marshall for the remainder of the day on request of Evans of Grundy.

SENATE AMENDMENT CONSIDERED

Rinas of Linn called up for consideration **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 and state fair grounds 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, requir-

ing 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 an exemption from fuel taxes for political subdivisions, authorizing the Department of Transportation to conduct a study, providing appropriations, and repealing certain sections, amended by the Senate amendment H—6416, found on pages 2066 through 2079 of the House Journal.

Pelton of Clinton offered the following amendment H—6425, to the Senate amendment H—6416, filed by him and moved its adoption:

H—6425

- 1 Amend the Senate amendment H—6416, to House File
- 2 491, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, lines 9 and 10, by striking the words
- 5 "to the maximum extent possible".
- 6 2. Page 1, line 12, by striking the word "avoided"
- 7 and inserting in lieu thereof the word "avoided."
- 8 3. Page 1, by striking line 13.
- 9 4. Page 1, by striking line 16.
- 10 5. Page 1, line 17, by striking the word "imperative".
- 11 6. Page 1, lines 20 and 21, by striking the words
- 12 "unless relocated for compelling reasons".

Amendment H—6425 lost.

Davitt of Warren offered the following amendment H—6446, to the Senate amendment H—6416, filed by Davitt, Avenson and Pelton from the floor:

H—6446

- 1 Amend the Senate amendment, H—6416, to House File
- 2 491, as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 9, by inserting after line 37 the
- 5 following:
- 6 "Sec. 16. Chapter three hundred twenty-four (324),
- 7 Code 1977, is amended by adding the following new
- 8 section:
- 9 NEW SECTION. ELDERLY TAX CREDIT AND REFUND.
- 10 1. A person over sixty-five years of age who has
- 11 an annual net income for income tax purposes as defined

12 in section four hundred twenty-two point seven (422.7)
13 of the Code, of less than ten thousand dollars may
14 annually apply for a refund for the portion of the
15 motor fuel and special fuel taxes per gallon paid
16 in excess of the motor fuel and special fuel tax per
17 gallon imposed on July 1, 1977, for all such fuel used
18 for highway purposes. Each such person shall obtain
19 a refund permit under the provisions of section three
20 hundred twenty-four point eighteen (324.18) of the
21 Code, and shall file such supporting information as
22 required by the department. Notwithstanding the
23 provisions of section three hundred twenty-four point
24 seventeen (324.17) of the Code, an application shall
25 be made only for a period from January first to
26 December thirty-first of each year. In lieu of a
27 refund, and upon proper certification as required
28 by the department, such person may apply for a tax
29 credit against state income taxes imposed under the
30 provisions of chapter four hundred twenty-two (422)
31 of the Code."

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

34 "Sec. . Section four hundred twenty-two point
35 eighty-six (422.86), Code 1977, is amended by adding
36 the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH, In lieu of a refund
38 provided in section sixteen (16) of this Act, each
39 person eligible for a refund of the tax increase
40 provided by House File 491, shall be eligible for
41 a tax credit equal in amount to the refund the person
42 is otherwise eligible to receive."

43 3. Renumber as necessary in conformance with this
44 amendment.

Husak of Tama rose on a point of order that amendment
H—6446 was not germane.

The Speaker ruled the point not well taken and amendment
H—6446 germane.

Davitt of Warren moved the adoption of amendment H—6446, to
the Senate amendment H—6416.

Amendment H—6446 lost.

Pelton of Clinton offered the following amendment H—6468, to
the Senate amendment H—6416, filed by him from the floor:

H-6468

- 1 Amend the Senate amendment H-6416, to House File
2 491 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 9, by inserting after line 37 the follow-
5 ing:
6 'Sec. 16. Section three hundred twenty-one point
7 one hundred thirteen (321.113), Code 1977, is amended
8 by adding the following new unnumbered paragraph:
9 **NEW UNNUMBERED PARAGRAPH.** A motor vehicle used
10 primarily by a person with a physical handicap which
11 substantially interferes with normal physical movement
12 and registered by such person and a motor vehicle
13 used primarily by a person over sixty-two years of
14 age and registered by such person shall have the
15 registration fee otherwise computed under the
16 provisions of section three hundred twenty-one point
17 one hundred nine (321.109) of the Code, reduced by
18 fifty percent if such person had a taxable income
19 as defined in section four hundred twenty-two point
20 nine (422.9) of the Code, of less than eight thousand
21 dollars for the year preceding the year for which
22 the registration will apply. Application for reduction
23 shall be made upon forms not exceeding one page in
24 length provided by the department. The reduction
25 provided under this paragraph shall be available only
26 for applications made after January first of the year
27 for which the registration will apply."
28 2. By renumbering the sections and cross-references
29 to conform with this amendment.

Krause of Kossuth rose on a point of order that amendment H-6468 was not germane.

The Speaker ruled the point well taken and amendment H-6468 not germane.

Spear of Lee offered the following amendment H-6433, to the Senate amendment H-6416, filed by him and moved its adoption:

H-6433

- 1 Amend the Senate amendment, H-6416, to House File
2 491 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 9, line 44, by striking the numbers "1978,"
5 and inserting in lieu thereof the following: "1978".
6 2. Page 9, line 45, by striking the words "and
7 ten cents per gallon beginning July 1, 1979".

Roll call was requested by Baker of Buena Vista and Brunow of Appanoose.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6433 be adopted?"

The ayes were, 37:

Avenson	Baker	Bina	Binneboese
Chiodo	Clark, J.H.	Connors	Crabb
Danker	Doyle	Dunton	Garrison
Gettings	Halvorson	Hansen	Harvey
Horn	Jesse	Lindeen	Miller, K.D.
Monroe	Nielsen	Norland	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Spear	Spencer	Stephens	Stromer
Walter	Wells	West	Woods
Wyckoff			

The nays were, 54:

Anderson	Bennett	Brandt	Brunow
Clark, B.J.	Conlon	Crawford	Daggett
Davitt	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gilloon	Gilson
Griffiee	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller (Sergeant)	Newhard	O'Halloran
Oxley	Pellett	Rinas	Schnekloth
Schroeder	Shimanek	Small	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Mr. Speaker		

Absent or not voting, 9:

Arnould	Branstad	Brockett	Byerly
Cusack	Den Herder	Dieleman	Patchett
Smalley			

Amendment H—6433 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion for the remainder of the day on request of Connors of Polk.

Spear of Lee offered the following amendment H—6432, to the Senate amendment H—6416, filed by him and moved its adoption:

H—6432

- 1 Amend the Senate amendment, H—6416, to House File
- 2 491 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 11, lines 39 and 40, by striking the words
- 5 and figures “, and shall be eleven and one-half cents
- 6 per gallon beginning July 1, 1979”.

Amendment H—6432 lost.

Norland of Worth offered the following amendment H—6470, to the Senate amendment H—6416, filed by him from the floor:

H—6470

- 1 Amend the Senate amendment, H—6416, to House File
- 2 491 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 13, by inserting after line 36 the follow-
- 5 ing:
- 6 “Sec. . . . Section four hundred fifty-five point
- 7 one hundred eighteen (455.118), Code 1977, is amended
- 8 to read as follows:
- 9 455.118 BRIDGES. When such levee, ditch, drain,
- 10 or change of any natural watercourse crosses a public
- 11 highway, necessitating moving or building or rebuilding
- 12 any secondary road bridge upon, or ditch or drain
- 13 crossing such road, the board of supervisors shall
- 14 move, build, or rebuild the same, paying pay the costs
- 15 and expenses thereof incurred in moving or building
- 16 or rebuilding the same, including construction,
- 17 maintenance, repair and improvement costs, from the
- 18 secondary road fund.
- 19 If the bridge or crossing be is upon or across
- 20 a primary or interstate road, the work aforesaid shall
- 21 be done by the state department of transportation
- 22 and paid for shall pay the cost incurred in performing
- 23 the aforesaid work out of the primary road fund.”
- 24 2. Renumber sections and correct internal
- 25 references as are necessary in accordance with this
- 26 amendment.
- 27 3. Amend the title, line 20, by inserting after
- 28 the word “subdivisions,” the words “for paying the
- 29 cost of moving, building or rebuilding certain
- 30 facilities at points where a drainage district
- 31 improvement crosses a public road,”.

Brunow of Appanoose rose on a point of order that amendment H—6470 was not germane.

The Speaker ruled the point well taken and amendment H—6470 not germane.

Norland of Worth asked for unanimous consent to suspend the rules governing germaneness for the consideration of amendment H—6470.

Objection was raised.

Norland of Worth moved that the rules governing germaneness be suspended for the consideration of amendment H—6470.

A non-record roll call was requested.

The ayes were 30, nays 45.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for the remainder of the day on request of Walter of Pottawattamie.

Rinas of Linn moved that the House concur in the Senate amendment H—6416.

Roll call was requested by Spencer of Clay and Brunow of Appanoose.

Rules 69 and 70 were invoked.

On the question "Shall the motion to concur prevail?"

The ayes were, 62:

Anderson
Brandt
Crabb
Dunton

Bennett
Brunow
Crawford
Dyrland

Bina
Clark, B.J.
Daggett
Egenes

Binneboese
Conlon
Davitt
Evans

Fitzgerald	Garrison	Gentleman	Gilloon
Griffiee	Halvorson	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, (Sergeant)	Monroe
O'Halloran	Oxley	Pellett	Rinas
Schnekloth	Schroeder	Shimanek	Small
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Mr. Speaker		

The nays were, 29:

Avenson	Baker	Chiodo	Clark, J.H.
Connors	Danker	Doyle	Gettings
Gilson	Hansen	Horn	Jesse
Loneragan	Miller, K.D.	Newhard	Nielsen
Norland	Pavich	Pelton	Perkins
Poncy	Scheelhaase	Smalley	Spear
Spencer	Stromer	Walter	Woods
Wyckoff			

Absent or not voting, 9:

Arnould	Branstad	Brockett	Byerly
Cusack	Den Herder	Dieleman	Harvey
Patchett			

The motion prevailed and the House concurred in the Senate amendment H—6416.

Rinas 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.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 491)

The ayes were, 57:

Anderson	Bennett	Binneboese	Brandt
Brunow	Clark, B.J.	Conlon	Crabb
Crawford	Daggett	Davitt	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gilloon	Griffiee	Halvorson
Harbor	Hargrave	Hines	Hinkhouse

Hoffmann	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Middleswart	Millen	Miller (Sergeant)
Monroe	O'Halloran	Oxley	Rinas
Schnekloth	Schroeder	Shimanek	Small
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	West
Mr. Speaker			

The nays were, 34:

Avenson	Baker	Bina	Chiodo
Clark, J.H.	Connors	Danker	Doyle
Gentleman	Gettings	Gilson	Hansen
Horn	Howell	Jesse	Lonergan
Miller, K.D.	Newhard	Nielsen	Norland
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Smalley	Spear
Spencer	Stromer	Walter	Wells
Woods	Wyckoff		

Absent or not voting, 9:

Arnould	Branstad	Brockett	Byerly
Cusack	Den Herder	Dieleman	Harvey
Patchett			

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

MOTIONS TO RECONSIDER (Senate File 2202)

I move to reconsider the vote by which Senate File 2202 passed the House on May 1, 1978.

PERKINS of Greene

(House File 2101)

I move to reconsider the vote by which House File 2101 passed the House on May 2, 1978.

LIPSKY of Linn

(Senate File 2111)

I move to reconsider the vote by which Senate File 2111 passed the House on May 2, 1978.

HARGRAVE of Johnson

(House File 2452)

I move to reconsider the vote by which House File 2452 passed the House on May 2, 1978.

HALVORSON of Clayton

(House File 2452)

I move to reconsider the vote by which House File 2452 passed the House on May 2, 1978.

CONNORS of Polk

(Amendment H—6241 to Senate File 2200)

I move to reconsider the vote by which amendment H—6241 to amendment H—6075 to Senate File 2200 was adopted by the House on May 2, 1978.

GILLOON of Dubuque

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 1, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 351, a bill for an act to clarify and further define "licensed premises" and 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.

Also: That the Senate has on May 1, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 544, a bill for an act relating to snowmobiles.

Also: That the Senate has on May 1, 1978, 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 593, a bill for an act relating to procedures for nomination of candidates and elections.

Also: That the Senate has on May 1, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2010, a bill for an act removing the limit on fees certain cities may establish for inspection of multiple dwellings.

Also: That the Senate has on May 1, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2023, a bill for an act relating to the denominations in which bonds of local governmental units may be issued.

Also: That the Senate has on May 1, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2128, a bill for an act relating to the publication requirements for an additional public hearing required under local budget law.

Also: That the Senate has on May 1, 1978, 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 2189, a bill for an act providing for appropriations to miscellaneous state and local government agencies including regulatory agencies.

Also: That the Senate has on May 2, 1978, 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 2244, a bill for an act to adopt the Uniform Landlord Tenant Act as modified and providing penalties.

Also: That the Senate has on May 1, 1978, receded from the Senate amendment to, and passed the following bill:

House File 2277, a bill for an act relating to the sale by area schools of student-constructed buildings and certain property.

Also: That the Senate has on May 1, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2295, a bill for an act relating to the disabled veteran's tax credit.

Also: That the Senate has on May 1, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2404, a bill for an act relating to child abuse.

Also: That the Senate has on May 2, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2423, a bill for an act making appropriations to the department of general services for designated capital improvements and expenses.

Also: That the Senate has on May 2, 1978, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on May 2, 1978, 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 264, a bill for an act abolishing World War I, World War II and Korean veteran's bonus funds.

Also: That the Senate has on May 1, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2127, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions.

Also: That the Senate has on May 1, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2173, a bill for an act providing for exemption certificates for exempt purchases under the sales tax law and assigning responsibility for the tax on nonexempt purchases subject to penalties provided by law.

Also: That the Senate has on May 1, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2210, a bill for an act relating to the method of deducting net operating losses in computing the income tax liability of individuals and corporations.

Also: That the Senate has on May 2, 1978, 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 2233, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor.

Also: That the Senate has on May 1, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2253, a bill for an act to legalize proceedings taken by the city of Charter Oak relating to the letting of certain contracts.

Also: That the Senate has on May 1, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2258, a bill for an act providing procedures for setting salaries by establishing salary ranges for designated nonelected officials and methods for the payment of salaries.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 544

H-6460

- 1 Amend House File 544 as passed by the House as
- 2 follows:
- 3 1. Page 2, line 16, by striking the words
- 4 "~~September~~ January" and inserting in lieu thereof
- 5 the word "September".
- 6 2. Page 2, line 19, by inserting after the word
- 7 "first," the words "Any snowmobile registered between
- 8 January first and September first of even-numbered
- 9 years shall be registered for a fee of six dollars
- 10 for the remainder of the registration period."
- 11 3. Page 2, line 20, by striking the words
- 12 "~~September~~ January in odd-numbered" and inserting
- 13 in lieu thereof the words "September in even-numbered".
- 14 4. Page 2, by striking lines 22 through 27 and
- 15 inserting in lieu thereof the following: "remainder
- 16 of the current registration period and for the
- 17 subsequent registration period in one transaction.
- 18 The fee shall be three six dollars for the remainder
- 19 of the current period, in addition to the registration
- 20 fee of six twelve dollars for the subsequent year
- 21 biennium beginning January 1 first,".
- 22 5. Page 2, line 32, by striking the word "the"
- 23 and inserting in lieu thereof the word "the".
- 24 6. Page 3, by striking lines 3 through 5.
- 25 7. Page 5, by striking lines 4 through 11 and
- 26 inserting in lieu thereof the words "effective
- 27 September 1, 1979."
- 28 8. By renumbering the sections and correcting
- 29 internal references to conform with this amendment.

SENATE AMENDMENT TO
HOUSE FILE 2010

H-6459

- 1 Amend House File 2010 as amended, passed and reprinted
- 2 by the House as follows:

- 3 1. Page 1, line 15, by striking the word "reasonable"
4 and inserting in lieu thereof the word "reasonable".
5 2. Page 1, line 16, by striking the words "for the
6 purpose of defraying the" and inserting in lieu thereof
7 the words "for the purpose of defraying the which fees
8 shall be based upon the actual".

SENATE AMENDMENT TO
HOUSE FILE 2404

H-6464

- 1 Amend House File 2404, as passed by the House,
2 as follows:
3 1. Page 1, by striking lines 23 through 25 and
4 inserting in lieu thereof the following:
5 "b. The commission of any sexual abuse with or
6 to a child as defined by chapter seven hundred nine
7 (709) of the Code Supplement, as a result of the acts
8 or omissions of the person responsible for the care
9 of the child.
10 c. The failure on the part of a person responsible
11 for the care of a child to provide for the adequate
12 food, shelter, clothing or other care necessary for
13 the child's health and welfare when financially able
14 to do so or when offered financial or other reasonable
15 means to do so. A parent or guardian legitimately
16 practicing religious beliefs who does not provide
17 specified medical treatment for a child for that
18 reason alone shall not be considered abusing the
19 child, however this provisions shall not preclude a
20 court from ordering that medical service be provided
21 to the child where the child's health requires it."
22 2. Page 2, line 15, by striking the word "suspects"
23 and inserting in lieu thereof the word "believes".
24 3. Page 2, line 34, by striking the word "suspects"
25 and inserting in lieu thereof the word "believes".
26 4. Page 3, line 28, by striking the word "A" and
27 inserting in lieu thereof the words "If the preliminary
28 report is not a complete report, a".
29 5. Page 3, line 30, by striking the word "initial"
30 and inserting in lieu thereof the word "abuse".
31 6. Page 4, by striking lines 21 through 28 and
32 inserting in lieu thereof the following: "at public
33 expense, photographs or X-rays of the areas of trauma
34 visible on a child. Any health practitioner may,
35 if medically indicated, cause to be performed
36 radiological examination of the child. Any person
37 who takes any photographs".
38 7. Page 5, by striking line 18.

SENATE AMENDMENT TO
HOUSE FILE 2423

H—6461

- 1 Amend House File 2423 as amended, passed and
2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 27 through 28.
4 2. Page 1, line 35, by striking the words "It
5 is further the intent of".
6 3. Page 2, by striking lines 1 through 3.
7 4. Page 2, by inserting before line 4 the following
8 new section:
- 9 "Sec. . NEW SECTION. There is appropriated
10 from the general fund of the state to the department
11 of general services for the use of the Iowa library
12 department, law library division, for the fiscal year
13 beginning July 1, 1978 and ending June 30, 1979 the
14 sum of forty-two thousand (42,000) dollars, or so
15 much thereof as is necessary, to be used for the
16 following purposes:
- 17 1. The removal of free-standing bookshelves;
18 2. The removal of bookshelves from reading and
19 study rooms;
20 3. The installation of a wood guard rail at the
21 glass transom;
22 4. The taking up of the slack of the two bays
23 of stack-tier shelving;
24 5. The repainting of painted areas and refinishing
25 wood finishes; and
26 6. The replacing of carpeting.
- 27 The capital improvements provided for in this
28 section shall be accomplished without materially
29 changing the architectural integrity or beauty of
30 the library with the purpose of restoring the library
31 to its original condition and maintaining the aesthetic
32 decor of the library."
- 33 5. Renumbering sections and correcting internal
34 references as necessary.

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 264

H—6462

- 1 Amend House amendment S—5719 to Senate File 264
2 as amended, passed and reprinted by the Senate as
3 follows:
- 4 1. Page 1, by striking lines 30 and 31.

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 2233

H-6463

1 Amend the House amendment, S-5720, to Senate File
2 2233 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by inserting after line 26 the follow-
5 ing:
6 " . Page 2, by inserting after line 17 the
7 following section:
8 "Sec. . Section eighty-nine point seven (89.7),
9 Code 1977, as amended by House File two thousand
10 sixty-nine (2069), section eight (8), as enacted by
11 the Sixty-seventh General Assembly, 1978 Session,
12 is amended by adding the following new subsection:
13 NEW SUBSECTION. Notwithstanding the provisions
14 of subsection two (2) of this section, the fee for
15 miniature model boilers constructed and maintained
16 as a hobby and not for commercial use that have an
17 inside diameter of twelve inches or less and a grate
18 area not exceeding one square foot shall be twelve
19 dollars." "

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 second day of May, 1978: House Files 68, 79, 561, 570 and 2354.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Fourteen sixth grade students from Havelock-Plover Community School, Havelock, Iowa, accompanied by Mrs. Olson. By Baker of Buena Vista.

Thirty fifth grade students from Clive Elementary School, West Des Moines, Iowa. By Thompson of Polk.

Forty-one students from James Elementary School, Ottumwa, Iowa. By Gettings of Wapello and Poncy of Wapello.

Seventeen eighth grade students from East Monona Community School, Moorhead, Iowa, accompanied by Sheryl Wesack. By Crabb of Crawford.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a 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 NATURAL RESOURCES

Scheduled: 8:00 a.m., May 2, 1978

Convened: 8:20 a.m.

Adjourned: 10:00 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Howell, Hullinger, Jochum, Lind, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Krause.

Considered proposed bill relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

AMENDMENTS FILED

H—6444	S.F. 2213	Branstad of Winnebago Wyckoff of Benton Daggett of Adams Harbor of Mills
H—6445	S.F. 2176	Byerly of Polk

Davitt of Warren
Jesse of Polk

Scheelhaase of Woodbury
Binneboese of Plymouth

Howell of Floyd
Chiodo of Polk
Newhard of Jones
Cusack of Scott
Norland of Worth
Jochum of Dubuque
Walter of Pottawattamie
Dyrland of Clayton

Woods of Polk
Gilloon of Dubuque
Miller of Buchanan
Horn of Linn
Connors of Polk
Arnould of Scott
Gettings of Wapello

H-6447 S.F. 321
H-6448 H.F. 2352
H-6449 H.F. 2434
H-6451 S.F. 2258

H-6452 H.F. 2425
H-6453 S.F. 2213
H-6456 S.F. 2213
H-6467 S.F. 2235
H-6469 H.F. 2162

Evans of Grundy
Crabb of Crawford
Spear of Lee
Lipsky of Linn
Harbor of Mills
Spear of Lee
Welden of Hardin
Schroeder of Pottawattamie
Jesse of Polk
Spear of Lee
Howell of Floyd
Dyrland of Clayton

On motion by Fitzgerald of Webster, the House adjourned at 7:55 p.m., until 9:30 a.m., Wednesday, May 3, 1978.

JOURNAL OF THE HOUSE

One Hundred Fifteenth Calendar Day — Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 3, 1978

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

Prayer was offered by the Rabbi Robert E. Ourach, Temple Judah, Cedar Rapids, Iowa.

The Journal of Tuesday, May 2, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Beckman, Kalona, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Jochum of Dubuque from one hundred seven constituents in favor of having the Iowa Commerce Commission discontinue the practice of letting any utility company collect a rate increase, under bond, before it has been passed by the commission.

SENATE MESSAGES CONSIDERED

Senate File 2253, a bill for an act to legalize proceedings taken by the city of Charter Oak relating to the letting of certain contracts.

Read first time and **referred to the sifting committee.**

Senate File 2258, a bill for an act providing procedures for setting salaries by establishing salary ranges for designated nonelected officials and methods for the payment of salaries.

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

SENATE AMENDMENTS CONSIDERED

Spencer of Clay called up for consideration **House File 2284**, a bill for an act relating to the trapping of fur-bearing animals including the checking of traps and stamping of pelts, amended by the Senate amendment H—6361, found on page 1919 of the House Journal, and moved that the House concur in the Senate amendment H—6361.

The motion prevailed and the House concurred in the Senate amendment H—6361.

Spencer of Clay 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. 2284)

The ayes were, 72:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Connors	Crabb	Crawford
Cusack	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Griffiee	Halvorson
Hansen	Hargrave	Harvey	Hoffmann
Horn	Howell	Hullinger	Jochum
Junker	Koogler	Krause	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland
Oxley	Pavich	Pelton	Poney
Schnekloth	Schroeder	Shimanek	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Walter
Welden	West	Wyckoff	Mr. Speaker

The nays were, 15:

Binneboese	Branstad	Conlon	Daggett
Danker	Davitt	Doyle	Gilson
Hinkhouse	Husak	Pellett	Perkins
Scheelhaase	Smalley	Tofte	

Absent or not voting, 13:

Den Herder	Gilloon	Harbor	Hines
Jesse	Krewson	Newhard	O'Halloran
Patchett	Rinas	Varley	Wells
Woods			

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

Lonerган of Boone called up for consideration **House File 2404**, a bill for an act relating to child abuse, amended by the Senate amendment H—6464, found on page 2157 of the House Journal.

Gentleman of Polk offered the following amendment H—6472 to the Senate amendment H—6464, filed by her from the floor and moved its adoption:

H—6472

- 1 Amend the Senate amendment H—6464, to House File
- 2 2404, as follows:
- 3 1. Page 1, by inserting after line 2 the follow-
- 4 ing:
- 5 "1. Page 1, line 17, by striking the words "or
- 6 threatened harm"."

A non-record roll call was requested.

The ayes were 24, nays 46.

Amendment H—6472 lost.

On motion by Lonerган of Boone, the House concurred in the Senate amendment H—6464.

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

On the question "Shall the bill pass?" (H.F. 2404)

The ayes were, 87:

Anderson	Arnould	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
Gettings	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jochum	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	Oxley	Pavich
Pellett	Pelton	Perkins	Poney
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Den Herder	Gilloon	Hines	Hullinger
Jesse	Krewson	Newhard	O'Halloran
Patchett	Rinas	Spencer	Varley
Woods			

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

Baker of Buena Vista called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6462, to the House amendment, found on page 2158 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6462.

Baker of Buena Vista 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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 264)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jochum	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Norland	Oxley
Pavich	Pellet	Pelton	Perkins
Poney	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Tofte	Walter	Wells	West
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 18:

Danker	Den Herder	Gilloon	Hines
Hullinger	Jesse	Junker	Krause
Newhard	Nielsen	O'Halloran	Patchett
Rinas	Svoboda	Thompson	Varley
Welden	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 125

Hargrave of Johnson called up for consideration **House Concurrent Resolution 125** filed on April 27, 1978 and found on pages 1988 through 1991 of the House Journal, and moved its adoption.

Roll call was requested by Tauke of Dubuque and Tofte of Winneshiek.

On the question "Shall the resolution be adopted?"

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffie
Halvorson	Hansen	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Schnekloth
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Mr. Speaker

The nays were, 8:

Brockett	Danker	Harbor	Husak
Miller, K.D.	Schroeder	Stephens	Wyckoff

Absent or not voting, 8:

Den Herder	Egenes	Gilloon	Hullinger
O'Halloran	Rinas	Scheelhaase	Varley

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE (House Concurrent Resolution 125)

Hargrave of Johnson asked and received unanimous consent that House Concurrent Resolution 125 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Varley of Adair on request of Harbor of Mills.

House File 2162, a bill for an act relating to the hours during which alcoholic beverages and beer may be sold on December 31, 1978 and January 1, 1979 by liquor control licensees and beer permittees, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott offered amendment H—5923 filed by the committee on state government on April 5, 1978 and found on page 1385 of the House Journal.

Dieleman of Marion offered the following amendment H—6140 to the committee amendment H—5923, filed by him and moved its adoption:

H—6140

- 1 Amend amendment H—5923 to House File 2162 as
- 2 follows:
- 3 1: By striking lines 2 through 22.

Roll call was requested by Newhard of Jones and Byerly of Polk.

On the question "Shall amendment H—6140 be adopted?"

The ayes were, 25:

Bennett	Clark, B.J.	Crabb	Daggett
Danker	Dieleman	Duntun	Griffée
Hansen	Hinkhouse	Howell	Koogler
Lageschulte	Lindeen	Menke	Middleswart
Millen	Miller (Sergeant)	Pellett	Pelton
Schnekloth	Smalley	Stephens	Welden
West			

The nays were, 66:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Davitt	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Halvorson	Harbor
Hargrave	Harvey	Hines	Hoffmann
Horn	Husak	Jochum	Junker
Krause	Krewson	Lind	Lipsky
Loneragan	Miller, K.D.	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett

Pavich	Perkins	Poney	Scheelhaase
Schroeder	Shimanek	Small	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 9:

Brockett	Den Herder	Gilloon	Hullinger
Jesse	O'Halloran	Rinas	Varley
Wells			

Amendment H—6140 lost.

Dieleman of Marion offered the following amendment H—6141, to the committee amendment H—5923, filed by him and moved its adoption:

H—6141

- 1 Amend amendment H—5923 to House File 2162 as
- 2 follows:
- 3 1. By striking on line 6 the word "off" and
- 4 inserting in lieu thereof "on".

Amendment H—6141 lost.

Dieleman of Marion offered the following amendment H—6142, to the committee amendment H—5923, filed by him and moved its adoption:

H—6142

- 1 Amend amendment H—5923 to House File 2162 as
- 2 follows:
- 3 1. By striking line 13 and inserting in lieu
- 4 thereof the words "day before New Year's Day shall
- 5 be increased fifty (50) dollars".

Amendment H—6142 lost.

Dieleman of Marion offered the following amendment H—6143, to the committee amendment H—5923, filed by him and moved its adoption:

H—6143

- 1 Amend amendment H—5923 to House File 2162 as

2 follows:

3 1. By striking line 18.

Amendment H—6143 lost.

Doyle of Woodbury in the chair at 11:31 a.m.

On motion by Arnould of Scott the committee amendment H—5923 was adopted.

Dyrland of Clayton asked and received unanimous consent to withdraw amendment H—6469 filed by him on May 2, 1978.

Arnould 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. 2162)

The ayes were, 61:

Arnould	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Crawford	Cusack	Davitt
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Halvorson
Hargrave	Harvey	Hines	Hoffmann
Horn	Jesse	Jochum	Junker
Krause	Krewson	Lind	Lipsky
Loneragan	Miller, K.D.	Monroe	Newhard
Nielsen	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Schroeder	Shimaneck	Small	Spear
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Wells	Woods
Mr. Speaker			
(Doyle)			

The nays were, 29:

Anderson	Bennett	Branstad	Clark, B.J.
Daggett	Danker	Dieleman	Dunton
Evans	Griffiee	Hansen	Hinkhouse
Howell	Hullinger	Husak	Koogler
Lageschulte	Lindeen	Menke	Middleswart
Millen	Miller (Sergeant)	Pellett	Schneklath
Smalley	Stephens	Welden	West
Wyckoff			

Absent or not voting, 10:

Brunow
Harbor
Spencer

Crabb
Norland
Varley

Den Herder
O'Halloran

Gilloon
Rinas

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 2162)

Arnould of Scott asked for unanimous consent that House File 2162 be immediately messaged to the Senate.

Objection was raised.

Arnould of Scott moved to reconsider the vote by which House File 2162 passed the House on May 3, 1978.

A non-record roll call was requested.

The ayes were 19, nays 32.

The motion lost.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2202)

Branstad of Winnebago asked and received unanimous consent to withdraw the motion to reconsider Senate File 2202 filed by him on May 1, 1978.

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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crawford of Story for a portion of the afternoon session on request of Tauke of Dubuque.

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 27, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on May 3, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2116, a bill for an act exempting certain married persons from the requirement that certain information be given prior to a name change.

Also: That the Senate has on May 2, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2216, a bill for an act relating to railroad laws and providing for violations of railroad laws.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO HOUSE FILE 112

H-6486

1 Amend House File 112 as passed by the House as
2 follows:

3 1. Page 1, by inserting after line 5 the following
4 new section:

5 "Sec. . . Section one hundred twenty-three point
6 forty-nine (123.49), subsection two (2), paragraph
7 f, Code 1977, is amended to read as follows:
8 f. Any person under legal eighteen years of age
9 shall not be employed in the sale or serving of
10 alcoholic liquor or beer for consumption on the
11 premises where sold."

12 2. Page 1, by inserting after line 5 the following
13 new section:

14 "Sec. . . The provisions of this Act shall not
15 apply to persons who were born on or before June 30,
16 1960".

17 3. Page 1, by striking lines 6 and 7.

SENATE AMENDMENT TO
HOUSE FILE 2116

H-6481

1 Amend House File 2116 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 5 through 22 and
4 inserting in lieu thereof the following:

5 "Upon marriage either party may request on the
6 application for a marriage license a name change to
7 that of the other party or to some other surname
8 mutually agreed upon by the parties. The names used
9 on the marriage license shall become the legal names
10 of the parties to the marriage. The marriage license
11 shall contain a statement that when a name change
12 is requested and affixed to the marriage license,
13 the new name is the legal name of the requesting
14 party. If the parties request a party requests a
15 name change, other than a change of surname to that
16 of the other spouse or to a hyphenated combination
17 of the surnames of both spouses, the parties party
18 shall request approval of the court pursuant to chapter
19 six hundred seventy-four (674) of the Code and shall
20 submit to the court the information required by section
21 six hundred seventy-four point two (674.2) of the
22 Code, and upon approval of the court and solemnization
23 of the marriage, the clerk of the court shall send a
24 certified copy of the return of marriage license to
25 the recorder's office in every county in this state
26 where real property is owned by either of the parties.
27 The judge may approve the name change. The new names
28 and the immediate former names shall appear on the
29 return of marriage, and the return of marriage shall
30 be recorded in the miscellaneous records in the
31 recorder's office. An individual can, however, have
32 only one legal name at any one time.

33 Sec. . Section six hundred six point fifteen
34 (606.15), subsection twenty-eight (28), Code 1977,
35 is amended to read as follows:

36 28. For issuing marriage licenses, five dollars
37 each, and for. For issuing marriage licenses when
38 a party requests a name change other than a change
39 of surname to that of the other spouse or to a
40 hyphenated combination of the surnames of both spouses,
41 seven dollars and fifty cents each. Two dollars and
42 fifty cents of the seven dollars and fifty cents shall
43 be paid to the recorder as a recording fee for
44 recording the return of marriage. For issuing an
45 application for an order of the district court
46 authorizing the issuance of a license to marry prior

- 47 to the expiration of three days from the date of
48 filing the application for the license, five dollars
49 each."
50 2. Page 1, by striking line 35 through page 2.

Page 2

- 1 line 6.
2 3. Renumbering sections as necessary.

**SENATE AMENDMENT TO
HOUSE FILE 2216****H—6475**

- 1 Amend House File 2216 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 30 through 33 and
4 inserting in lieu thereof the following:
5 "327C.6 CHANGES IN OPERATION AND IMPROVEMENTS.
6 When, in the judgment of the department, any railroad
7 corporation fails in any respect to comply with the
8 terms of its charter or articles of incorporation
9 or the laws of the state; or if".
10 2. Page 2, line 34, by striking the word "If".
11 3. Page 9, line 9, by inserting after the word
12 "penalty," the words "In the event a right of way
13 fire can be attributed to faulty screen exhaust fire
14 control equipment, a local fire department may collect
15 reasonable hourly charges, not to exceed a total of
16 two hundred fifty (250) dollars for each call from
17 the railroad corporation."
18 4. Page 10, line 3, by inserting after the word
19 "of" the words "the crossing and".

SENATE AMENDMENTS CONSIDERED

Pavich of Pottawattamie called up for consideration **House File 2010**, a bill for an act removing the limit on fees certain cities may establish for inspection of multiple dwellings, amended by the Senate amendment H—6459, found on pages 2156 and 2157 of the House Journal, and moved that the House concur in the Senate amendment H—6459.

The motion prevailed and the House concurred in the Senate amendment H—6459.

Pavich of Pottawattamie 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. 2010)

The ayes were, 81:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Monroe
Nielsen	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 8:

Conlon	Crabb	Daggett	Danker
Harvey	Hinkhouse	Miller (Sergeant)	Schnekloth

Absent or not voting, 11:

Arnould	Branstad	Byerly	Crawford
Den Herder	Egenes	Jesse	Newhard
Norland	O'Halloran	Varley	

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

Wyckoff of Benton called up for consideration **Senate File 2233**, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6463, found on page 2159 of the House Journal, to the House amendment.

The motion prevailed and the House concurred in the Senate amendment H—6463 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. 2233)

The ayes were, 80:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Cusack	Danker	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Hargrave	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Middlesewart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Walter	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 8:

Daggett	Davitt	Harvey	Lonergan
Menke	Monroe	Pellett	Welden

Absent or not voting, 12:

Branstad	Crawford	Den Herder	Egenes
Evans	Harbor	Hines	Hullinger
Jesse	O'Halloran	Svoboda	Varley

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

SIFTING COMMITTEE CALENDAR

Senate File 2235, a bill for an act relating to pipelines by establishing construction standards for pipelines to protect soil conservation and drainage structures and practices and allowing land surveys by pipeline companies after notice, with report of committee recommending passage was taken up for consideration.

Avenson of Fayette offered amendment H-6473 filed by Scheelhaase, Avenson, Tauke, Halvorson, Hinkhouse, Shimanek, Howell, Tofte, Schroeder, Miller of Buchanan, Griffee, Lageschulte and Branstad from the floor. Division was requested as follows:

H-6473

- 1 Amend Senate File 2235, as amended, passed, and
- 2 reprinted by the Senate as follows:

H-6473A

- 3 1. Page 1, by striking lines 5 through 8 and
- 4 inserting in lieu thereof the words "to protect
- 5 remedial works and underground improvements, and soil
- 6 conservation and drainage practices and structures
- 7 from being damaged by pipeline construction. A".

H-6473C

- 8 2. Page 1, line 28, by inserting after the word
- 9 "inspection." the words "The professional engineer
- 10 shall be experienced and knowledgeable in the matters
- 11 specified in the standards."
- 12 3. Page 2, line 18, by inserting after the word
- 13 "injunction" the words "to halt construction".

H-6473B

- 14 4. Page 2, by striking lines 20 through 31.

H-6473C

- 15 5. Page 3, line 3, by inserting after the word
- 16 "section." the words "The landowner may exercise this
- 17 right to cancel only once for each pipeline project."
- 18 6. Page 3, line 8, by striking the words "thirty
- 19 days" and inserting in lieu thereof the words "fifteen
- 20 days of the date of the agreement".
- 21 7. Page 3, by inserting after line 19 the
- 22 following:

23 "Sec. . . . Section four hundred seventy-nine point
24 eight (479.8), Code 1977, is amended to read as
25 follows:
26 479.8 TIME AND PLACE. Said hearing shall not
27 be less than ten days nor more than thirty days from
28 the date of the last publication and shall be held
29 in the office of said state commerce commission; or
30 such place as the commission shall designate at a
31 location central to affected landowners, and within
32 a reasonable distance of the route of said proposed
33 line or lines."

On motion by Avenson of Fayette, amendment H—6473A was adopted.

Koogler of Mahaska offered the following amendment H—6480, to amendment H—6473B, filed by him from the floor and moved its adoption:

H—6480

1 Amend H—6473 to Senate File 2235 as amended,
2 passed and reprinted by the Senate as follows:
3 1. Page 1, by striking line 14 and inserting
4 in lieu thereof the following:
5 "4. Page 2, by striking line 22 and inserting
6 in lieu thereof the following:
7 NEW SECTION. After mutual agreement of the
8 pipeline company and the landowner, a pipeline
9 company may enter upon private".

Amendment H—6480 was adopted.

On motion by Avenson of Fayette, amendment H—6473B, as amended, was adopted.

On motion by Avenson of Fayette, amendment H—6473C was adopted.

Howell of Floyd offered the following amendment H—6467 filed by him and moved its adoption:

H—6467

1 Amend Senate File 2235 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 3, by inserting after line 16 the follow-
4 ing:

- 5 "Sec. . Chapter four hundred seventy-nine
6 (479), Code 1977, is amended by adding the following
7 new section:
8 NEW SECTION. In case of injury to any person or
9 property by any such pipeline, negligence will be
10 presumed on the part of the person or corporation
11 operating the pipeline in causing the injury, but
12 this presumption may be rebutted by proof. Such
13 presumption shall not exist in favor of employees
14 of the person or corporation operating the pipeline
15 who are charged with or engaged in the construction,
16 reconstruction, repair, or maintenance thereof, unless
17 otherwise provided by the employers liability and
18 workmen's compensation laws of the state."
19 2. By renumbering the sections to conform with
20 this amendment.

Amendment H—6467 was adopted.

Welden of Hardin offered the following amendment H—6477
filed by him from the floor and moved its adoption:

H—6477

- 1 Amend Senate File 2235 as passed and reprinted
2 by the Senate as follows:
3 1. Page 1, by striking lines 30 through 32 and
4 inserting in lieu thereof the following:
5 "3. If the inspector determines that there has
6 been a failure to comply with the rules promulgated
7 pursuant to this section and if, following the request
8 of the inspector, the pipeline company or its con-
9 tractor fails to take appropriate corrective action,
10 the inspector shall give written notice to the pipe-
11 line company and".

Amendment H—6477 was adopted.

Koogler of Mahaska offered amendment H—6474 filed by him
from the floor and requested division as follows:

H—6474

- 1 Amend Senate File 2235 as amended, passed and
2 reprinted by the Senate as follows:

H—6474A

- 3 1. Page 2, by striking lines 23 and 24 and
4 inserting in lieu thereof the following: "land for

5 the purpose of making land surveys giving thirty
6 days".

H-6474B

7 2. Page 2, line 28, by inserting after the
8 word "land." the following: "A pipeline company or
9 its agents shall make no attempt to negotiate a
10 right-of-way agreement with a landowner prior to or
11 during the conduct of said survey."

H-6474C

12 3. Page 2, line 31, by inserting after the
13 word "survey." the following: "Prior to the
14 informational meetings a pipeline company may
15 contact potentially affected landowners for
16 purposes of refining the route of a pipeline.
17 The pipeline company shall make all information
18 available to landowners concerning a proposed
19 route or alternate route upon request of the land-
20 owner or his or her representative."

Brunow of Appanoose in the chair at 2:52 p.m.

Koogler of Mahaska moved the adoption of amendment
H-6474A.

A non-record roll call was requested.

The ayes were 26, nays 41.

Amendment H-6474A lost.

On motion by Koogler of Mahaska, amendment H-6474B was
adopted.

Koogler of Mahaska moved the adoption of amendment
H-6474C.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 46, nays 39.

Amendment H-6474C was adopted.

Scheelhaase of Woodbury offered the following amendment H—6491 filed by him from the floor and moved its adoption:

H—6491

- 1 Amend Senate File 2235, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 1, by inserting after line 29 the following:
- 4 "Section six hundred thirteen A point two (613A.2)
- 5 notwithstanding, a municipality shall not be liable for
- 6 the torts of its employees or any persons who are
- 7 employed by the municipality to inspect pursuant to
- 8 this Act. Nor shall any municipal employees be subject
- 9 to liability for their torts unless the inspections
- 10 were not performed in good faith."

A non-record roll call was requested.

The ayes were 30, nays 38.

Amendment H—6491 lost.

Tauke of Dubuque offered the following amendment H—6492 filed by him from the floor and moved its adoption:

H—6492

- 1 Amend Senate File 2235, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 2, by striking lines 28 and 29 and
- 4 inserting in lieu thereof the following: "possession
- 5 of the land."

Amendment H—6492 was adopted.

Danker of Pottawattamie moved to reconsider the vote by which amendment H—6474C was adopted by the House on May 3, 1978.

A non-record roll call was requested.

The ayes were 56, nays 12.

The motion prevailed and the House reconsidered amendment H—6474C.

Tauke of Dubuque offered the following amendment H—6494 to amendment H—6474C, filed by him from the floor and moved its adoption:

H-6494

- 1 Amend amendment H-6474, to Senate File 2235 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 13 through 16 and
- 4 inserting in lieu thereof the following: "word "survey."
- 5 the following:".

A non-record roll call was requested.

The ayes were 49, nays 24.

Amendment H-6494 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for the remainder of the day on request of Wyckoff of Benton.

On motion by Koogler of Mahaska, amendment H-6474C, as amended, was adopted.

Conlon of Muscatine offered the following amendment H-6496 filed by him and Scheelhaase of Woodbury from the floor and moved its adoption:

H-6496

- 1 Amend Senate File 2235, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 1, by inserting after line 29 the following:
- 4 "3. The municipality shall require that the pipe-
- 5 line company provide insurance or other financial
- 6 security sufficient to indemnify the municipality,
- 7 its employees, contractors, or other agents for non-
- 8 malicious torts committed in the inspections required
- 9 by this Act."

Amendment H-6496 was adopted.

Evans of Grundy offered the following amendment H-6495 filed by him from the floor and moved its adoption:

H-6495

- 1 Amend Senate File 2235 as follows:
- 2 1. Page 1, line 34, by striking the words

- 3 "reconstructed in" and inserting in lieu thereof
4 the words "brought into".
5 2. Page 1, line 35, by striking the words "of
6 the reconstruction".
7 3. Page 2, lines 18 and 19, by striking the
8 words "reconstruct the pipeline in accord with the
9 standards" and inserting in lieu thereof the words
10 "bring the pipeline into compliance with the standards".

Amendment H—6495 was adopted.

Tauke of Dubuque offered the following amendment H—6493 filed by him from the floor and moved its adoption:

H—6493

- 1 Amend Senate File 2235 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 28, by inserting after the word
4 "land." the following: "A natural gas pipeline as
5 defined in the federal Natural Gas Act shall also
6 have the right of entry by obtaining the consent of
7 the landowner and by giving the above specified
8 written notice."

Amendment H—6493 was adopted.

Tauke of Dubuque asked and received unanimous consent to reconsider the vote by which amendment H—6496 was adopted by the House.

By unanimous consent, the following amendment H—6497, to amendment H—6496, filed by Tauke of Dubuque from the floor was adopted:

H—6497

- 1 Amend amendment H—6496 to Senate File 2235, as
2 passed by the Senate and reprinted as follows:
3 1. Page 1, line 4, by striking the word "municipality"
4 and inserting in lieu thereof, "county".
5 2. Page 1, line 6, by striking the word "municipality"
6 and inserting in lieu thereof, "county".

On motion by Tauke of Dubuque, amendment H—6496, as amended, 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. 2235)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lonergan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Shimanek	Small	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Wells	West	Wyckoff	Mr. Speaker (Brunow)

The nays were, 2:

Smalley Woods

Absent or not voting, 10:

Crawford	Den Herder	Hines	Krause
Lipsky	Millen	Rinas	Schroeder
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 WITHDRAWN
(Senate File 2202)

Perkins of Greene asked and received unanimous consent to withdraw the motion to reconsider Senate File 2202, filed by him on May 2, 1978.

MOTION TO RECONSIDER LOST (Senate File 2202)

Gentleman of Polk asked for unanimous consent to withdraw the motion to reconsider Senate File 2202, filed by her on May 2, 1978.

Objection was raised.

Gentleman of Polk moved to reconsider the vote by which **Senate File 2202**, a bill for an act specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence, passed the House on May 2, 1978.

Roll call was requested by Chiodo of Polk and Baker of Buena Vista.

Rules 69 and 70 were invoked.

On the question "Shall the motion to reconsider Senate File 2202 prevail?"

The ayes were, 40:

Anderson	Baker	Bennett	Chiodo
Conlon	Connors	Crabb	Daggett
Danker	Davitt	Dieleman	Dunton
Evans	Gettings	Gilson	Halvorson
Harbor	Harvey	Horn	Husak
Lageschulte	Lind	Menke	Miller, K.D.
Nielsen	Pellett	Pelton	Perkins
Poncy	Schnekloth	Shimanek	Smalley
Spencer	Stephens	Tauke	Welden
Wells	West	Woods	Wyckoff

The nays were, 49:

Arnould	Avenson	Bina	Binneboese
Brandt	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Cusack
Doyle	Dyrland	Fitzgerald	Garrison
Gentleman	Gilloon	Griffie	Hansen
Hargrave	Hinkhouse	Hoffmann	Howell
Hullinger	Jesse	Jochum	Junker
Krause	Krewson	Lindeen	Lonergan
Middleswart	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Rinas	Scheelhaase	Small	Spear
Svoboda	Thompson	Tofte	Walter
Mr. Speaker (Brunow)			

Absent or not voting, 11:

Crawford	Den Herder	Egenes	Hines
Koogler	Lipsky	Millen	Newhard
Schroeder	Stromer	Varley	

The motion lost.

ADOPTION OF SENATE CONCURRENT RESOLUTION 121

Horn of Linn called up for consideration **Senate Concurrent Resolution 121** filed on April 21, 1978 and found on pages 1752 through 1754 of the House Journal, and moved its adoption.

Roll call was requested by Horn of Linn and Small of Johnson.

On the question "Shall the resolution be adopted?"

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Clark J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
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	Walter	Welden	Wells
West	Woods	Mr. Speaker	
		(Brunow)	

The nays were, 3:

Danker	Stephens	Wyckoff
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Absent or not voting, 6:

Den Herder
Newhard

Gilloon
Varley

Hines

Hullinger

The motion prevailed and the resolution was adopted.

MOTION TO RECONSIDER WITHDRAWN
(House File 2101)

Lipsky of Linn asked and received unanimous consent to withdraw the motion to reconsider House File 2101 filed by her on May 2, 1978.

IMMEDIATE MESSAGE
(House File 2101)

Lipsky of Linn asked and received unanimous consent that House File 2101 be immediately messaged to the Senate.

BUDGET CALENDAR

House File 2450, a bill for an act appropriating funds from the general fund of the state to the state educational radio and television facility board for its general operations, 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. 2450)

The ayes were, 94:

Anderson
Bennett
Branstad
Clark, B.J.
Connors
Daggett
Doyle
Evans
Gilson
Harbor
Hoffmann

Arnould
Bina
Brockett
Clark, J.H.
Crabb
Danker
Dunton
Gentleman
Griffie
Hargrave
Horn

Avenson
Binneboese
Byerly
Cochran
Crawford
Davitt
Dyrland
Gettings
Halvorson
Harvey
Howell

Baker
Brandt
Chiodo
Conlon
Cusack
Dieleman
Egenes
Gilloon
Hansen
Hinkhouse
Hullinger

Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	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	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker (Brunow)		

The nays were, none.

Absent or not voting, 6:

Den Herder	Fitzgerald	Garrison	Hines
Newhard	Varley		

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

SIFTING COMMITTEE CALENDAR

Senate File 2190, a bill for an act creating in the department of social services the right of subrogation to recover payments made under the medical assistance program, with report of committee recommending passage was taken up for consideration.

Walter of Pottawattamie offered the following amendment H-6439 filed by him and Krewson of Polk and moved its adoption:

H-6439

- 1 Amend Senate File 2190 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 31 the follow-
- 4 ing:
- 5 "3. The subrogation rights of the department shall
- 6 be valid and binding on an insurer or other third
- 7 party only upon notice by the department or unless
- 8 the insurer or third party has actual notice that
- 9 the recipient is receiving medical assistance from
- 10 the department and only to the extent to which such
- 11 insurer or third party has not made payment to the
- 12 recipient or an assignee of the recipient prior to
- 13 such notice. Payment of benefits by an insurer or
- 14 third party pursuant to the subrogation rights
- 15 hereunder shall discharge such insurer or third party

- 16 from liability to the recipient or the recipient's
 17 assignee to the extent of such payment to the
 18 department."
 19 2. By renumbering subsections to conform to this
 20 amendment.

Amendment H—6439 was adopted.

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?" (S.F. 2190)

The ayes were, 93:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Cónnors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			
(Brunow)			

The nays were none.

Absent or not voting, 7:

Chiodo	Den Herder	Fitzgerald	Hines
Newhard	Scheelhaase	Varley	

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

Senate File 2213, a bill for an act amending the weapons chapter of the criminal code revision to authorize a peace officer to go armed anywhere in the state at all times when he or she obtains a professional permit to carry weapons, to forbid a convicted felon to obtain a permit to carry weapons, to eliminate the need for a seller who is a federal firearm licensee to report sales or transfers of ownership of revolvers or pistols to other federal firearm licensees, to eliminate the need for a federal firearm licensee to obtain a permit to purchase a pistol or revolver, to eliminate the need for anyone to obtain a permit to purchase an antique firearm, and to forbid making a pistol or revolver available to a person under twenty-one, with report of committee recommending passage was taken up for consideration.

Wyckoff of Benton offered the following amendment H-6400 filed by Wyckoff, et al., and moved its adoption:

H-6400

1 Amend Senate File 2213 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the follow-
4 ing sections:

5 "Section . Section seven hundred twenty-four
6 point one (724.1), Code 1977 Supplement, is amended
7 by striking subsection two (2).

8 Sec. . Section seven hundred twenty-four point
9 one (724.1), Code 1977 Supplement, is amended by
10 adding the following new subsections:

11 NEW SUBSECTION. A short-barreled rifle or short-
12 barreled shotgun. A short-barreled rifle or short-
13 barreled shotgun is a rifle with a barrel or barrels
14 less than sixteen inches in length or a shotgun with
15 a barrel or barrels less than eighteen inches in
16 length, as measured from the face of the closed bolt
17 or standing breech to the muzzle, or any rifle or
18 shotgun with an overall length less than twenty-six
19 inches.

20 NEW SUBSECTION. An offensive weapon or part or
21 combination of parts therefor shall not include the
22 following:

23 a. An antique firearm. An antique firearm is
24 any firearm (including any firearm with a matchlock,
25 flintlock, percussion cap, or similar type of ignition
26 system) manufactured in or before 1898 or any firearm
27 which is a replica of such a firearm if such replica
28 is not designed or redesigned for using conventional
29 rimfire or centerfire ammunition or which uses only

30 remfire or centerfire fixed ammunition which is no
31 longer manufactured in the United States and which
32 is not readily available in the ordinary channels
33 of commercial trade.

34 b. A collector's item. A collector's item is
35 any firearm other than a machine gun that by reason
36 of its date of manufacture, value, design, and other
37 characteristics is not likely to be used as a weapon.
38 The commissioner of public safety shall designate
39 by rule firearms which he or she determines to be
40 collector's items and shall revise or update the list
41 of firearms at least annually.

42 c. Any device which is not designed or redesigned
43 for use as a weapon; any device which is designed
44 solely for use as a signaling, pyrotechnic, line-
45 throwing, safety, or similar device; or any firearm
46 which is unserviceable by reason of being unable to
47 discharge a shot by means of an explosive and is
48 incapable of being readily restored to a firing
49 condition."

50 2. By renumbering as necessary.

Amendment H-6400 was adopted.

Branstad of Winnebago offered the following amendment
H-6444 filed by Branstad, et al. :

H-6444

1 Amend Senate File 2213, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 31, by striking the word "subsec-
4 tion" and inserting in lieu thereof the word
5 "subsections".

6 2. Page 1, line 31, by inserting after the figure
7 "(2)" the words and figure "and five (5)".

8 3. Page 1, by inserting after line 34 the follow-
9 ing subsection:

10 "5. The issuing officer reasonably determines
11 ~~from competent evidence~~ that the applicant does not
12 constitute a danger to any person."

13 4. Page 3, by striking lines 7 through 35.

14 5. Page 4, by striking lines 1 through 21 and
15 inserting in lieu thereof the following sections:

16 "Sec. . Section seven hundred twenty-four point
17 fifteen (724.15), Code 1977 Supplement, is amended
18 by striking the section and inserting in lieu thereof
19 the following:

20 724.15 ANNUAL PERMIT TO ACQUIRE PISTOLS OR
21 REVOLVERS.

- 22 1. Any person who acquires ownership of any pistol
23 or revolver shall first obtain an annual permit.
24 An annual permit shall not be issued to any person
25 unless:
26 a. The person is twenty-one years of age or older.
27 b. The person has never been convicted of a felony.
28 c. The person is not addicted to the use of alcohol
29 or a controlled substance.
30 d. The person has no history of repeated acts
31 of violence.
32 e. The person has never been convicted of a crime
33 defined in chapter seven hundred eight (708) of the
34 Code, except "assault" as defined in section seven
35 hundred eight point one (708.1) of the Code and
36 "harrassment" as defined in section seven hundred
37 eight point seven (708.7) of the Code.
38 f. The person has never been adjudged mentally
39 defective or has never been committed to a mental
40 institution.
41 2. Any person who acquires ownership of a pistol
42 or revolver shall not be required to obtain an annual
43 permit if:
44 a. The person transferring the pistol or revolver
45 and the person acquiring the pistol or revolver are
46 licensed firearms dealers under federal law;
47 b. The pistol or revolver acquired is an antique
48 firearm, a collector's item, a device which is not
49 designed or redesigned for use as a weapon, a device
50 which is designed solely for use as a signaling,

Page 2

- 1 pyrotechnic, line-throwing, safety, or similar device,
2 or a firearm which is unserviceable by reason of being
3 unable to discharge a shot by means of an explosive
4 and is incapable of being readily restored to a firing
5 condition; or
6 c. The person acquiring the pistol or revolver
7 is authorized to do so on behalf of a law enforcement
8 agency.
9 3. The annual permit to acquire pistols or
10 revolvers shall authorize the permit holder to acquire
11 one or more pistols or revolvers during the period
12 that the permit remains valid. If the issuing officer
13 determines that the applicant has become disqualified
14 under the provisions of subsection one (1) of this
15 section, he or she may immediately invalidate the
16 permit.
17 Sec. . Section seven hundred twenty-four point
18 sixteen (724.16), Code 1977 Supplement, is amended
19 to read as follows:
20 724.16 ANNUAL PERMIT TO PURCHASE ACQUIRE REQUIRED.

21 Any person who purchases acquired ownership of a
22 pistol or revolver without a valid annual permit to
23 purchase acquire pistols or revolvers or any person
24 who sells transfers ownership of a pistol or revolver
25 to a person who does not have in his or her possession
26 a valid annual permit to purchase acquire pistols
27 or revolvers is guilty of a simple misdemeanor.

28 Sec. . Section seven hundred twenty-four point
29 seventeen (724.17), Code 1977 Supplement, is amended
30 to read as follows:

31 **724.17 APPLICATION FOR ANNUAL PERMIT TO PURCHASE**

32 **ACQUIRE.** The application for a an annual permit to
33 purchase acquire pistols or revolvers may be made
34 to the sheriff of any the county of the applicant's
35 residence and shall be on a form prescribed and
36 published by the commissioner of public safety. The
37 application shall state the full name of the applicant,
38 the social security number of the applicant, the
39 residence of the applicant, and the age of the
40 applicant.

41 Sec. . Section seven hundred twenty-four point
42 eighteen (724.18), Code 1977 Supplement, is amended
43 to read as follows:

44 **724.18 MAILING OF PROCEDURE FOR MAKING APPLICATION**

45 **FOR ANNUAL PERMIT TO PURCHASE ACQUIRE.** A person may
46 by mail or personally request the sheriff to mail
47 an application for a an annual permit to purchase
48 acquire pistols or revolvers, and the sheriff shall
49 immediately forward to such person an application
50 for a an annual permit to purchase acquire pistols.

Page 3

1 or revolvers. A person may shall upon completion
2 of the application mail personally deliver such
3 application to the sheriff who shall note the period
4 of validity on the application and shall immediately
5 forward issue the annual permit to purchase acquire
6 pistols or revolvers to the applicant. For the
7 purposes of this section the date of application shall
8 be the date on which the sheriff received the completed
9 application.

10 Sec. . Section seven hundred twenty-four point
11 nineteen (724.19), Code 1977 Supplement, is amended
12 to read as follows:

13 **724.19 ISSUANCE OF ANNUAL PERMIT TO PURCHASE**

14 **ACQUIRE.** The annual permit to purchase acquire pistols
15 or revolvers shall be issued to the applicant
16 immediately upon completion of the application unless
17 the applicant is disqualified under the provisions
18 of section seven hundred twenty-four point fifteen
19 (724.15) of the Code and shall be on a form prescribed
20 and published by the commissioner of public safety.

21 The permit shall contain the name of the permittee,
22 the social security number of the permittee, the
23 residence of the permittee, and the effective date
24 of the permit.

25 Sec. . The headnote of section seven hundred
26 twenty-four point twenty (724.20), Code 1977
27 Supplement, is amended to read as follows:

28 724.20 VALIDITY OF ANNUAL PERMIT TO PURCHASE
29 ACQUIRE PISTOLS OR REVOLVERS.

30 Sec. . Section seven hundred twenty-four point
31 twenty-one (724.21), Code 1977 Supplement, is amended
32 to read as follows:

33 724.21 GIVING FALSE INFORMATION WHEN PURCHASING
34 ACQUIRING WEAPON. A person who gives a false name
35 or presents false identification, or otherwise gives
36 false information to one from whom the person seeks
37 to purchase acquire a pistol or revolver, commits
38 an aggravated misdemeanor."

39 6. By renumbering as necessary.

Spear of Lee offered the following amendment H-6456, to
amendment H-6444, filed by him and moved its adoption:

H-6456

- 1 Amend amendment H-6444, to Senate File 2213, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 39 and 40 and
- 4 inserting in lieu thereof the word "defective."

Amendment H-6456 was adopted.

Spear of Lee offered the following amendment H-6471, to
amendment H-6444, filed by him from the floor and moved its
adoption:

H-6471

- 1 Amend the amendment, H-6444, to Senate File 2213
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 3, by inserting after line 38 the follow-
- 5 ing:
- 6 " . Page 6, line 19, by inserting after the
- 7 word and figure "TWO (2)" the words and figures "AND
- 8 SEVEN HUNDRED TWENTY-FOUR POINT FIFTEEN (724.15),
- 9 SUBSECTION ONE (1)".
- 10 . Page 6, line 22, by inserting after the word
- 11 and figure "two (2)" the words and figures "and seven

- 12 hundred twenty-four point fifteen (724.15), subsection
13 one (1), paragraphs b and e".
14 2. By renumbering sections of the amendment as
15 necessary.

Amendment H—6471 was adopted.

On the motion by Branstad of Winnebago, amendment H—6444, as amended, was adopted.

Jesse of Polk offered amendment H—6453 filed by him and Garrison of Black Hawk and requested division as follows:

H—6453

- 1 Amend Senate File 2213 as amended, passed and
2 reprinted by the Senate as follows:

H—6453A

- 3 1. Page 4, by inserting after line 21 the follow-
4 ing section:
5 "Sec. Section seven hundred twenty-four point
6 twenty (724.20), Code 1977 Supplement, is amended
7 to read as follows:
8 724.20 VALIDITY OF PERMIT TO PURCHASE. The permit
9 shall be valid throughout the state and shall be valid
10 three days after the date of application and shall
11 be invalid one year after the date of application.
12 The permit shall authorize the permit holder to
13 purchase one or more pistols or revolvers during the
14 period that the permit is valid."

H—6453B

- 15 2. Page 5, line 13, by inserting after the word
16 "guardian" the words "or while the child receives
17 instruction in the proper use thereof from an adult
18 instructor with the consent of a parent or guardian".
19 3. Page 5, by inserting after line 13 the follow-
20 ing subsection:
21 " For the purposes of this section, caliber
22 twenty-two (.22) rimfire ammunition shall be deemed
23 to be rifle ammunition."
24 4. By renumbering sections as necessary.

Jesse of Polk asked and received unanimous consent to withdraw amendment H—6453A.

Spear of Lee offered the following amendment H—6478, to amendment H—6453B, filed by him from the floor and moved its adoption:

H—6478

- 1 Amend amendment H—6453 to Senate File 2213 as
- 2 amended, passed and reprinted by the Senate by
- 3 striking lines 15 through 18 and inserting in lieu
- 4 thereof the following:
- 5 "2. Page 4, line 35, by inserting after the
- 6 word "guardian," the words "spouse who is eight-
- 7 teen years of age or older,".
- 8 3. Page 5, line 1, by inserting after the word
- 9 "guardian" the words "or spouse who is eighteen
- 10 years of age or older".
- 11 4. Page 5, line 9, by striking the word "adult".
- 12 5. Page 5, line 9, by inserting after the word
- 13 "instructor" the words "who is twenty-one years
- 14 of age or older".
- 15 6. Page 5, line 10, by inserting after the word
- 16 "guardian" the words "or spouse who is twenty-one
- 17 years of age or older,".
- 18 7. Page 5, line 10, by striking the words
- 19 "minor child" and inserting in lieu thereof the
- 20 word "person".
- 21 8. Page 5, line 11, by striking the words "or
- 22 older". and inserting in lieu thereof the words
- 23 "but less than twenty-one ".
- 24 9. Page 5, line 11, by striking the word
- 25 "child" and inserting in lieu thereof the word
- 26 "person".
- 27 10. Page 5, line 13, by inserting after the
- 28 word "guardian" the words "or spouse who is
- 29 twenty-one years of age or older, or while the
- 30 person receives instruction in the proper use
- 31 thereof from an instructor twenty-one years of
- 32 age or older, with the consent of such parent,
- 33 guardian or spouse".

Amendment H—6478 was adopted.

On motion by Jesse of Polk, amendment H—6453B, as amended, was adopted.

Spear of Lee offered amendment H—6233 filed by him and requested division as follows:

H—6233

- 1 Amend Senate File 2213 as amended, passed and
- 2 reprinted by the Senate as follows:

H—6233A

- 3 1. Page 4, line 26, by striking the words "or
- 4 four".
- 5 2. Page 4, line 27, by striking the figure "(4)".

H—6233B

- 6 3. Page 4, line 33, by striking the word "twenty-
- 7 one" and inserting in lieu thereof the word "nineteen".
- 8 4. Page 5, line 4, by striking the words "
- 9 nineteen, or twenty".
- 10 5. Page 5, line 9, by striking the word "adult".
- 11 6. Page 5, line 9, by inserting after the word
- 12 "instructor" the words "who is nineteen years of age
- 13 or older".
- 14 7. Page 5, line 10, by striking the words "minor
- 15 child" and inserting in lieu thereof the word "person".
- 16 8. Page 5, line 11, by striking the words "or
- 17 older" and inserting in lieu thereof the words "but
- 18 less than nineteen".
- 19 9. Page 5, line 11, by striking the word "child"
- 20 and inserting in lieu thereof the word "person".

On motion by Spear of Lee, amendment H—6233A was adopted.

Spear of Lee asked and received unanimous consent to withdraw the following amendments:

H—6299, to amendment H—6233, filed by him on April 25, 1978.

H—6248 filed by him on April 24, 1978.

H—6290, to amendment H—6248, filed by him on April 25, 1978.

H—6233B filed by him on April 24, 1978.

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 now.

On the question "Shall the bill pass?" (S.F. 2213)

The ayes were, 95:

Anderson

Arnould

Avenson

Baker

Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Duntz	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
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
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, none:

Absent or not voting, 5:

Den Herder	Hines	Millen	Nielsen
Varley			

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

House File 2403, a bill for an act to legalize proceedings taken by the county board of supervisors of Clinton county relating to the remodeling, expansion and repair of the Clinton county care facility and to authorize payments for additional costs incurred if the payments can be accomplished without a levy of additional taxes, with report of committee recommending passage was taken up for consideration.

Patchett of Johnson offered the following amendment H-6238 filed by Patchett, et al., and moved its adoption:

H-6238

1 Amend House File 2403 as follows:

2 1. Page 2, by inserting after line 14 the follow-
 3 ing:
 4 "WHEREAS, the general assembly is of the opinion
 5 that the private parties involved in the transactions
 6 enumerated in this Act should be paid for their
 7 materials and services but that actions of local
 8 public officials which are contrary to the Code of
 9 Iowa should not be easily sanctioned by the procedure
 10 of obtaining a legalizing Act and that local public
 11 officials should not be easily forgiven for failing
 12 to determine the proper procedures required by law
 13 in entering into and carrying out public contracts
 14 and once determined, proceeding contrary to such law;
 15 and".

Amendment H—6238 was adopted.

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. 2403)

The ayes were, 76:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Branstad	Brockett
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Egenes	Evans	Fitzgerald
Gentleman	Gettings	Gilloon	Griffiee
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Lonerган	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schneklloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Svoboda
Tauke	Thompson	Wa. er	Wells
West	Woods	Wyckoff	Mr. Speaker
			(Brunow)

The nays were, 16:

Baker	Brandt	Cusack	Doyle
Dunton	Dyrland	Garrison	Gilson

Hargrave
Perkins

Koogler
Stephens

Lind
Stromer

O'Halloran
Tofte

Absent or not voting, 8:

Den Herder
Middleswart

Hines
Nielsen

Jesse
Varley

Krause
Welden

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

IMMEDIATE MESSAGE (House File 2403)

Patchett of Johnson asked and received unanimous consent that House File 2403 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Wyckoff of Benton called up for consideration **House File 2423**, a bill for an act making appropriations to the department of general services for designated capital improvements and expenses, amended by the Senate amendment H—6461, found on page 2158 of the House Journal.

Jesse of Polk offered the following amendment H—6505, to the Senate amendment H—6461, filed by him from the floor and moved its adoption:

H—6505

- 1 Amend the Senate amendment H—6461, to House File
- 2 2423, as passed by the House and reprinted, as follows:
- 3 1. Page 1, by striking lines 3 through 6.

A non-record roll call was requested.

The ayes were 53, nays 37.

Amendment H—6505 was adopted.

On motion by Wyckoff of Benton, the House concurred in the Senate amendment H—6461, 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. 2423)

The ayes were, 77:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Chiodo
Clark, J.H.	Cochran	Conlon	Crabb
Crawford	Daggett	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffie	Hansen
Harbor	Hargrave	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Poncy	Rinas	Scheelhaase	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Walter	Welden	Woods	Wyckoff
Mr. Speaker (Brunow)			

The nays were, 10:

Brockett	Danker	Egenes	Halvorson
Harvey	Junker	Schnekloth	Tofte
Wells	West		

Absent or not voting, 13:

Anderson	Branstad	Byerly	Clark, B.J.
Connors	Cusack	Den Herder	Hines
Jochum	Perkins	Small	Stromer
Varley			

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

Senate File 149, a bill for an act relating to mandatory wage assignment in child support orders, with report of committee recommending passage was taken up for consideration.

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H—3347 filed by him on March 21, 1977.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—3266 filed by him on March 14, 1977.

Tauke of Dubuque asked and received unanimous consent to temporarily defer action on amendment H—6426.

Smalley of Polk offered the following amendment H—6430 filed by him and moved its adoption:

H—6430

1. Amend Senate File 149, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 15, by inserting after the
- 4 period the following: "Such assignment order shall
- 5 be in effect and binding on the employer for a peri-
- 6 od not exceeding twelve months unless the court has
- 7 ordered a period of shorter duration."

Amendment H—6430 lost.

Tauke of Dubuque asked and received unanimous consent to withdraw amendment H—6426 filed by him on May 1, 1978.

Lonergan of Boone moved that the bill be read a last time 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. 149)

The ayes were, 87:

Arnould	Baker	Bennett	Bina
Binneboese	Brandt	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Junker	Koogler
Krause	Krewson	Lageschulte	Lind

Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, none.

Absent or not voting, 13:

Anderson	Avenson	Branstad	Brockett
Byerly	Chiodo	Den Herder	Hines
Jochum	Nielsen	Perkins	Schroeder
Varley			

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

Senate File 2103, a bill for an act permitting an inmate to be placed on work release for longer than six months in any twelve-month period, 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. 2103)

The ayes were, 83:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Junker	Koogler	Krause
Krewson	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen

Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, 3:

Daggett	Danker	Stephens
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Absent or not voting, 14:

Anderson	Branstad	Brockett	Byerly
Chiodo	Den Herder	Hines	Jochum
Lageschulte	Nielsen	Norland	Perkins
Varley	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:

Crabb of Crawford for the remainder of the day on request of Wyckoff of Benton.

Speaker Cochran in the chair at 6:03 p.m.

SENATE AMENDMENTS CONSIDERED

Conlon of Muscatine called up for consideration **House File 2116**, a bill for an act exempting certain married persons from the requirement that certain information be given prior to a name change, amended by the Senate amendment H—6481, found on pages 2173 and 2174 of the House Journal, and moved that the House concur in the Senate amendment H—6481.

The motion prevailed and the House concurred in the Senate amendment H—6481.

Conlon of Muscatine 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. 2116)

The ayes were, 79:

Arnould	Avenson	Bennett	Bina
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Davitt	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lipsky	Loneran	Menke
Middleswart	Millen	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Poney	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stromer	Svoboda	Tauke
Thompson	Walter	Welden	Wells
West	Woods	Mr. Speaker	

The nays were, 12:

Baker	Daggett	Danker	Dieleman
Lind	Lindeen	Miller, K.D.	Perkins
Spencer	Stephens	Tofte	Wyckoff

Absent or not voting, 9:

Anderson	Branstad	Brockett	Byerly
Crabb	Den Herder	Hines	Nielsen
Varley			

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

Krause of Kossuth called up for consideration **House File 2216**, a bill for an act relating to railroad laws providing for schedule penalties for violations of railroad laws, for the authority for the state department of transportation to evaluate railroad trackage, for new procedures for changing railroad agency service, for reduced rail rates for transportation of certain goods, for operation requirements for lights on track power cars, for utilization of the grade crossing safety fund for the installation of flasher lights or gate arm signals, and for the repeal of certain obsolete or preempted

sections of the railroad law, amended by the Senate amendment H—6475, found on page 2174 of the House Journal, and moved that the House concur in the Senate amendment H—6475.

The motion prevailed and the House concurred in the Senate amendment H—6475.

Jesse of Polk in the chair at 6:17 p.m.

Krause of Kossuth 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. 2216)

The ayes were, 88:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
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	Wyckoff	Mr. Speaker
			(Jesse)

The nays were, none.

Absent or not voting, 12:

Anderson	Branstad	Brockett	Byerly
Cochran	Crabb	Den Herder	Gilloon
Hines	Nielsen	Rinas	Varley

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

HOUSE INSISTS
(Senate File 121)

Scheelhaase of Woodbury called up for consideration **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, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

HOUSE INSISTS
(Senate File 2209)

O'Halloran of Black Hawk called up for consideration **Senate File 2209**, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

House File 28, 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, 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?" (H.F. 28)

The ayes were, 85:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Hinkhouse

Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schnekloth	Schroeder
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 2:

Koogler	Shimanek
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Absent or not voting, 13:

Anderson	Branstad	Brockett	Byerly
Crabb	Den Herder	Hargrave	Hines
Jesse	Krause	Nielsen	Patchett
Varley			

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 2290)

Rinas of Linn called up for consideration the motion to reconsider **House File 2290**, filed on April 6, 1978, and moved to reconsider the vote by which House File 2290, 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, passed the House and was placed on its last reading on April 6, 1978.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 50, nays 43.

The motion, having failed to receive a constitutional majority, lost.

Senate File 2189, a bill for an act relating to the excise tax on egg sales, with report of committee recommending passage was taken up for consideration.

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. 2189)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Branstad	Brockett	Byerly	Crabb
Den Herder	Hines	Jesse	Nielsen
O'Halloran	Rinas	Varley	

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

CONFERENCE COMMITTEES APPOINTED
(House File 2361)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2361: Patchett of Johnson, Chair; Horn of Linn, Norland of Worth, Daggett of Adams and Krewson of Polk.

(House File 2098)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2098: Perkins of Greene, Chair; O'Halloran of Black Hawk, Scheelhaase of Woodbury, Evans of Grundy and Varley of Adair.

Senate File 389, a bill for an act relating to persons who engage in the business of buying or selling grain, or who participate in the buying or selling of grain as a bargaining agent for the benefit of others, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Davitt of Warren offered the following amendment H—6409 filed by him and moved its adoption:

H—6409

- 1 Amend Senate File 389 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 21 the
- 4 following:
- 5 "Bargaining agent shall not mean a person selling
- 6 grain as a farm manager, or an executor, administrator,
- 7 trustee, guardian, or conservator of an estate."

Amendment H—6409 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?" (S.F. 389)

The ayes were, 86:

Anderson

Arnould

Avenson

Baker

Bennett	Bina	Binneboese	Brandt
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroede	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Wells	Woods
Wyckoff	Mr. Speaker		

The nays were, 3:

Brunow	Lipsky	Welden
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Absent or not voting, 11:

Branstad	Brockett	Byerly	Crabb
Den Herder	Dunton	Hines	Jesse
Nielsen	Varley	West	

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

IMMEDIATE MESSAGE (Senate File 389)

Scheelhaase of Woodbury asked and received unanimous consent that Senate File 389 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 May 3, 1978, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation.

KEVIN P. LIGHT, Acting Secretary

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 356

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 356, a bill for an act relating to the licenses and certificates for the taking of fish and game; repealing sections one hundred nine point seventy-four (109.74) and one hundred ten point eighteen (110.18) of the Code; the taking and possession of migratory birds; and removing the payment of bounties on wolf, wildcat or bobcat, lynx, crow and fox, respectfully make the following report:

1. That the House recede from its amendment S-5687 to Senate amendment H-6166 to House File 356 as amended, passed and reprinted by the House.

2. That the Senate recede from its amendment H-6166 to House File 356 as amended, passed and reprinted by the House.

3. That House File 356 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. Chapter one hundred nine (109), Code 1977, is amended by adding the following new section:

NEW SECTION. A person who is hunting shall not use a mobile radio transmitter to communicate the location or direction of game or to coordinate the movement of other hunters. This section shall not apply to the hunting of coyotes.

Sec. 2. Section one hundred nine point thirty-eight (109.38), subsection two (2), Code 1977, is amended to read as follows:

2. If following an investigation the commission finds that the number of hunters licensed to take deer or wild turkey should be limited or further regulated, the commission shall conduct a drawing to determine which applicants shall receive a license. Applications for licenses shall be received and accepted during a fifteen day thirty-day period established by the commission. At the end of such period the drawing shall be conducted. If the quota has not been filled, licenses shall then be issued in the order in which such applications are received and shall continue to be issued until such quota has been met or until a date fifteen days prior to the opening day of the season, whichever first occurs. If an applicant fails to receive a deer license by either of the methods provided herein, such applicant shall receive a certificate at the time his application and monetary remittance is returned to him which shall entitle him to a license the following year before the drawing is conducted by the commission. If an ap-

plicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with his or her license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this priority. Persons purchasing a deer license for the gun season as provided under this section and under section one hundred ten point one (110.1) of the Code shall not be eligible for a deer-hunting license under the provisions of section one hundred ten point seventeen (110.17) of the Code. This subsection shall not apply to the hunting of wild turkey on game breeding and shooting preserves licensed under chapter 110A.

Sec. 3. Section one hundred nine point forty-eight (109.48), unnumbered paragraph two (2), Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

The commission may adopt rules for the taking and possession of migratory birds which are subject to the federal "Migratory Bird Treaty Act" and "Migratory Bird Stamp Hunting Act" during the time and in the manner permitted under those federal Acts. The commission shall not adopt a rule for the taking or possession of a migratory bird for which an open season is not authorized by another paragraph of this section.

Sec. 4. Section one hundred nine point seventy-four (109.74), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

109.74 WHERE PERMITTED. Trotlines and throw lines may be used in the border rivers of the state and in the inland waters. However, the commission may by rule prohibit the use of trotlines or throw lines in certain inland waters.

Sec. 5. Section one hundred nine point one hundred twenty-three (109.123), Code 1977, is amended to read as follows:

109.123 PROHIBITED HUNTING NEAR BUILDINGS. A person shall not hunt any game within one two hundred yards of any building inhabited by people or domestic livestock unless the owner or tenant has given consent.

Sec. 6. Chapter one hundred ten (110), Code 1977, is amended by adding the following new sections:

NEW SECTION. The commission shall not issue more than two operator's certificates for commercial fishing gear for each owner's certificate for commercial fishing gear.

NEW SECTION. A resident or nonresident person required to have a hunting or trapping license shall not hunt or trap unless he or she has on his or her person a valid wildlife habitat stamp signed in ink with his or her signature across the face of the stamp. This section shall not apply to residents who are permanently disabled or who are younger than sixteen or older than sixty-five years of age. Special wildlife habitat stamps shall be administered in the same manner as hunting and trapping licenses except all revenue derived from the sale of the wildlife habitat stamps shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund. The revenue may be used for the matching of federal

funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section four hundred twenty-seven point one (427.1) of the Code, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition such revenue may be used for the development, management and enhancement of wildlife lands and habitat areas. Not more than fifty percent of all revenue from the sale of wildlife habitat stamps may be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The share of funding of those agreements provided by the revenue from the sale of wildlife habitat stamps shall not exceed fifty percent.

NEW SECTION. For the purpose of obtaining a license, a person is permanently disabled if that person has been found under the provisions of the federal Social Security Act, title two (II), or any other public or private pension system to have a total, permanent physical or mental condition which prevents that person from engaging in his or her occupation or qualifies that person for retirement.

NEW SECTION. A county board of supervisors shall not authorize the payment of bounties on the following species: crow, fox, wolf except coyote, wildcat or bobcat and lynx.

NEW SECTION. Any person required to have a fishing license shall not possess trout unless that person has at that time on his or her person an unexpired special trout license stamp validated by that person's signature written across the face of the stamp in ink, a receipt, or other evidence showing that such trout was lawfully acquired. The proceeds from the sale of this stamp shall be used exclusively to restock trout waters designated by the state conservation commission.

NEW SECTION.

1. A nonresident shall not hunt pheasants unless the pheasant stamp is purchased and affixed to the nonresident hunting license and the nonresident hunter possesses an unused pheasant tag. A nonresident shall not possess an untagged pheasant.

2. The pheasant stamp shall permit the license holder to hunt pheasants. The stamps shall be issued with tags in the amount of twice the possession limit established by the commission for pheasant. The tags shall bear the same number as the stamp and shall be designed to be used only once. A nonresident may purchase another pheasant stamp and tags when the tags of the previous stamp are exhausted.

NEW SECTION. The deer hunting license shall be accompanied by a tag designed to be used only once and separable into two parts. When a deer is taken, the deer shall be tagged with one part of the tag and both parts of the tag shall be dated.

NEW SECTION. The commission shall not limit the number of applications submitted for consideration or the number of projects under construction with respect to United States heritage conservation and recreation service projects.

Sec. 7. Section one hundred ten point one (110.1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter sixty-six (66), section six (6), is amended by striking the section and inserting in lieu thereof the following:

110.1 LICENSES. Except as otherwise provided in this chapter, no person shall fish, trap, hunt, pursue, catch, kill or take in any manner, or use or have possession of, or sell or transport all or any portion of any wild animal, bird, game or fish; the protection and regulation of which is desirable for the conservation of the resources of the state, without first procuring a license or certificate so to do and the payment of a fee as follows:

1. Fishing licenses:

a. Legal residents except as otherwise provided	\$ 6.00
b. Legal residents permanently disabled or sixty-five years of age or older	1.25
c. Lifetime license for legal residents permanently disabled or sixty-five years of age or older	6.00
d. Nonresident license	12.00
e. Three-day license for resident or nonresident	3.00
f. Special trout license stamp	5.00

2. Hunting licenses:

a. Legal residents except as otherwise provided	6.00
b. Legal residents permanently disabled or sixty-five years of age or older	1.25
c. Lifetime license for legal residents permanently disabled or sixty-five years of age or older	6.00
d. Deer hunting license for residents	15.00
e. Wild turkey hunting license for residents	15.00
f. Nonresidents hunting license	35.00
g. Nonresidents raccoon stamp and tags	100.00

h. Nonresidents pheasant stamp	5.00
3. Hunting and fishing combined licenses:	
a. Legal residents except as otherwise provided	11.00
b. Legal residents permanently disabled or sixty-five years of age or older	2.50
c. Lifetime license for residents permanently disabled or sixty-five years of age or older	8.00
4. Trapping and game breeders licenses:	
a. Trapping license for legal residents sixteen years of age or older	10.00
b. Trapping license for legal residents under sixteen years of age	1.00
c. Trapping license for nonresidents	100.00
d. Fur dealers license for residents	150.00
e. Fur dealers license for nonresidents	300.00
f. Game breeder's license	10.00
5. Net, seine, trap, commercial trotline licenses for residents:	
a. Seine:	
For the first 500 lineal feet or fraction thereof \$10.00 and for each additional 500 feet or fraction thereof	15.00
b. Trammel net:	
For each 300 lineal feet or fraction thereof	10.00
c. Gill net:	
For each 100 lineal feet or fraction thereof	2.00
d. All other nets, for each net	1.00
e. Basket traps, for each trap	1.00

f. Commercial trotline:

For each trotline 1.00

g. Owner's certificate for
commercial fishing gear 25.00

h. Operator's certificate for
each person operating commercial
fishing gear 1.00

6. Net, seine, trap, commercial
trotline licenses for nonresidents
eligible to purchase such licenses:

a. Seine:

For each 500 lineal feet or
fraction thereof 20.00

b. Trammel net:

For each 300 lineal
feet or fraction thereof 20.00

c. Gill net:

For each 300 lineal feet
or fraction thereof 20.00

d. All other nets, for each
net 3.00

e. Basket traps, for each
trap 3.00

f. Commercial trotlines,
for each trotline 4.00

7. Other licenses:

a. Mussel licenses:

(1) Legal residents 10.00

(2) Nonresidents 25.00

b. Wholesale fish-market or
fish-peddler's license for
residents 10.00

c. Wholesale fish-market license
for nonresidents 25.00

d. Wholesale fish-peddler's license for nonresidents	10.00
e. Peddlers, employed by whole sale fish market, certificate	1.00
f. Scientific collector's license	2.00
g. Private fish hatcheries	10.00
h. Bait dealer's license for residents	25.00
i. Bait dealer's license for nonresidents	50.00
j. Taxidermy license	10.00
k. Falconry license	10.00
l. Nongame support certificate	5.00
m. Special wildlife habitat stamp	3.00

Sec. 8. Section one hundred ten point four (110.4), Code 1977, is amended to read as follows:

110.4 DEPOSITARIES—BOND. The county recorder may designate various depositaries for the sale of such licenses other than the office of the county recorder. The director may designate depositaries other than those designated by the recorders of the various counties but in so doing the interest of the state shall be fully protected either by a sufficient cash deposit or a satisfactory bond. Depositaries designated by the county recorder or the director may have the privilege of charging an additional fivepercent of the cost of twenty-five cents for each license to be retained for the service rendered in issuing the license.

Sec. 9. Section one hundred ten point five (110.5), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county recorder may require that a writing fee of twenty-five cents be charged for each license issued through the county recorder's office. If the writing fee is required, the depositaries shall collect this writing fee on licenses sold by them and forward the writing fees to the county recorder. The writing fees from the sale of licenses by the county recorder and the depositaries shall be deposited in the county general fund.

Sec. 10. Section one hundred ten point fourteen (110.14), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The magistrate shall revoke the hunting license or suspend the privilege of procuring a hunting license for a period of one year

of any person who has been convicted twice within a year of trespassing while hunting. If the hunting privileges of a hunting and fishing combined license are revoked, the fishing privileges of the license shall still be valid and the magistrate shall enter on the license that the hunting privileges are revoked. A person shall not purchase a license for a privilege that was revoked or suspended during the period of revocation or suspension.

Sec. 11. Section one hundred ten point seventeen (110.17), unnumbered paragraph ten (10), Code 1977, is amended to read as follows:

The commission shall upon request issue without charge a special fishing license to residents of Iowa sixteen years or more of age who the commission finds are mentally or physically severely handicapped. Such special license shall be valid only when the holder is fishing under supervision. The commission is hereby authorized to prepare an application to be used by the person requesting handicapped status, which would require that his attending physician sign the form declaring the person handicapped and eligible for exempt status.

Sec. 12. Section one hundred ten point eighteen (110.18), Code 1977, is amended to read as follows:

110.18 COURTESY NONRESIDENT LICENSES. The commission is hereby authorized to issue a courtesy nonresident license for the taking of any fish or game, except deer. Such licenses may be issued by the director of the commission, without charge, to dignitaries and officials of other states, countries, or the United States who are in the state as guests of the governor or the commission. Such licenses shall be issued for a specific number of days. The commission shall establish policies for the issuance of each license and such policies shall be subject to review by the administrative rules review committee pursuant to section seventeen A (17A) of the Code. The commission shall approve each license within one month of issuance and shall enter each approval in its minutes. The number of licenses to be issued for any one season or species of fish or game shall not exceed one hundred fifty.

Sec. 13. Section one hundred ten B point two (110B.2), Code 1977, is amended to read as follows:

110B.2 STAMP REQUIRED. No person sixteen years of age or older shall hunt or take any migratory waterfowl within this state without first procuring a state migratory waterfowl stamp and having such stamp in his or her possession while hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The commission shall determine the form of the stamp and shall furnish the stamps to the county recorders and their designated depositaries for issuance or sale in the same manner as hunting licenses are issued or sold under chapter 110.

Sec. 14. Section one hundred ten B point three (110B.3), Code 1977, is amended to read as follows:

110B.3 FEE. The fee for each stamp issued under this chapter shall be one dollar five dollars. Each stamp shall expire on the last day of February following its issuance.

Sec. 15. INTENT.

1. It is the intent of the general assembly that the succeeding general assembly appropriate funds for additional field officers for the state conservation commission with the funds made available by the license fee increases provided in this Act.

2. It is the intent of the general assembly that the state conservation commission temporarily assign its personnel who are qualified as peace officers, regardless of their permanent assignments, to enforce the game laws during the days of greatest hunting activity.

3. It is the intent of the general assembly that the applications from any one applicant submitted for consideration with respect to United State heritage conservation and recreation service projects not exceed two hundred thousand dollars.

Sec. 16. This Act is effective January 1, 1979. However, effective July 1, 1978 and notwithstanding section one hundred ten point one (110.1) of the Code, the fee for a deer hunting license for residents shall be fifteen dollars and the fee for a nonresident hunting license shall be thirty-five dollars."

2. Amend the title, by striking lines 1 through 7 and inserting in lieu thereof the following: "An act relating to the state conservation commission including the fish and game laws under its jurisdiction, the issuance of fish and game licenses, the use of the revenues from the sale of those licenses, and subjecting violators to penalties.

ON THE PART OF THE SENATE:

BERL E. PRIEBE, Chair
JAMES CALHOON
TOM SLATER

ON THE PART OF THE HOUSE:

JAMES I. MIDDLESWART, Chair
DONALD AVENSON
ROGER A. HALVORSON
RICHARD W. WELDEN

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2223

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 2223, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of stepparent adoptions, respectfully make the following report:

1. That the House concur in Senate amendment H-6067 to House File 2223.

ON THE PART OF THE HOUSE:

SCOTT D. NEWHARD, Chair
JOHN H. CONNORS
NANCY J. SHIMANEK
JOAN LIPSKY
CARL V. NIELSEN

ON THE PART OF THE SENATE:

C. JOSEPH COLEMAN, Chair
JAMES CALHOON
LUCAS J. DeKOSTER
PHILIP B. HILL
JAMES M. REDMOND

UNANIMOUS CONSENT CALENDAR
(House Resolution 112)

We hereby respectfully request that House Resolution 112, filed on March 1, 1978 and found on page 735 of the House Journal, be placed on the unanimous consent calendar.

SMALLEY of Polk
LIPSKY of Linn
BRUNOW of Appanoose
FITZGERALD of Webster

(House Resolution 123)

We hereby respectfully request that House Resolution 123, filed on Tuesday, March 21, 1978 and found on page 1090 of the House Journal, be placed on the unanimous consent calendar.

LIND of Black Hawk
MILLEN of Van Buren
STROMER of Hancock

REMOVAL FROM SIFTING
NONCONTROVERSIAL CALENDAR
(Senate File 2176)

We hereby respectfully request that Senate File 2176 be removed from the sifting committee noncontroversial five-minute calendar pursuant to Sifting Committee Rule 9.

HARBOR of Mills
WYCKOFF of Benton
HUSAK of Tama
CRABB of Crawford
WELDEN of Hardin

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Caucus Staff	Paula J. Feltner	26-3 to	P-FT	5/2/78
Director		28-2		
Research Analyst	Barbara K. Winters	23-1	P-FT	5/12/78
Research Analyst	Patricia A. Barry	23-1	P-FT	6/1/78
Sergeant-at-Arms	Ed S. McMillin	15-2 to	I-FT	2/17/78
		15-3		
Temporary Assignment	Kristine A. Bowser	24-3 to	P-FT	5/8/78
H.E.W.		24-5		

WELLS of Linn

COMMUNICATION FROM DEPARTMENT OF PUBLIC INSTRUCTION

There is on file in the office of the Chief Clerk the final special education evaluation report for Lakeland Area Education Agency number 3, filed according to Chapter 281.9 (6) of the Code.

COMMUNICATION FROM THE SECRETARY OF STATE

May 2, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 2137, was published in The Winterset Madisonian, Winterset, Iowa on April 26, 1978, and in the Cherokee Daily Times, Cherokee, Iowa on April 27, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

PROOF OF PUBLICATION

Published copy of Senate File 2253 and verified proof of publication of said bill in The Times, Charter Oak, Iowa on March 16, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 2, 1978. Had I been present I would have voted "aye" on the motion to

concur in the Senate amendment H—4616 to House File 491, House File 491; "nay" on amendment H—6433.

DIELEMAN of Marion

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 503 Budget

Relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

PRESENTATION OF VISITORS

Shimanek of Jones presented to the House her parents, the Honorable Charles Francis Shimanek, former member of the House of Representatives representing Jones County, and Mrs. Shimanek.

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

Forty fifth grade students from Clegg Park Elementary School, accompanied by Mrs. True and Mrs. Lemke. By Thompson of Polk.

Ten students from Newton Christian School, Newton, Iowa and Prairie City Christian School, Prairie City, Iowa, accompanied by Steve Van Sant and Mrs. Stravers. By Anderson of Jasper and Dieleman of Marion.

Fifteen eighth grade students from Wesley-St. Benedict School, Wesley, Iowa, accompanied by Mary Billingham. By Branstad of Winnebago and Krause of Kossuth.

Twenty-one fifth and sixth grade students from Anson Elementary School, Marshalltown, Iowa, accompanied by Miss Slaughter and Mrs. Bolts. By Brockett of Marshall.

Thirty members of the junior and senior class from Carroll High School, Carroll, Iowa, accompanied by Sandra L. Hood. By Perkins of Greene.

Twenty-four students from Clive Elementary School, West Des Moines, Iowa, accompanied by Mrs. Mapes and Mrs. Peterson. By Thompson of Polk.

Twenty eighth grade students from Essex Elementary School, Essex, Iowa. By Daggett of Adams and Harbor of Mills.

Seventy-six seventh grade students from Waukee Middle School, Waukee, Iowa, accompanied by Doran Dahms. By Varley of Adair.

REPORT OF COMMITTEE MEETING

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

DAVID L. WRAY
Chief Clerk of the House

HOUSE ADMINISTRATION COMMITTEE

Scheduled: 12:30 p.m., May 2, 1978

Convened: 12:35 p.m.

Adjourned: 1:00 p.m.

Present: Wells, chair; Bina, Connors, Daggett, Doyle, Griffee, Millen, Perkins and Thompson.

Absent: None.

Correction of minutes of April meeting, minority caucus report, majority staff report, step increases and discussion of gifts for leadership.

AMENDMENTS FILED

H—6479

S.F. 2187

Horn of Linn

H—6487

S.F. 2187

Horn of Linn

H—6488

S.F. 2187

Miller of Buchanan

Krause of Kossuth

Lageschulte of Bremer

Pellett of Cass

Wyckoff of Benton

Harbor of Mills

		Husak of Tama
		Crabb of Crawford
H-6489	S.F. 2187	Nielsen of Polk
		Schroeder of Pottawattamie
		Scheelhaase of Woodbury
		Wyckoff of Benton
H-6490	S.F. 2187	Brunow of Appanoose
		Krause of Kossuth
		Doyle of Woodbury
		Lageschulte of Bremer
		Davitt of Warren
		Schroeder of Pottawattamie
H-6499	S.F. 2111	Hargrave of Johnson
		Jochum of Dubuque
H-6500	S.F. 2187	Pelton of Clinton
H-6501	S.F. 2187	Miller of Buchanan
		Rinas of Linn
		Wyckoff of Benton
		Harvey of Scott
		Gettings of Wapello
		Krause of Kossuth
H-6502	S.F. 2187	Wyckoff of Benton
H-6503	S.F. 2187	Schnekloth of Scott
H-6504	S.F. 2187	Krause of Kossuth
H-6507	H.F. 2440	Lipsky of Linn
H-6508	H.F. 2425	Evans of Grundy
H-6509	S.F. 321	Svoboda of Iowa
H-6510	H.F. 2440	Halvorson of Clayton
		Chiodo of Polk
		Dyrland of Clayton
		Woods of Polk
H-6511	H.F. 2440	Halvorson of Clayton
		Chiodo of Polk
		Dyrland of Clayton
		Woods of Polk
H-6512	S.F. 2258	Lipsky of Linn
		Harbor of Mills
		Spear of Lee
		Welden of Hardin
H-6513	S.F. 2187	Monroe of Des Moines
H-6514	S.F. 2187	Lageschulte of Bremer
H-6515	S.F. 2187	Miller of Buchanan
		Norland of Worth

On motion by Fitzgerald of Webster, the House adjourned at 6:58 p.m., until 9:30 a.m., Thursday, May 4, 1978.

JOURNAL OF THE HOUSE

One Hundred Sixteenth Calendar Day—Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 4, 1978

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

Prayer was offered by the Reverend Jerry D. Springston, pastor of the First Baptist Church, Charles City, Iowa.

The Journal of Wednesday, May 3, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Loren Matthews, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

INTRODUCTION OF BILL

House File 2453, by committee on sifting, a bill for an act providing for the future establishment of a unified state mental health agency, creating a state mental health advisory council, and authorizing county boards of supervisors to implement a policy that admission to a state mental health institute shall be based on a preliminary diagnostic evaluation by a community mental health center or an alternative diagnostic facility.

Read first time and **placed on the sifting 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 members of the conference committee, appointed May 3, 1978, for House File 2098, a bill for an act appropriating funds to various trust funds for agencies responsible for agricultural affairs, economic development, energy research, coal research, and natural resources management, on the part of the Senate are:

The Senator from Lee, Senator Junkins, Chair; the Senator from Black Hawk, Senator Gallagher; the Senator from Black Hawk, Senator Nolting; the Senator from Boone, Senator Nystrom, and the Senator from Jefferson, Senator Schwengels.

Also: That the Senate has on May 3, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2310, a bill for an act relating to the legalization and validation of the Lost Island sanitary district and the procedures of the board of supervisors and the county auditor of Palo Alto county in connection with the creation of the sanitary district.

Also: That the members of the conference committee, appointed May 3, 1978, for House File 2361, a bill for an act relating to moneys available to school districts, on the part of the Senate are:

The Senator from Polk, Senator Willits, Chair; the Senator from Black Hawk, Senator Hansen; the Senator from Poweshiek, Senator Orr; the Senator from Mitchell, Senator Merritt, and the Senator from Clinton, Senator Shaff.

Also: That the Senate has on May 3, 1978, 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 221, a bill for an act relating to the examination, certification and appointment of assessors.

Also: That the Senate has on May 3, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2043, a bill for an act relating to the payment of special assessments.

Also: That the Senate has on May 3, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2076, a bill for an act relating to the training and certification of and the services performed by advanced emergency medical technicians and paramedics.

Also: That the Senate has on May 3, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2260, a bill for an act legalizing the proceedings of the city council of Polk City, Iowa in connection with the making of a contract for the construction of water main improvements.

Also: That the Senate has on May 3, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2263, a bill for an act for the legalization of the sale of general obligation purpose bonds and water revenue bonds of the city of Grimes, Iowa.

Also: That the Senate has on April 18, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2184, a bill for an act to impose a tax upon freight line and equipment car companies and providing penalties.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 221

H-6518

- 1 Amend the House amendment S-5731 to Senate File
- 2 221 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 3, line 34, by striking the words "The
- 5 notice".
- 6 2. Page 3, by striking lines 35 through 37.
- 7 3. Page 3, line 38, by striking the words "on
- 8 the land".

ADOPTION OF HOUSE RESOLUTION 141

Pursuant to House Rule 26, the Speaker announced that House Resolution 141, filed on April 26, 1978 and found on page 1880 of the House Journal, was adopted by unanimous consent.

MOTION TO RECONSIDER WITHDRAWN
(House File 2035)

Small of Johnson asked and received unanimous consent to withdraw the motion to reconsider House File 2035, filed by him on May 1, 1978.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT
(House File 356)

Middleswart of Warren called up for consideration the report of the conference committee on House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game; repealing sections one hundred nine point seventy-four (109.74) and one hundred ten point eighteen (110.18) of the Code; the taking and possession of migratory birds; and removing the payment of bounties on wolf, wildcat or bobcat, lynx, crow and fox, filed on May 3, 1978 and found on pages 2212 through 2220 of the House Journal.

Brunow of Appanoose in the chair at 11:06 a.m.

Middleswart of Warren moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Wyckoff of Benton and Bennett of Ida.

On the question "Shall the report be adopted?"

The ayes were, 34:

Anderson	Avenson	Binneboese	Brandt
Branstad	Brockett	Cochran	Crabb
Dunton	Evans	Garrison	Gentleman
Gilloon	Halvorson	Hansen	Jesse
Menke	Middleswart	Millen	Newhard
Nielsen	O'Halloran	Pellett	Pelton
Perkins	Schroeder	Shimanek	Smalley
Stromer	Thompson	Tofte	Varley
Welden	Mr. Speaker (Brunow)		

The nays were, 60:

Arnould	Baker	Bennett	Bina
Clark, B.J.	Clark, J.H.	Conlon	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dyrland	Gettings
Gilson	Griffiee	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	Oxley	Patchett
Pavich	Poney	Rinas	Scheelhaase
Schneklath	Small	Spear	Spencer
Stephens	Svoboda	Tauke	Walter
Wells	West	Woods	Wyckoff

Absent or not voting, 6:

Byerly	Chiodo	Connors	Den Herder
Egenes	Fitzgerald		

The motion lost and the conference committee report failed to be adopted by the House.

ADOPTION OF CONFERENCE COMMITTEE REPORT (House File 2223)

Newhard of Jones called up for consideration the report of the conference committee on House File 2223, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of stepparent adoptions, filed on May 3, 1978 and found on page 2220 of the House Journal, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report 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. 2223)

The ayes were, 93:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	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	Wyckoff
Mr. Speaker (Brunow)			

The nays were, none.

Absent or not voting, 7:

Byerly
Hullinger

Chiodo
Koogler

Den Herder
O'Halloran

Fitzgerald

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

SIFTING COMMITTEE FIFTEEN—MINUTE NONCONTROVERSIAL CALENDAR

Senate File 2181, a bill for an act providing for the destruction of certain court records, with report of committee recommending passage was taken up for consideration.

Doyle of Woodbury offered the following amendment H—6089 filed by him and Nielsen of Polk and moved its adoption:

H—6089

- 1 Amend Senate File 2181 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 3 the follow-
- 4 ing new subsection:
- 5 "NEW SUBSECTION. All records, dockets, and court
- 6 files of civil and criminal actions heard in the
- 7 municipal court which were transferred to the district
- 8 court clerk under section six hundred two point thirty-
- 9 six (602.36) of the Code, other than juvenile and
- 10 adoption proceedings, at any time after a period of
- 11 twenty years from the date of filing of such actions."

Amendment H—6089 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. 2181)

The ayes were, 87:

Anderson
Bennett
Branstad
Clark, J.H.

Arnould
Bina
Brockett
Cochran

Avenson
Binneboese
Chiodo
Conlon

Baker
Brandt
Clark, B.J.
Connors

Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller (Sergeant)	Monroe	Nielsen	Norland
Oxley	Patchett	Pavich	Pellet
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Shimaneck	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, 1:

Miller, K.D.

Absent or not voting, 12:

Byerly	Den Herder	Fitzgerald	Gilloon
Harbor	Hullinger	Koogler	Newhard
O'Halloran	Rinas	Schroeder	Svoboda

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

On motion by Avenson of Fayette, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2454, by committee on sifting, a bill for an act to legalize proceedings taken by the board of supervisors of Chickasaw County, relating to the sale of certain properties.

Read first time and **placed on the sifting committee 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 May 1, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2296, a bill for an act relating to the payment for the operation and maintenance of freeway lighting systems in cities.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO HOUSE FILE 2296

H-6519

- 1 Amend House File 2296 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 11, by striking the words "In
- 4 determining such".
- 5 2. Page 1, by striking lines 12 through 14 and
- 6 inserting in lieu thereof the words "Funds received
- 7 under".
- 8 3. Page 1, line 16, by striking the word "For".
- 9 4. Page 1, by striking lines 17 through 22.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2054

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 2054, a bill for an act relating to the deposit of school district income surtax moneys, respectfully make the following report:

1. That the House recede from its amendment, S-5514, to Senate File 2054, as passed by the Senate.

2. That Senate File 2054, as passed by the Senate, be amended as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section four hundred forty-two point eighteen (442.18), Code 1977 is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Effective July 1, 1980, the director of revenue shall deposit all school district income surtax moneys received on or before

November first of the year following the close of the school budget year for which the surtax is imposed to the credit of each district from which the moneys are received in the school district income surtax fund. All school district surtax moneys received or refunded after November first of the year following the close of the school budget year for which the surtax is imposed shall be deposited in or withdrawn from the general fund of the state and shall be considered part of the cost of administering the school district surtax.

Sec. 2. The department of revenue shall, not later than January 15, 1980, submit a report to the general assembly specifying the amount of school district income surtax moneys credited to the school district income surtax fund after November 1, 1978 and November 1, 1979 which were attributed to individual income tax returns filed and received in 1978 and 1979 respectively after the date on which such returns shall have been filed. The report shall also specify the amount of school district income surtax moneys received or refunded as a result of an audit or from the filing of amended returns. The report shall specify the names of each school district which has imposed a school district income surtax and the amount of additional income surtax moneys received from late filed returns and received or refunded from audited and amended returns and the administrative costs incurred by the department in processing these returns and the issuance of warrants to the respective school districts which have received additional surtax moneys from late filed returns and audited and amended returns.

Sec. 3. The provisions of section one (1) of this Act shall be effective July 1, 1980 for all state individual income tax returns filed on or after July 1, 1980."

ON THE PART OF THE SENATE:

NORMAN G. RODGERS, Chair
WARREN E. CURTIS
FRED W. NOLTING
CLOYD ROBINSON
ROGER J. SHAFF

ON THE PART OF THE HOUSE:

PHILIP A. DAVITT, Chair
HORACE C. DAGGETT
LESTER D. MENKE
KENNETH D. MILLER
JAMES D. WELLS

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

The House resumed session, Speaker Cochran in the chair.

SIFTING COMMITTEE CALENDAR

Senate File 2187, a bill for an act relating to transportation providing for licensing authorized vehicle recyclers, modification of temporary drivers permit provisions, the issuance of restricted certificate of title, junking certificate and salvage certificate of title, the inspections of vehicles and component parts, requirements for perfecting state liens on motor vehicles, elimination of the listing of "occupation" on motor vehicle licenses, the prohibition of eluding or attempting to elude a marked police vehicle, appropriations for notice of suspensions and revocations, the elimination of inspection

requirements for pollution control equipment and for vehicles for which the certificate of title must be surrendered, definitions for illuminated signals on official traffic control signals and the duties for stopping before yield signs, stop signs and railroad crossings, the reporting of property damage accidents, the placement of stop signs on highways, the promulgation of motor vehicle noise and exhaust requirements, the prohibitions of removing certain motor vehicle identification numbers, elimination of certain financial responsibility requirements, the movement of oversized loads of hay, straw or stover, a ten dollar fee for car lots, providing for penalties and repeal of certain sections, with report of committee recommending 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for the remainder of the day on request of Cusack of Scott.

QUORUM CALL

Roll call was requested by Dyrland of Clayton and Tauke of Dubuque to determine that a quorum was present. Rule 70 was invoked.

Present: 91

Arnould	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	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe

Newhard	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent: 9

Anderson	Avenson	Byerly	Den Herder
Fitzgerald	Hines	Nielsen	Patchett
Poncy			

Brunow of Appanoose asked and received unanimous consent to temporarily defer action on Senate File 2187.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2111)

Hargrave of Johnson asked and received unanimous consent to withdraw the motion to reconsider Senate File 2111 filed by him on May 2, 1978.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie for the remainder of the day on request of Pavich of Pottawattamie.

SIFTING COMMITTEE CALENDAR

Senate File 2221, a bill for an act relating to city development by clarifying the definition of territory, defining qualified elector, requiring the city development board to be notified of annexation moratorium agreements and hearings, allowing a property owner under certain circumstances to serve on the city development committee even though he or she is not a qualified elector, and assigning election costs, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H-6161 filed by him and moved its adoption:

H—6161

- 1 Amend Senate File 2221 as follows:
- 2 1. Page 2, by striking lines 3 through 12.
- 3 2. Amend the title page, line 4, by inserting
- 4 after the word "hearings," the word "and".
- 5 3. Amend the title page, line 7, by striking
- 6 the following: ", and assigning election costs".

A non-record roll call was requested.

The ayes were 51, nays 23.

Amendment H—6161 was adopted, placing out of order amendment H—6112 filed by Woods of Polk on April 18, 1978.

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. 2221)

The ayes were, 80:

Arnould	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danfer
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Giloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Rinas
Schroeder	Shimanek	Small	Smalley
Spear	Stromer	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 10:

Binneboese	Davitt	Doyle	Harvey
Loneragan	Menke	Poney	Scheelhaase
Schnekloth	Stephens		

Absent or not voting, 10:

Anderson
Jesse
Svoboda

Den Herder
Krause
Walter

Hines
Patchett

Howell
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
(Senate File 2221)

Spear of Lee asked and received unanimous consent that Senate File 2221 be immediately messaged to the Senate.

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, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H—4031 filed by the committee on cities on May 6, 1977.

Spear of Lee offered amendment H—5090 filed by the committee on cities on January 23, 1978 and found on page 177 of the House Journal.

Clark of Lee offered the following amendment H—5155, to the committee amendment H—5090, filed by him and moved its adoption:

H—5155

- 1 Amend the Committee on Cities amendment, H—5090,
- 2 to Senate File 356, as follows:
- 3 1. Page 1, by striking lines 2 through 6.
- 4 2. Page 1, line 18, by inserting after the word
- 5 "directions." the words "Section seventeen A point
- 6 seventeen (17A.17), subsection three (3), of the Code
- 7 is not applicable to this chapter."

A non-record roll call was requested.

The ayes were 29, nays 38.

Amendment H—5155 lost.

On motion by Spear of Lee, the committee amendment H—5090 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5609 filed by Spear, et al., on March 9, 1978.

Schnekloth of Scott offered the following amendment H—5173 filed by Schnekloth, et al. :

H—5173

1 Amend Senate File 356, as passed by the Senate,
2 as follows:
3 1. Page 1, by inserting after line 27 the following
4 new section:
5 "Sec. . Section three hundred sixty-eight
6 point nineteen (368.19), Code 1977, is amended to
7 read as follows:
8 368.19 TIME LIMIT — ELECTION. The committee shall
9 approve or disapprove the petition or plan as amended,
10 within ninety days of the final hearing, and shall
11 file its decision for record and promptly notify the
12 parties to the proceeding of its decision. If a
13 petition or plan is approved, the board shall set
14 a date within ninety days for a special election on
15 the proposal and the county commissioner of elections
16 shall conduct the election. In a case of incorporation
17 or discontinuance, qualified electors of the territory
18 or city may vote, and the proposal is authorized if
19 a majority of those voting approves it. In a case
20 of annexation or severance, qualified electors of
21 the territory and of the city may vote, and the
22 proposal is authorized only if a majority of the total
23 number of persons voting who reside in the territory
24 to be annexed or severed approves it and a majority
25 of the total number of persons voting who reside in
26 the city approves it. In a case of consolidation,
27 qualified electors of each city to be consolidated
28 may vote, and the proposal is authorized only if it
29 receives a favorable majority vote in each city.
30 The county commissioner of elections shall publish

- 31 notice of the election as provided in section 49.53
 32 and shall conduct the election in the same manner
 33 as other special city elections.
 34 The costs of an incorporation election shall be
 35 borne by the initiating petitioners if the election
 36 fails, but if the proposition is approved the cost
 37 shall become a charge of the new city."

Spear of Lee rose on a point of order that amendment H—5173 was not germane.

The Speaker ruled the point well taken and amendment H—5173 not germane.

Woods of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H—5173.

Roll call was requested by Dyrland of Clayton and Woods of Polk.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 34:

Baker	Bennett	Branstad	Byerly
Conlon	Crabb	Daggett	Danker
Davitt	Dyrland	Evans	Halvorson
Harvey	Hoffmann	Husak	Junker
Koogler	Lind	Loneragan	Menke
Millen	Miller, K.D.	Pellet	Pelton
Scheelhaase	Schnekloth	Schroeder	Smalley
Spencer	Stromer	Thompson	West
Woods	Wyckoff		

The nays were, 51:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Clark, B.J.
Clark, J.H.	Crawford	Cusack	Dieleman
Doyle	Dunton	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffie	Hansen	Harbor	Hargrave
Horn	Jochum	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Middleswart
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Shimanek
Small	Spear	Stephens	Tauke
Varley	Wells	Mr. Speaker	

Absent or not voting, 15:

Brockett	Chiodo	Connors	Den Herder
Gilloon	Hines	Hinkhouse	Howell
Hullinger	Jesse	Nielsen	Svoboda
Tofte	Walter	Welden	

The motion lost.

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. 356)

The ayes were, 89:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hoffmann	Horn
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 2:

Lonergan	Scheelhaase
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Absent or not voting, 9:

Anderson	Brockett	Chiodo	Den Herder
Hines	Hinkhouse	Howell	Nielsen
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 356)

Spear of Lee asked and received unanimous consent that Senate File 356 be immediately messaged to the Senate.

CONFERENCE COMMITTEES APPOINTED
(Senate File 121)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 121: Scheelhaase of Woodbury, Chair; Hinkhouse of Cedar, Davitt of Warren, Pellett of Cass and Danker of Pottawattamie.

(House File 356)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 356: Perkins of Greene, Chair; Griffie of Chickasaw, Spencer of Clay, Pelton of Clinton and Tofte of Winneshiek.

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 1, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2034, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs.

Also: That the Senate has on May 4, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act providing that a special charter city shall conform its assessment and tax collection schedule and fiscal year to the assessment and tax collection schedule and fiscal year followed by other political subdivisions of the state.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT CONSIDERED House Refuses to Concur

Norland of Worth called up for consideration **House File 2034**, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs, amended by the Senate, and moved that the House concur in the following Senate amendment H—6529:

H—6529

- 1 Amend House File 2034, 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. Acts of the Sixty-seventh General
- 6 Assembly, 1977 Session, chapter forty-three (43),
- 7 section twenty-three (23), is repealed."

The motion lost and the House refused to concur in the Senate amendment H—6529.

CONFERENCE COMMITTEE APPOINTMENT (Senate File 2209)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2209: Norland of Worth, Chair; O'Halloran of Black Hawk, Howell of Floyd, Danker of Pottawattamie and Welden of Hardin.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 4, 1978, he approved and transmitted to the Secretary of State the following bill:

Senate File 292, an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this act.

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 fourth day of May, 1978: House Files 211, 433, 630, 2331, 2335 and 2356.

DAVID L. WRAY

Chief Clerk of the House

Report adopted.

PROOFS OF PUBLICATION

Published copy of House File 2454 and verified proof of publication of said bill in The New Hampton Tribune, New Hampton, Iowa, on February 23, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

Published copy of Senate File 2260 and verified proof of publication of said bill in the Big Creek News, Polk City, Iowa, on March 16, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

Published copy of Senate File 2263 and verified proof of publication of said bill in The Des Moines Register, Des Moines, Iowa, on April 24, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, April 21, 1978, because of my membership on the Urban Development Committee of the National Conference of State Legislatures which was holding its meeting in Washington, D.C., and because of my participation in the National Urban Policy Roundtable sponsored by the Kettering Foundation also being held in Washington, D.C., on that date. Had I been present I would have voted "aye" on House Files 2041, 2175, 2381 and Senate File 2194; "nay" on amendment H—5924 to House File 2041.

BINA of Scott

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 504 Budget

Creating a state information and liaison office in Washington, D.C., and making an appropriation.

PRESENTATION OF VISITORS

Wyckoff of Benton presented to the House the Honorable James G. Armstrong, former member of the House of Representatives representing Black Hawk County, and his wife.

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

Twenty-two senior high students from Vinton School for the Blind, Vinton, Iowa, accompanied by Ms. Jacobson and Mrs. Young. By Svoboda of Iowa and Wyckoff of Benton.

Forty-seven fifth grade students from Maurice-Orange City Community School, Orange City, Iowa, accompanied by their parents. By Den Herder of Sioux and Stephens of Plymouth.

Eighteen students from Northwestern College, Orange City, Iowa and Dordt College, Sioux Center, Iowa, accompanied by Wilma Leslie, Paul Koets and Phil Back. By Den Herder of Sioux and Stephens of Plymouth.

Forty sixth grade students from Elkhorn-Kimballton Elementary School, Elkhorn, Iowa. By Gilson of Guthrie and Danker of Pottawattamie.

Fifty-five sixth grade students from Robert Hansen Elementary School, Marshalltown, Iowa, accompanied by Paul Thompson, Donald Crow and Mary Carley. By Brockett of Marshall.

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: 12:45 p.m., May 3, 1978

Convened: 1:03 p.m.

Adjourned: 2:02 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Bina, Clark of Lee, Conlon, Daggett, Davitt, Harvey, Horn, Howell, Husak, Jochum, Lind, Menke, Oxley, Pavich, Schnekloth, Wells and Wyckoff.

Absent: Anderson (arrived 1:42 p.m.), Brandt (arrived 1:16 p.m.), Branstad, Cusack (arrived 1:42 p.m.), Dieleman, Dunton, Egenes, Gilloon, Harbor (arrived 1:09 p.m.), Hines, Junker, O'Halloran, Rinas (arrived 1:25 p.m.), Spencer, Svoboda (arrived 1:30 p.m.), Thompson (arrived 1:10 p.m.) and Varley.

Excused: Den Herder.

House File 2448, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made.

Recommended Amend and Do Pass.

H - 6506

1 Amend House File 2448 as follows:

2 1. Page 2, line 13, by inserting after the word
3 "owners" the words "of record".

4 2. Page 2, line 22, by striking the word
5 "developer" and inserting in lieu thereof the word
6 "owner".

7 3. Page 2, line 35, by inserting after the word
8 "designation" the words "and whether the city plans
9 on issuing revenue bonds for revitalization projects
10 within the area".

11 4. Page 3, line 9, by inserting after the word
12 "owners" the words "of record".

13 5. Page 3, line 13, by inserting after the word
14 "owner" the words "of record".

15 6. Page 3, line 19, by inserting after the word
16 "days" the words "nor later than six months".

17 7. By striking page 3, line 25 through page 6,
18 line 33 and inserting in lieu thereof the following:

19 "Sec. 3. NEW SECTION.

20 1. All real estate, excluding land, shall be
21 eligible to receive a one hundred percent exemption
22 from assessment and taxation on the actual value added
23 to that real estate, not to exceed fifty thousand
24 dollars, by all improvements to that real estate.
25 The exemptions shall be for the first seven years
26 following any improvements if such improvements
27 increase the actual value of such real estate,
28 excluding land, by at least twenty-five percent.
29 To receive the exemption, the property must be within
30 a designated revitalization area.

31 2. All real estate, excluding land, assessed as
32 residential property or as commercial property
33 consisting of three or more separate living quarters,
34 with at least seventy-five percent of the space being
35 used for residential purposes, shall be eligible to
36 receive a partial exemption from assessment and
37 taxation for a period of seven years if located in
38 a revitalization area established pursuant to section

39 one (1) of this Act. To receive the exemption, there
40 shall have been added to the real estate, excluding
41 land, improvements which increase the actual value
42 of such real estate, excluding land, by at least
43 twenty-five percent. The amount of actual value of
44 existing buildings and the improvements which shall
45 be used in computing the assessed value of such
46 buildings and improvements shall be determined by
47 subtracting from the actual value an amount of the
48 actual value as follows:

- 49 a. For the first year, fifty percent.
50 b. For the second year, forty-five percent.

Page 2

- 1 c. For the third year, forty percent.
2 d. For the fourth year, thirty-five percent.
3 e. For the fifth year, thirty percent.
4 f. For the sixth year, twenty-five percent.
5 g. For the seventh year, twenty percent.
6 However, the amount of actual value used in
7 computing the assessed value of the real estate,
8 excluding land, shall not be less during the seven-
9 year exemption period than it was in the year
10 immediately preceding the year in which an exemption
11 is first granted. Land shall be assessed at its
12 actual value and shall not be subject to the exemption
13 granted by this Act.

14 The owners of all real estate, excluding land,
15 assessed as residential property or as commercial
16 property consisting of three or more separate living
17 quarters, with at least seventy-five percent of the
18 space being used for residential purposes, may elect
19 to take the exemption provided in subsection one (1)
20 or two (2) of this section. Once such election has
21 been made and the exemption granted the owner shall
22 not be permitted to change the method of exemption.

23 The term "improvements" as used in this Act shall
24 include rehabilitation and additions to existing
25 structures as well as new construction. The
26 requirement in this section that the improvements
27 increase the actual value of real estate, excluding
28 land, by at least twenty-five percent to be eligible
29 for the tax exemption shall not apply to new
30 construction done on land upon which no structure
31 exists at the start of the construction project.

32 Sec. 4. NEW SECTION. A person may submit a
33 proposal for a construction project to the local
34 governing body of the city to seek prior approval
35 for eligibility for a tax exemption on such project.
36 A city shall, by resolution, give its prior approval
37 for a construction project if such a project is in

38 conformance with the plan for revitalization developed
39 by the city. If the proposal is not approved, the
40 person may submit an amended proposal for the local
41 governing body to approve or reject.

42 An application shall be filed for each exemption
43 claimed. The first application for the exemption
44 granted by this Act shall be filed by the owner of
45 the property by February first of the assessment year
46 for which the exemption is first claimed, but not
47 later than the year in which all improvements included
48 in the construction project are first assessed for
49 taxation, with the local governing body of the city
50 in which the property is located. The application

Page 3

1 shall be made on forms prescribed by the director
2 of revenue, and shall contain information pertaining
3 to the nature of the improvement, its cost, the
4 completion date or estimated completion date of
5 construction of the improvement, and such other
6 information deemed necessary by the director of
7 revenue. The local governing body of the city shall
8 approve the application if the construction project
9 is in conformance with the plan for revitalization
10 developed by the city. The local governing body of
11 the city shall forward all approved applications to
12 the appropriate local assessor by not later than March
13 first of each year. Applications for exemption for
14 succeeding years on approved projects shall be filed
15 directly with the local assessor by March first on
16 claims prescribed by the director of revenue.

17 Sec. 5. NEW SECTION. The local assessor shall
18 review each first-year application to determine if
19 the improvements made increased the actual value of
20 the real estate, excluding land, by at least twenty-
21 five percent. If the assessor determines that the
22 actual value of the real estate, excluding land, has
23 increased by at least twenty-five percent, the assessor
24 shall proceed to determine the actual value of the
25 property and certify the valuation determined pursuant
26 to section three (3) of this Act to the county auditor
27 at the time of transmitting the assessment rolls.
28 However, if a new structure is erected on land upon
29 which no structure existed at the start of the
30 construction project, the new structure shall be
31 eligible for the tax exemption provided in this Act
32 and the assessor shall proceed to determine the actual
33 value of the property and certify the valuation
34 determined pursuant to section three (3) of this Act
35 to the county auditor at the time of transmitting
36 the assessment rolls. The assessor shall notify the

37 applicant of his or her determination, and the
38 assessor's decision may be appealed to the local board
39 of review at the times specified in section four
40 hundred forty-one point thirty-seven (441.37) of the
41 Code. If any application for exemption is denied
42 as a result of failure to sufficiently increase the
43 value of the real estate as provided in section three
44 (3) of this Act, the owner may file a first annual
45 application in a subsequent year when additional
46 improvements are made to satisfy requirements of
47 section three (3) of this Act, and the provisions
48 of section four (4) of this Act shall apply. For
49 applications for each succeeding year, the local
50 assessor shall determine the actual value of the

Page 4

1 property and certify to the county auditor the
2 valuation of the property as determined pursuant to
3 section three (3) of this Act."

4 8. Page 7, by inserting after line 27 the following
5 new sections:

6 "Sec. . Section three hundred sixty-eight point
7 ten (368.10), unnumbered paragraph one (1), Code 1977,
8 is amended to read as follows:

9 The board shall conduct studies of city development,
10 and shall submit an annual report to the governor
11 and the general assembly. This report shall include
12 an analysis of all plans for designated revitalization
13 areas filed with the board pursuant to this Act since
14 the last annual report.

15 Sec. . Section four hundred three point nine
16 (403.9), Code 1977, is amended by adding the following
17 new subsection:

18 **NEW SUBSECTION.** Municipalities may also issue
19 revenue bonds for projects located within an urban
20 renewal area or an area designated a revitalization
21 area pursuant to this Act. These revenue bonds shall
22 be issued pursuant to the provisions of chapter four
23 hundred nineteen (419) of the Code and all provisions
24 of chapter four hundred nineteen (419) of the Code,
25 to the extent consistent with the provisions of this
26 chapter or of this Act, in the case of revitalization
27 areas, shall apply except that:

28 a. The term "project" as defined in section four
29 hundred nineteen point one (419.1) of the Code shall
30 also include land, buildings, or improvements which
31 shall be suitable for use as residential property
32 or for the use of any commercial enterprise or
33 nonprofit organization which the local governing body
34 finds is consistent with the urban renewal plan or
35 the revitalization plan, as the case may be; and

36 b. The provisions of sections four hundred nineteen

37 point eight (419.8) and four hundred nineteen point
38 fourteen (419.14) of the Code shall not be construed
39 to limit the powers of a municipality granted under
40 the provisions of this chapter or in the case of
41 revitalization areas powers granted under this Act.
42 The power to issue revenue bonds pursuant to this
43 subsection shall be in addition to any other powers
44 granted municipalities to aid urban renewal areas
45 and revitalization areas."
46 9. Amend the title, line 3, by inserting after
47 the word "made" the words "and authorizing cities
48 to issue revenue bonds for revitalization areas and
49 urban renewal areas".

Aye: Norland, West, Miller of Buchanan, Anderson, Bennett, Bina, Brandt, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Harbor, Harvey, Horn, Husak, Jochum, Lind, Menke, Oxley, Pavich, Rinas, Schnekloth, Svoboda, Thompson and Wells.

Nay: Howell and Wyckoff.

Absent or not voting: Branstad, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Hines, Junker, O'Halloran, Spencer and Varley.

COMMITTEE ON BUDGET

Scheduled: 1:30 p.m., May 4, 1978

Convened: 1:50 p.m.

Adjourned: 2:50 p.m.

Present: Cusack, chair; Dunton, vice-chair; Welden, ranking member; Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and West.

Study Bill 503, a bill for an act relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Welden, Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and West.

Nay: None.

Absent or not voting: None.

AMENDMENTS FILED

H—6516	S.F. 2187	Horn of Linn
H—6517	S.F. 2187	Harvey of Scott
		Schroeder of Pottawattamie
H—6520	H.F. 2440	Dyrland of Clayton

Lipsky of Linn
 Walter of Pottawattamie
 Howell of Floyd
 Rinas of Linn
 Wells of Linn
 Poncy of Wapello
 Horn of Linn
 O'Halloran of Black Hawk
 Miller (Sergeant) of Calhoun
 Binneboese of Plymouth
 Fitzgerald of Webster
 Cusack of Scott
 Arnould of Scott
 Newhard of Jones
 Monroe of Des Moines
 Miller of Buchanan
 Crawford of Story
 Bina of Scott
 Connors of Polk

Gentleman of Polk
 Krewson of Polk
 Pavich of Pottawattamie
 Krause of Kossuth
 Jesse of Polk
 Baker of Buena Vista
 Avenson of Fayette
 Thompson of Polk
 Jochum of Dubuque
 Gettings of Wapello
 Brunow of Appanoose
 Husak of Tama
 Clark of Cerro Gordo
 Patchett of Johnson
 Garrison of Black Hawk
 Lonergan of Boone
 Tofte of Winneshiek
 Anderson of Jasper

H—6521	H.F. 2440
H—6522	H.F. 2440
H—6523	H.F. 2440
H—6524	S.F. 2187

Husak of Tama
 Cusack of Scott
 Gentleman of Polk
 Bennett of Ida
 Husak of Tama
 Krause of Kossuth

Lageschulte of Bremer
 Gilson of Guthrie
 Pellett of Cass
 Koogler of Mahaska
 Dunton of Keokuk
 Junker of Woodbury
 Harbor of Mills
 Welden of Hardin
 Spencer of Clay

Miller of Buchanan
 Branstad of Winnebago
 Millen of Van Buren
 Daggett of Adams
 Hansen of O'Brien
 Gettings of Wapello
 Wyckoff of Benton
 Stromer of Hancock
 Spear of Lee

Hinkhouse of Cedar
Dieleman of Marion
West of Marshall
Griffie of Chickasaw

Clark of Cerro Gordo
Evans of Grundy
Chiodo of Polk
Brunow of Appanoose

H-6525 S.F. 2187

H-6526 S.F. 2187

H-6527 S.F. 2187

H-6528 S.F. 2187

H-6530 S.F. 2187

H-6531 S.F. 321

H-6532 S.F. 321

H-6533 S.F. 321

H-6534 H.F. 2365

H-6535 H.F. 2440

H-6536 H.F. 2448

H-6537 S.F. 2184

West of Marshall
Millen of Van Buren
Shimanek of Jones
Hansen of O'Brien
Tofte of Winneshiek
Bennett of Ida
Tauke of Dubuque
Lageschulte of Bremer
Conlon of Muscatine
Harbor of Mills
Krewson of Polk
Clark of Cerro Gordo
Smalley of Polk
Schneklath of Scott
Lind of Black Hawk
Gentleman of Polk
Egenes of Story

Norland of Worth
West of Marshall
Gentleman of Polk
Bina of Scott
Koogler of Mahaska
Lipsky of Linn
Doyle of Woodbury
Monroe of Des Moines
Lind of Black Hawk
Evans of Grundy
Harbor of Mills
Harbor of Mills
Norland of Worth
West of Marshall
Husak of Tama
Bina of Scott
Krewson of Polk
Evans of Grundy

Brockett of Marshall
Stromer of Hancock
Schroeder of Pottawattamie
Clark of Lee
Crabb of Crawford
Thompson of Polk
Daggett of Adams
Pelton of Clinton
Pellett of Cass
Halvorson of Clayton
Harvey of Scott
Lindeen of Henry
Stephens of Plymouth
Branstad of Winnebago
Menke of O'Brien
Junker of Woodbury
Hoffmann of Muscatine

H-6538 S.F. 2187

Nielsen of Polk

Schroeder of Pottawattamie
Scheelhaase of Woodbury
Wyckoff of Benton

On motion by Fitzgerald of Webster, the House adjourned at 6:13 p.m., until 9:30 a.m., Friday, May 5, 1978.

JOURNAL OF THE HOUSE

One Hundred Seventeenth Calendar Day — Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 5, 1978

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

Prayer was offered by the Reverend Walter Behrens, pastor of the Elk Creek and Bethany Lutheran Churches, Kensett, Iowa.

The Journal of Thursday, May 4, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John R. Rhodes, Sr., Pocahontas, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crawford of Story for the morning session on request of Tauke of Dubuque.

INTRODUCTION OF BILLS

House File 2455, by committee on sifting, a bill for an act relating to the certification of pesticide applicators.

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

House File 2456, by committee on budget, a bill for an act relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

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

SENATE MESSAGES CONSIDERED

Senate File 2184, a bill for an act to impose a tax upon freight line and equipment car companies, making an appropriation and providing penalties for violations.

Read first time and **passed on file.**

Senate File 2260, a bill for an act legalizing the proceedings of the city council of Polk City, Iowa in connection with the making of a contract for the construction of water main improvements.

Read first time and referred to the **sifting committee.**

Senate File 2263, a bill for an act for the legalization of the sale of \$390,000 general obligation corporate purpose bonds dated April 1, 1978, and \$320,000 water revenue bonds dated April 1, 1978, of the city of Grimes, Polk County, Iowa.

Read first time and **passed on file.**

Senate File 2264, a bill for an act providing that a special charter city shall conform its assessment and tax collection schedule and fiscal year to the assessment and tax collection schedule and fiscal year followed by other political subdivisions of the state.

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

HOUSE CONCURRENT RESOLUTION 132

By Cusack, Chiodo, Hansen, Connors, Brandt,
Wells, Howell, Doyle, Dunton, Jochum,
Gilloon, Poncy, Rinas, Middleswart, Husak,
Hullinger, Garrison, Avenson, Krause,
Harvey, Dieleman, O'Halloran, Horn,
Koogler, Halvorson, Gilson, Clark of
Cerro Gordo, Hargrave, Perkins, Brunow,
Newhard, Hinkhouse, Monroe, Lonergan,
Bina, Hines, Woods, Griffee, Binneboese,
Norland, Gentleman, Smalley, Thompson,
Hoffmann, Krewson, Arnould, Walter,
Davitt, Pavich, Oxley, Miller (Sergeant)
of Calhoun and Svoboda

- 1 *Whereas*, the Federal Age Discrimination in Employ-
- 2 ment Act Amendments of 1978, which abolished mandatory
- 3 retirement provisions for federal employees, also
- 4 banned mandatory retirement prior to age 70 for nearly
- 5 all private sector and state and local government
- 6 employees, and this action will have a significant
- 7 effect on employment policies and practices in Iowa;
- 8 and
- 9 *Whereas*, much more information about the probable
- 10 effect of the recent federal legislation in Iowa is

11 needed as a basis for making any adjustments in Iowa
12 law that may be required; and
13 *Whereas*, House File 419, a bill to remove the
14 mandatory retirement policies from the Code of Iowa
15 and provide for continuation of employment for so
16 long as the individual is competent to perform his or
17 her job, reached the House calendar but was not debated
18 by the 67th General Assembly, and it is desirable to
19 ascertain whether citizens of Iowa favor the blanket
20 provisions of House File 419 or a more limited
21 approach; and
22 *Whereas*, it would be helpful for the 1979 session
23 of the General Assembly to have available additional
24 information on the advantages and disadvantages of
25 entirely prohibiting mandatory retirement; *Now*
26 *Therefore*,
27 *Be It Resolved by the House of Representatives, the*
28 *Senate Concurring*, That the Legislative Council is
29 requested to authorize an interim legislative study of
30 the issues involved in possible state legislation rela-

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1 tive to mandatory retirement on the basis of age;
2 to instruct the committee or subcommittee conducting
3 the study to hold public hearings at various points
4 in the state in order to obtain the views of the
5 public on these issues; and to direct that a report
6 based on the study be prepared and submitted to the
7 Council prior to January 1, 1979.

Referred to committee on labor and industrial relations.

ADOPTION OF HOUSE RESOLUTION 142

Pursuant to House Rule 26, the Speaker announced that House Resolution 142, filed on April 27, 1978 and found on pages 1991 and 1992 of the House Journal, was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 144

Pursuant to House Rule 26, the Speaker announced that House Resolution 144, filed on April 27, 1978 and found on pages 1992 and 1993 of the House Journal, was adopted by unanimous consent.

SENATE AMENDMENT CONSIDERED

Woods of Polk called up for consideration **House File 2296**, a bill for an act relating to the payment for the operation and

maintenance of freeway lighting systems in cities, amended by the Senate amendment H—6519, found on page 2234 of the House Journal, and moved that the House concur in the Senate amendment H—6519.

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

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

On the question "Shall the bill pass?" (H.F. 2296)

The ayes were, 69:

Arnould	Bina	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Griffee
Halvorson	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Miller, K.D.	Monroe
Nielsen	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Mr. Speaker			

The nays were, 17:

Baker	Bennett	Daggett	Danker
Gettings	Gilson	Hansen	Loneragan
Menke	Middleswart	Millen	Miller (Sergeant)
Perkins	Poncy	Stephens	Welden
Wyckoff			

Absent or not voting, 14:

Anderson	Avenson	Binneboese	Byerly
Crawford	Den Herder	Gilloon	Hines
Howell	Jesse	Newhard	O'Halloran
Rinas	Svoboda		

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

BUDGET CALENDAR

House File 2440, a bill for an act relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome, with report of committee recommending passage was taken up for consideration.

Monroe of Des Moines offered the following amendment
H-6379 filed by Monroe, et al. :

H-6379

1 Amend House File 2440 as follows:

2 1. By striking page 1, line 1 through page 3,
3 line 9 and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. SUBSTANCE ABUSE

5 REHABILITATION AND PREVENTION FUND CREATED. There

6 is established in the office of the treasurer of state,

7 a fund to be known as the substance abuse

8 rehabilitation and prevention fund. The substance

9 abuse rehabilitation and prevention fund shall consist

10 of revenues derived from substance abuse rehabilitation

11 and prevention taxes imposed by sections two (2) and

12 three (3) of this Act and any other moneys appropriated

13 to the fund.

14 Sec. 2. NEW SECTION. BARREL TAX ON BEER. There

15 shall be levied and collected from class "A" beer

16 permittees a substance abuse rehabilitation and

17 prevention tax on all beer manufactured for sale and

18 sold in the state at wholesale and on all imported

19 beer sold at wholesale in this state at the rate of

20 one dollar for every barrel containing thirty-one

21 gallons, and at the same rate for any other quantity

22 or for the fractional part of a barrel. A tax shall

23 not be levied or collected on beer shipped outside

24 this state by a class "A" permittee or sold by one

25 class "A" permittee to another class "A" permittee.

26 All of the provisions of chapter one hundred twenty-

27 three (123) of the Code relating to the administration

28 of the barrel tax on beer shall apply to the tax

29 imposed by this section, except that the taxes

30 collected pursuant to this section shall be remitted

31 to the treasurer of state and shall be deposited in

32 the substance abuse rehabilitation and prevention

33 fund, and except that the barrel tax rebate shall

34 not apply to the substance abuse rehabilitation and
35 prevention tax. The tax imposed by this section shall
36 be in addition to any other taxes imposed by law.

37 Sec. 3. NEW SECTION. LIQUOR TAX.

38 1. There is imposed upon the purchase of alcoholic
39 beverages in this state a tax at the rate of two
40 percent of the purchasing price of such alcoholic
41 beverages. The tax shall be collected from persons
42 purchasing alcoholic beverages at the time of purchase
43 of alcoholic beverages from the state. The tax imposed
44 by this section shall be in addition to any other
45 taxes imposed by law.

46 2. Notwithstanding any provision of chapter one
47 hundred twenty-three (123) of the Code, all revenues
48 derived from the tax imposed by this section shall
49 be remitted monthly by the Iowa beer and liquor control
50 department to the treasurer of state and shall be

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1 deposited in the substance abuse rehabilitation and
2 prevention fund.

3 Sec. 4. NEW SECTION. ALLOCATION OF REVENUE.

4 1. The treasurer of state shall distribute
5 quarterly one-half of the revenue derived pursuant
6 to sections two (2) and three (3) of this Act to the
7 Iowa department of substance abuse.

8 2. a. The treasurer of state shall allocate one-
9 half of the revenues derived pursuant to sections
10 two (2) and three (3) of this Act to each county
11 treasurer in an amount determined by dividing the
12 total population of each county by the total population
13 of the state according to the latest certified census.

14 b. The board of supervisors of each county shall
15 certify to the treasurer of state a claim for that
16 county's allocated funds. The claim shall be based
17 upon actual payments for substance abuse care,
18 maintenance, and treatment made by the county to any
19 facility as defined in section one hundred twenty-
20 five point two (125.2) of the Code.

21 c. If at the end of the third quarter of each
22 fiscal year a county does not spend all of its
23 allocation, the balance of that allocation shall be
24 reallocated by the treasurer of state in accordance
25 with paragraph a of this subsection.

26 d. At the end of the fourth quarter of each fiscal
27 year all moneys remaining in the substance abuse
28 rehabilitation and prevention fund shall be reverted
29 to the general fund of the state.

30 3. Any other moneys deposited in the substance
31 abuse rehabilitation and prevention fund shall be
32 allocated equally as provided in subsections one (1)
33 and two (2) of this section.

34 4. Warrants for the payment of funds pursuant
35 to this section shall be issued by the state
36 comptroller upon certification of the treasurer of
37 state.

38 Sec. 5. NEW SECTION. USE OF REVENUE.

39 1. Revenues distributed pursuant to the provisions
40 of section four (4), subsection one (1), of this Act
41 shall be used, subject to the limitation contained
42 in subsection two (2) of this section, for the
43 following purposes:

44 a. The administrative expenses, excluding salaries,
45 of the Iowa department of substance abuse.

46 b. Any program or service authorized under chapter
47 one hundred twenty-five (125) of the Code.

48 c. The implementation of new substance abuser
49 treatment procedures and services.

50 d. The matching of any other county expenses for

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1 the care, maintenance and rehabilitation of substance
2 abusers by the Iowa department of substance abuse.

3 2. Moneys contained in the fund created by section
4 one (1) of this Act except those moneys specified
5 in section four (4), subsection two (2), of this Act,
6 shall not be distributed or allocated for
7 rehabilitative and preventive services or treatment,
8 care and maintenance for substance abuse rendered
9 by the mental health institutes under the control
10 of the department of social services. All billings
11 to counties from mental health institutes for such
12 treatment, care, and maintenance shall specify the
13 exact amount billed for substance abuse treatment,
14 prevention, and detoxification.

15 Sec. 6. Chapter one hundred twenty-five (125),
16 Code 1977, as amended by Acts of the Sixty-seventh
17 General Assembly, 1977 Session, chapter seventy-four
18 (74), is amended by adding the following new section:

19 NEW SECTION. APPROVAL OF FACILITY BUDGET.

20 1. Before making any allocation of funds to a
21 local substance abuse program, the commission on
22 substance abuse shall require the following to be
23 submitted for each program:

24 a. A detailed line item budget clearly indicating
25 the funds received from each revenue source for the
26 fiscal year for which the funds are requested on forms
27 provided by the department of substance abuse.

28 b. A certified statement from the auditor of each
29 county participating in the program as to the amount
30 of county resources committed to the program for the
31 fiscal year for which the funds are requested.

32 2. The commission shall adopt rules governing
33 the approval of line item budgets for the operation

34 of facilities. The rules shall include provisions
35 for the approval of a facility's budget by the counties
36 funding the facility and by the department. The rules
37 shall also include provisions for appeal to the
38 commission by any county which disagrees with the
39 amount of a facility's budget approved by the
40 department."

41 2. Page 4, by striking lines 1 through 29 and
42 inserting in lieu thereof the following:

43 "Sec. . There is appropriated from the general
44 fund of the state to the Iowa department of substance
45 abuse for the fiscal period commencing July 1, 1978
46 and ending December 31, 1978 the sum of seven hundred
47 thirty thousand (730,000) dollars or so much thereof
48 as may be necessary to fund substance abuse treatment
49 grants.

50 Sec. . There is appropriated from the general

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1 fund of the state to the Iowa department of substance
2 abuse for the fiscal year commencing July 1, 1978
3 and ending June 30, 1979 the following amounts or
4 so much thereof as may be necessary to be used for
5 the purposes designated:

6 1. For substance abuse programming
7 for the elderly at the mental health insti-
8 tute at Independence, Iowa.....\$18,000

9 2. For the development of educa-
10 tional programs designed to prevent sub-
11 stance abuse.....\$40,000

12 It is the intent of the general assembly that the
13 Iowa department of substance abuse shall encourage
14 the development of educational programs designed to
15 prevent substance abuse and the forty thousand (40,000)
16 dollars appropriated in subsection two (2) of this
17 section shall be used to fund continued development
18 and implementation of substance abuse education
19 programs in the department of public instruction.

20 Sec. . EFFECTIVE DATES.

21 1. The provisions of this Act, except section
22 four (4) of this Act, shall be effective July 1, 1978.

23 2. The provisions of section four (4) of this
24 Act shall be effective January 1, 1979, and on that
25 date the treasurer of state shall allocate the moneys
26 credited to the substance abuse rehabilitation and
27 prevention fund during the fiscal period beginning
28 July 1, 1978 and ending December 31, 1978 to the Iowa
29 department of substance abuse and the counties of
30 the state as provided in section four (4) of this
31 Act."

- 32 3. By numbering and renumbering sections and
 33 internal references to sections to conform to this
 34 amendment.

Husak of Tama rose on a point of order that amendment H—6379 was not germane.

The speaker ruled the point well taken and amendment H—6379 not germane.

Monroe of Des Moines moved that the rules governing germaneness be suspended for the consideration of amendment H—6379.

Roll call was requested by Monroe of Des Moines and Husak of Tama.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 44:

Arnould	Baker	Bina	Branstad
Brunow	Conlon	Davitt	Dieleman
Doyle	Dyrland	Evans	Garrison
Gettings	Gilson	Griffee	Horn
Hullinger	Jesse	Jochum	Junker
Koogler	Krause	Lind	Lindeen
Loneragan	Middleswart	Miller (Sergeant)	Monroe
Newhard	Oxley	Patchett	Pavich
Perkins	Scheelhaase	Schroeder	Small
Spear	Spencer	Stephens	Svoboda
Walter	Welden	Wells	West

The nays were, 45:

Bennett	Binneboese	Brandt	Brockett
Chiodo	Clark, B.J.	Connors	Crabb
Cusack	Daggett	Danker	Dunton
Egenes	Fitzgerald	Gentleman	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Howell	Husak
Krewson	Lageschulte	Lipsky	Menke
Millen	Miller, K.D.	Norland	Pellett
Pelton	Poney	Schnekloth	Shimanek
Smalley	Stromer	Tauke	Thompson
Tofte	Varley	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 11:

Anderson
Crawford
Nielsen

Avenson
Den Herder
O'Halloran

Byerly
Gilloon
Rinas

Clark, J.H.
Hines

The motion lost.

The motion lost placing the following amendments, to amendment H—6379, out of order:

H—6510 filed by Halvorson et al., on May 3, 1978.

H—6522 filed by Bennett of Ida on May 4, 1978.

H—6523 filed by Husak of Tama on May 4, 1978

H—6535 filed by Husak of Tama on May 4, 1978.

Husak of Tama offered the following amendment H—6521, filed by Husak, et al. :

H—6521

1 Amend House File 2440 as follows:

2 1. Page 3, by inserting after line 35 the follow-
3 ing sections:

4 "Sec. . . Section two hundred thirty A point
5 nine (230A.9), subsection three (3), Code 1977, is
6 amended to read as follows:

7 3. At intervals specified by the county board
8 of supervisors, not less often than once each ninety
9 days, the county treasurer of each county served by
10 the center shall notify the chairman chairperson of
11 the center's board of trustees of all amounts due
12 the center from the county which have not previously
13 been paid over to the treasurer of the center. The
14 chairman chairperson shall then file a claim for
15 payment as specified in sections 331.20, 333.2 and
16 334.1 to 334.7. The provisions of section three
17 hundred thirty-one point twenty-one (331.21)
18 notwithstanding, no such claims shall include
19 information which in any manner identifies an
20 individual who is receiving or has received treatment
21 at the center.

22 Sec. . . Section two hundred thirty A point
23 thirteen (230A.13), Code 1977, is amended by adding
24 the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. Release of information
26 which would identify an individual who is receiving
27 or has received treatment at a community mental health
28 center shall not be made a condition of support of

29 that center by any county under this section. The
30 provisions of section three hundred thirty-one point
31 twenty-one (331.21) notwithstanding, a community
32 mental health center shall not be required to file
33 a claim which would in any manner identify such an
34 individual, if the center's budget has been approved
35 by the county board under this section and the center
36 is in compliance with section two hundred thirty A
37 point sixteen (230A.16), subsection three (3), of
38 the Code."
39 2. Renumber as necessary.

Monroe of Des Moines rose on a point of order that amendment H—6521 was not germane.

The Speaker ruled the point well taken and amendment H—6521 not germane.

Husak of Tama moved that the rules governing germaneness be suspended for the consideration of amendment H—6521.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 54, nays 35.

The motion prevailed and the rules were suspended for the consideration of amendment H—6521.

Husak of Tama moved the adoption of amendment H—6521.

Amendment H—6521 was adopted.

Lipsky of Linn asked and received unanimous consent to defer action on amendment H—6507.

Dyrland of Clayton offered the following amendment H—6520 filed by Dyrland, et al., and moved its adoption:

H—6520

1 Amend House File 2440 as follows:

2 1. Page 4, by inserting after line 29 the following
3 sections:

4 "Sec. 9. The objective of sections ten (10) through
5 sixteen (16) of this Act is to continue and to
6 strengthen the mental health services now available
7 in the state of Iowa, to make these services uniformly
8 and conveniently available to all residents of this
9 state, and to assure the continued high quality of
10 these services. The purpose of sections ten (10)
11 through sixteen (16) of this Act is to begin efforts
12 to achieve that objective. It is the intent of
13 sections ten (10) through sixteen (16) of this Act
14 that more detailed proposals for the achievement of
15 that objective shall be formulated and delivered to
16 the first session of the Sixty-eighth General Assembly.

17 Sec. 10.

18 1. A unified state mental health agency having
19 broad responsibility both to plan, coordinate and
20 review the delivery of mental health services in this
21 state, and to directly deliver certain mental health
22 services, shall be established effective July 1, 1979.
23 The title, administrative structure, and specific
24 powers and duties of the unified state mental health
25 agency shall be as prescribed by the 1979 Session
26 of the Sixty-eighth General Assembly.

27 2. If the governor determines that it would not
28 be in the best interest of the state for subsection
29 one (1) of this section to be implemented on July
30 1, 1979, or if legislation prescribing the title,
31 administrative structure, and specific powers and
32 duties of the unified state mental health agency has
33 not been approved prior to that date, the governor
34 may by executive order delay the implementation of
35 that subsection to a date not later than July 1, 1980.

36 Sec. 11. There is established a state mental
37 health advisory council.

38 1. The council shall consist of thirteen voting
39 members appointed as follows:

40 a. Seven members shall be appointed by the
41 governor, who shall designate three of the initial
42 appointees under this subsection to serve terms
43 expiring June 30, 1981, two to serve terms expiring
44 June 30, 1980 and two to serve terms expiring June
45 30, 1979.

46 b. Three members shall be appointed by the speaker
47 of the house and three by the majority leader of the
48 senate, who shall each designate one of the initial
49 appointees under this subsection to serve a term
50 expiring June 30, 1981, one to serve a term expiring

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1 June 30, 1980 and one to serve a term expiring June
2 30, 1979. Persons appointed to the council under
3 this paragraph shall not be members of the general
4 assembly.

5 c. Successors to the initial appointees under
6 this section shall each serve a term of three years
7 beginning July first of the year of appointment.
8 Vacancies shall be filled by the appropriate appointing
9 authority for the balance of the unexpired term.
10 Members of the advisory council who are not state
11 employees shall be entitled to forty dollars per diem
12 for each day devoted to the duties of their office,
13 and all members shall be entitled to reimbursement
14 for actual and necessary expenses incurred in attending
15 meetings of the advisory council or in otherwise
16 discharging their duties.

17 d. The governor, the speaker of the house, and
18 the majority leader of the senate shall coordinate
19 their respective appointments to the advisory council
20 so that, if possible, the composition of the council
21 will comply with the pertinent requirements of United
22 States Public Law ninety-four dash sixty-three (P.L.
23 94-63).

24 2. The council shall:

25 a. As soon as possible after July first of each
26 year, organize by selection of a chairperson and a
27 vice chairperson from among its members.

28 b. Meet at least four times a year, and may meet
29 more often, upon the call of the chairperson or the
30 written request of any five members.

31 c. Advise the responsible officials and agencies
32 of this state on establishment and implementation
33 of policies and programs in furtherance of the
34 objectives stated in section nine (9) of this Act.

35 d. Exercise all functions and have all
36 responsibilities of the state mental health advisory
37 council under United States Public Law ninety-four
38 dash sixty-three (P.L. 94-63), unless any such function
39 or responsibility is assigned elsewhere by, or would
40 be contrary to, the laws of this state.

41 e. Beginning upon the date on which the transfer
42 of duties, functions and programs required by section
43 ten (10), subsection one (1) of this Act takes effect,
44 and continuing until otherwise provided by law,
45 exercise any functions assigned by law to the committee
46 on mental hygiene established by section two hundred
47 twenty-five B point two (225B.2), Code 1977.

48 3. The council, with the advice and assistance
49 of the director of the department of mental health
50 resources and the director of the Iowa mental health

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1 authority, shall expeditiously prepare and promulgate
2 administrative rules governing the kind and quality
3 of services which must be offered by an alternative
4 diagnostic facility in performing preliminary
5 diagnostic evaluations under arrangements concluded
6 pursuant to section fifteen (15) of this Act. The
7 objective of these rules shall be to make such
8 evaluations at least equivalent to those performed
9 by community mental health centers in terms of both
10 professional quality and orientation to the best
11 interests of the person being evaluated and of the
12 county.

13 4. The council shall consider, and may make
14 recommendations regarding, the most desirable form
15 of permanent organization for the unified state mental
16 health agency, referred to in section ten (10),
17 subsection one (1) of this Act.

18 Sec. 12. It is the policy of this state that,
19 to the greatest extent feasible, a person shall be
20 admitted to a state mental health institute as an
21 inpatient only after a preliminary diagnostic
22 evaluation by a community mental health center has
23 confirmed that the admission is appropriate to that
24 person's needs, and that no suitable alternative
25 method of providing the services needed by that person
26 in a less restrictive setting, or in or nearer to
27 the person's home community, is currently available.
28 The policy established by this section shall be
29 implemented in the manner and to the extent prescribed
30 by sections thirteen (13), fourteen (14) and fifteen
31 (15) of this Act.

32 Sec. 13. The board of supervisors of any county
33 may by resolution require that the policy stated by
34 section twelve (12) of this Act be followed with
35 respect to admission of persons from that county to
36 any state mental health institute. Upon adoption
37 of such a resolution by the board of supervisors of
38 a county which is supporting a community mental health
39 center, directly or in affiliation with other counties,
40 it shall be presumed to be a part of that center's
41 responsibilities to perform the preliminary diagnostic
42 evaluations required by that county in order to
43 implement the policy stated by section twelve (12)
44 of this Act. However, if performance of such
45 evaluations is not covered by the agreement entered
46 into by the county and the center under section two
47 hundred thirty A point twelve (230A.12) of the Code,
48 and the center's director certifies to the county
49 board of supervisors that the center does not have
50 the capacity to perform the needed evaluations, the

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1 board of supervisors may proceed as provided by section
2 fifteen (15) of this Act.

3 Sec. 14. When the board of supervisors of any
4 county has adopted a resolution as authorized by
5 section thirteen (13) of this Act:

6 1. The chief medical officer of a state mental
7 health institute, or that officer's physician designee,
8 shall advise any person residing in that county who
9 applies for voluntary admission, or any person applying
10 for the voluntary admission of another person who
11 resides in that county, in accordance with section
12 two hundred twenty-nine point forty-one (229.41) of
13 the Code that the board of supervisors has acted to
14 implement the policy stated by section twelve (12)
15 of this Act, and shall advise that a preliminary
16 diagnostic evaluation of the proposed patient be
17 sought from the appropriate community mental health
18 center or alternative diagnostic facility, if that
19 has not already been done. This subsection shall
20 not apply when voluntary admission is sought in
21 accordance with section two hundred twenty-nine point
22 forty-one (229.41) of the Code under circumstances
23 which, in the opinion of the chief medical officer
24 or that officer's physician designee, constitute a
25 medical emergency within the meaning of section two
26 hundred twenty-nine point two (229.2), subsection
27 two (2), paragraph a of the Code.

28 2. The clerk of the district court in that county
29 shall refer any person applying for authorization
30 for voluntary admission, or for authorization for
31 voluntary admission of another person, in accordance
32 with section two hundred twenty-nine point forty-two
33 (229.42) of the Code to the appropriate community
34 mental health center or alternative diagnostic facility
35 for preliminary diagnostic evaluation unless the
36 applicant furnishes a written statement from that
37 center or facility that such an evaluation has been
38 performed and indicates that the person's admission
39 to a state mental health Institute is appropriate.
40 This subsection shall not apply when authorization
41 for voluntary admission is sought under circumstances
42 which, in the opinion of the mental health institute's
43 chief medical officer or that officer's physician
44 designee, constitute a medical emergency within the
45 meaning of section two hundred twenty-nine point two
46 (229.2), subsection two (2), paragraph a of the Code.

47 3. Judges of the district court in that county,
48 or the judicial hospitalization referee appointed
49 for that county, as the case may be, shall so far
50 as possible arrange for a physician on the staff of

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1 or designated by the appropriate community mental
2 health center or alternative diagnostic facility to
3 perform each prehearing examination of a respondent
4 required under section two hundred twenty-nine point
5 eight (229.8), subsection three (3), paragraph b of
6 the Code.

7 4. The chief medical officer of a state mental
8 health institute shall promptly submit to the
9 appropriate community mental health center or
10 alternative diagnostic facility a report of each
11 voluntary admission of a patient under the medical
12 emergency clauses of subsections one (1) and two (2)
13 of this section. The report shall explain the nature
14 of the emergency which necessitated the admission
15 of the patient without a preliminary diagnostic
16 evaluation by the center or alternative facility.

17 5. When the proposed admission of a person to
18 a state mental health institute, on either a voluntary
19 or an involuntary basis, is primarily for treatment
20 of alcoholism or drug abuse, each reference to a
21 community mental health center or alternative
22 diagnostic facility in subsections one (1) through
23 four (4) of this section may be deemed a reference
24 to a facility as defined in section one hundred twenty-
25 five point two (125.2), subsection two (2) of the
26 Code as amended by Acts of the Sixty-seventh General
27 Assembly, 1977 Session, chapter seventy-four (74),
28 section three (3). However, this subsection shall
29 not be construed so as to contravene the last sentence
30 of section one hundred twenty-five point nineteen
31 (125.19), subsection one (1), as amended by Acts of
32 the Sixty-seventh General Assembly, 1977 Session,
33 chapter seventy-four (74), section thirty (30).

34 Sec. 15. If the board of supervisors of a county
35 desires to implement the policy stated by section
36 twelve (12) of this Act, but the county is not served
37 by a community mental health center having the capacity
38 to perform the required preliminary diagnostic
39 evaluations, the board may arrange for such evaluations
40 to be performed by an alternative diagnostic facility.
41 An alternative diagnostic facility may be the
42 outpatient service of a state mental health institute
43 or any other mental health facility or service able
44 to furnish the requisite professional skills to
45 properly perform preliminary diagnostic evaluation
46 of a person whose admission to a state mental health
47 institute is being sought or considered on either
48 a voluntary or an involuntary basis.

49 Sec. 16. Chapter two hundred twenty-five B (225B)
50 and sections two hundred seventeen point ten (217.10),

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1 two hundred seventeen point eleven (217.11) and two
2 hundred seventeen point twelve (217.12), Code 1977,
3 are repealed effective July 1, 1979. However, if
4 the implementation of subsection one (1) of section
5 ten (10) of this Act is delayed pursuant to subsection
6 two (2) of that section, the division of mental health
7 resources of the department of social services and
8 the Iowa mental health authority shall continue to
9 be governed by the provisions of the statutes repealed
10 by this section as if they were in full force and
11 effect, until subsection one (1) of section ten (10)
12 of this Act is implemented. On that date, in the
13 absence of any prior legislative action to the
14 contrary, the powers and duties assigned the Iowa
15 mental health authority by chapter two hundred twenty-
16 five B (225B), Code 1977, and by any other statutes
17 referring to the Iowa mental health authority, and
18 the powers and duties assigned the division of mental
19 health of the department of social services by sections
20 two hundred seventeen point ten (217.10), two hundred
21 seventeen point eleven (217.11) and two hundred
22 seventeen point twelve (217.12), Code 1977, and by
23 any other statutes referring to that division of the
24 department of social services, shall all be transferred
25 to and imposed upon the unified state mental health
26 agency established by subsection one (1) of section
27 ten (10) of this Act."

28 2. By renumbering as necessary.

Amendment H—6520 was adopted.

Lipsky of Linn asked and received unanimous consent to withdraw amendment H—6507 filed by her on May 3, 1978.

Halvorson of Clayton offered the following amendment H—6511 filed by Halvorson, et al. :

H—6511

1 Amend House File 2440 as follows:

2 1. Page 4, by inserting before line 30 the follow-
3 ing:

4 "Sec. . . Section one hundred twenty-three point
5 ninety-six (123.96), Code 1977, is amended by striking
6 subsections one (1) and two (2).

7 Sec. . . The director of the Iowa beer and liquor
8 control department shall increase the price of every
9 alcoholic beverage sold in state liquor stores

10 effective January 1, 1979, by marking up the price
11 being charged for each such beverage on December
12 31, 1978, by the percentage determined by the director
13 under this section. The director shall determine
14 the percentage of markup by dividing (a) the gross
15 revenue derived during the fiscal year ending June
16 30, 1978 from the special tax imposed by subsection
17 one (1) of section one hundred twenty-three point
18 ninety-six (123.96) of the Code by (b) the gross
19 revenue derived during the fiscal year ending June
20 30, 1978 from sales of alcoholic beverages in state
21 liquor stores, but not including any revenue derived
22 from the special tax imposed upon such sales.
23 It is the purpose and intent of the general assembly
24 that the price increases for alcoholic beverages that
25 are required by this section shall supplement the
26 revenues previously derived from the special tax.
27 The beer and liquor control department shall not cause
28 any adjustments in the prices of alcoholic liquors
29 after January 1, 1979, if such adjustments reasonably
30 could be expected to decrease the total revenue from
31 the sale of alcoholic liquors."

Husak of Tama rose on a point of order that amendment H-6511 was not germane.

The Speaker ruled the point well taken and amendment H-6511 not germane.

Halvorson of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H-6511.

A non-record roll call was requested.

The ayes were 28, nays 40.

The motion lost.

Monroe of Des Moines offered the following amendment H-6539 filed by him and Dyrland of Clayton from the floor and asked and received unanimous consent that the rules be suspended for its consideration:

H-6539

1 Amend House File 2440 as follows:

1. By striking page 1, line 1 through page 3, line 9 and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state to the Iowa department of substance abuse for the fiscal period commencing July 1, 1978 and ending December 31, 1978 the sum of six hundred seventy-two thousand (672,000) dollars or so much thereof as may be necessary to fund substance abuse treatment grants.

Sec. 2. There is appropriated from the general fund of the state to the Iowa department of substance abuse for the fiscal year commencing July 1, 1978 and ending June 30, 1979 the following amounts or so much thereof as may be necessary to be used for the purposes designated:

1. For substance abuse programming for the elderly at the mental health institute at Independence, Iowa.....\$18,000

2. For the development of educational programs designed to prevent substance abuse.....\$40,000

It is the intent of the general assembly that the Iowa department of substance abuse shall encourage the development of educational programs designed to prevent substance abuse and the forty thousand (40,000) dollars appropriated in subsection two (2) of this section shall be used to fund continued development and implementation of substance abuse education programs in the department of public instruction.

Sec. 3. NEW SECTION. SUBSTANCE ABUSE REHABILITATION AND PREVENTION FUND CREATED. There is established in the office of the treasurer of state a fund to be known as the substance abuse rehabilitation and prevention fund. The substance abuse rehabilitation and prevention fund shall consist of revenues derived from substance abuse rehabilitation and prevention taxes imposed by sections four (4) and five (5) of this Act and any other moneys appropriated to the fund.

Sec. 4. NEW SECTION. BARREL TAX ON BEER. There shall be levied and collected from class "A" beer permittees a substance abuse rehabilitation and prevention tax on all beer manufactured for sale and sold in the state at wholesale and on all imported beer sold at wholesale in this state at the rate of one dollar for every barrel containing thirty-one gallons, and at the same rate for any other quantity or for the fractional part of a barrel. A tax shall not be levied or collected on beer shipped outside

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1 this state by a class "A" permittee or sold by one
2 class "A" permittee to another class "A" permittee.
3 All of the provisions of chapter one hundred twenty-
4 three (123) of the Code relating to the administration
5 of the barrel tax on beer shall apply to the tax
6 imposed by this section, except that the taxes
7 collected pursuant to this section shall be remitted
8 to the treasurer of state and shall be deposited in
9 the substance abuse rehabilitation and prevention
10 fund, and except that the barrel tax rebate shall
11 not apply to the substance abuse rehabilitation and
12 prevention tax. The tax imposed by this section shall
13 be in addition to any other taxes imposed by law.

14 **Sec. 5. NEW SECTION. LIQUOR TAX.**

15 1. There is imposed upon the purchase of alcoholic
16 beverages in this state a tax at the rate of two
17 percent of the purchase price of such alcoholic
18 beverages. The tax shall be collected from persons
19 purchasing alcoholic beverages at the time of purchase
20 of alcoholic beverages from the state. The tax imposed
21 by this section shall be in addition to any other
22 taxes imposed by law.

23 2. Notwithstanding any provision of chapter one
24 hundred twenty-three (123) of the Code, all revenues
25 derived from the tax imposed by this section shall
26 be remitted monthly by the Iowa beer and liquor control
27 department to the treasurer of state and shall be
28 deposited in the substance abuse rehabilitation and
29 prevention fund.

30 **Sec. 6. NEW SECTION. ALLOCATION OF REVENUE.**

31 1. The treasurer of state shall distribute
32 quarterly one-half of the revenues derived pursuant
33 to sections four (4) and five (5) of this Act to the
34 Iowa department of substance abuse.

35 2. a. The treasurer of state shall allocate one-
36 half of the revenues derived pursuant to sections
37 four (4) and five (5) of this Act to each county
38 treasurer in an amount determined by dividing the
39 total population of each county by the total population
40 of the state according to the latest certified census.

41 b. The board of supervisors of each county shall
42 certify to the treasurer of state a claim for that
43 county's allocated funds. The claim shall be based
44 upon actual payments for substance abuse care,
45 maintenance, and treatment made by the county to any
46 facility as defined in section one hundred twenty-
47 five point two (125.2) of the Code.

48 c. If at the end of the third quarter of each
49 fiscal year a county does not spend all of its
50 allocation, the balance of that allocation shall be

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1 reallocated by the treasurer of state in accordance
2 with paragraph a of this subsection.

3 d. At the end of the fourth quarter of each fiscal
4 year all moneys remaining in the substance abuse
5 rehabilitation and prevention fund shall be reverted
6 to the general fund of the state.

7 3. Any other moneys deposited in the substance
8 abuse rehabilitation and prevention fund shall be
9 allocated equally as provided in subsections one (1)
10 and two (2) of this section.

11 4. Warrants for the payment of funds pursuant
12 to this section shall be issued by the state
13 comptroller upon certification of the treasurer of
14 state.

15 **Sec. 7. NEW SECTION. USE OF REVENUE.**

16 1. Revenues distributed pursuant to the provisions
17 of section six (6), subsection one (1), of this Act
18 shall be used, subject to the limitation contained
19 in subsection two (2) of this section, for the
20 following purposes:

21 a. The administrative expenses, excluding salaries,
22 of the Iowa department of substance abuse.

23 b. Any program or service authorized under chapter
24 one hundred twenty-five (125) of the Code.

25 c. The implementation of new substance abuser
26 treatment procedures and services.

27 d. The matching of any other county expenses for
28 the care, maintenance and rehabilitation of substance
29 abusers by the Iowa department of substance abuse.

30 2. Moneys contained in the fund created by section
31 three (3) of this Act except those moneys specified
32 in section six (6), subsection two (2), of this Act,
33 shall not be distributed or allocated for
34 rehabilitative and preventive services or treatment,
35 care and maintenance for substance abuse rendered
36 by the mental health institutes under the control
37 of the department of social services. All billings
38 to counties from mental health institutes for such
39 treatment, care, and maintenance shall specify the
40 exact amount billed for substance abuse treatment,
41 prevention, and detoxification.

42 **Sec. 8. Chapter one hundred twenty-five (125),**
43 **Code 1977, as amended by Acts of the Sixty-seventh**
44 **General Assembly, 1977 Session, chapter seventy-four**
45 **(74), is amended by adding the following new section:**

46 **NEW SECTION. APPROVAL OF FACILITY BUDGET.**

47 1. Before making any allocation of funds to a
48 local substance abuse program, the commission on
49 substance abuse shall require the following to be
50 submitted for each program:

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1 a. A detailed line item budget clearly indicating
2 the funds received from each revenue source for the
3 fiscal year for which the funds are requested on forms
4 provided by the department of substance abuse.

5 b. A certified statement from the auditor of each
6 county participating in the program as to the amount
7 of county resources committed to the program for the
8 fiscal year for which the funds are requested.

9 2. The commission shall adopt rules governing
10 the approval of line item budgets for the operation
11 of facilities. The rules shall include provisions
12 for the approval of a facility's budget by the counties
13 funding the facility and by the department. The rules
14 shall also include provisions for appeal to the
15 commission by any county which disagrees with the
16 amount of a facility's budget approved by the
17 department."

18 2. Page 4, by striking lines 1 through 29 and
19 inserting in lieu thereof the following:

20 "Sec. . . . EFFECTIVE DATES.

21 1. The provisions of this Act, except section
22 six (6) of this Act, shall be effective July 1, 1978.

23 2. The provisions of section six (6) of this Act
24 shall be effective January 1, 1979, and on that date
25 the treasurer of state shall allocate the moneys
26 credited to the substance abuse rehabilitation and
27 prevention fund during the fiscal period beginning
28 July 1, 1978 and ending December 31, 1978 to the Iowa
29 department of substance abuse and the counties of
30 the state as provided in section six (6) of this Act."

31 By numbering and renumbering sections and
32 internal references to sections to conform to this
33 amendment.

Bina of Scott in the chair at 11:40 a.m.

Husak of Tama offered the following amendment H-6540, to amendment H-6539, filed by him from the floor and moved its adoption:

H-6540

1 Amend the amendment, H-6539, to House File 2440
2 as follows:

3 1. Page 1, line 7, by striking the words "December
4 31, 1978" and inserting in lieu thereof the words
5 "June 30, 1979".

6 2. Page 1, lines 7 and 8, by striking the words

7 and figure "six hundred seventy-two thousand (672,000)"
8 and inserting in lieu thereof the words and figure
9 "one million five hundred sixty-two thousand two
10 hundred fifty-eight (1,562,258)".
11 3. Page 1, line 10, by inserting after the word
12 "grant," the words "Funds appropriated by this section
13 shall be reduced by the amount of funds distributed
14 to the department pursuant to subsection one (1) of
15 section six (6) of this Act. The amount of funds
16 by which the appropriation is reduced shall be
17 deposited in the general fund of the state."

Amendment H — 6540 lost.

Junker of Woodbury offered the following amendment H — 6541 to amendment H-6539, filed by him from the floor and moved its adoption:

H — 6541

- 1 Amend H — 6539 to House File 2440 as follows:
- 2 1. Page 1, by striking lines 11 through 30.

A non-record roll call was requested.

The ayes were 24, nays 38.

Amendment H — 6541 lost.

Speaker Cochran in the chair at 11:57 a.m.

Monroe of Des Moines moved the adoption of amendment H — 6539.

Roll call was requested by Husak of Tama and Dyrland of Clayton.

Rule 70 was invoked.

On the question "Shall amendment H — 6539 be adopted?"

The ayes were, 55:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Clark, J.H.	Davitt	Dieleman	Doyle

Dyrland	Egenes	Evans	Garrison
Gettings	Giloon	Gilson	Griffie
Hansen	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Junker	Koogler	Krause
Lageschulte	Lindeen	Loneragan	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pellett	Perkins	Scheelhaase	Small
Spear	Svoboda	Walter	Welden
Wells	West	Mr. Speaker	

The nays were, 37:

Bennett	Branstad	Brockett	Chiodo
Clark, B.J.	Conlon	Crabb	Cusack
Daggett	Danker	Dunton	Gentleman
Halvorson	Harbor	Harvey	Hoffmann
Husak	Krewson	Lind	Lipsky
Millen	Miller, K.D.	Pavich	Pelton
Poncy	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Woods
Wyckoff			

Absent or not voting, 8:

Byerly	Connors	Crawford	Den Herder
Fitzgerald	Nielsen	Rinas	Spencer

Amendment H—6539 was adopted.

Conlon of Muscatine rose on a point of order and invoked Rule 32 on House File 2440.

The Speaker ruled the point well taken and House File 2440 referred to the committee on ways and means.

Avenson of Fayette moved that Rule 32 be suspended for the consideration of House File 2440.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 52, nays 43.

The motion prevailed and the rules were suspended.

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. 2440)

The ayes were, 76:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, J.H.	Conlon
Connors	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes'	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Jesse	Jochum
Junker	Koogler	Krause	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Perkins
Poncy	Schéelhaase	Schroeder	Small
Smalley	Spear	Spencer	Svoboda
Tauke	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 20:

Bennett	Brockett	Clark, B.J.	Crabb
Harbor	Harvey	Hoffmann	Husak
Krewson	Lind	Lipsky	Millen
Pelton	Schnekloth	Shimanek	Stephens
Stromer	Thompson	Tofte	Varley

Absent or not voting, 4:

Byerly	Crawford	Den Herder	Rinas
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

OBJECTION TO IMMEDIATE MESSAGE (House File 2440)

Dyrland of Clayton asked for unanimous consent that House File 2440 be immediately messaged to the Senate.

Objection was raised.

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.

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 second conference committee, appointed May 5, 1978, on House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game, on the part of the Senate are: The Senator from Black Hawk, Senator Nolting, Chair; the Senator from Cedar, Senator Hulse; the Senator from Woodbury, Senator Kelly; the Senator from Guthrie, Senator Hutchins; and the Senator from Mahaska, Senator Van Gilst.

Also: That the members of the conference committee, appointed May 5, 1978, on 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, on the part of the Senate are: The Senator from Cerro Gordo, Senator Miller, Chair; the Senator from Osceola, Senator Bergman; the Senator from Guthrie, Senator Hutchins; the Senator from Kossuth, Senator Priebe; and the Senator from Clayton, Senator Tieden.

Also: That the members of the conference committee, appointed May 5, 1978, on Senate File 2209, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems, on the part of the Senate are: The Senator from Dallas, Senator Rodgers, Chair; the Senator from Winneshiek, Senator Craft; the Senator from Jasper, Senator Hill; the Senator from Polk, Senator Readinger; and the Senator from Linn, Senator Redmond.

KEVIN P. LIGHT, Acting Secretary

HOUSE CONCURRENT RESOLUTION 133

By Scheelhaase, Byerly, Davitt, Menke,
Danker, Pellett, Husak, Junker,
Binneboese, Gettings, Miller of
Buchanan, Lageschulte, Bennett,
Gilson, Stromer, Schroeder, Harbor,
Lindeen, Daggett, Hinkhouse, Crabb,
Halvorson, Tauke, Miller (Sergeant)
of Calhoun, Griffiee, Svoboda, Koogler
and Howell

- 1 *Whereas*, the grain chapters of the 1977 Iowa Code
- 2 have been the subject of numerous bills introduced

3 during the Sixty-seventh General Assembly, including
4 Senate File 321, Senate File 389, Study Bill 459, and
5 Senate Study Bill 2064; and

6 *Whereas*, these chapters of the Code are in need
7 of revision to structure the proposed changes into
8 systematic and orderly statutes governing the grain-
9 handling business in Iowa; and

10 *Whereas*, it is desirable to undertake a compre-
11 hensive review of the regulation of the grain-
12 handling business in Iowa to resolve the problems
13 addressed in the above-mentioned bills; and

14 *Whereas*, the most important of the problems
15 involved is the development of an improved surety
16 system to provide for the security of grain deposits
17 in Iowa agricultural warehouses; *Now Therefore*,

18 *Be It Resolved by the House of Representatives*,
19 *The Senate Concurring*, That the Legislative Council
20 is respectfully urged to establish a special interim
21 study committee composed of five members of the House
22 Agriculture Committee and five members of the Senate
23 Agriculture Committee to review those chapters of the
24 Iowa Code (1977) dealing with the grain-handling
25 business and improve them, taking into account the
26 following specific problems:

- 27 1. Establishment of an improved surety system for
28 providing for better security of grain deposits in
29 Iowa agricultural warehouses.
- 30 2. Establishment of a just procedure for the

Page 2

1 speedy disposition of grain upon financial failure
2 of an agricultural warehouse to prevent deterioration
3 of grain.

4 3. Equitable regulation of agricultural warehouse
5 purchasing practices, viz. the use of vacuum grain
6 probes, moisture discounts, shrinkage factors, and
7 minimum storage, receiving, and loadout charges.

8 4. Equitable regulation of Iowa grain dealers,
9 designed to provide adequate financial security to
10 the grain producer-customer.

11 5. The proper status of "bargaining agents" viz.
12 a. viz. grain dealers and agricultural warehousemen
13 in Iowa; and

14 *Be It Further Resolved*, That the special interim
15 study committee shall prepare a report of its findings
16 and recommendations and submit it to the Legislative
17 Council and members of the House and Senate Agriculture
18 Committees of the 68th General Assembly, 1979 Session,
19 accompanied by legislative bill drafts to carry out the
20 recommendations of the committee.

Referred to committee on **agriculture**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 70 was invoked. The vote revealed eighty-one members present, nineteen absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crawford of Story for a portion of the afternoon on request of Tauke of Dubuque; Lind of Black Hawk for the afternoon session on request of Millen of Van Buren.

CONSIDERATION OF BILLS

Senate File 321, a bill for an act relating to bonded agricultural warehouses, with report of committee recommending amendment and passage was taken up for consideration.

Svoboda of Iowa offered amendment H—5847 filed by the committee on agriculture on March 31, 1978 and found on pages 1304 through 1309 of the House Journal and moved its adoption.

Amendment H—5847 was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—6447 filed by him on May 2, 1978.

Svoboda of Iowa offered the following amendment H—6509 filed by her and moved its adoption:

H—6509

- 1 Amend Senate File 321, as passed by the Senate,
- 2 as follows:
- 3 1. Page 4, line 15, by striking the word
- 4 "fifteen" and inserting in lieu thereof the word
- 5 "twenty-five".
- 6 2. Page 10, line 8, by striking the word "mimumum"
- 7 and inserting in lieu thereof the word "minimum".

Amendment H—6509 was adopted.

Binneboese of Plymouth offered the following amendment H—6352 filed by Binneboese, et al. :

H—6352

1 Amend Senate File 321 as passed by the Senate as
2 follows:
3 1. Page 10, by inserting after line 4 the follow-
4 ing:
5 "3. Every licensed warehouseman shall, on or
6 before July first of each year, send a statement for
7 each holder of a warehouse receipt at that warehouse
8 to his or her last known address. The statement shall
9 show the amount of all grain held pursuant to warehouse
10 receipt for such warehouse receipt holder and the
11 amount of any storage charges held by the licensed
12 warehouseman against that grain. Failure to prepare
13 a statement required by this subsection shall be
14 punishable by a civil fine not to exceed one hundred
15 dollars."

Harbor of Mills offered the following amendment H—6533, to amendment H—6352, filed by him and moved its adoption:

H—6533

1 Amend the amendment, H—6352, to Senate File 321
2 as passed by the Senate as follows:
3 1. Page 1, line 12, by inserting after the word
4 "grain." the following: "However, a licensed
5 warehouseman need not prepare this annual statement
6 for a holder of a warehouse receipt, if the licensed
7 warehouseman prepares such statements monthly,
8 quarterly or for any other period more frequent than
9 annually."

Amendment H—6533 was adopted.

On motion by Binneboese of Plymouth, amendment H—6352, as amended, was adopted.

Evans of Grundy offered the following amendment H—6531 filed by him and moved its adoption:

H—6531

1 Amend Senate File 321 as follows:
2 1. Page 10, lines 15 and 16, by striking the
3 words "There shall be no minimum storage, receiving
4 or loadout charge for" and inserting in lieu thereof
5 the words "Minimum storage, receiving or loadout
6 charges set forth in the Code or established by the
7 commission shall not apply to".

Amendment H—6531 was adopted.

Harbor of Mills offered the following amendment H—6532 filed by him and moved its adoption:

H—6532

- 1 Amend Senate File 321 as passed by the Senate as
- 2 follows:
- 3 1. Page 10, line 21, by striking the words
- 4 "receiving into delivery to" and inserting in lieu
- 5 thereof the words "receiving into".

Amendment H—6532 was adopted.

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?" (S.F. 321)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schneklloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	Woods
Wyckoff	Mr. Speaker		

The nays were, none:

Absent or not voting, 10:

Crawford
Krewson
Perkins

Den Herder
Lind
West

Gentleman
Newhard

Jesse
O'Halloran

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

IMMEDIATE MESSAGE
(Senate File 321)

Svoboda of Iowa asked and received unanimous consent that Senate File 321 be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST
(House File 2440)

Cusack of Scott moved to reconsider the vote by which House File 2440, a bill for an act relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome, passed the House on May 5, 1978.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 43, nays 48.

The motion lost.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 134

Connors of Polk asked and received unanimous consent for the immediate consideration of the following House Concurrent Resolution 134 and moved its adoption:

HOUSE CONCURRENT RESOLUTION 134
By Connors and Egenes

- 1 *Whereas*, the disagreement between management and labor
- 2 at Delavan Corporation has continued for over eleven

- 3 months, and
 4 *Whereas*, a constructive atmosphere of labor and
 5 management relations is essential to the welfare and
 6 economy of the entire community; and
 7 *Whereas*, the collective bargaining process is the
 8 traditional and most effective method of resolving dis-
 9 putes between management and labor; and
 10 *Whereas*, the Federal Mediation Service has unsucces-
 11 fully attempted to return management and labor at
 12 Delavan Corporation to the bargaining table; *Now Therefore*,
 13 *Be It Resolved By The House of Representatives, The*
 14 *Senate Concurring*, That the general assembly joins the
 15 executive branch in urging management and labor at
 16 Delavan Corporation to resume collective bargaining in
 17 order to resolve their dispute.

Roll call was requested by Varley of Adair and Harbor of Mills.

On the question "Shall the resolution be adopted?"

The ayes were, 75:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilloon
Griffie	Halvorson	Hansen	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Schnekloth	Schroeder	Smalley
Spear	Spencer	Stromer	Svoboda
Tauke	Tofte	Walter	Wells
Woods	Wyckoff	Mr. Speaker	

The nays were, 15:

Bennett	Branstad	Brockett	Crabb
Danker	Gentleman	Gilson	Harbor
Krewson	Lageschulte	Shimanek	Stephens
Thompson	Varley	Welden	

Absent or not voting, 10:

Den Herder
Lind
Small

Harvey
Norland
West

Hullinger
Perkins

Jesse
Scheelhaase

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 134)

Fitzgerald of Webster asked and received unanimous consent that House Concurrent Resolution 134 be immediately messaged to the Senate.

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 244

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 244, a bill for an act relating to the office of the Code editor and the publication of the Code of Iowa and the Iowa administrative code, respectfully make the following report:

1. That the Senate recede from its amendment H-5886 to House amendment S-5406 to Senate File 244 as amended, passed and reprinted by the Senate.

2. That the House amendment S-5406 to Senate File 244 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 29 through 32 and inserting in lieu thereof the following:

"NEW SECTION. OFFICE OF ADMINISTRATIVE RULES COORDINATOR.
The governor shall establish the office of the administrative rules coordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules coordinator shall".

2. Page 1, line 37, by inserting after the word "Code." the words "The administrative rules coordinator in consultation with the Code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter seventeen A (17A) of the Code which shall correlate each rule to a uniform numbering system devised by the administrative rules coordinator."

3. Page 1, line 48, by striking the words and figure "subsection six (6)" and inserting in lieu thereof the words and figures "subsections five (5) and six (6)"

4. Page 1, line 50, by striking the figure "6" and inserting in lieu thereof the figure "5".

5. Page 4, line 32, by inserting after the word "committee" the words "by a two-thirds vote".

6. Page 4, line 34, by striking the word "a" and inserting in lieu thereof the word "any".

7. Page 4, line 36, by inserting after the word "filed," the words "A copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection."

8. Page 5, by striking lines 37 through 42 and inserting in lieu thereof the following:

"1. Each agency shall file in the office of the secretary of state administrative rules coordinator three certified copies of each rule adopted by it. Two copies of each rule shall be forwarded to the Code editor by the administrative rules coordinator. The secretary of state administrative rules coordinator".

9. Page 6, line 1, by striking the words "Code editor" and inserting in lieu thereof the words "administrative rules coordinator".

10. Page 6, by inserting after line 4 the following:

"Sec. ____ . Section seventeen A point six (17A.6), subsection one (1), Code 1977, as amended by House File two thousand ninety-nine (2099), section four (4), as enacted by the Sixty-seventh General Assembly, 1978 Session, is amended to read as follows:

1. The Subject to the direction of the administrative rules coordinator, the Code editor shall cause the "Iowa Administrative Code" to be compiled, indexed and published in loose-leaf form containing all rules adopted and filed by each agency. The Code editor further shall cause loose-leaf supplements to the Iowa administrative code to be published at least every other week, in such a form that they may be filed in the appropriate places in the compilation, containing all rules filed for publication in the prior two weeks. The supplements shall be in such form that they may be inserted in the appropriate places in the permanent compilation. The Code editor administrative rules coordinator shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system."

11. Page 6, by striking lines 8 through 19 and inserting in lieu thereof the following:

"NEW SECTION. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule until the expiration of forty-five calendar days, excluding legal holidays, during which the general assembly is in regular session. If a rule is delayed during the last twenty-one calendar days preceding the adoption of a resolution for sine die adjournment of a regular session, the forty-five day period shall begin to run upon the convening of the next regular session of the general assembly. The committee shall refer a rule whose effective date has been delayed to the speaker of the house of representatives and the president of the senate who shall refer the rule to the appropriate standing committees of the general assembly. If at the expiration of that period the general assembly has not disapproved of the rule by a joint resolution approved by the governor, the rule shall become effec-

tive. If a rule is disapproved, it shall not become effective and the agency shall withdraw the rule. This section shall not apply to rules made effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code."

12. Page 6, by inserting after line 19 the following:

"Sec. ____ Section seventeen A point thirteen (17A.13), subsection one (1), Code 1977, is amended to read as follows:

1. Agencies shall have all subpoena powers conferred upon them by their enabling acts or other statutes. In addition, prior to the commencement of a contested case by the notice referred to in section 17A.12, subsection 1, an agency having power to decide such cases shall have authority to subpoena books, papers, records and any other real evidence necessary for the agency to determine whether it should institute such a contested case proceeding. After the commencement of a contested case, each agency having power to decide contested cases shall have authority to administer oaths and to issue subpoenas in such cases. Discovery procedures applicable to civil actions shall be available to all parties in contested cases before an agency. Evidence obtained in such discovery may be used in the hearing before the agency if that evidence would otherwise be admissible in the agency hearing. Agency subpoenas shall be issued to a party on request and shall not be subject to the distance limitation of section six hundred twenty-two point sixty-six (622.66) of the Code. On contest, the court shall sustain the subpoena or similar process or demand to the extent that it is found to be in accordance with the law applicable to the issuance of subpoenas or discovery in civil actions. In proceedings for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in cases of willful failure to comply."

13. Page 6, by inserting after line 29 the following:

"2. Amend the title, by striking lines 1 and 2 and inserting in lieu thereof the following: "An act relating to procedures for approving and publishing administrative rules and the Code of Iowa." "

14. By renumbering the sections to conform with this amendment.

ON THE PART OF THE SENATE:

EARL M. WILLITS, Chair
LUCAS J. DeKOSTER
E. KEVIN KELLY
BERLE E. PRIEBE
JAMES M. REDMOND

ON THE PART OF THE HOUSE:

W. R. MONROE, JR., Chair
DONALD AVENSON
DIANE BRANDT
LaVERN R. HARVEY

REPORT OF THE SECOND CONFERENCE COMMITTEE
ON SENATE FILE 333

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to 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 recede from its amendment S-3619 to Senate File 333 as amended, passed and reprinted by the Senate.

3. That Senate File 333, as amended, passed and reprinted by the Senate, be amended as follows:

1. Page 1, by inserting after line 11 the following new sections:

"Sec. . Section two hundred twenty-nine point seven (229.7), Code 1977, is amended to read as follows:

229.7 SERVICE OF NOTICE UPON RESPONDENT. Upon the filing of an application for involuntary hospitalization, the clerk shall docket the case and immediately notify a district court judge who shall review the application and accompanying documentation. If the application is adequate as to form, the judge may set a time and place for a hearing on the application, if feasible, and but the hearing shall not be held less than forty-eight hours after notice to the respondent unless the respondent waives such minimum prior notice requirement. The judge shall direct the clerk to send copies of the application and supporting documentation, together with a notice informing the respondent of the procedures required by this chapter, to the sheriff or his or her deputy for immediate service upon the respondent. If the respondent is taken into custody under section 229.11 service of the application, documentation and notice upon the respondent shall be made at the time he or she is taken into custody.

Sec. . Section two hundred twenty-nine point eight (229.8), subsection three (3), paragraph a, Code 1977, is amended to read as follows:

a. If not previously done, set a time and place for a hospitalization hearing, which shall be at the earliest practicable time not less than forty-eight hours after notice to the respondent, unless the respondent waives such minimum prior notice requirement; and".

2. Page 2, by striking lines 11 through 23 and inserting in lieu thereof the following: "two hundred twenty-nine point twelve (229.12), Code 1977, is amended to read as follows:

229.12 HEARING PROCEDURE.

1. At the hospitalization hearing, evidence in support of the contentions made in the application shall be presented by the county attorney. During the hearing the applicant and the respondent shall be afforded an opportunity to testify and to present and cross-examine witnesses, and the court may receive the testimony of any other interested person. The respondent has the right to be present at the hearing. If the respondent exercises that right and has been medicated within twelve hours, or such

longer period of time as the court may designate, prior to the beginning of the hearing or an adjourned session thereof, the judge shall be informed of that fact and of the probable effects of the medication upon convening of the hearing.

2. All persons not necessary for the conduct of the proceeding shall be excluded, except that the court may admit persons having a legitimate interest in the proceeding. Upon motion of the county attorney, the judge may exclude the respondent from the hearing during the testimony of any particular witness if the judge determines that that witness' testimony is likely to cause the respondent severe emotional trauma.

3. The respondent's welfare shall be paramount and the hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, but consistent therewith the issue shall be tried as a civil matter. Such discovery as is permitted under the Iowa rules of civil procedure shall be available to the respondent. The court shall receive all relevant and material evidence which may be offered and need not be bound by the rules of evidence. There shall be a presumption in favor of the respondent, and the burden of evidence in support of the contentions made in the application shall be upon the applicant. If upon completion of the hearing the court finds that the contention that the respondent is seriously mentally impaired has not been sustained by clear and convincing evidence, it shall deny the application and terminate the proceeding.

4. If the respondent is not taken into custody under section two hundred twenty-nine point eleven (229.11) of the Code, but the court subsequently finds good cause to believe that the respondent is about to depart from the jurisdiction of the court, the court may order such limited detention of the respondent as is authorized by section two hundred twenty-nine point eleven (229.11) of the Code and is necessary to insure that the respondent will not depart from the jurisdiction of the court without the court's approval until the proceeding relative to the respondent has been concluded."

3. Page 2, line 25, by striking the words and numeral "subsection two (2)" and inserting in lieu thereof the words and numerals "subsections two (2), three (3) and four (4)".

4. Page 2, line 33, by striking the word "Immediately" and inserting in lieu thereof the word "Immediately".

5. Page 2, by striking lines 34 and 35 and inserting in lieu thereof the words "upon taking the person into custody, the nearest available magistrate, as defined in section 748.1, shall be notified".

6. Page 3, by striking lines 1 through 15 and inserting in lieu thereof the following: "and shall immediately proceed to the facility. The magistrate shall in the manner prescribed by section 229.8, subsection 1 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 under this section. A person believed mentally ill, and likely to injure himself or herself or others if not immediately detained, may be delivered to a hospital by someone other than a peace officer. Upon delivery of the person believed mentally ill to the hospital, the chief medical officer may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue. The peace"

7. Page 3, lines 17 and 18, by striking the words "remain until the magistrate's arrival and shall" and inserting in lieu thereof the words "remain until the magistrate's arrival and shall".

8. Page 3, line 19, by striking the words "magistrate. If the magistrate" and inserting in lieu thereof the words "magistrate chief medical officer. If the magistrate chief medical officer".

9. Page 3, line 20, by striking the words "probable cause" and inserting in lieu thereof the words "probable cause reason".

10. Page 3, line 23, by striking the word "magistrate" and inserting in lieu thereof the words "chief medical officer".

11. Page 3, by inserting after line 24 the following: "at once communicate with the nearest available magistrate as defined in section eight hundred one point four (801.4), subsection six (6) of the Code Supplement. The magistrate shall immediately proceed to the facility where the person is detained, except that if the chief medical officer's communication with the magistrate occurs between the hours of midnight and the next succeeding seven o'clock a.m. and the magistrate deems it appropriate under the circumstances described by the chief medical officer, the magistrate may delay going to the facility and in that case shall give the chief medical officer verbal instructions either directing that the person be released forthwith or authorizing the person's continued detention at that facility. In the latter case, the magistrate shall:

a. By the close of business on the next working day, file with the clerk a written report stating the substance of the information on the basis of which the person's continued detention was ordered; and

b. Arrive at the facility where the person is being detained not later than eight o'clock a.m. of the same day on which the chief medical officer's notification occurs.

3. Upon arrival at the hospital, the magistrate shall at once review 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 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"

12. Page 4, by inserting after line 4 the following:

"3 4. The chief medical officer of the hospital shall examine and may detain and care for the person taken into custody under the magistrate's order for a period not to exceed forty-eight hours from the time such order is dated, excluding Saturdays, Sundays and holidays, unless the order is sooner dismissed by a magistrate. The hospital may provide treatment which is necessary to preserve the person's life, or to appropriately control behavior by the person which is likely to result in physical injury

to himself or herself or others if allowed to continue, but may not otherwise provide treatment to the person without his or her consent. The person shall be discharged from the hospital and released from custody not later than the expiration of that period, unless an application for his or her involuntary hospitalization is sooner filed with the clerk pursuant to section 229.6. The detention of any person by the procedure and not in excess of the period of time prescribed by this section shall not render the peace officer, physician or hospital so detaining that person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, physician or hospital had reasonable grounds to believe the person so detained was mentally ill and likely to physically injure himself or herself or others if 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."

13. Page 7, by inserting after line 3 the following new sections:

"Sec. 11. Chapter two hundred twenty-nine (229), Code 1977, is amended by adding the following new section:

NEW SECTION. RULES FOR PROCEEDINGS.

1. The supreme court may prescribe rules of pleading, practice and procedure, and the forms of process, writs and notices, for all proceedings in any court of this state arising under this chapter. Any rules so prescribed shall be drawn for the purpose of simplifying and expediting the proceedings, so far as is consistent with the rights of the parties involved. The rules shall not abridge, enlarge nor modify the substantive rights of any party to a proceeding arising under this chapter.

2. Rules prescribed pursuant to this section shall be subject to section six hundred eighty-four point nineteen (684.19) of the Code.

Sec. 12. Chapter two hundred twenty-nine (229), Code 1977, is amended by adding sections (13) through sixteen (16) of this Act, which shall be codified as a separate division of the chapter.

Sec. 13. NEW SECTION. DEFINITIONS. As used in this division:

1. "Respondent" means a person against whom a petition has been filed under this division.

2. "Department" means the Iowa department of substance abuse established by chapter one hundred twenty-five (125) of the Code.

3. "Director", "facility" and "substance abuser" have the respective meanings assigned those terms by section one hundred twenty-five point two (125.2) of the Code.

Sec. 14. NEW SECTION. INVOLUNTARY COMMITMENT OF SUBSTANCE ABUSERS - PETITION.

1. A person may be committed to the custody of a facility by the district court upon the petition of the person's spouse or guardian, a relative, the certifying physician, or the administrator in charge of a facility. The petition shall allege that the respondent is a substance abuser who habitually lacks self-control as to the use of chemical substances, and shall further allege either:

a. That the respondent has threatened, attempted or inflicted physical harm on another person, and is likely to inflict physical harm on himself or herself or on another person unless committed; or

b. That the respondent is incapacitated by a chemical substance.

A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment.

2. The petition shall be accompanied by a certificate of a licensed physician who has examined the respondent within two days before the submission of the petition, unless the respondent has refused to submit to a medical examination or was unavailable for examination, in which case the fact of refusal or unavailability shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the admitting facility or the department is not eligible to be the certifying physician.

3. Upon the filing of the petition, the court shall fix a date for a hearing, which shall be no later than ten days after the date the petition was filed. If a judicial hospitalization referee has been appointed under section two hundred twenty-nine point twenty-one (229.21) of the Code for the county in which the petition is filed, the clerk of the district court shall immediately notify the referee of the filing of the petition and the referee shall thereupon discharge all of the duties imposed upon judges of the district court by this division, except the duty to hear appeals filed under subsection two (2) of section fifteen (15) of this Act. A copy of the petition and the notice of hearing shall be served in the manner of an original notice on the respondent and upon a parent or legal guardian if the respondent is a minor. A copy of the petition and the notice of hearing shall be mailed or delivered in the manner provided for motions in civil cases to the petitioner, the next of kin of the respondent other than the petitioner, the administrator of the facility to which the respondent has been committed for emergency care, and any other person the court believes should receive copies. A petition shall have attached a copy of the certificate specified in this section.

Sec 15. NEW SECTION. HEARING—COMMITMENT—RECOMMITMENT.

1. At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the respondent. The respondent shall be present unless the court believes that his or her presence is likely to be injurious to the respondent; in this event the court shall appoint a guardian ad litem to represent the respondent throughout the proceeding. The court shall examine the respondent in open court, or if advisable, shall examine the respondent out of court. If the respondent has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court-appointed licensed physician. If the respondent refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing the respondent for a period of not more than five days for purposes of a diagnostic examination.

2. If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that the allegations of the petition have been established by clear and convincing proof, it shall make an order of commitment to a facility. It may not order commitment of a respondent unless it determines that the facility is able to provide adequate and appropriate treatment for the respondent and the treatment is likely to be beneficial. If the order is made by a judicial hospitalization referee to whom the matter has been referred pursuant to subsection three (3) of section fourteen (14) of this Act, the respondent may appeal the referee's finding to a judge of the district court by giving the clerk notice in writing, within seven days after the referee's finding is made, that an appeal therefrom is taken. The appeal may be signed by the respondent or the respondent's next friend, guardian or attorney. When so appealed, the matter shall stand for trial de novo. Upon appeal, the court shall schedule a hearing before a district judge at the earliest practicable time.

3. A respondent committed under this section shall remain in the custody of a facility for treatment for a period of thirty days unless sooner discharged. This division shall not be construed to require the department to pay the cost of any medication or procedure provided the person during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of substance abuse. At the end of the thirty-day period, the respondent shall be discharged automatically unless the administrator of the facility before expiration of the period petitions the court for an order for the respondent's recommitment upon the grounds set forth in subsection one (1) of section fourteen (14) of this Act for a further period not to exceed ninety days.

4. A respondent recommitted under subsection three (3) of this section who has not been discharged by the facility before the end of the ninety-day period shall be discharged at the expiration of that period unless the administrator of the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection one (1) of section fourteen (14) of this Act for recommitment for a further period not to exceed ninety days.

5. Upon filing of a petition for recommitment under subsections three (3) and four (4) of this section, the court shall fix a date for hearing no later than ten days after the date the petition was filed. A copy of the petition and the notice of hearing shall be served in the same manner as an original notice on the same persons as required by subsection three (3) of section fourteen (14) of this Act. A petition shall have attached a copy of the certificate specified in this section. At the hearing the court shall proceed as provided in subsection one (1) of section fourteen (14) of this Act.

6. The court shall inform the respondent of his or her right to contest the application, to be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and to have counsel appointed by the court or provided by the court, if the respondent wants the assistance of counsel and is unable to obtain counsel. If the court believes that the respondent needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for the respondent regardless of his or her wishes. The respondent shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the respondent is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

7. The venue for proceedings under this division is the place in which a respondent resides or is present.

Sec. 16. NEW SECTION. TREATMENT—TRANSFER—DISCHARGE.

1. The director shall insure that a facility provides adequate and appropriate treatment of any respondent committed to the custody of that facility. The director may recommend to the appropriate district court the transfer of any respondent committed to the custody of a facility from that facility to another if transfer is medically advisable, and if notice is provided to the counselor advocate, and the spouse or next of kin of the respondent.

2. If the administrator of a private treatment facility consents to the request of a competent respondent who has been committed to a public facility or that respondent's parent, sibling, adult child, or guardian to accept the respondent for treatment, the administrator of the public treatment facility may transfer the respondent to the private treatment facility.

3. A respondent committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed if either of the following conditions is met:

a. In case of a substance abuser committed under section fourteen (14), subsection one (1), paragraph a, of this Act that the respondent is no longer a substance abuser or the likelihood no longer exists.

b. In case of a substance abuser committed under section fourteen (14), subsection one (1), paragraph b, of this Act, that the incapacity no longer exists, that further treatment will not be likely to bring about significant improvement in the respondent's condition, or that treatment is no longer adequate or appropriate.

4. A respondent committed under this division may at any time seek to be discharged from commitment by writ of habeas corpus.

Sec. 17. Section one hundred twenty-five point eighteen (125.18), subsection five (5), Code 1977, is amended to read as follows:

5. When on the advice of the medical staff the administrator determines that the grounds for commitment no longer exist, he or she shall discharge a person committed under this section. No person committed under this section may be detained in any treatment facility for more than five days. If a petition for involuntary commitment under ~~section 125.19~~ sections fourteen (14) through sixteen (16) of this Act has been filed within the five days and the administrator in charge of a facility finds that grounds for emergency commitment still exist, he or she may detain the person until the petition has been heard and determined, but no longer than ten days after filing the petition."

14. By renumbering succeeding sections in accordance with the foregoing amendments.

15. Page 9, by striking lines 19 and 20 and inserting in lieu thereof the following:

"Sec. 22. Section two hundred thirty point two (230.2), subsection one (1), Code 1977, is amended to read as follows:

1. In the county of the residence of said commissioners from which the person was placed in the hospital;

Sec. 23. Section one hundred twenty-five point nineteen (125.19), as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter seventy-four (74), section thirty (30), and sections two hundred twenty-six point six (226.6), subsection five (5), and two hundred twenty-nine point forty-four (229.44), Code 1977, are repealed."

16. Title, line 4, by inserting after the word "ill" the words ", and to the procedure for involuntary commitment of persons found to be substance abusers".

ON THE PART OF THE SENATE:

EUGENE M. HILL, Chair
BOB CARR
LUCAS J. DeKOSTER
JAMES M. REDMOND

ON THE PART OF THE HOUSE:

JOHN BRUNOW, Chair.
REID W. CRAWFORD
DONALD V. DOYLE
INGWER HANSEN
CRAIG D. WALTER

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday, April 20, 1978, because of my membership on the Urban Development Committee of the National Conference of State Legislatures, meeting in Washington, D.C. I served as one of five state legislators representing N.C.S.L. at a meeting with Senator William Proxmire, Chairman of the Senate Banking, Housing, and Urban Affairs Committee to discuss the White House proposed legislation for a National Urban Policy. Had I been present I would have voted "aye" on amendment H-6109B to House File 2426, House Files 2174, 2404, 2426 and Senate File 2229; "nay" on amendments H-6117, H-6106B, H-6110, H-6102, to House File 2426, the motion to reconsider H-6103B and H-6106B to House File 2426, and H-6098 to Senate File 2229.

BINA of Scott

I was necessarily absent from the House chamber on May 3, 1978 when the vote was taken on Senate File 264. Had I been present, I would have voted "aye."

THOMPSON of Polk

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 fifth day of May, 1978: House Files 82, 127, 2137 and 2295.

DAVID L. WRAY

Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Ninety sixth grade students from Lincoln Elementary School, Osage, Iowa. By Howell of Floyd.

Forty sixth grade students from Lakeview-Auburn Community School, accompanied by Mrs. Dale Gromemeyer and Mrs. Cleveland. By Bennett of Ida and Miller (Sergeant) of Calhoun.

Twenty-two eighth grade students from Dedham-Wiley School, Dedham, Iowa. By Perkins of Greene.

Fifty fourth grade students from Knoxville North Star Elementary School, Knoxville, Iowa, accompanied by Mrs. Oswald. By Koogler of Mahaska and Middleswart of Warren.

Thirty-five fifth grade students from Sheffield-Chapin Community School, Sheffield, Iowa, accompanied by Mrs. Betty Rohn. By Welden of Hardin.

AMENDMENTS FILED

H-6542	S.F. 2187	Miller of Buchanan
H-6543	S.F. 2187	Krause of Kossuth
H-6544	S.F. 2187	Tofte of Winneshiek
H-6545	S.F. 2187	Garrison of Black Hawk
		Koogler of Mahaska
		Miller of Buchanan
		Lind of Black Hawk
H-6546	S.F. 2187	Wyckoff of Benton
		Scheelhaase of Woodbury
		Harbor of Mills
		Schroeder of Pottawattamie

H-6547	S.F. 2187	Krause of Kossuth
H-6548	S.F. 2187	Krause of Kossuth
H-6549	S.F. 2187	Doyle of Woodbury
H-6550	S.F. 2187	Krause of Kossuth
H-6551	H.F. 112	Dyrland of Clayton
H-6552	H.F. 112	Dyrland of Clayton
H-6553	H.F. 112	Dyrland of Clayton
H-6554	H.F. 112	Dyrland of Clayton
H-6555	H.F. 112	Dyrland of Clayton
H-6556	H.F. 2456	Patchett of Johnson
		Wells of Linn
		Hinkhouse of Cedar
		Svoboda of Iowa
		Hargrave of Johnson
		Rinas of Linn
H-6557	S.F. 2200	Brunow of Appanoose
		Doyle of Woodbury
H-6558	S.F. 2176	Middleswart of Warren
		Davitt of Warren
H-6559	H.F. 2448	Norland of Worth
		West of Marshall
H-6560	H.F. 112	Dyrland of Clayton
H-6561	S.F. 2176	Gilson of Guthrie
H-6562	H.F. 2425	Evans of Grundy

On motion by Fitzgerald of Webster, the House adjourned at 3:48 p.m., until 10:00 a.m., Monday, May 8, 1978.

JOURNAL OF THE HOUSE

One Hundred Twentieth Calendar Day — Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 8, 1978

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 Friday, May 5, 1978 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford for a portion of the morning session on request of Hansen of O'Brien; Junker of Woodbury and Binneboese of Plymouth on request of Wyckoff of Benton; O'Halloran of Black Hawk for the morning session on request of Hullinger of Decatur; and Griffie of Chickasaw for May 8 and May 9 on request of Monroe of Des Moines.

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, 1978, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 134, providing that the general assembly join the executive branch in urging management and labor at Delavan Corporation to resume collective bargaining in order to resolve their dispute.

Also: That the Senate has on May 8, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2239, a bill for an act appropriating funds for certain legal fees.

KEVIN P. LIGHT, Acting Secretary

QUORUM CALL

A non-record roll call was requested to determine that a

quorum was present. The vote revealed seventy-six members present, twenty-four absent.

CONSIDERATION OF BILLS

Sifting Committee Noncontroversial Five-Minute Calendar

House File 2315, a bill for an act to legalize proceedings taken by the board of supervisors of Cerro Gordo county relating to the sale of certain properties, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2315)

The ayes were, 79:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Krewson
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 1:

Cusack

Absent or not voting, 20:

Binneboese	Branstad	Clark, J.H.	Crabb
Den Herder	Egenes	Gilloon	Griffee
Hines	Hullinger	Jochum	Junker

Koogler
Patchett

Krause
Perkins

Lageschulte
Spencer

O'Halloran
Svoboda

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

House File 2377, a bill for an act to legalize proceedings taken by the Van Buren county board of supervisors relating to sale of certain real estate belonging to the Van Buren county conservation board subject to certain conditions and easements, with report of committee recommending passage was taken up for consideration.

Millen of Van Buren offered the following amendment H—5840 filed by Jesse of Polk and moved its adoption:

H—5840

- 1 Amend House File 2377 as follows:
- 2 1. Page 2, line 4, by striking the words "The
- 3 Tri-County News" and inserting in lieu thereof the
- 4 words "The Van Buren County Leader".
- 5 2. Page 2, line 5, by inserting after the word
- 6 "Iowa" the following: ", without expense to the
- 7 state".

Amendment H—5840 was adopted.

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

On the question "Shall the bill pass?" (H. F. 2377)

The ayes were, 80:

Anderson
Bennett
Brunow
Conlon
Daggett
Doyle
Fitzgerald
Gilson
Hargrave
Horn
Jesse
Lipsky
Millen
Newhard

Arnould
Bina
Byerly
Connors
Danker
Dunton
Garrison
Halvorson
Harvey
Howell
Krewson
Lonergan
Miller, K.D.
Nielsen

Avenson
Brandt
Chiodo
Crawford
Davitt
Dyrland
Gentleman
Hansen
Hinkhouse
Hullinger
Lind
Menke
Miller (Sergeant)
Norland

Baker
Brockett
Clark, B.J.
Cusack
Dieleman
Evans
Gettings
Harbor
Hoffmann
Husak
Lindeen
Middleswart
Monroe
Oxley

Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 20:

Binneboese	Branstad	Clark, J.H.	Crabb
Den Herder	Egenes	Gilloon	Griffee
Hines	Jochum	Junker	Koogler
Krause	Lageschulte	O'Halloran	Patchett
Small	Spencer	Svoboda	Woods

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

House File 2383, a bill for an act to legalize and validate the procedures whereby the Fremont-Mills Community School District in the Counties of Fremont and Mills contracted for the sale of tracts of real estate and the contracts entered into with the respective purchasers with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H. F. 2383)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Halvorson	Hansen	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Krewson
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen

Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Cusack

Absent or not voting, 21:

Binneboese	Branstad	Clark, J.H.	Crabb
Den Herder	Egenes	Gilloon	Griffie
Harbor	Hines	Jochum	Junker
Koogler	Krause	Lageschulte	Norland
O'Halloran	Patchett	Rinas	Spencer
Svoboda			

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

SENATE FILE 2263 SUBSTITUTED FOR HOUSE FILE 2451

Krewson of Polk asked and received unanimous consent to substitute Senate File 2263 for House File 2451.

Senate File 2263, a bill for an act for the legalization of the sale of \$390,000 general obligation corporate purpose bonds dated April 1, 1978, and \$320,000 water revenue bonds dated April 1, 1978, of the city of Grimes, Polk County, Iowa, with report of committee recommending passage was taken up for consideration.

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?" (S.F. 2263)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Crawford	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison

Gentleman	Gettings	Gilson	Halvorson
Hansen	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Krewson	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Cusack

Absent or not voting, 21:

Binneboese	Branstad	Brockett	Clark, J.H.
Crabb	Den Herder	Egenes	Gilloon
Griffie	Harbor	Hines	Jochum
Junker	Koogler	Krause	Lageschulte
Nielsen	O'Halloran	Patchett	Spencer
Svoboda			

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

HOUSE FILE 2451 WITHDRAWN

Krewson of Polk asked and received unanimous consent to withdraw House File 2451 from further consideration by the House.

SIFTING COMMITTEE REGULAR CALENDAR

House File 2454, a bill for an act to legalize proceedings taken by the board of supervisors of Chickasaw 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?" (H.F. 2454)

The ayes were, 79:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Koogler	Krewson	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Oxley	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 1:

Cusack

Absent or not voting, 20:

Binneboese	Branstad	Clark, J.H.	Crabb
Den Herder	Egenes	Gilloon	Griffie
Hines	Jochum	Junker	Krause
Lageschulte	Nielsen	Norland	O'Halloran
Patchett	Perkins	Spencer	Svoboda

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

House File 2455, a bill for an act relating to the certification of pesticide applicators, with report of committee recommending passage was taken up for consideration.

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?" (H.F. 2455)

The ayes were, 80:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Halvorson	Hansen	Harbor
Hargrave	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krewson	Lindeen
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Harvey	Lipsky
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Absent or not voting, 18:

Binneboese	Branstad	Clark, J.H.	Crabb
Den Herder	Egenes	Gilloon	Griffee
Hines	Junker	Krause	Lageschulte
Lind	Nielsen	O'Halloran	Patchett
Spencer	Svoboda		

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

SIFTING COMMITTEE NONCONTROVERSIAL FIFTEEN—MINUTE CALENDAR

Senate File 2107, 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.

Small of Johnson in the chair at 10:48 a.m.

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?" (S.F. 2107)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gettings	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Oxley	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			
(Small)			

The nays were, 1:

Gentleman

Absent or not voting, 14:

Binneboese	Branstad	Crabb	Den Herder
Egenes	Gilloon	Griffee	Hines
Junker	Lageschulte	Norland	O'Halloran
Patchett	Spencer		

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

Senate File 2008, a bill for an act to provide a salary increase for shorthand reporters, with report of committee recommending passage was taken up for consideration.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H—6348 filed by him on April 26, 1978.

West of Marshall offered the following amendment H—6563 filed by him from the floor and moved its adoption:

H—6563

- 1 Amend Senate File 2008, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 10 the follow-
- 4 ing:
- 5 "Sec. Chapter six hundred five (605), Code
- 6 1977, is amended by adding the following new section:
- 7 NEW SECTION. Shorthand reporters to receive such
- 8 compensation as fixed by rule of the supreme court or
- 9 by statute for transcribing their notes pursuant to
- 10 section six hundred five point eleven (605.11), Code
- 11 1977, shall certify on the face of each such transcription
- 12 that the same was not prepared during hours for which the
- 13 reporter was compensated pursuant to section six hundred
- 14 five point eight (605.8), Code 1977."

A non-record roll call was requested.

The ayes were 49, nays 31.

Amendment H—6563 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. 2008)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Clark, B.J.	Cochran
Conlon	Connors	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause

Krewson	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Oxley	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			
(Small)			

The nays were, none.

Absent or not voting, 15:

Binneboese	Branstad	Chiodo	Clark, J.H.
Crabb	Den Herder	Egenes	Griffiee
Hines	Hoffmann	Junker	Lageschulte
O'Halloran	Patchett	Spencer	

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

Senate File 358, a bill for an act relating to the licensing and practicing of veterinarians, with report of committee recommending amendment and passage was taken up for consideration.

Hinkhouse of Cedar offered amendment H—5270 filed by the committee on agriculture on February 9, 1978 and found on page 412 of the House Journal.

Byerly of Polk offered the following amendment H—5290, to the committee amendment H—5270, filed by him and moved its adoption:

H—5290

- 1 Amend the amendment H—5270 to Senate File 358 as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "branding" the words "notwithstanding section one
- 5 hundred eighty-seven point fourteen (187.14), Code
- 6 1977 Supplement".

Amendment H—5290 was adopted.

On motion by Hinkhouse of Cedar, the committee amendment H—5270, as amended, was adopted.

Byerly of Polk offered the following amendment H—5313 filed by him:

H—5313

- 1 Amend Senate File 358, as passed and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the word "a" and
- 4 inserting in lieu thereof the words "an accredited
- 5 or approved".
- 6 2. Page 2, line 24, by inserting after the words
- 7 "natural person" the words "or individual".
- 8 3. Page 6, line 26, by striking the words ", but
- 9 not limited to,".
- 10 4. Page 10, lines 11 and 12, by striking the words
- 11 "that the applicant is a person of good moral
- 12 character, and".
- 13 5. Page 12, line 13, by inserting after the word
- 14 "may" the words "by rule".
- 15 6. Page 12, line 27, by striking the word "an"
- 16 and inserting in lieu thereof the words "a written".
- 17 7. Page 14, line 26, by inserting after the word
- 18 "of" the word "legal".
- 19 8. Page 14, by striking lines 27 and 28 and
- 20 inserting in lieu thereof the following:
- 21 "3. Illegal use or distribution of controlled
- 22 substances in the practice of veterinary medicine."
- 23 9. Page 14, by striking lines 32 and 33 and
- 24 inserting in lieu thereof the following:
- 25 "5. Conviction of a felony."
- 26 10. Page 15, line 3, by striking the word
- 27 "dishonesty" and inserting in lieu thereof the words
- 28 "willful or wanton negligence".
- 29 11. Page 15, line 9, by striking the words
- 30 "Dishonesty or negligence" and inserting in lieu
- 31 thereof the words "False or negligent reporting".
- 32 12. Page 15, line 12, by striking the word
- 33 "Cruelty" and inserting in lieu thereof the words
- 34 "Conviction of cruelty".

Clark of Cerro Gordo offered the following amendment H—6082 to amendment H—5313, filed by her and moved its adoption:

H—6082

- 1 Amend amendment H—5313 to Senate File 358, as
- 2 passed by the Senate and reprinted, as follows:

- 3 1. Page 1, by striking line 22 and inserting
4 in lieu thereof the word "substances."

Amendment H—6082 lost.

Cusack of Scott in the chair at 11:22 a.m.

Clark of Cerro Gordo offered the following amendment H—6083,
to amendment H—5313, filed by her and moved its adoption:

H—6083

- 1 Amend amendment H—5313 to Senate File 358, as
2 passed by the Senate and reprinted, as follows:
3 1. Page 1, by striking lines 26 through 28 and
4 inserting in lieu thereof the following:
5 "10. Page 15, line 3 by striking the words
6 "or dishonesty" and inserting in lieu thereof the
7 words ", dishonesty, or willful negligence"."

A non-record roll call was requested.

The ayes were 17, nays 46.

Amendment H—6083 lost.

On motion by Byerly of Polk, amendment H—5313 was adopted.

Monroe of Des Moines offered amendment H—5333 filed by him
and requested division as follows:

H—5333

- 1 Amend Senate File 358, as passed by the Senate
2 and reprinted, as follows:

H—5333A

- 3 1. Page 2, lines 15 and 16, by striking the
4 words "the American veterinary medical association"
5 and inserting in lieu thereof the words "the board".

H—5333B

- 6 2. Page 4, lines 28 and 29, by striking the
7 words "other than diagnosis, prescription, or
8 surgery".

H—5333A

9 3. Page 11, line 10, by inserting after the
10 word "notified" the words "within thirty days".

On motion by Monroe of Des Moines, amendment H—5333A was adopted.

Monroe of Des Moines asked and received unanimous consent to withdraw amendment H—5333B.

Pellett of Cass offered the following amendment H—6564 filed by him and Hinkhouse of Cedar from the floor and moved its adoption:

H—6564

- 1 Amend Senate File 358 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 9, by inserting after line 11 the follow-
- 4 ing new lettered paragraph:
- 5 "NEW LETTERED PARAGRAPH. i. Adopt, amend, or
- 6 repeal rules relating to the standards of conduct
- 7 for, testing of, and revocation or suspension of
- 8 certificates issued to veterinary lay assistants;
- 9 providing that no certificate can be suspended or
- 10 revoked by less than two-thirds vote of the entire
- 11 board in a proceeding conducted in compliance with
- 12 section seventeen A point twelve (17A.12) of the
- 13 Code."
- 14 2. By redesignating the paragraph beginning with
- 15 line 12 on page 9 as paragraph "j".
- 16 3. Page 15, line 19, by inserting after the word
- 17 "motion" a comma.
- 18 4. Page 15, line 20, by inserting after the word
- 19 "agriculture" the word "shall".
- 20 5. Page 15, line 25, by striking the words "An
- 21 administrative".
- 22 6. Page 15, by striking lines 26 through 29.

Amendment H—6564 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?" (S.F. 358)

The ayes were, 81:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Wyckoff
Mr. Speaker			
(Cusack)			

The nays were, 1:

Nielsen

Absent or not voting, 18:

Binneboese	Branstad	Chiodo	Den Herder
Egenes	Griffie	Hargrave	Hines
Junker	Lageschulte	Lind	Newhard
O'Halloran	Patchett	Rinas	Small
Spencer	Woods		

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

OBJECTION TO IMMEDIATE MESSAGE (Senate File 358)

Hinkhouse of Cedar asked for unanimous consent that Senate File 358 be immediately messaged to the Senate.

Objection was raised.

HOUSE INSISTS
(Senate File 2247)

Varley of Adair called up for consideration **Senate File 2247**, a bill for an act relating to credit for accrued sick leave and providing an appropriation, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

MOTION TO RECONSIDER
(Senate File 358)

I move to reconsider the vote by which Senate File 358 passed the House on May 8, 1978.

SCHEELHAASE of Woodbury

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, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2426, a bill for an act relating to certain public retirement systems and making an appropriation.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO HOUSE FILE 2426

H-6565

- 1 Amend House File 2426, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by striking the words "only
- 4 such" and inserting in lieu thereof the words "only
- 5 such the".
- 6 2. Page 1, line 9, by striking the words "of a
- 7 marriage consummated" and inserting in lieu thereof
- 8 the words "or former spouse of a marriage consummated
- 9 solemnized".
- 10 3. Page 1, line 10, by striking the word "or"
- 11 and inserting in lieu thereof the words ". Surviving

12 spouse shall include a former spouse only if the
13 division of assets in the dissolution of marriage
14 decree pursuant to section five hundred ninety-eight
15 point seventeen (598.17) of the Code grants the former
16 spouse rights of a spouse under this chapter. If
17 there is no surviving spouse of a marriage solemnized
18 prior to retirement of a deceased member, surviving
19 spouse includes".

20 4. Page 1, line 11, by striking the word
21 "consummated" and inserting in lieu thereof the word
22 "solemnized".

23 5. Page 1, line 12, by inserting after the word
24 "retirement" the words "of the member".

25 6. Page 2, by inserting after line 12 the following
26 section:

27 "Sec. . Section ninety-seven A point three
28 (97A.3), Code 1977, is amended by adding the following
29 new subsection:

30 NEW SUBSECTION. Effective July 1, 1979, a person
31 shall not become a member of the system unless that
32 person has passed the physical and mental examination
33 given under the provisions of section eighty point
34 fifteen (80.15) of the Code and unless that person
35 has received a diploma for satisfactory completion
36 of a training school held pursuant to the provisions
37 of section eighty point thirteen (80.13) of the Code."

38 7. Page 2, by inserting before line 13, the
39 following new section:

40 "Sec. . Section ninety-seven A point five
41 (97A.5), subsection one (1), Code 1977, is amended
42 to read as follows:

43 1. Board of trustees. The general administration
44 and the responsibility for the proper operation of
45 the system and for making effective the provisions
46 of this chapter are hereby vested in a board of
47 trustees to administer the system. Such board of
48 trustees shall be constituted as follows: The
49 commissioner of public safety, who shall be chairman
50 chairperson of said board, the state treasurer, and

Page 2

1 a an actively engaged member of the system, to be
2 chosen by secret ballot by the members thereof for
3 a term of two years."

4 8. Page 14, by striking lines 8 through 11 and
5 inserting in lieu thereof the following: "an active
6 or vested member may request in writing and receive
7 from the board of trustees, his or her accumulated
8 contributions from the annuity savings' fund at the
9 discretion of the board of trustees, except that the
10 board shall not liquidate securities at a loss for

11 the sole purpose of returning the accumulated
12 contributions to the members. All requested
13 accumulated contributions shall be returned prior
14 to July 1, 1984."

15 9. Page 14, line 29, by striking the words "after
16 the member's" and inserting in lieu thereof the words
17 "after the member's".

18 10. Page 14, line 30, by striking the words
19 "seventieth birthday" and inserting in lieu thereof
20 the words "seventieth birthday in which the member
21 attains the age of seventy years".

22 11. Page 15, by inserting after line 4 the
23 following section:

24 "Sec. . Section ninety-seven B point twenty-
25 six (97B.26), Code 1977, is amended to read as follows:
26 97B.26 HEARING OFFICER. Unless such appeal is
27 withdrawn, a hearing officer to be designated by the
28 department for this purpose, after affording the
29 parties reasonable opportunity for fair hearing, shall
30 affirm or modify the findings of fact and decision
31 of the deputy. At said hearing all of the evidence
32 taken and the proceedings had shall be taken and fully
33 reported by a certified shorthand reporter. Said
34 reporter shall promptly transcribe said evidence and
35 proceedings and certify to same. The hearing shall
36 be recorded by mechanical means and a transcript of
37 the hearing shall be made. The said transcript shall
38 then be made available for use by the appeal board
39 and by the courts at subsequent judicial review
40 proceedings under the Iowa administrative procedure
41 Act, if any. The parties shall be duly notified of
42 the hearing officer's decision, together with his
43 the hearing officer's reasons therefor, which shall
44 be deemed to be the final decision of the department
45 unless, within thirty days after the date of
46 notification or mailing of such decision, further
47 appeal is initiated pursuant to section 97B.27."

48 12. Page 15, by inserting after line 21 the
49 following:

50 "Sec. . Section ninety-seven B point forty-

Page 3

1 one (97B.41), subsection one (1), paragraph b,
2 subparagraph five (5), Code 1977, is amended to read
3 as follows:

4 (5) Effective July 1, ~~1973~~ 1978, covered wages
5 shall not include wages to a member on or after the
6 first of the month ~~coinciding with or next following~~
7 his seventieth birthday in which the member attains
8 the age of seventy years, or after the effective date
9 of his the member's retirement unless he the member
10 is re-employed, as provided under section 97B.48,

11 subsection 3."

12 13. Page 16, by inserting after line 9, the
13 following:

14 "NEW SUBPARAGRAPH. Persons employed as city
15 managers under a form of city government listed in
16 chapter three hundred seventy-two (372) of the Code
17 unless such employees shall make an application to
18 the department to be covered under the provisions
19 of this chapter."

20 14. Page 16, by striking line 11 and inserting
21 in lieu thereof the words and figures "subsection
22 nine (9) and eighteen (18), Code 1977, are amended
23 to read as follows:"

24 15. Page 16, by inserting after line 22 the
25 following:

26 "18. "Membership service" means service rendered
27 by a member after July 4, 1953, and prior to the first
28 of the month ~~coinciding with or next following his~~
29 ~~seventieth birthday in which the member attains the~~
30 ~~age of seventy years.~~ Years of membership service
31 shall be counted to the complete quarter calendar
32 year."

33 16. Page 16, line 26, by striking the words "Final
34 five-year" and inserting in lieu thereof the words
35 "Final five-year Five-year".

36 17. Page 17, by striking line 6 and inserting
37 in lieu thereof the words and figures "Each individual
38 who as of July 1, ~~1973~~ 1978,"

39 18. Page 17, lines 14 and 15, by striking the
40 word and figures "January 1, 1979, and" and inserting
41 in lieu thereof the word and figures "July 1, 1978".

42 19. Page 17, lines 17 and 18, by striking the
43 words and figures "July 1, 1973 January 1, 1979" and
44 inserting in lieu thereof the word and figures "July
45 1, 1973 1978".

46 20. Page 17, line 22, by striking the word and
47 figures "January 1, 1979" and inserting in lieu thereof
48 the word and figures "July 1, 1978".

49 21. Page 17, by striking line 33 and inserting
50 in lieu thereof the words and figures "to all retired

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1 members as of July 1, ~~1973~~ 1978."

2 22. Page 18, line 12, by striking the word and
3 figures "January 1, 1976 1979" and inserting in lieu
4 thereof the words and figures "January July 1, 1976 1978".

5 23. Page 18, line 14, by striking the word and
6 figures "January 1, 1976 1979" and inserting in lieu
7 thereof the words and figures "January July 1, 1976 1978".

8 24. Page 18, line 18, by striking the word

9 "January " and inserting in lieu thereof the words
10 "January July".

11 25. Page 18, line 19, by striking the figure
12 "1979" and inserting in lieu thereof the figure "1978".

13 26. Page 18, line 20, by striking the word and
14 figure "January 1, 1976 1979" and inserting in lieu
15 thereof the words and figures "January July 1, 1976
16 1978".

17 27. Page 18, line 22, by striking the word
18 "January" and inserting in lieu thereof the words
19 "January July".

20 28. Page 18, line 22, by striking the figure
21 "1979" and inserting in lieu thereof the figure "1978".

22 29. Page 18, by inserting after line 24 the
23 following:

24 "Sec. . . . Section ninety-seven B point forty-
25 five (97B.45), unnumbered paragraph one (1), Code
26 1977, is amended to read as follows:

27 A member's normal retirement date shall be the
28 first of the month ~~coinciding with or next following~~
29 his sixty-fifth birthday in which a member attains
30 the age of sixty-five years. A member may retire
31 after his the member's sixty-fifth birthday except
32 as otherwise provided in section 97B.46. A member
33 retiring on or after his the normal retirement date,
34 as provided in section 97B.46, shall submit a written
35 notice to the department setting forth the date the
36 retirement is to become effective, provided that such
37 date shall be after his the member's last day of
38 service and not before the first day of the sixth
39 calendar month preceding the month in which the notice
40 is filed, except that credit for service shall cease
41 when contributions cease as provided in section 97B.11,

42 Sec. . . . Section ninety-seven B point forty-six
43 (97B.46), Code 1977, is amended to read as follows:

44 97B.46 SERVICE AFTER AGE SIXTY-FIVE. A member
45 may, on the request of the employer, remain in the
46 active employ of the employer ~~beyond the date he the~~
47 member attains the age of sixty-five for such period
48 or periods as the employer from time to time shall
49 approve, provided, however, that credit for such
50 service shall cease when contributions cease as

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1 provided in section 97B.11. The member shall retire
2 from the ~~employment of the employer~~ at the end of
3 the last approved period, on the first day of the
4 month ~~next following or coinciding with such date~~
5 in which the member retires, except that such date
6 shall be after the last day of service. A member
7 remaining in service past his seventieth birthday

8 after attaining the age of seventy years shall be
9 entitled to receive a retirement allowance under
10 section 97B.49 as applicable commencing with payment
11 for the calendar month within which the written notice
12 is submitted to the department, except that if he
13 the member fails to submit the notice on a timely
14 basis, retroactive payments shall be made for no more
15 than six months immediately preceding the month in
16 which the written notice is submitted.

17 Sec. . Section ninety-seven B point forty-seven
18 (97B.47), Code 1977, is amended to read as follows:

19 97B.47 EARLY RETIREMENT DATE. A member's early
20 retirement date shall be the first of any the month
21 coinciding with or following his fifty-fifth birthday
22 and in which a member attains the age of fifty-five
23 years or the first of any month after attaining the
24 age of fifty-five years prior to his the member's
25 normal retirement date, provided such date shall be
26 after the last day of service. A member may retire
27 on his the member's early retirement date by submitting
28 written notice to the department setting forth the
29 early retirement date which shall not be before the
30 first day of the sixth calendar month preceding the
31 month in which such notice is filed.

32 Sec. . Section ninety-seven B point forty-eight
33 (97B.48), subsection three (3), Code 1977, is amended
34 to read as follows:

35 3. If at any time after the first day of the month
36 coinciding with or next following his fifty-fifth
37 birthday in which the member attains the age of fifty-
38 five years and until his the member's sixty-fifth
39 birthday, a member who is retired under this chapter
40 is in regular full-time employment, his the member's
41 retirement allowance shall be suspended for as long
42 as he the member remains in employment. However,
43 employment shall not be regarded as full-time
44 employment until he the member receives remuneration
45 in an amount in excess of two thousand one hundred
46 dollars for any calendar year. Effective the first
47 of the month coinciding with or next following his
48 sixty-fifth birthday in which a member attains the
49 age of sixty-five years, a retired member shall be
50 entitled to receive a retirement allowance after

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1 return to covered employment regardless of the amount
2 of remuneration received. As of the first of the
3 month coinciding with or next following the member's
4 seventieth birthday in which the member attains the
5 age of seventy years, he the member shall be entitled
6 to receive a retirement allowance determined under

7 section 97B.49, regardless of the amount of
8 remuneration received. Upon any retirement after
9 reemployment, a retired member shall be entitled to
10 have his or her retirement allowance redetermined
11 under this section or sections 97B.49 or 97B.50,
12 whichever is applicable, based upon the employee's
13 and his employer's additional contributions, and any
14 membership service of the employee after his re-
15 employment."

16 30. Page 18, line 31, by striking the word "final"
17 and inserting in lieu thereof the word "final".

18 31. Page 18, line 35, by striking the word "final".

19 32. Page 19, line 21, by striking the word "final"
20 and inserting in lieu thereof the word "final".

21 33. Page 19, line 23, by striking the word "the"
22 and inserting in lieu thereof the word "the".

23 34. Page 19, by striking lines 24 through 27 and
24 inserting in lieu thereof the words "monthly benefit
25 computed under this subsection shall be equal to one-
26 twelfth of an amount equal to forty-four percent of
27 the five-year average covered wage as a conservation
28 peace officer multiplied by a fraction of years of
29 service."

30 35. Page 19, line 30, by striking the words "the
31 additional costs" and inserting in lieu thereof the
32 words "the additional costs".

33 36. Page 19, by striking line 31 and inserting
34 in lieu thereof the words "above the employee and
35 employer contributions eight and forty-three hundredths
36 percent of the covered wages of each conservation
37 peace officer, in addition to the contribution paid
38 by the employer under section ninety-seven B point
39 eleven (97B.11) of the Code, to pay for finance in-
40 ."

41 37. Page 20, line 15, by striking the word "final".

42 38. Page 21, line 5, by striking the words "one
43 dollar and fifty cents" and inserting in lieu thereof
44 the words "two dollars".

45 39. Page 21, by striking lines 10 and 11.

46 40. Page 22, by inserting after line 35 the
47 following:

48 "Sec. . Section ninety-seven B point fifty-
49 three (97B.53), subsection two (2), Code 1977, is
50 amended to read as follows:

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1 2. If the employment with the employer of a member
2 is terminated prior to his the member's retirement,
3 other than by death, but after he the member has
4 either

5 a. Completed at least four years of service, or

6 b. Has attained the age of fifty-five, he the
7 member shall receive a monthly retirement allowance
8 commencing on the first day of the month next following
9 or coinciding with the date he in which the member
10 attains the age of sixty-five years, if he the member
11 is then alive, or, if the member so elects in
12 accordance with section 97B.47, commencing on the
13 first day of any the month coinciding or next following
14 the date he in which the member attains the age of
15 fifty-five and any month thereafter prior to the date
16 he the member attains the age of sixty-five years,
17 and continuing on the first day of each month
18 thereafter during his the member's lifetime, provided
19 the member does not receive prior to the date his
20 the member's retirement allowance is to commence a
21 refund of accumulated contributions under any of the
22 provisions of this chapter. The amount of each such
23 monthly retirement allowance shall be determined as
24 provided in either section 97B.49 or in section 97B.50,
25 whichever is applicable."

26 41. Page 23, line 2, by striking the word "section"
27 and inserting in lieu thereof the word "sections".

28 42. Page 23, by inserting after line 32 the
29 following:

30 "NEW SECTION. A vested or retired member who was
31 not a vested member of a public retirement system
32 in another state may, upon submitting verification
33 of membership and service in the public retirement
34 system in another state to the department not later
35 than July 1, 1979 for members vested on July 1, 1978
36 or within one year after the member becomes vested,
37 make employer and employee contributions to the system
38 for the period of service in the public retirement
39 system in another state and receive credit for
40 membership service in this system. The contributions
41 paid by the vested or retired member for service in
42 the public retirement system in another state shall
43 be equal to the accumulated contributions as defined
44 in section ninety-seven B point forty-one (97B.41),
45 subsection thirteen (13), of the Code, by the member
46 for that period of membership service and the
47 contributions of the employer which would have been
48 contributed for that period of membership service
49 plus interest on the contributions for the period
50 from the date of service of the member in the public

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1 retirement system in another state to the date of
2 payment of the contributions by the member equal to
3 two percent plus the interest dividend rate applicable
4 for each year."

5 43. Page 23, by inserting after line 32 the
6 following section:
7 "Sec. . . . Section three hundred eighty-four point
8 six (384.6), subsection one (1), Code 1977, is amended
9 to read as follows:

10 1. Accounting for pension and related employee
11 benefit funds. A city may make contributions to a
12 retirement system other than the Iowa public employees'
13 retirement system for its city manager in an annual
14 amount not to exceed the amount that would have been
15 contributed by the employer under the provisions of
16 section ninety-seven B point eleven (97B.11) of the
17 Code. A city may certify taxes to be levied for the
18 trust and agency fund in the amount necessary to meet
19 such obligations."

20 44. Page 23, by striking line 34 and inserting
21 in lieu thereof the words and figures "subsections
22 nine (9), ten (10),".

23 45. Page 23, line 35, by inserting after the
24 figure "(21)," the word "and".

25 46. Page 24, line 1, by striking the words and
26 figure "and twenty-three (23),".

27 47. Page 24, by striking lines 3 through 12.

28 48. Page 24, lines 16 and 17, by striking the
29 words "only such surviving spouse of a marriage
30 consummated" and inserting in lieu thereof the words
31 "only such the surviving spouse of a marriage
32 consummated solemnized".

33 49. Page 24, line 18, by striking the word "or"
34 and inserting in lieu thereof the words ". Surviving
35 spouse shall include a former spouse only if the
36 division of assets in the dissolution of marriage
37 decree pursuant to section five hundred ninety-eight
38 point seventeen (598.17) of the Code grants the former
39 spouse rights of a spouse under this chapter. If
40 there is no surviving spouse of a marriage solemnized
41 prior to retirement of a deceased member, surviving
42 spouse includes".

43 50. Page 24, lines 19 and 20, by striking the
44 words "consummated subsequent to retirement" and
45 inserting in lieu thereof the words "solemnized
46 subsequent to retirement of the member".

47 51. Page 25, line 3, by striking the words "a
48 rate adopted by the board" and inserting in lieu
49 thereof the words "rates adopted by the boards".

50 52. Page 25, line 8, by striking the words "a

Page 9

1 rate adopted by the board" and inserting in lieu
2 thereof the words "rates adopted by the boards".

3 53. Page 25, by striking lines 10, 11, and 12.

- 4 54. Page 25, by striking lines 16 through 33.
5 55. Page 26, line 1, by striking the words "are
6 or".
7 56. Page 26, line 3, by striking the words "systems
8 are system is" and inserting in lieu thereof the words
9 "systems are".
10 57. Page 26, by striking lines 14 through 35.
11 58. Page 27, by striking lines 1 through 35.
12 59. Page 28, by striking lines 1 through 35.
13 60. Page 29, by striking lines 1 through 20.
14 61. Page 29, line 22, by inserting after the
15 figure "(1)," the word and letter "paragraph c,".
16 62. Page 29, by striking lines 23 through 35.
17 63. Page 30, by striking lines 1 through 12.
18 64. Page 30, line 29, by striking the word and
19 figure ", three (3),".
20 65. Page 31, by striking lines 4 through 14.
21 66. Page 32, by striking lines 2 through 16.
22 67. Page 32, line 30, by striking the words and
23 figure "unnumbered paragraph one (1), and".
24 68. Page 32, line 31, by striking the word "are"
25 and inserting in lieu thereof the word "is".
26 69. Page 32, by striking lines 32 through 35.
27 70. Page 33, by striking lines 1 through 13.
28 71. Page 36, line 32, by striking the word
29 "respective" and inserting in lieu thereof the word
30 "respective".
31 72. Page 39, by striking line 12 and inserting
32 in lieu thereof the words and figures "Code 1977,
33 is amended by striking subsection three (3)."
34 73. Page 39, by striking lines 13 through 35.
35 74. Page 40, by striking lines 1 through 35.
36 75. Page 41, by striking lines 1 through 21.
37 76. Page 41, line 25, by striking the words "each
38 the" and inserting in lieu thereof the word "each".
39 77. Page 41, by striking line 35 and inserting
40 in lieu thereof the words and figures "subsection
41 three (3), Code 1977, is amended".
42 78. Page 42, lines 14 and 15, by striking the
43 words "by the member cities".
44 79. Page 42, line 21, by striking the words "boards
45 board" and inserting in lieu thereof the word "boards".
46 80. Page 42, line 32, by striking the words "sum
47 of the".
48 81. Page 42, by striking lines 33, 34, and 35
49 and inserting in lieu thereof the words "funds in
50 hand to the credit of the fund and dividing the".

Page 10

- 1 82. Page 43, line 4, by striking the words "boards
2 board" and inserting in lieu thereof the word "boards".
3 83. Page 43, line 27, by striking the words "by

- 4 each applicable city".
- 5 84. Page 43, line 31, by striking the word "The"
- 6 and inserting in lieu thereof the word "Each".
- 7 85. Page 44, by striking lines 8 through 21.
- 8 86. Page 44, by striking lines 22 through 35.
- 9 87. Page 45, line 12, by striking the words
- 10 "systems system" and inserting in lieu thereof the
- 11 word "systems".
- 12 88. By striking page 45, line 22 through page
- 13 46, line 1.
- 14 89. Page 46, by striking lines 2 through 23.
- 15 90. Page 46, line 31, by striking the words "are
- 16 members of the" and inserting in lieu thereof the
- 17 words "have established".
- 18 91. Page 46, line 32, by striking the word "system"
- 19 and inserting in lieu thereof the word "systems".
- 20 92. Page 47, line 7, by striking the word "system"
- 21 and inserting in lieu thereof the words "respective
- 22 board of trustees".
- 23 93. Page 47, line 7, by striking the words "a
- 24 study" and inserting in lieu thereof the words
- 25 "actuarial studies".
- 26 94. Page 47, by striking lines 10 through 15.
- 27 95. Page 47, line 17, by striking the words "system
- 28 shall" and inserting in lieu thereof the words
- 29 "respective board of trustees shall".
- 30 96. Page 47, line 27, by striking the words "if
- 31 the single".
- 32 97. Page 47, by striking lines 28, 29, and 30
- 33 and inserting in lieu thereof a period.
- 34 98. Page 47, line 32, by striking the words "the
- 35 actuary employed by the system" and inserting in lieu
- 36 thereof the words "each actuary employed by a board
- 37 of trustees".
- 38 99. Page 48, line 2, by striking the word
- 39 "systems" and inserting in lieu thereof the word
- 40 "system".
- 41 100. Page 48, line 3, by inserting after the word
- 42 "determined" the words "to the state comptroller".
- 43 101. Page 48, line 6, by inserting before the
- 44 word "times" the words "computed for a city".
- 45 102. Page 48, line 7, by inserting after the word
- 46 "employed" the words "under that system".
- 47 103. Page 48, by striking lines 9, 10, and 11
- 48 and inserting in lieu thereof the following:
- 49 "Sec. Sections ninety-seven A point ten
- 50 (97A.10) and four hundred eleven point ten (411.10),

Page 11

- 1 Code 1977, are repealed."
- 2 104. Page 48, line 16, by striking the word
- 3 "section" and inserting in lieu thereof the word

4 "sections".

5 105. Page 49, line 5, by striking the word "board"
6 and inserting in lieu thereof the words "respective
7 boards".

8 106. Page 49, by striking lines 7 and 8 and
9 inserting in lieu thereof the words "by the respective
10 board of trustees".

11 107. Page 49, line 9, by striking the words and
12 figures "to July 1, 1979,".

13 108. Page 49, by striking lines 13 and 14 and
14 inserting in lieu thereof the words "by the respective
15 boards of trustees".

16 109. Page 49, line 15, by striking the words and
17 figures "to July 1, 1979,".

18 110. Page 49, by striking lines 22 through 26
19 and inserting in lieu thereof the following:

20 "3. Beginning July 1, 1979, the respective boards
21 of trustees shall maintain and invest funds in the
22 annuity reserve fund and the annuity savings fund".

23 111. Page 49, line 30, by striking the words
24 "account maintained by the board" and inserting in
25 lieu thereof the words "annuity reserve fund maintained
26 by the respective".

27 112. Page 50, lines 13 and 14, by striking the
28 words and figure "ninety-seven A point six (97A.6)"
29 and inserting in lieu thereof the words and figure
30 "four hundred eleven point six (411.6)".

31 113. Page 50, by striking line 28 and inserting
32 in lieu thereof the following: "fund according to
33 the following schedule:

34 a. During the period beginning January 1, 1981
35 and ending December 31, 1982, any member who has
36 completed twenty or more years of service.

37 b. During the period beginning January 1, 1983
38 and ending December 31, 1984, any member who has
39 completed fifteen or more years of service.

40 c. During the period beginning January 1, 1985
41 and ending December 31, 1986, any member who has
42 completed ten or more years of service.

43 d. During the period beginning January 1, 1987
44 and ending December 31, 1988, any member who has
45 completed five or more years of service."

46 114. Page 50, line 31, by striking the word "board"
47 and inserting in lieu thereof the words "respective
48 board".

49 115. Page 50, line 35, by striking the word "board"
50 and inserting in lieu thereof the words "respective

Page 12

1 board".

2 116. Page 51, by striking lines 3 through 13.

117. Page 51, by inserting after line 28 the following section:

"Sec. . There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the courts for a state contribution to the judicial retirement system provided for in chapter six hundred five A (605A) of the Code, the amount of one hundred ninety-five thousand seven hundred (195,700) dollars. The amount appropriated shall be in addition to the amount appropriated in section one (1), subsection one (1), of Senate File two thousand two hundred forty-six (2246), enacted by the Sixty-seventh General Assembly, 1978 Session."

118. By striking page 51, line 29 through page 52, line 35.

119. Page 53, by striking line 1 and inserting in lieu thereof the following sections:

"Sec. . The legislative council is directed to approve the establishment of a joint subcommittee of the senate and house committees on state government to study during the legislative interim the funding, benefits, and administration of the various public retirement systems in this state. The study shall include but not be limited to a method of funding the judicial retirement system to provide actuarial soundness, a method for paying the accumulated contributions to the members of the peace officers' retirement system and the local police and fire retirement systems as early as is financially feasible, and a method of compensating public employees who are employed in hazardous duty occupations. In addition, the study shall include:

1. Determination of a method to place all public employees under a single retirement system over a period of twenty years.

2. Determination of a system of hazardous pay remuneration for various occupations in which employees are exposed to unusual danger.

3. Determination of the reasonable number of vested years of service for which employees will continue to retire under their present retirement benefit schedule; and determination of the minimum and maximum years of vested service for personnel within a system wherein the vested employee may choose to receive the IPERS-hazardous pay system or remain under the employee's present system and the conditions of transfer of funds of the employee's present

- 2 Sec. . Section sixty-two (62) of this Act is
3 effective January 8, 1979."
4 120. Page 53, line 4, by striking the words "except
5 that the board".
6 121. Page 53, by striking lines 5 through 10 and
7 inserting in lieu thereof a period.
8 122. By numbering and renumbering sections as
9 necessary in accordance with this amendment.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 5, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 68, an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases.

House File 79, an act relating to the withdrawal of a city from a county library district.

House File 561, an act relating to the state standard of weights and measures.

House File 570, an act relating to inspections by insurance companies of any place of employment.

House File 2354, an act relating to the implementation in Iowa of the initial regulatory program developed under the Federal Surface Mining Control and Reclamation Act of 1977.

Also: that on May 8, 1978 the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2022, an act prohibiting smoking in certain public areas and providing a civil penalty.

Senate File 2100, an act relating to the establishment of a depository library center within the Iowa Library Department.

Senate File 2194, an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make and collect such claim for them and making certain provisions of the act retroactive.

PRESENTATION OF VISITORS

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

Twenty-five third and sixth grade students from Nevada Adventist School, Nevada, Iowa, accompanied by Ann Grosball. By Hines of Story.

AMENDMENTS FILED

H—6566	S.F. 358	Byerly of Polk Scheelhaase of Woodbury Hinkhouse of Cedar
H—6567	S.F. 2115	Wyckoff of Benton
H—6568	S.F. 2200	Jesse of Polk
H—6569	H.F. 2417	Tauke of Dubuque Thompson of Polk
H—6570	H.F. 2456	Halvorson of Clayton
H—6571	S.F. 2187	Woods of Polk
H—6572	H.F. 2425	Conlon of Muscatine
H—6573	S.F. 2187	Miller of Buchanan

On motion by Fitzgerald of Webster, the House adjourned at 11:50 a.m., until 9:00 a.m., Tuesday, May 9, 1978.

JOURNAL OF THE HOUSE

One Hundred Twenty-first Calendar Day — Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 9, 1978

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

Prayer was offered by the Honorable Alvin V. Miller, State Senator from Cerro Gordo County.

The Journal of Monday, May 8, 1978 was approved.

LEGISLATIVE PHYSICIANS FOR THE DAY

Dr. Randolph Soo Hoo, Broadlawns Hospital, Des Moines, Iowa, for the a.m. and Dr. Tim Daniels, Resident, Broadlawns Hospital, Des Moines, Iowa, for the p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago on request of Pelton of Clinton.

INTRODUCTION OF BILLS

House Joint Resolution 2007, by Brunow, a joint resolution proposing an amendment to the Constitution of the State of Iowa to lower the minimum age for serving in the general assembly to the age of majority.

Read first time and referred to the **sifting committee**.

House File 2457, by Brunow and Daggett, a bill for an act relating to transfer of state aid received for special education pupils that have moved from the district in which they were counted for enrollment purposes and providing a penalty.

Read first time and referred to the **sifting committee**.

House File 2458, by Bina, a bill for an act relating to the tax levy for the construction and maintenance of secondary roads.

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

House File 2459, by Monroe, a bill for an act relating to notice of planning activities of public agencies.

Read first time and referred to the **sifting committee**.

SENATE MESSAGE CONSIDERED

Senate File 2239, a bill for an act appropriating funds for certain legal fees.

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

CONSIDERATION OF BILLS

Sifting Committee Noncontroversial Fifteen-Minute Calendar

Senate File 2115, a bill for an act authorizing the temporary transfer of money from the general fund of the county to the county conservation fund to match federal funds, with report of committee recommending passage was taken up for consideration.

Wyckoff of Benton offered the following amendment H-6567 filed by him and moved its adoption:

H-6567

- 1 Amend Senate File 2115 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 32, by striking the word "The"
- 4 and inserting in lieu thereof the words "After approval
- 5 of a ballot issue on the question, the".
- 6 2. Page 1, line 33, by striking the words "by
- 7 resolution,".
- 8 3. Page 2, by inserting after line 1 the follow-
- 9 ing:
- 10 "If the board desires to transfer the funds, it
- 11 shall, by a resolution adopted at least fifty-five
- 12 days prior to the next pending primary or general
- 13 election in the county, direct the county commissioner
- 14 of elections to place the question of transferring
- 15 the funds before the voters of the county at that
- 16 election. The question shall be submitted and voted
- 17 upon in the same manner as any other ballot issue
- 18 and shall be decided by a simple majority of all the
- 19 votes cast for and against the proposal."

Amendment H-6567 lost.

Wyckoff of Benton offered the following amendment H—6090 filed by him and moved its adoption:

H—6090

- 1 Amend Senate File 2115 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 22.

Amendment H—6090 lost.

Wyckoff of Benton offered the following amendment H—6015 filed by him:

H—6015

- 1 Amend Senate File 2115, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 1, by inserting after the word
- 4 "Service," the words "However, the funds transferred
- 5 from the general fund of the county shall not exceed
- 6 an amount equal to twenty-seven cents per thousand
- 7 dollars of the assessed value of the taxable property
- 8 in the county."

Debate having exceeded the allowed time, Senate File 2115 was rereferred to the committee on sifting. (Amendment H—6015 pending.)

SENATE AMENDMENTS CONSIDERED

Brandt of Black Hawk called up for consideration **House File 2426**, a bill for an act relating to certain public retirement systems and making an appropriation, amended by the Senate amendment H—6565, found on pages 2315 through 2328 of the House Journal.

Gilson of Guthrie offered the following amendment H—6574, to the Senate amendment H—6565, filed by Gilson, Danker, Scheelhaase, Harbor, Varley and Pellett from the floor and moved its adoption:

H—6574

- 1 Amend the Senate amendment H—6565 to House File
- 2 2426 as follows:
- 3 1. Page 1, by striking lines 38 through 50.
- 4 2. Page 2, by striking lines 1 through 3.

Roll call was requested by Danker of Pottawattamie and Junker of Woodbury.

On the question "Shall amendment H—6574 be adopted?"

The ayes were, 43:

Baker	Bennett	Binneboese	Brockett
Clark, B.J.	Conlon	Crabb	Daggett
Danker	Doyle	Evans	Gentleman
Gilson	Halvorson	Harbor	Harvey
Hinkhouse	Hoffmann	Husak	Junker
Krewson	Lageschulte	Lind	Lipsky
Menke	Millen	Miller, K.D.	Pellett
Pelton	Perkins	Scheelhaase	Schneklloth
Smalley	Spear	Stephens	Stromer
Thompson	Tofte	Varley	Welden
West	Woods	Wyckoff	

The nays were, 46:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Chiodo	Clark, J.H.
Connors	Crawford	Cusack	Davitt
Dieleman	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilloon	Hansen
Hargrave	Hines	Horn	Howell
Hullinger	Jochum	Koogler	Krause
Lindeen	Loneragan	Middleswart	Miller (Sergeant)
Monroe	Norland	Oxley	Pavich
Poncy	Schroeder	Shimanek	Small
Spencer	Svoboda	Tauke	Walter
Wells	Mr. Speaker		

Absent or not voting, 11:

Branstad	Byerly	Den Herder	Egenes
Griffie	Jesse	Newhard	Nielsen
O'Halloran	Patchett	Rinas	

Amendment H—6574 lost.

On motion by Brandt of Black Hawk, the House concurred in the Senate amendment H—6565.

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. 2426)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Davijt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schroeder	Shimanek	Small
Smalley	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 7:

Bennett	Danker	Gentleman	Lind
Menke	Schnekloth	Spear	

Absent or not voting, 9:

Branstad	Byerly	Den Herder	Egenes
Griffie	Jesse	Newhard	Norland
Rinas			

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

Chiodo of Polk called up for consideration **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, amended by the Senate amendment H—6486, found on page 2172 of the House Journal.

Dyrland of Clayton offered the following amendment H—6553, to the Senate amendment H—6486, filed by him:

H-6553

- 1 Amend the Senate amendment, H-6486, to House File
- 2 112 as follows:
- 3 1. Page 1, by inserting after line 2 the following:
- 4 "1. Page 1, line 5, by inserting after the word
- 5 "more," the words "However for purposes of this Act
- 6 the legal age for consumption of beer shall be eighteen
- 7 years of age."
- 8 2. Amend the title, lines 2 and 3, by striking
- 9 the words "at nineteen years of age".

Pellett of Cass rose on a point of order that amendment H-6553 was not germane.

The Speaker ruled the point not well taken and amendment H-6553 germane.

Dyrland of Clayton moved the adoption of amendment H-6553, to the Senate amendment H-6486.

Roll call was requested by Dyrland of Clayton and Bina of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-6553 be adopted?"

The ayes were, 32:

Arnould	Avenson	Bina	Brandt
Clark, J.H.	Crawford	Cusack	Dyrland
Fitzgerald	Garrison	Gentleman	Gilloon
Hargrave	Harvey	Hines	Horn
Husak	Jesse	Jochum	Krause
Krewson	Lipsky	Loneragan	Miller, K.D.
Monroe	O'Halloran	Patchett	Perkins
Scheelhaase	Small	Spear	Walter

The nays were, 58:

Anderson	Baker	Bennett	Binneboese
Brockett	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Evans	Gettings	Gilson	Halvorson
Hansen	Harbor	Hinkhouse	Hoffmann
Howell	Hullinger	Junker	Koogler
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller (Sergeant)	Oxley

Pavich	Pellett	Pelton	Poncy
Schneklath	Schroeder	Shimanek	Smalley
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 10:

Branstad	Brunow	Byerly	Den Herder
Egenes	Griffiee	Newhard	Nielsen
Norland	Rinas		

Amendment H—6553 lost.

Jochum of Dubuque offered the following amendment H—6575, to the Senate amendment H—6486, filed by him from the floor and moved its adoption:

H—6575

1 Amend the Senate amendment, H—6486, to House File
2 112 as passed by the House as follows:
3 1. Page 1, by inserting before line 3 the fol-
4 lowing section:
5 "Sec. . . Section one hundred twenty-three point
6 forty-seven (123.47), Code 1977, is amended to read
7 as follows:
8 123.47 PERSONS UNDER LEGAL AGE. No person shall
9 sell, give, or otherwise supply alcoholic liquor or
10 beer to any person knowing or having reasonable cause
11 to believe him or her to be under legal age, and no
12 person or persons under legal age shall individually
13 or jointly have alcoholic liquor or beer in his or
14 her or their possession or control; except in the
15 case of liquor or beer given or dispensed to a person
16 under legal age within a private home and with the
17 knowledge and consent of the parent or guardian for
18 beverage or medicinal purposes or as administered
19 to him or her by either a physician or dentist for
20 medicinal purposes, except that persons eighteen years
21 of age or older may be served alcoholic liquor or
22 beer for consumption on licensed premises only, as
23 defined in section one hundred twenty-three point
24 three (123.3), subsection thirty-one (31), of the
25 Code if they are serving in the armed services of
26 the United States of America and except to the extent
27 that a person under legal age may handle alcoholic
28 beverages and beer during the regular course of his
29 or her employment by a liquor control licensee or
30 beer permittee under this chapter."

Roll call was requested by Jochum of Dubuque and Dyrland of Clayton.

Rule 70 was invoked.

On the question "Shall amendment H—6575 be adopted?"

The ayes were, 47:

Arnould	Avenson	Bina	Brandt
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Crawford	Cusack	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Halvorson	Harbor	Hargrave
Harvey	Hines	Hoffmann	Horn
Husak	Jesse	Jochum	Krause
Krewson	Lind	Lipsky	Lonergan
Miller, K.D.	Monroe	Norland	O'Halloran
Patchett	Poncy	Rinas	Schroeder
Small	Spear	Tauke	Thompson
Varley	Walter	Wells	

The nays were, 49:

Anderson	Baker	Bennett	Binneboese
Brockett	Chiodo	Conlon	Connors
Crabb	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Evans
Gilson	Hansen	Hinkhouse	Howell
Hullinger	Junker	Koogler	Lageschulte
Lindeen	Menke	Middleswart	Millen
Miller (Sergeant)	Nielsen	Oxley	Pavich
Pellett	Pelton	Perkins	Scheelhaase
Schnekloth	Shimanek	Smalley	Spencer
Stephens	Stromer	Svoboda	Tofte
Welden	West	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 4:

Branstad	Den Herder	Griffiee	Newhard
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Amendment H—6575 lost.

Dyrland of Clayton offered the following amendment H—6551, to the Senate amendment H—6486, filed by him:

H—6551

1 Amend the Senate amendment, H—6486, to House File

2 112 as passed by the House as follows:

3 1. Page 1, by inserting before line 5 the fol-

4 lowing section:

5 "Sec. . . . Section one hundred twenty-three point

6 forty-seven (123.47), Code 1977, is amended to read

7 as follows:

8 123.47 PERSONS UNDER LEGAL AGE. No person shall

9 sell, give, or otherwise supply alcoholic liquor or
10 beer to any person knowing or having reasonable cause

11 to believe him or her to be under legal age, and no

12 person or persons under legal age shall individually

13 or jointly have alcoholic liquor or beer in his or

14 her or their possession or control; except in the

15 case of liquor or beer given or dispensed to a person

16 under legal age within a private home and with the

17 knowledge and consent of the parent or guardian for

18 beverage or medicinal purposes or as administered

19 to him or her by either a physician or dentist for

20 medicinal purposes, except that persons eighteen years

21 of age or older may be served alcoholic liquor or

22 beer for consumption on licensed premises only, as

23 defined in section one hundred twenty-three point

24 three (123.3), subsection thirty-one (31), of the

25 Code and except to the extent that a person under

26 legal age may handle alcoholic beverages and beer

27 during the regular course of his or her employment

28 by a liquor control licensee or beer permittee under

29 this chapter."

Jochum of Dubuque offered the following amendment H-6579, to amendment H-6551, to the Senate amendment H-6486, filed by him and Brunow of Appanoose from the floor and moved its adoption:

H-6579

1 Amend amendment H-6551, to amendment H-6486, to

2 House File 112 as passed by the House, as follows:

3 1. Page 1, by inserting after line 17 the

4 following:

5 " . . . Page 1, line 29, by inserting after the

6 word "chapter." the words "The provisions of this

7 section notwithstanding, any person between the ages

8 of eighteen and nineteen years of age shall not be

9 served alcoholic liquor or beer for consumption on

10 the premises before three o'clock p.m. on weekdays."

Roll call was requested by Varley of Adair and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6579 be adopted?"

The ayes were, 38:

Arnould	Avenson	Bina	Brandt
Brunow	Clark, J.H.	Crawford	Cusack
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Halvorson	Hargrave
Harvey	Hines	Horn	Husak
Jesse	Jochum	Krewson	Lipsky
Lonergan	Miller, K.D.	Monroe	Newhard
Nielsen	O'Halloran	Patchett	Perkins
Rinas	Spear	Tauke	Tofte
Varley	Walter		

The nays were, 56:

Anderson	Baker	Bennett	Binneboese
Brockett	Byerly	Chiodo	Clark, B.J.
Conlon	Crabb	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Evans	Gettings	Gilson	Hansen
Harbor	Hinkhouse	Hoffmann	Howell
Hullinger	Junker	Lageschulte	Lind
Lindeen	Menke	Middleswart	Millen
Miller (Sergeant)	Norland	Oxley	Pavich
Pellett	Pelton	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spencer	Stephens	Stromer
Svoboda	Thompson	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 6:

Branstad	Connors	Den Herder	Griffee
Koogler	Krause		

Amendment H—6579 lost.

(House File 112 and amendment H—6551, to the Senate amendment H—6486, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, 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 8, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 207, a bill for an act creating a citizens privacy task force, prescribing its powers and duties and making an appropriation.

Also: That the Senate has, on May 9, 1978, insisted on its amendment to House File 2034, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs, and that the members of the conference committee on the part of the Senate are:

The Senator from Dallas, Senator Rodgers, Chair; the Senator from Cherokee, Senator Curtis; the Senator from Woodbury, Senator Kelly; the Senator from Polk, Senator Palmer; and the Senator from Kossuth, Senator Priebe.

Also: That the Senate has on May 9, 1978, adopted the conference committee report and passed the following bill:

House File 2223, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of stepparent adoptions.

Also: That the Senate has on May 8, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2359, a bill for an act relating to reorganization procedures for school districts.

Also: That the Senate has on May 9, 1978, adopted the conference committee report and passed the following bill:

Senate File 244, a bill for an act relating to the office of the Code editor and the publication of the Code of Iowa and the Iowa administrative code.

Also: That the Senate has on May 9, 1978, adopted the conference committee report and passed the following bill:

Senate File 333, a bill for an act to clarify and make corrective revisions to chapter two hundred twenty-nine (229) of the Code relating to hospitalization of the mentally ill.

Also: That the Senate has on May 9, 1978, adopted the conference committee report and passed the following bill:

Senate File 2054, a bill for an act relating to the deposit of school district income surtax moneys.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 207

H-6578

1 Amend House File 207, as amended and passed by
2 the House, as follows:

3 1. Page 2, line 2, by striking the figure "1978"
4 and inserting in lieu thereof the figure "1979".

5 2. Page 2, line 4, by striking the word and figures
6 "June 30, 1978" and inserting in lieu thereof the
7 the word and figures "January 1, 1980".

8 3. Page 2, line 6, by striking the word "for".

9 4. Page 2, by striking line 7 and inserting in
10 lieu thereof the words and figures "commencing July
11 1, 1978 and ending January 1,".

12 5. Page 2, line 8, by striking the figure "1978"
13 and inserting in lieu thereof the figure "1980".

14 6. Page 2, line 14, by striking the word and
15 figures "June 30, 1978" and inserting in lieu thereof
16 the word and figures "January 1, 1980".

SENATE AMENDMENT TO
HOUSE FILE 2359

H-6577

1 Amend House File 2359 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 11, line 18, by striking the words and
4 figures "sections 279.6 and 279.7" and inserting in
5 lieu thereof the words and figures "sections section
6 279.6 and 279.7".

7 2. Page 15, by striking lines 5 through 8 and
8 inserting in lieu thereof the words "call a meeting
9 of the area education agency board and the school
10 district for".

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.

BUSINESS PENDING

The House resumed consideration of **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, and amendment H-6551, to the Senate amendment H-6486.

Dyrland of Clayton moved the adoption of amendment H—6551, to the Senate amendment H—6486.

Roll call was requested by Bina of Scott and Arnould of Scott.

Rule 70 was invoked.

On the question "Shall amendment H—6551 be adopted?"

The ayes were, 38:

Arnould	Avenson	Bina	Brandt
Brunow	Byerly	Crawford	Cusack
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Hargrave	Harvey
Hines	Hoffmann	Horn	Husak
Jochum	Krewson	Lipsky	Lonergan
Miller, K.D.	Monroe	Newhard	Nielsen
O'Halloran	Patchett	Perkins	Rinas
Schroeder	Small	Spear	Tauke
Varley	Walter		

The nays were, 54:

Anderson	Baker	Bennett	Binneboese
Brockett	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Evans	Gettings	Gilson	Halvorson
Hansen	Harbor	Hinkhouse	Howell
Junker	Koogler	Lageschulte	Lind
Lindeen	Menke	Middleswart	Miller (Sergeant)
Norland	Oxley	Pavich	Pellett
Pelton	Poney	Scheelhaase	Schnekloth
Shimanek	Smalley	Spencer	Stephens
Stromer	Svoboda	Thompson	Tofte
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 8:

Branstad	Clark, J.H.	Den Herder	Griffie
Hullinger	Jesse	Krause	Millen

Amendment H—6551 lost.

Hullinger of Decatur in the chair at 4:28 p.m.

Lipsky of Linn offered the following amendment H—6580, to the Senate amendment H—6486, filed by her from the floor:

H—6580

- 1 Amend the Senate amendment H—6486 to House File
- 2 112, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 " . . . Page 1, line 4, by striking the word
- 6 "nineteen" and inserting in lieu thereof the word
- 7 "sixty-five".

Brunow of Appanoose rose on a point of order that amendment H—6580 was not germane.

The Speaker ruled the point well taken and amendment H—6580 not germane.

Dyrland of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—6580.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 26, nays 64.

The motion lost.

Krewson of Polk offered the following amendment H—6581, to the Senate amendment H—6486, filed by Krewson, Walter, Gentleman and Bina from the floor:

H—6581

- 1 Amend the Senate amendment H—6486, to House File
- 2 112, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the follow-
- 4 ing:
- 5 " . . . Page 1, line 4, by striking the word
- 6 "nineteen" and inserting in lieu thereof the word
- 7 "twenty-one".

Harbor of Mills rose on a point of order that amendment H—6581 was not germane.

The Speaker ruled the point well taken and amendment H—6581 not germane.

Speaker Cochran in the chair at 4:45 p.m.

Walter of Pottawattamie moved that the rules governing germaneness be suspended for the consideration of amendment H—6581.

Roll call was requested by Krewson of Polk and Bina of Scott.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 25:

Arnould	Bina	Brandt	Byerly
Conlon	Connors	Cusack	Dyrland
Gentleman	Gilloon	Harvey	Hines
Hoffmann	Horn	Jochum	Krewson
Lipsky	Monroe	Newhard	Patchett
Rinas	Smalley	Thompson	Varley
Walter			

The nays were, 67:

Anderson	Avenson	Baker	Bennett
Binneboese	Brockett	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilson
Halvorson	Hansen	Harbor	Hargrave
Hinkhouse	Howell	Hullinger	Husak
Junker	Krause	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklloth	Schroeder	Shimanek	Small
Spear	Spencer	Stephens	Stromer
Tauke	Tofte	Welden	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 8:

Branstad
Koogler

Den Herder
Nielsen

Griffee
Svoboda

Jesse
West

The motion lost.

Jochum of Dubuque offered the following amendment H—6576, to the Senate amendment H—6486, filed by him from the floor:

H—6576

1 Amend the Senate amendment, H—6486, to House File
2 112 as passed by the House as follows:
3 1. Page 1, by inserting before line 3 the fol-
4 lowing section:
5 "Sec. . . Section one hundred twenty-three point
6 forty-seven (123.47), Code 1977, is amended to read
7 as follows:
8 123.47 PERSONS UNDER LEGAL AGE. No person shall
9 sell, give, or otherwise supply alcoholic liquor or
10 beer to give any person knowing or having reasonable cause
11 to believe him or her to be under legal age, and no
12 person or persons under legal age shall individually
13 or jointly have alcoholic liquor or beer in his or
14 her or their possession or control; except in the
15 case of liquor or beer given or dispensed to a person
16 under legal age within a private home and with the
17 knowledge and consent of the parent or guardian for
18 beverage or medicinal purposes or as administered
19 to him or her by either a physician or dentist for
20 medicinal purposes, except that persons eighteen years
21 of age or older may be served alcoholic liquor or
22 beer for consumption on licensed premises only, as
23 defined in section one hundred twenty-three point
24 three (123.3), subsection thirty-one (31), of the
25 Code if accompanied by a parent or guardian and except
26 to the extent that a person under legal age may handle
27 alcoholic beverages and beer during the regular course
28 of his or her employment by a liquor control licensee
29 or beer permittee under this chapter."

Chiodo of Polk rose on a point of order that amendment H—6576 was dilatory and, therefore, not in order.

The Speaker ruled the point not well taken and amendment H—6576 in order.

Byerly of Polk asked for unanimous consent to amend amendment H—6576 by striking the word “guardian” in lines 17 and 25 and inserting in lieu thereof the word “custodian”.

Objection was raised.

Jochum of Dubuque moved the adoption of amendment H—6576, to the Senate amendment H—6486.

Roll call was requested by Jochum of Dubuque and Arnould of Scott.

Rules 69 and 70 were invoked.

On the question “Shall amendment H—6576 be adopted?”

The ayes were, 42:

Arnould	Avenson	Bina	Brandt
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Connors	Crawford	Cusack	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gilloon	Hargrave	Harvey	Hines
Horn	Husak	Jesse	Jochum
Krause	Krewson	Lipsky	Lonergan
Miller, K.D.	Monroe	Newhard	Nielsen
O'Halloran	Patchett	Pelton	Rinas
Scheelhaase	Small	Spear	Stephens
Varley	Walter		

The nays were, 54:

Anderson	Baker	Bennett	Binneboese
Brockett	Chiodo	Conlon	Crabb
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Evans	Gettings
Gilson	Halvorson	Hansen	Hinkhouse
Hoffmann	Howell	Hullinger	Junker
Koogler	Lageschulte	Lind	Lindeen
Menke	Middleswart	Millen	Miller (Sergeant)
Norland	Oxley	Pavich	Pellett
Perkins	Poncy	Schneekloth	Schroeder
Shimanek	Smalley	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 4:

Branstad

Den Herder

Griffiee

Harbor

Amendment H—6576 lost.

Patchett of Johnson offered the following amendment H—6582, to the Senate amendment H—6486, filed by Patchett, Newhard, Jesse, Monroe and Walter from the floor:

H—6582

1 Amend the Senate amendment H—6486, to House
2 File 112, as passed by the House, as follows:

3 1. Page 1, by striking lines 3 through 17
4 and inserting in lieu thereof the following:

5 "1. By striking ~~alt~~ after the enacting clause and
6 inserting in lieu thereof the following:

7 "Section 1. Section one hundred twenty-three
8 point three (123.3), subsection thirty-three (33),
9 Code 1977, is amended to read as follows:

10 33. "Legal age" means eighteen years of age or
11 more., provided that a person eighteen years of age
12 enrolled in an elementary or secondary school in this
13 state shall not be of legal age for the purposes of this
14 Act.

15 Section 2. Chapter one hundred twenty-three (123),
16 Code 1977, is amended by adding the following new
17 section:

18 NEW SECTION. EVIDENCE OF LEGAL AGE — EIGHTEEN
19 YEARS OF AGE. Any resident of the state eighteen years
20 of age but not yet nineteen years of age who is not
21 enrolled in an elementary or secondary school of this
22 state may request the school district of his or her
23 residence which shall issue that person an identifi-
24 cation card certifying graduation or nonenrollment in a
25 school in the district. The department of public
26 instruction shall provide each school district with
27 blank identification cards which shall be issued by
28 the school districts to eligible applicants upon their
29 request." "

Tauke of Dubuque rose on a point of order that amendment H—6582 was not germane.

The Speaker ruled the point well taken and amendment H—6582 not germane.

Dyrland of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—6582.

A non-record roll call was requested.

The ayes were 20, nays 60.

The motion lost.

Dyrland of Clayton offered the following amendment H—6552, to the Senate amendment H—6486, filed by him:

H—6552

- 1 Amend the Senate amendment, H—6486, to House File
- 2 112, as follows:
- 3 1. Page 1, by inserting after line 16 the following
- 4 new section:
- 5 "Sec. . NEW SECTION. A person eighteen years
- 6 of age may purchase and consume alcoholic beverages
- 7 both on or off the premise of holders of liquor per-
- 8 mits and may purchase alcoholic beverages at any state
- 9 liquor store, if the person can show proof of
- 10 graduation from high school or the equivalent thereof."

Hines of Story asked for unanimous consent to table amendment H—6552.

Objection was raised.

Dyrland of Clayton moved the adoption of amendment H—6552, to the Senate amendment H—6486.

Roll call was requested by Dyrland of Clayton and Hines of Story.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6552 be adopted?"

The ayes were, 35:

Arnould
Byerly
Dyrland

Bina
Clark, J.H.
Fitzgerald

Brandt
Crawford
Garrison

Brunow
Cusack
Gentleman

Gilloon	Hargrave	Harvey	Hines
Hoffmann	Horn	Husak	Jesse
Jochum	Krewson	Lipsky	Lonergan
Miller, K.D.	Monroe	Newhard	Nielsen
Patchett	Rinas	Scheelhaase	Spear
Stephens	Varley	Walter	

The nays were, 59:

Anderson	Baker	Bennett	Binneboese
Brockett	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Egenes	Evans	Gettings	Gilson
Halvorson	Hansen	Harbor	Hinkhouse
Howell	Hullinger	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Menke	Middleswart	Millen	Miller (Sergeant)
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spencer
Stromer	Svoboda	Tauke	Thompson
Tofte	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 6:

Avenson	Branstad	Den Herder	Griffee
Norland	O'Halloran		

Amendment H—6552 lost.

Dyrland of Clayton offered the following amendment H—6554, to the Senate amendment H—6486, filed by him:

H—6554

- 1 Amend the Senate amendment, H—6486, to House File
- 2 112 as follows:
- 3 1. Page 1, by inserting after line 16 the fol-
- 4 lowing new section:
- 5 "Sec. . NEW SECTION. A person eighteen years
- 6 of age may purchase and consume beer both off and
- 7 on any licensed premises if the person can show proof
- 8 of graduation from high school or the equivalent
- 9 thereof."

Chiodo of Polk rose on a point of order that amendment H—6554 was subject matter previously considered and, therefore, not in order.

The Speaker ruled the point not well taken and amendment H—6554 in order.

Dyrland of Clayton moved the adoption of amendment H—6554, to the Senate amendment H—6486.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 35, nays 56.

Amendment H—6554 lost.

Dyrland of Clayton offered the following amendment H—6555, to the Senate amendment H—6486:

H—6555

- 1 Amend the Senate amendment, H—6486, to House File
- 2 112, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "Sec. . NEW SECTION. The legal age as deter-
- 6 mined by section one (1) of this Act shall also be
- 7 the age of majority for the exercising of all other
- 8 rights of a state citizen."

Spencer of Clay rose on a point of order that amendment H—6555 was not germane.

The Speaker ruled the point well taken and amendment H—6555 not germane.

Dyrland of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—6555.

Roll call was requested by Dyrland of Clayton and Arnould of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended?"

The ayes were, 31:

Arnould	Avenson	Bina	Brandt
Brunow	Byerly	Connors	Crawford
Cusack	Dyrland	Egenes	Gentleman
Gilloon	Harvey	Hines	Horn
Husak	Jesse	Jochum	Krewson
Lipsky	Miller, K.D.	Monroe	Newhard
Patchett	Perkins	Rinas	Scheelhaase
Stephens	Varley	Walter	

The nays were, 63:

Anderson	Baker	Bennett	Binneboese
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Evans
Fitzgerald	Garrison	Gettings	Gilson
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller (Sergeant)	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Poney	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Spencer
Stromer	Svoboda	Tauke	Thompson
Tofte	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 6:

Branstad	Brockett	Den Herder	Griffiee
Hargrave	Small		

The motion 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.

Dyrland of Clayton offered the following amendment H—6560, to the Senate amendment H—6486, filed by him:

H—6560

- 1 Amend the Senate amendment, H—6486, to House File
- 2 112 as follows:

3 1: Page 1, by inserting after line 16 the following
4 section:
5 "Sec. . Chapter one hundred twenty-three (123),
6 Code 1977, is amended by adding the following new
7 section:
8 **NEW SECTION. WARNING REQUIRED.** There shall be
9 posted in a conspicuous place in all state liquor
10 stores, establishments which hold a retail beer permit
11 and establishments which hold a liquor control license,
12 a warning notice of the harmful effects of beer and
13 alcoholic beverages which shall 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 within
18 a short period of time can be physically damaging
19 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 and
23 intricate machinery.
24 Beer and alcoholic beverages cannot be purchased
25 legally by persons under nineteen years of age.
26 Persons who violate the provisions of this section
27 shall be subject to a civil penalty of one hundred
28 dollars for each day of continuing violation."

Spencer of Clay rose on a point of order that amendment H—6560 was not germane.

The Speaker ruled the point well taken and amendment H—6560 not germane.

Dyrland of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—6560.

A non-record roll call was requested.

The ayes were 32, nays 45.

The motion lost.

Arnould of Scott offered the following amendment H—6583, to the Senate amendment H—6486, filed by him from the floor:

H—6583

- 1 Amend H—6486 to House File 112 as follows:
- 2 1. Page 1, by inserting after line 16, the
- 3 following:
- 4 , Page 1, by inserting after line 5, the
- 5 following new section:
- 6 NEW SECTION. Other provisions of the act
- 7 notwithstanding, a person eighteen years of age
- 8 who holds public office may purchase and consume
- 9 beer both off and on any licensed premises.

Chiodo of Polk rose on a point of order that amendment H—6583 was not germane.

The Speaker ruled the point not well taken and amendment H—6583 germane.

Fitzgerald of Webster moved the previous question on House File 112, with respect to the filing of amendments only.

A non-record roll call was requested.

The ayes were 67, nays 12.

The motion prevailed.

Clark of Lee moved to table amendment H—6583.

A non-record roll call was requested.

The ayes were 27, nays 57.

The motion lost.

Arnould of Scott moved the adoption of amendment H—6583, to the Senate amendment H—6486.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 22, nays 60.

Amendment H—6583 lost.

Arnould of Scott offered the following amendment H—6587, to the Senate amendment H—6486, filed by him from the floor:

H—6587

- 1 Amend amendment H—6486, to House File 112, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16, the
- 4 following:
- 5 " . Page 1, by inserting after line 5 the
- 6 following new section:
- 7 "Sec. . Chapter one hundred twenty-three (123),
- 8 Code 1977, is amended by adding the following new
- 9 section:
- 10 **NEW SECTION.** Any person who enters the House or
- 11 Senate chambers while under the influence shall upon
- 12 conviction be guilty of a simple misdemeanor." "

Chiodo of Polk rose on a point of order that amendment H—6587 was not germane.

The Speaker ruled the point well taken and amendment H—6587 not germane.

Dyrland of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—6587.

A non-record roll call was requested.

The ayes were 20, nays 59.

The motion lost.

Nielsen of Polk moved to reconsider the vote by which amendment H—6575, to the Senate amendment H—6486, failed to be adopted by the House on May 9, 1978.

Roll call was requested by Dyrland of Clayton and Byerly of Polk.

Rules 69 and 70 were invoked.

On the question "Shall the motion to reconsider amendment H—6575 prevail?"

The ayes were, 41:

Arnould	Avenson	Bina	Brandt
Brunow	Byerly	Clark, J.H.	Crawford
Cusack	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gilloon	Halvorson
Hargrave	Harvey	Hines	Horn
Husak	Jesse	Jochum	Krause
Krewson	Lipsky	Loneragan	Miller, K.D.
Monroe	Newhard	Nielsen	O'Halloran
Pelton	Perkins	Rinas	Scheelhaase
Schroeder	Shimanek	Spear	Varley
Walter			

The nays were, 53:

Anderson	Baker	Bennett	Binneboese
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Evans
Gettings	Gilson	Hansen	Harbor
Hinkhouse	Hoffmann	Howell	Hullinger
Junker	Koogler	Lageschulte	Lind
Lindeen	Menke	Middleswart	Millen
Miller (Sergeant)	Norland	Oxley	Pavich
Pellett	Poncy	Schnekloth	Smalley
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 6:

Branstad	Brockett	Den Herder	Griffee
Patchett	Small		

The motion lost.

Perkins of Greene moved to reconsider the vote by which amendment H—6576 failed to be adopted by the House on May 9, 1978.

Roll call was requested by Perkins of Greene and Krewson of Polk.

Rules 69 and 70 were invoked.

On the question "Shall the motion to reconsider amendment H—6576 prevail?"

The ayes were, 41:

Arnould	Avenson	Bina	Brandt
Byerly	Clark, J.H.	Connors	Crawford
Cusack	Dyrland	Egenes	Fitzgerald
Gentleman	Gettings	Gilloon	Hargrave
Harvey	Hines	Horn	Husak
Jesse	Jochum	Krause	Krewson
Lipsky	Loneragan	Miller, K.D.	Monroe
Newhard	Nielsen	O'Halloran	Patchett
Perkins	Rinas	Scheelhaase	Shimanek
Spear	Stephens	Svoboda	Varley
Walter			

The nays were, 52:

Anderson	Baker	Bennett	Binneboese
Chiodo	Clark, B.J.	Conlon	Crabb
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Evans	Garrison
Gilson	Halvorson	Hansen	Harbor
Hinkhouse	Hoffmann	Howell	Hullinger
Junker	Lageschulte	Lind	Lindeen
Menke	Middleswart	Millen	Miller (Sergeant)
Norland	Oxley	Pavich	Pellett
Pelton	Poncy	Schnekloth	Schroeder
Smalley	Spencer	Stromer	Tauke
Thompson	Tofte	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 7:

Branstad	Brockett	Brunow	Den Herder
Griffée	Koogler	Small	

The motion lost.

Dyrland of Clayton offered the following amendment H—6595, to the Senate amendment H—6486, filed by him from the floor and moved its adoption:

H—6595

- 1 Amend the Senate amendment H—6486, to House File
- 2 112, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 " . Page 1, by inserting after line 5 the
- 6 following new section:
- 7 "Sec. . Chapter one hundred twenty-three (123),

- 8 Code 1977, is amended by adding the following new
 9 section:
 10 **NEW SECTION.** Nothing in this chapter shall prohibit
 11 the consumption of wine by persons not of legal age or
 12 the giving or otherwise supplying of such alcoholic
 13 beverage to such person if the consumption, giving or
 14 otherwise supplying of such wine is for a bona fide
 15 religious purpose." "

Roll call was requested by Dyrland of Clayton and Arnould of Scott.

On the question "Shall amendment H—6595 be adopted?"

The ayes were, 29:

Arnould	Bina	Brandt	Byerly
Clark, J.H.	Crawford	Cusack	Dunton
Dyrland	Gentleman	Gilloon	Hargrave
Hines	Horn	Husak	Jesse
Jochum	Krewson	Lipsky	Lonergan
Monroe	Newhard	Nielsen	Patchett
Rinas	Scheelhaase	Spear	Varley
Walter			

The nays were, 58:

Anderson	Avenson	Baker	Bennett
Binneboese	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Daggett	Danker
Davitt	Dieleman	Doyle	Egènes
Evans	Garrison	Gettings	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Hullinger
Junker	Koogler	Krause	Lageschulte
Lind	Lindeen	Menke	Middleswart
Miller (Sergeant)	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Schneklath
Shimaneck	Smalley	Spencer	Stephens
Stromer	Svoboda	Tauke	Tofte
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 13:

Branstad	Brockett	Brunow	Den Herder
Fitzgerald	Griffiee	Millen	Miller, K.D.
Norland	O'Halloran	Schroeder	Small
Thompson			

Amendment H—6595 lost.

Krewson of Polk offered the following amendment H—6591, to the Senate amendment H—6486, filed by Krewson, Bina, Walter and Jochum from the floor:

H—6591

- 1 Amend amendment H—6486, to House File 112, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the follow-
- 4 ing:
- 5 "4. Amend the title, line 2, by striking the word
- 6 "nineteen" and inserting in lieu thereof the words
- 7 "twenty-one".

Danker of Pottawattamie rose on a point of order that amendment H—6591 was not germane.

The Speaker ruled the point not well taken and amendment H—6591 germane.

Krewson of Polk moved the adoption of amendment H—6591, to the Senate amendment H—6486.

Roll call was requested by Krewson of Polk and Bina of Scott.

Rule 70 was invoked.

On the question "Shall amendment H—6591 be adopted?"

The ayes were, 27:

Arnould	Bina	Brandt	Byerly
Crawford	Cusack	Dyrland	Gentleman
Gilloon	Hargrave	Harvey	Hines
Horn	Jesse	Jochum	Krewson
Lipsky	Miller, K.D.	Monroe	Newhard
Nielsen	O'Halloran	Patchett	Rinas
Small	Varley	Walter	

The nays were, 67:

Anderson	Avenson	Baker	Bennett
Binneboese	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilson
Halvorson	Hansen	Harbor	Hinkhouse

Hoffmann	Howell	Hullinger	Husak
Junker	Koogler	Krause	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller (Sergeant)	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schneklath	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 6:

Branstad	Brockett	Den Herder	Griffie
Norland	Schroeder		

Amendment H—6591 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk for the remainder of the day on request of Fitzgerald of Webster.

Krewson of Polk rose on a point of order that the Senate amendment H—6486 was not germane.

The Speaker ruled the point not well taken and the Senate amendment H—6486 germane.

Chiodo of Polk moved that the House concur in the Senate amendment H—6486.

Roll call was requested by Bina of Scott and Hines of Story.

On the question "Shall the House concur in the Senate amendment H—6486?"

The ayes were, 55:

Anderson	Baker	Bennett	Binneboese
Chiodo	Clark, B.J.	Conlon	Crabb
Daggett	Danker	Davitt	Doyle
Dunton	Evans	Fitzgerald	Gettings
Gilson	Hansen	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Junker
Koogler	Lageschulte	Lind	Lindeen
Menke	Middleswart	Millen	Miller (Sergeant)

Norland	Oxley	Pavich	Pellett
Pelton	Poncy	Schnekloth	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 38:

Arnould	Avenson	Bina	Brandt
Brunow	Clark, J.H.	Crawford	Cusack
Dyrland	Egenes	Garrison	Gentleman
Gilloon	Halvorson	Hargrave	Harvey
Hines	Horn	Husak	Jesse
Jochum	Krause	Krewson	Lipsky
Loneragan	Miller, K.D.	Monroe	Newhard
Nielsen	O'Halloran	Patchett	Perkins
Rinas	Scheelhaase	Schroeder	Small
Varley	Walter		

Absent or not voting, 7:

Branstad	Brockett	Byerly	Connors
Den Herder	Dieleman	Griffee	

The motion prevailed and the House concurred in the Senate amendment H—6486.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 112)

The ayes were, 61:

Anderson	Baker	Bennett	Binneboese
Chiodo	Clark, B.J.	Conlon	Crabb
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Evans	Gettings
Gilson	Halvorson	Hansen	Harbor
Hinkhouse	Hoffmann	Howell	Hullinger
Junker	Koogler	Krause	Lageschulte
Lind	Lindeen	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Norland
Oxley	Pavich	Pellett	Pelton

Perkins	Poney	Scheelhaase	Schnekloth
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 33:

Arnould	Avenson	Bina	Brandt
Brunow	Clark, J.H.	Crawford	Cusack
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Hargrave	Harvey
Hines	Horn	Husak	Jesse
Jochum	Krewson	Lipsky	Loneragan
Monroe	Newhard	Nielsen	O'Halloran
Patchett	Rinas	Schroeder	Small
Walter			

Absent or not voting, 6:

Branstad	Brockett	Byerly	Connors
Den Herder	Griffie		

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:

Pavich of Pottawattamie and Walter of Pottawattamie on request of Krewson of Polk, both for the remainder of the day.

ADOPTION OF CONFERENCE COMMITTEE REPORT (Senate File 2054)

Davitt of Warren called up for consideration the report of the conference committee on Senate File 2054, a bill for an act relating to the deposit of school district income surtax moneys, filed on May 4, 1978 and found on pages 2234 and 2235 of the House Journal, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report 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?" (S.F. 2054)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schneklloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Rinas

Absent or not voting, 9:

Branstad	Brockett	Byerly	Connors
Den Herder	Griffiee	Harvey	Pavich
Walter			

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:

Arnould of Scott and Rinas of Linn on request of Dyrland of Clayton, both for the remainder of the day.

ADOPTION OF CONFERENCE COMMITTEE REPORT (Senate File 244)

Monroe of Des Moines called up for consideration the report of the conference committee on Senate File 244, a bill for an act relating to the office of the Code editor and the publication of the Code of Iowa and the Iowa administrative code, filed on May 5, 1978 and found on pages 2287 through 2289 of the House Journal, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report 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. 244)

The ayes were, 63:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Davitt	Dieleman
Doyle	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Hines	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Perkins	Poncy	Scheelhaase
Schroeder	Shimanek	Spear	Stromer
Svoboda	Tauke	Thompson	Wells
West	Woods	Mr. Speaker	

The nays were, 25:

Bennett	Daggett	Danker	Dunton
Evans	Halvorson	Hansen	Harbor
Hargrave	Hinkhouse	Junker	Lind
Menke	Millen	O'Halloran	Pellett

Pelton
Stephens
Wyckoff

Schneklloth
Tofte

Small
Varley

Smalley
Welden

Absent or not voting, 12:

Arnould
Connors
Pavich

Branstad
Den Herder
Rinas

Brockett
Griffiee
Spencer

Byerly
Harvey
Walter

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

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT (Senate File 333)

Brunow of Appanoose called up for consideration the report of the second conference committee 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, filed on May 5, 1978 and found on pages 2289 through 2297 of the House Journal, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report 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. 333)

The ayes were, 87:

Anderson
Binneboese
Clark, B.J.
Crawford
Davitt
Dyrland
Garrison
Gilson
Hargrave
Horn
Jesse
Krause

Baker
Brandt
Clark, J.H.
Cusack
Dieleman
Egenes
Gentleman
Halvorson
Hines
Howell
Jochum
Krewson

Bennett
Brunow
Conlon
Daggett
Doyle
Evans
Gettings
Hansen
Hinkhouse
Hullinger
Junker
Lageschulte

Bina
Chiodo
Crabb
Danker
Dunton
Fitzgerald
Gilloon
Harbor
Hoffmann
Husak
Koogler
Lind

Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Poney	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Arnould	Avenson	Branstad	Brockett
Byerly	Connors	Den Herder	Griffie
Harvey	Pavich	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.

CONFERENCE COMMITTEES APPOINTED (House File 2034)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2034: Norland of Worth, Chair; Anderson of Jasper, Brandt of Black Hawk, Conlon of Muscatine and West of Marshall.

(Senate File 2247)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2247: Cusack of Scott, Chair; Svoboda of Iowa, Arnould of Scott, Varley of Adair and West of Marshall.

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, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2390, a bill for an act amending the Iowa civil rights law.

Also: That the Senate has on May 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2237, a bill for an act relating to sales tax by providing that free newspapers and shoppers guides shall not be included within the definition of a retail sale.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO HOUSE FILE 2390

H-6603

- 1 Amend House File 2390 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 8, by striking the word "or" and
- 4 inserting in lieu thereof the words "of a".
- 5 2. Page 1, line 27, by striking the word "hearing"
- 6 and inserting in lieu thereof the word "reviewing".
- 7 3. Page 2, line 8, by striking the word "defendant"
- 8 and inserting in lieu thereof the word "respondent".
- 9 4. Page 2, line 14, by adding after the word
- 10 "commission." the words "The district court may also
- 11 award the respondent reasonable attorney's fees and
- 12 court costs when the court finds that the complainant's
- 13 action was frivolous."
- 14 5. Page 2, line 23, by striking the word and
- 15 figure "and 601A.10" and inserting in lieu thereof
- 16 the words and figures "and 601A.10, and the second
- 17 new section in section twenty-one (21) of this Act".
- 18 6. Page 2, by striking lines 34 and 35.
- 19 7. Page 3, by striking lines 1 through 8.
- 20 8. Page 3, by striking line 10 and inserting in
- 21 lieu thereof the words and figures "subsection two
- 22 (2), Code 1977, is amended".
- 23 9. Page 3, line 18, by inserting after the word
- 24 "schools," the words "credit practices,".
- 25 10. Page 3, by striking lines 27 through 33 and
- 26 inserting in lieu thereof the following:
- 27 "Sec. 7. Section six hundred one A point six
- 28 (601A.6), Code 1977, is amended by adding the following
- 29 new subsection:
- 30 **NEW SUBSECTION.** Notwithstanding the provisions
- 31 of this section, a state or federal program designed
- 32 to benefit a specific age classification which serves
- 33 a bona fide public purpose shall be permissible."
- 34 11. Page 3, line 35, by striking the word "subsec-
- 35 tions" and inserting in lieu thereof the word
- 36 "subsection".

- 37 12. Page 4, by striking lines 1 through 6.
38 13. Page 4, by striking lines 10 through 17.
39 14. Page 4, line 12, by inserting after the word
40 "new" the word "lettered".
41 15. Page 4, line 13, by inserting after the word
42 "NEW" the word "LETTERED".
43 16. Page 5, line 33, by striking the word "ten"
44 and inserting in lieu thereof the word "twenty".
45 17. Page 6, line 1, by striking the word
46 "reviewing" and inserting in lieu thereof the word
47 "hearing".
48 18. Page 6, line 2, by inserting after the word
49 "officer" the words "under the jurisdiction of the
50 commission".

Page 2

- 1 19. Page 6, by striking lines 4 through 8 and
2 inserting in lieu thereof the following:
3 "b. For purposes of this Act, a hearing officer
4 issuing a determination of probable cause or no
5 probable cause under this section shall be exempt
6 from the provisions of section seventeen A point
7 seventeen (17A.17) of the Code."
8 20. Page 6, line 9, by striking the word
9 "reviewing" and inserting in lieu thereof the word
10 "hearing".
11 21. Page 6, line 13, by striking the word
12 "reviewing" and inserting in lieu thereof the word
13 "hearing".
14 22. Page 6, line 14, by striking the word
15 "reviewing" and inserting in lieu thereof the word
16 "hearing".
17 23. Page 6, line 27, by striking the word "omitted"
18 and inserting in lieu thereof the word "bypassed".
19 24. Page 6, line 32, by striking the word
20 "omitting" and inserting in lieu thereof the word
21 "bypassing".
22 25. Page 6, line 33, by striking the word
23 "omission" and inserting in lieu thereof the word
24 "bypassing".
25 26. Page 6, line 34, by striking the word
26 "omission" and inserting in lieu thereof the word
27 "bypassing".
28 27. Page 7, line 9, by striking the words "omitted,
29 or when" and inserting in lieu thereof the words
30 "bypassed, and".
31 28. Page 7, line 11, by striking the word "have"
32 and inserting in lieu thereof the word "has".
33 29. Page 7, line 17, by striking the word
34 "omitting" and inserting in lieu thereof the word
35 "bypassing".

- 36 30. Page 7, line 17, by striking the word "omitted"
37 and inserting in lieu thereof the word "bypassed".
38 31. Page 7, line 22, by striking the word
39 "examiner" and inserting in lieu thereof the words
40 "examiner officer".
41 32. Page 8, line 15, by striking the word
42 "reinstatement" and inserting in lieu thereof the word
43 "reinstatement".
44 33. Page 8, line 16, by inserting after the period
45 the following: "Interim earned income and unemployment
46 compensation shall operate to reduce the pay otherwise
47 allowable."
48 34. Page 11, line 12, by striking the word
49 "restricted" and inserting in lieu thereof the word
50 "certified".

Page 3

- 1 35. Page 11, by inserting after line 13 the
2 following:
3 "Sec. . . . Section six hundred one A point fourteen
4 (601A.14), subsection fifteen (15), Code 1977, is
5 amended to read as follows:
6 15. Any verified complaint filed under this chapter
7 shall be so filed A claim under this chapter shall
8 not be maintained unless a complaint is filed with
9 the commission within one hundred twenty eighty days
10 after the alleged discriminatory or unfair practice
11 occurred."
12 36. Page 11, lines 22 and 23, by striking the
13 words "return receipt requested,".
14 37. Page 11, by inserting after line 23 the follow-
15 ing:
16 "Sec. . . . Section six hundred one A point
17 seventeen (601A.17), Code 1977, is amended by adding
18 the following new unnumbered paragraphs:
19 NEW UNNUMBERED PARAGRAPH. Nothing in this chapter
20 shall be construed as indicating an intent to prohibit
21 an agency of local government having as its purpose
22 the investigation and resolution of violations of
23 this chapter from developing procedures and remedies
24 necessary to insure the protection of rights secured
25 by the Iowa civil rights Act. An agency of local
26 government and the Iowa civil rights commission shall
27 cooperate in the sharing of data and research, and
28 coordinating investigations and conciliations in order
29 to eliminate needless duplication.
30 NEW UNNUMBERED PARAGRAPH. The commission may
31 designate an agency of local government as a referral
32 agency. A local agency shall not be designated a
33 referral agency unless the ordinance creating it
34 provides the same rights and remedies as are provided

35 in this chapter. The commission shall establish
36 by rules the procedures for designating a referral
37 agency and the qualifications to be met by a referral
38 agency.

39 NEW UNNUMBERED PARAGRAPH. A complainant who files
40 a complaint with a referral agency having jurisdiction
41 shall be prohibited from filing a complaint with the
42 commission alleging violations based upon the same
43 acts or practices cited in the original complaint;
44 and a complainant who files a complaint with the
45 commission shall be prohibited from filing a com-
46 plaint with a referral agency alleging violations
47 based upon the same acts or practices cited in the
48 original complaint. However, the commission in its
49 discretion may refer a complaint filed with the
50 commission to a referral agency having jurisdiction

Page 4

1 over the parties for investigation and resolution;
2 and a referral agency in its discretion may refer
3 a complaint filed with that agency to the commission
4 for investigation and resolution. The commission
5 may promulgate rules establishing the procedures for
6 referral of complaints. A referral agency may refuse
7 to accept a case referred to it by the commission
8 if the referral agency is unable to effect proper
9 administration of the complaint. It shall be the
10 burden of the referral agency to demonstrate that
11 it is unable to properly administer that complaint.

12 NEW UNNUMBERED PARAGRAPH. A final decision by
13 a referral agency shall be subject to judicial review
14 as provided in section six hundred one A point fifteen
15 (601A.15) of the Code in the same manner and to the
16 same extent as a final decision of the commission.

17 NEW UNNUMBERED PARAGRAPH. The referral of a
18 complaint by the commission to a referral agency or
19 by a referral agency to the commission shall not
20 affect the right of a complainant to commence an
21 action in the district court under section one (1)
22 of this Act."

23 38. Page 11, by striking lines 24 through 35.

24 39. Page 12, by striking lines 1 through 4.

25 40. Page 12, by inserting after line 4 the follow-
26 ing:

27 "NEW SECTION. UNFAIR OR DISCRIMINATORY PRACTICES-
28 EDUCATION. It shall be an unfair or discriminatory
29 practice for any educational institution to
30 discriminate on the basis of sex in any program or
31 activity. Such discriminatory practices shall include
32 but not be limited to the following practices:

33 1. On the basis of, sex, exclusion of a person

34 or persons from participation in, denial of the
35 benefits of, or subjection to discrimination in any
36 academic, extracurricular, research, occupational
37 training, or other program or activity except athletic
38 programs;

39 2. On the basis of sex, denial of comparable
40 opportunity in intramural and interscholastic athletic
41 programs;

42 3. On the basis of sex, discrimination among
43 persons in employment and the conditions thereof;

44 4. On the basis of sex, the application of any
45 rule concerning the actual or potential parental,
46 family or marital status of a person, or the exclusion
47 of any person from any program or activity or
48 employment because of pregnancy or related conditions
49 dependent upon the physician's diagnosis and
50 certification.

Page 5

1 For the purpose of this section "educational
2 institution" includes any public preschool, or
3 elementary, secondary, or merged area school or area
4 education agency and their governing boards. Nothing
5 in this section shall be construed to prohibit any
6 educational institution from maintaining separate
7 toilet facilities, locker rooms or living facilities
8 for the different sexes so long as comparable
9 facilities are provided."

10 41. Renumbering and correcting internal refer-
11 ences in accordance with this amendment.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2209

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 2209, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems, respectfully make the following report:

1. That the House recede from its amendment, S-5714, to Senate File 2209, as amended, passed, and reprinted by the Senate.

2. That Senate File 2209, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter ninety-three (93), Code 1977, is amended by adding sections two (2) through eleven (11) of this Act.

Sec. 2. NEW SECTION. LEGISLATIVE FINDINGS. The general assembly finds that:

1. The public health, safety, and welfare of the people of the state of Iowa require that an adequate supply of energy be made available to them at all times.

2. Nonrenewable energy sources are becoming more limited.

3. State government has an obligation to encourage the use of alternative renewable energy sources.

4. Solar energy systems are an effective means of reducing the dependence of the state government and the people of the state on imported energy sources and of conserving valuable fossil fuel and other nonrenewable energy sources.

5. It is in the public interest to define solar energy systems, demonstrate and study solar energy applications, apply incentives for using solar energy including property tax exemptions, educate the public on solar technology and coordinate governmental programs affecting solar energy.

Sec. 3. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Conventional energy system" means an energy system using fossil fuel, nuclear or hydroelectric energy and the components of the system, including transmission lines, burners, furnaces, tanks, boilers, related controls, distribution systems, room or area units and other components.

2. "Joint solar energy system" means a solar energy system involving at least two owners or users that supplies energy for structures or processes on more than one lot or in more than one condominium unit or leasehold, but not to the general public.

3. "Solar energy system" means a system of equipment capable of collecting and converting incident solar radiation, wind energy or organic materials into heat, mechanical or electrical energy and transforming these forms of energy by a separate apparatus to a point of storage or end use.

4. "Solar skyspace" means the maximum three dimensional space extending from a solar energy collector to all positions of the sun necessary for efficient use of the collector.

5. "Public energy supplier" means any publicly, privately, municipally or cooperatively owned utility that furnishes electricity or gas to the general public for a fee.

Sec. 4. NEW SECTION. PROGRAM CREATED. There is created the Iowa comprehensive solar energy program under the direction of the council. The director of energy policy shall administer the program and may accept, receive and administer

and may expend with the approval of the council, any gifts, grants or other public or private funds for the program. The director shall cooperate with and use the facilities and resources of existing state agencies, public and private educational institutions, business, civic associations, industrial and professional representatives and local governments in carrying out the provisions of this Act.

Sec. 5. NEW SECTION. DEMONSTRATION PROJECTS. The council shall prepare a plan for instituting a variety of solar energy system demonstration projects in public and private buildings or for public and private use throughout the state and shall make such plan available to the general assembly.

Sec. 6. NEW SECTION. INCENTIVE PROGRAM. The council, in cooperation with appropriate state agencies, shall develop an incentive program for encouraging the construction and use of cost effective solar energy systems within this state. Development of the incentive program shall include studies of:

1. Laws, regulations, ordinances, rules and plans for the purpose of determining the extent to which the laws, regulations, ordinances, rules and plans inhibit or encourage the use of solar energy systems.

2. The market penetration of solar energy systems.

3. Solar skyspace rights.

4. Performance standards for solar energy systems.

The council shall submit a progress report of its findings and recommendations concerning incentive programs and studies mandated by this section to the general assembly not later than January 15, 1979 and periodically thereafter as necessary. The initial progress report shall include bill drafts necessary to implement the council's solar skyspace rights recommendations.

Sec. 7. NEW SECTION. ASSISTANCE PROGRAM. The council may provide upon request any technical or available financial assistance deemed necessary to encourage the development of solar energy systems in this state, under the provisions of section ninety-three point fourteen (93.14) of the Code.

Sec. 8. NEW SECTION. PUBLIC EDUCATION. The council may, in cooperation with other state agencies, units of local government, and other institutions, plan, prepare, and develop educational programs for the public regarding the use of solar energy systems. However to the maximum extent feasible, the council shall leave the responsibility for actually implementing the solar energy educational programs to existing state agencies, units of local government, and other institutions responsible for educating the public.

Sec. 9. NEW SECTION. STUDY OF PUBLIC ENERGY SUPPLIERS AND SOLAR ENERGY. The council shall, in cooperation with the Iowa state commerce commission, study the relationship between public energy suppliers and the use of solar energy systems and shall make recommendations concerning its findings to the general assembly. The study shall identify different scenarios relating to the development and use of solar energy and shall determine for each scenario ways to:

1. Integrate the supply of conventional energy with solar energy systems at reasonable rates and under reasonable conditions of service; and

2. Minimize the economic and load impact on public energy suppliers of the use of solar energy systems; and

3. Develop criteria for load forecast projections in the service area of public energy suppliers which consider the potential use of solar energy systems.

Sec. 10. NEW SECTION. SOLAR ENERGY SYSTEM REGULATION STUDY. The Iowa state commerce commission shall, in cooperation with the council, study the impacts of the use of joint solar energy systems and shall make recommendations concerning its findings to the general assembly. The study shall:

1. Estimate the rate of development and use of joint solar energy systems through 1985.

2. Examine the need for regulation of joint solar energy systems, the administrative costs of regulation and enforcement mechanisms.

3. Examine the need for the use of the power of eminent domain.

4. Determine the effects on service areas, cost of service and other effects of the use of joint solar energy systems on public energy suppliers.

5. Identify ways to prevent undue economic hardship on the public energy supplier and its customers.

6. Identify ways to promote the development and use of joint solar energy systems.

The study shall also examine the need for regulation of the financing, sales and service of solar energy systems.

Sec. 11. NEW SECTION. PROVISION OF SOLAR ENERGY SYSTEMS BY PUBLIC ENERGY SUPPLIERS. The financing, sales and service of solar energy systems shall be a valid service and purpose of a public energy supplier. However nothing in this section shall be construed to prohibit within the service area as determined under sections four hundred seventy-six point twenty-two (476.22) through four hundred seventy-six point twenty-five (476.25) of the Code of a public energy supplier:

1. The financing, sales and service of solar energy systems by an individual, corporation or institution that is not a public energy supplier.

2. The financing of solar energy systems by a unit of government that is not a public energy supplier.

Sec. 12. Section four hundred forty-one point twenty-one (441.21), subsection three (3), Code 1977, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Notwithstanding unnumbered paragraph one (1) of this subsection, any construction or installation of a solar energy system or

gas production systems using waste or manure to produce gas completed on property classified as agricultural, residential, commercial, or industrial property shall not increase the actual, assessed and taxable values of such property for assessment years beginning on January 1, 1979 and ending on or before December 31, 1985.

NEW UNNUMBERED PARAGRAPH. As used in this subsection "solar energy system" means a system of equipment capable of collecting and converting incident solar radiation or wind energy into heat, mechanical or electrical energy and transforming these forms of energy by a separate apparatus to storage or to point of use.

Sec. 13. Section four hundred twenty-seven point one (427.1), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Coal which is held in inventory to be used for methane gas production or other purposes by a person, corporation, partnership, or other business entity, except coal held in inventory which is owned by a person, corporation, partnership, or other business entity whose property is assessed by the department of revenue pursuant to sections four hundred twenty-eight point twenty-four (428.24) to four hundred twenty-eight point twenty-nine (428.29) of the Code or chapters four hundred thirty-three (433) to four hundred thirty-eight (438) of the Code.

Sec. 14. Chapter four hundred seventy-six (476), Code 1977, is amended by adding the following new section:

NEW SECTION. DISCRIMINATION PROHIBITED. A municipality, corporation or cooperative association providing electrical or gas service shall not consider the use of renewable energy sources by a customer as a basis for establishing discriminatory rates or charges for any service or commodity sold to the customer or discontinue services or subject the customer to any other prejudice or disadvantage based on the customer's use or intended use of renewable energy sources. As used in this section, "renewable energy sources" includes but is not limited to, solar heating wind power and the conversion of urban and agricultural organic wastes into methane gas and liquid fuels.

Sec. 15. The code editor shall place sections two (2) through eleven (11) of this Act as a new division in chapter ninety-three (93) of the Code."

2. Amend the title, line 1, by striking all of the title after the word "Act" and inserting in lieu thereof the words "relating to energy resources by encouraging the development and use of solar energy and by providing property tax exemptions for coal held in inventory, solar energy systems, and methane gas production systems."

ON THE PART OF THE SENATE:

NORMAN RODGERS, Chair
ROLF V. CRAFT
DAVID M. READINGER
JAMES M. REDMOND

ON THE PART OF THE HOUSE:

LOWELL E. NORLAND, Chair
ROLLIN K. HOWELL
MARY O'HALLORAN
RICHARD W. WELDEN

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2382

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 2382, a bill for an act relating to flight from the state to avoid prosecution and providing a penalty, respectfully make the following report:

1. That the House concur in the Senate amendment, H — 6066, to House File 2382, as amended, passed, and reprinted by the House.

ON THE PART OF THE SENATE:

JOHN R. SCOTT, Chair
LUCAS J. DeKOSTER
RICHARD R. RAMSEY
EARL M. WILLITS

ON THE PART OF THE HOUSE:

SCOTT D. NEWHARD, Chair
BETTY JEAN CLARK
NORMAN JESSE
CARL V. NIELSEN

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 8, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 211, an act relating to the registration of vessels.

House File 433, an act relating to the termination of a life estate in real property which has been leased.

House File 630, 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.

House File 2331, an act relating to authority of soil conservation district commissioners and their authorized agents or employees to enter upon public or private property.

House File 2335, an act relating to the administration of the temporary State Land Preservation Policy Commission.

House File 2356, an act relating to assessment procedures by providing duties for the Department of Revenue and owners of industrial property in valuing industrial property.

Also: That on May 9, 1978 the Governor approved and transmitted to the Secretary of State the following bills:

House File 82, an act placing with the Department of Health the authority for regulating the installation and use of radiation emitting equipment and providing a penalty.

House File 127, an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

House File 2137, an act relating to the tax levied and budget approval dates for the operation of an area vocational school or area community college.

House File 2295, an act relating to the disabled veteran's tax credit.

Senate File 2210, an act relating to the method of deducting net operating losses and political contributions in computing the income tax liability of individuals and corporations.

Senate File 2230, an act directing the Executive Council to sell the Valley Bank Building.

Senate File 2246, an act making an appropriation to the judicial department.

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 ninth day of May, 1978: House Files 187, 593, 606, 2023, 2128, 2170 and 2174.

DAVID L. WRAY

Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Twenty-five eighth grade students from Sully Christian School, Sully, Iowa, accompanied by Stanley Hoogeveen and Larry Eggink. By Dieleman of Marion.

Twenty-five eighth grade students from Green Mountain Junior-Senior High School, Green Mountain, Iowa, accompanied by Mrs. Debbie Henningsen. By West of Marshall.

Twenty-five National Honor Society students from Shelby High School, Shelby, Iowa, accompanied by Sherri Sieck. By Danker of Pottawattamie.

Forty-three second and third grade students from Elmwood Elementary School, Des Moines, Iowa. By Gentleman of Polk.

Forty-fifth grade students from Semco Elementary School, Laurel, Iowa, accompanied by Mrs. Patterson and Mrs. Jones. By Dieleman of Marion and West of Marshall.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 505 Budget

Appropriating funds to designated state agencies to implement an emergency medical care program.

AMENDMENTS FILED

H-6594	S.F. 2187	Dyrland of Clayton
H-6596	S.F. 2187	Dyrland of Clayton
H-6597	S.F. 2176	Howell of Floyd
H-6598	S.F. 2187	Schnekloth of Scott
H-6599	H.F. 2359	Monroe of Des Moines
H-6600	S.F. 2187	Schnekloth of Scott
H-6601	S.F. 2187	Schnekloth of Scott
H-6602	S.F. 2176	Middleswart of Warren
		Davitt of Warren

On motion by Fitzgerald of Webster, the House adjourned at 9:39 p.m., until 9:00 a.m., Wednesday, May 10, 1978.

JOURNAL OF THE HOUSE

One Hundred Twenty-second Calendar Day—Seventy-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 10, 1978

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

Prayer was offered by Julie Gsell, Senate Page from Bettendorf, Iowa.

The Journal of Tuesday, May 9, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. F. M. Ashler, Hamburg, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago on request of Lind of Black Hawk; Varley of Adair for the morning session on request of Harbor of Mills; Byerly of Polk for a portion of the day on request of Nielsen of Polk.

HOUSE CONCURRENT RESOLUTION 135

By Husak and Bennett

- 1 *Whereas*, the costs of institutional health care
- 2 continue to rise to such an extent that there is fear
- 3 that treatment will be made unavailable to our low-
- 4 income citizens, or that such treatment will be delayed
- 5 to the detriment of the patient; and
- 6 *Whereas*, preventive medicine is clearly preferable
- 7 to restorative treatment; and
- 8 *Whereas*, Iowa's many senior citizens have a right to
- 9 remain in their own homes as long as they are able; and
- 10 *Whereas*, in-home health care has demonstrated effect-
- 11 iveness as a means to permit our senior citizens to
- 12 remain home; and
- 13 *Whereas*, in-home health care has the further benefit
- 14 of providing an efficient mechanism for early detection
- 15 of disease; and
- 16 *Whereas*, the delivery of health services currently
- 17 involves the departments of health and social services,
- 18 and the commission on aging; and

19 *Whereas*, direct purchase of service may be more
20 efficient and less costly than the delivery of service
21 by state agencies in certain instances; *Now Therefore*,
22 *Be It Resolved by the House of Representatives, the*
23 *Senate Concurring*, That the Legislative Council is
24 respectfully urged to create a study committee composed
25 of members of the Budget Subcommittees on Human Resources
26 of the Senate and House of the Sixty-seventh General
27 Assembly representing both political parties to conduct
28 a study during the 1978 interim on the correlation of
29 service among the department of health and the department
30 of social services, and the involvement of the commission

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1 on aging with respect to delivery of in-home health
2 services; and to review the existing procedures regarding
3 purchase of service agreements; and to determine the
4 appropriate level of state funding for such service; and
5 *Be It Further Resolved*, That the study committee
6 shall prepare a report of its findings and submit it to
7 the Legislative Council and the members of the Sixty-
8 eighth General Assembly, 1979 Session, accompanied by
9 legislative bill drafts designed to carry out the
10 recommendations of the interim study committee.

Referred to budget subcommittee on human resources.

HOUSE CONCURRENT RESOLUTION 136

By Husak and Bennett

1 *Whereas*, the general assembly has long been concerned
2 with developing community-based approaches to resolving
3 the problems of alcoholism and drug abuse; and
4 *Whereas*, in an effort to increase the effectiveness
5 and efficiency of treatment of alcoholism and drug abuse,
6 and in recognition of the commonality of these problems,
7 the general assembly effected a merger of state agencies
8 responsible for treatment programs; and
9 *Whereas*, the new department of substance abuse is
10 undertaking review of local substance abuse programs; and
11 *Whereas*, it is necessary to insure that the merger of
12 alcoholism and drug abuse programs does not result in
13 adverse effects at the local level; and
14 *Whereas*, under new administration the department of
15 substance abuse has strengthened its responsibility for
16 monitoring the use of state funds in the treatment and
17 prevention of substance abuse; and
18 *Whereas*, procedures for maintaining local account-
19 ability for use of state grants for treatment and pre-
20 vention have been specified in Senate File 2241 and

21 House File 2440; and
22 *Whereas*, the Human Resources Budget Subcommittee has
23 consistently encouraged the evaluation and monitoring
24 of substance abuse programs funded by the state; *Now*
25 *Therefore*,
26 *Be It Resolved by the House of Representatives, the*
27 *Senate Concurring*, That the Legislative Council is
28 respectfully urged to create a study committee composed
29 of members of the Budget Subcommittees on Human Resources
30 of the Senate and House of the Sixty-seventh General

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1 Assembly representing both political parties to conduct
2 a study during the 1978 interim on the procedures for
3 awarding and evaluating grants from the department of
4 substance abuse to local substance abuse programs; and
5 *Be It Further Resolved*, That the study committee
6 shall prepare a report of its findings and submit it to
7 the Legislative Council and the members of the Sixty-
8 eighth General Assembly, 1979 Session, accompanied by
9 legislative bill drafts designed to carry out the recom-
10 mendations of the interim study committee.

Referred to budget subcommittee on **human resources**.

HOUSE CONCURRENT RESOLUTION 137

By Husak and Bennett

1 *Whereas*, the number of Iowans over age 60 continues
2 to rise, both as a percentage of the population and in
3 absolute numbers; and
4 *Whereas*, funding for programs designed to serve the
5 elderly is increasing at both the state and federal
6 levels; and
7 *Whereas*, Iowa's population of elderly is widely
8 dispersed, many of them living in rural areas which do
9 not have adequate supportive services, creating problems
10 of access to service; and
11 *Whereas*, there exists a clear need to develop a state-
12 wide system insuring uniform delivery of services; and
13 *Whereas*, the existing administrative structure
14 governing programming for the elderly seems unable to
15 promote consistent implementation of state-wide policy
16 as established by the commission on aging; and
17 *Whereas*, the new administration of the commission
18 on the aging appears capable of advocating for the
19 elderly and translating legislative intent into meaning-
20 ful programming; and
21 *Whereas*, the joint budget subcommittee on human
22 resources is trying to determine the appropriate level

23 of administrative support for aging programs; *Now Therefore,*
24 *Be It Resolved by the House of Representatives, the*
25 *Senate Concurring,* That the Legislative Council is
26 respectfully urged to create a study committee of members
27 of the Budget Subcommittees on Human Resources of the
28 Senate and House of the Sixty-seventh General Assembly
29 representing both political parties to conduct a study
30 during the 1978 interim on the administrative structure,

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1 programming and funding of the commission on the aging;
2 and
3 *Be It Further Resolved,* That the study committee shall
4 prepare a report of its findings and submit it to the
5 Legislative Council and the members of the Sixty-eighth
6 General Assembly, 1979 Session, accompanied by legis-
7 lative bill drafts designed to carry out the recommenda-
8 tions of the interim study committee.

Referred to budget subcommittee on human resources.

HOUSE CONCURRENT RESOLUTION 138

By Wyckoff, Hansen, Husak, Baker,
Millen, Harbor and Hinkhouse

1 *Whereas,* the governor is the commander in chief
2 of the state; and
3 *Whereas,* in the history of our nation and state,
4 there have been heroic Iowans, civilians as well as
5 military personnel, who have served their community,
6 state and nation far beyond the call of duty; and
7 *Whereas,* Iowa does not presently have a suitable
8 decoration to honor such heroic Iowans; and
9 *Whereas,* most of the fifty states have such
10 appropriate decorations which are on display in the
11 Memorial Amphitheatre at the Arlington National
12 Cemetery and in other national or state archives;
13 and
14 *Whereas,* various state veterans' organizations
15 have volunteered to fund the cost of such a decora-
16 tion; *Now Therefore,*
17 *Be It Resolved by the House of Representatives,*
18 *the Senate Concurring,* That the governor as commander
19 in chief, is hereby urged to establish an Iowa Medal
20 of Valor, to present in the name of the state of Iowa.
21 The medal should be of suitable design, as may be
22 determined by the governor. It is urged that the
23 medal should be sparingly awarded by the governor
24 to those Iowa civilians and Iowa military personnel
25 who have performed valorous or meritorious service

26 which reflects honorably and creditably on the state
27 of Iowa, which service and heroics to be of such a
28 degree as to be comparable to the service rendered in
29 earning the Congressional Medal of Honor. It is
30 urged that the method of awarding the medal be such

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1 as to allow the local commanders of the state's veterans'
2 organizations, to recommend to their state commanders
3 names of potential recipients with the state commanders'
4 recommendations going to the State Veterans Council which
5 in turn would make nonbinding recommendations to the
6 governor. It is further urged that the first recipients
7 of the Iowa Medal of Valor be those Iowans who have
8 received the Congressional Medal of Honor.

Referred to committee on state government.

HOUSE CONCURRENT RESOLUTION 139

By Walter, Dyrland, Gentleman, Krewson,
Cusack and Bina

1 *Whereas*, a joint interim subcommittee of the senate
2 and house standing committees on human resources,
3 as successor to a bipartisan joint select committee
4 established for the first session of the Sixty-seventh
5 General Assembly, oversaw and received progress reports
6 from a study of administrative, coordination and
7 planning strengths and weaknesses of agencies
8 delivering mental health services in Iowa, conducted
9 during the 1977 legislative interim; and

10 *Whereas*, that study culminated in January 1978
11 in the presentation of a draft final report including
12 a number of specific recommendations for improvements
13 in Iowa's system for delivery of mental health
14 services; and

15 *Whereas*, the governor has appointed a task force
16 on mental health, including representatives of state
17 and local agencies responsible for the delivery of
18 mental health services, interested consumers, mental
19 health practitioners and interested citizens; which
20 has submitted its report to the governor; and

21 *Whereas*, the Committee on Sifting has recommended
22 to the House for passage House File 2453, a bill which
23 will begin adoption of recommendations from the 1977
24 interim consultant's study by establishing a state
25 mental health advisory council, providing for
26 preadmission screening of state mental health institute
27 patients by community mental health centers, and
28 mandating combination of the functions of the existing
29 Iowa Mental Health Authority and of the Division of
30 Mental Health of the Department of Social Services

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1 in a unified state mental health agency; *Now Therefore,*
2 *Be It Resolved by the House of Representatives,*
3 *the Senate Concurring,* That the Legislative Council
4 is respectfully urged to authorize establishment by
5 the standing Committees on Human Resources of the
6 Senate and the House of a joint interim subcommittee
7 on mental health, composed of not less than five
8 senators and five representatives, to develop, review,
9 revise and prepare for submission to the first session
10 of the Sixty-eighth General Assembly, not later than
11 January 15, 1979, proposals for further implementation
12 of the recommendations of the mental health study
13 conducted for the General Assembly in 1977; and
14 *Be It Further Resolved,* That tentative proposals
15 initially developed by the joint subcommittee, and
16 the recommendations of the 1977 mental health study
17 conducted for the general assembly, shall be presented
18 by the joint subcommittee at public hearings held
19 widely throughout the state, and the state advisory
20 council on mental health shall be invited to review
21 and comment from time to time on the proposals
22 developed by the joint interim subcommittee on the
23 basis of its hearings and deliberations; and
24 *Be It Further Resolved,* That the proposals developed
25 by the joint interim subcommittee may address, but
26 need not be limited to, the following matters:
27 1. The question whether it is most desirable that
28 the unified state mental health agency mandated by
29 House File 2453 be permanently structured as:
30 a. A division of the department of social services;

Page 3

1 or
2 b. A new division of the state department of
3 health; or
4 c. A new state department of mental health; or
5 d. An agency structured in some other manner
6 recommended by the subcommittee.
7 2. Incorporation of the provisions of section
8 three (3), subsections one (1), two (2) and three
9 (3), and sections four (4) through seven (7) of House
10 File 2453, or substantially similar provisions.
11 3. Funding arrangements to support necessary
12 planning activities and implementation of the objective
13 expressed in section one (1) of House File 2453.
14 4. Formation of multi-county regional mental
15 health consortia.
16 5. Establishment of a state mental health planning
17 procedure.

- 18 6. Maintenance of high standards of quality in
19 state and local mental health programs, residential
20 facilities and county care facilities.
21 7. Assurance of continuity of care for clients
22 entering and leaving the mental health system.

Referred to committee on **human resources**.

HOUSE CONCURRENT RESOLUTION 140

By Stromer, Varley, Lind, Howell,
Clark of Cerro Gordo and Norland

- 1 *Whereas*, the collection and disposal of litter and
2 other forms of solid waste into sanitary landfills is
3 costly and only a partial solution to solid waste
4 problems; and
5 *Whereas*, the disposal of solid waste in sanitary
6 landfills precludes the recycling and recovery of
7 valuable resources; and
8 *Whereas*, technical, institutional and economic
9 factors make the development and operation of resource
10 recovery systems difficult and expensive for individual
11 local governments; and
12 *Whereas*, a positive state policy and program on
13 resource recovery is needed to provide for a technical
14 assessment of alternative resource recovery systems and
15 an analysis of economic consequences of the alternatives,
16 and to encourage intergovernmental cooperation in
17 developing feasible systems; *Now Therefore*,
18 *Be It Resolved by the House of Representatives, the*
19 *Senate Concurring*, That the legislative council appoint
20 an interim committee to study and assess the potential
21 for resource recovery within the state, including an
22 evaluation of barriers which limit the potential of
23 resource recovery; and
24 *Be It Further Resolved*, That the study committee shall
25 submit its findings and conclusions to the legislative
26 council and to the general assembly convening in
27 January, 1979, together with bill drafts containing
28 any recommended legislation.

Referred to committee on **energy**.

HOUSE CONCURRENT RESOLUTION 141

By Norland and West

- 1 *Whereas*, Congress enacted the Tax Reform Act of 1976
2 which made major revisions to the federal estate tax
3 which impacts upon state income, estate, and inheritance
4 tax laws; and
5 *Whereas*, the Tax Reform Act of 1976 provided for

6 carryover basis valuation and special use valuation
7 in valuing a decedent's property for federal estate
8 tax purposes; and
9 *Whereas*, considerable problems have arisen for persons
10 attempting to close estates under the revised federal
11 estate tax statutes; and
12 *Whereas*, the problems and confusion occurring as a
13 result of these changes requires the attention of the
14 general assembly in reviewing the impact of the Tax
15 Reform Act of 1976 upon the state tax laws and further
16 that Congress should further study the problems in order
17 to clarify the current federal law; and
18 *Whereas*, the Tax Reform Act of 1976 has significant
19 impact upon the citizens of this state and of the United
20 States; *Now Therefore*,
21 *Be It Resolved by the House of Representatives, the*
22 *Senate Concurring*, That a joint subcommittee composed
23 of members representing the respective Committees on
24 Ways and Means be appointed by the Legislative Council to
25 conduct a study during the 1978 interim of the impact of
26 the Tax Reform Act of 1976 on the state income tax and
27 inheritance tax law; and
28 *Be It Further Resolved*, That the subcommittee
29 prepare a report accompanied by bill drafts designed
30 to carry out its recommendations and that such report

Page 2

- 1 be submitted to the Legislative Council and the
- 2 General Assembly meeting in the year 1979.

Referred to committee on **ways and means**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee, appointed May 10, 1978, for Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation, on the part of the Senate are:

The Senator from Jasper, Senator Hill, Chair; the Senator from Cherokee, Senator Curtis; the Senator from Black Hawk, Senator Nolting; the Senator from Jefferson, Senator Schwengels; and the Senator from Polk, Senator Willits.

KEVIN P. LIGHT, Acting Secretary

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.

ADOPTION OF HOUSE RESOLUTION 112

Pursuant to House Rule 26, the Speaker announced that House Resolution 112, filed on March 1, 1978 and found on page 735 of the House Journal, was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 123

Pursuant to House Rule 26, the Speaker announced that House Resolution 123, filed on March 21, 1978 and found on page 1090 of the House Journal, was adopted by unanimous consent.

SENATE AMENDMENTS CONSIDERED

Small of Johnson called up for consideration **House File 207**, a bill for an act creating a citizens privacy task force, prescribing its powers and duties and making an appropriation, amended by the Senate amendment H—6578, found on page 2341 of the House Journal, and moved that the House concur in the Senate amendment H—6578.

The motion prevailed and the House concurred in the Senate amendment H—6578.

Small of Johnson 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. 207)

The ayes were, 63:

Anderson
Binneboese
Clark, J.H.
Cusack
Dyrland

Avenson
Brandt
Conlon
Davitt
Egenes

Baker
Brunow
Connors
Dieleman
Fitzgerald

Bina
Clark, B.J.
Crawford
Doyle
Gentleman

Gettings	Halvorson	Harbor	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lind	Lindeen	Lipsky
Lonergan	Middleswart	Millen	Monroe
Newhard	Nielsen	Norland	Oxley
Pavich	Pelton	Perkins	Poncy
Scheelhaase	Schroeder	Shimanek	Small
Spear	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Wells
West	Woods	Mr. Speaker	

The nays were, 20:

Bennett	Brockett	Crabb	Daggett
Danker	Dunton	Evans	Garrison
Gilson	Hansen	Harvey	Lageschulte
Menke	Miller, K.D.	Miller (Sergeant)	Pellett
Schnekloth	Stephens	Weiden	Wyckoff

Absent or not voting, 17:

Arnould	Branstad	Byerly	Chiodo
Den Herder	Gilloon	Griffiee	Hargrave
Hines	Jesse	Krause	O'Halloran
Patchett	Rinas	Smalley	Spencer
Varley			

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

Baker of Buena Vista called up for consideration **House File 2359**, a bill for an act relating to reorganization procedures for school districts, amended by the Senate amendment H—6577, found on page 2341 of the House Journal.

Monroe of Des Moines offered the following amendment H—6599, to the Senate amendment H—6577, filed by him and moved its adoption:

H—6599

- 1 Amend the Senate amendment, H—6577, to House File
- 2 2359 as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. By inserting after line 2 the following:
- 5 "1. Page 8, by striking lines 14 through 20 and
- 6 inserting in lieu thereof the words "administrator
- 7 with whom such petition is filed shall call a special

8 election in such proposed school corporation within
9 thirty days from the date of the final determination
10 of such boundaries and serve give written notice on
11 of the proposed date of the election to the county
12 commissioner of elections of the county in the proposed
13 school corporation which has the greatest taxable
14 base in the proposed school corporation therein.
15 The proposed date shall be as soon as possible pursuant
16 to sections thirty-nine point two (39.2), subsections
17 one (1) and two (2), and forty-seven point six (47.6),
18 subsections one (1) and two (2), of the Code, but
19 not later than December thirty-first. The county".
20 2. By renumbering succeeding sections of the
21 amendment accordingly.

Amendment H—6599 was adopted.

Daggett of Adams moved to reconsider the vote by which amendment H—6599, to the Senate amendment H—6577, was adopted by the House on May 10, 1978.

Monroe of Des Moines asked and received unanimous consent to defer action on House File 2359 and that the bill retain its place on the calendar.

ADOPTION OF CONFERENCE COMMITTEE REPORT (House File 2382)

Newhard of Jones called up for consideration the report of the conference committee on House File 2382, a bill for an act relating to flight from the state to avoid prosecution and providing a penalty, filed on May 9, 1978 and found on page 2375 of the House Journal, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report 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. 2382)

The ayes were, 86:

Anderson
Bennett

Arnould
Bina

Avenson
Binneboese

Baker
Brandt

Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Branstad	Byerly	Chiodo	Den Herder
Gilloon	Griffie	Hines	Krause
O'Halloran	Patchett	Rinas	Small
Spencer	Varley		

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 2448, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made, with report of committee recommending amendment and passage was taken up for consideration.

Bina of Scott offered amendment H—6506 filed by the committee on ways and means on May 4, 1978 and found on pages 2247 through 2251 of the House Journal.

Krewson of Polk offered the following amendment H—6536, to the committee amendment H—6506, filed by Bina of Scott and him and moved its adoption:

H—6536

- 1 Amend the Committee amendment, H—6506, to House
- 2 File 2448 as follows:
- 3 1. Page 1, by striking lines 4 through 6 and
- 4 inserting in lieu thereof the following:
- 5 "2. Page 2, line 22, by inserting after the word
- 6 "by" the words "both the owner and"."
- 7 2. Page 1, lines 8 and 9, by striking the words
- 8 "whether the city plans on issuing" and inserting
- 9 in lieu thereof the words "shall state any plan by
- 10 the city to issue".

Amendment H—6536 was adopted.

Lipsky of Linn offered the following amendment H—6610, to the committee amendment H—6506, filed by her from the floor and moved its adoption:

H—6610

- 1 Amend amendment H—6506 to House File 2448
- 2 as follows:
- 3 1. Page 1, by striking lines 23 and 24 and
- 4 inserting in lieu the following: "to that real
- 5 estate by all improvements to that real estate."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 36, nays 53.

Amendment H—6610 lost.

On motion by Bina of Scott, the committee amendment H—6506, as amended, was adopted.

Hargrave of Johnson offered the following amendment H—6606 filed by Hargrave, Norland and Garrison from the floor:

H—6606

- 1 Amend House File 2448 as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "Act." the words "However, if on or after the effective
- 4 date of this Act an area zoned for residential use
- 5 or commercial use for residential purposes has been

6 rezoned for any use other than these, the city shall
7 not adopt a resolution designating that area as a
8 part of a revitalization area for at least five years
9 after the date on which that area was rezoned."

10 2. Page 2, line 15, by striking the words "and
11 proposed".

12 3. Page 2, lines 16 and 17, by striking the words
13 "a proposed zoning classification or district" and
14 inserting in lieu thereof the words "the plan".

15 4. Page 3, by inserting after line 24 the follow-
16 ing paragraphs:

17 "After the city designates an area a revitalization
18 area, the city shall not rezone any area zoned for
19 residential use or commercial use for residential
20 purposes to any use other than these within that
21 revitalization area during the time during which the
22 area remains designated a revitalization area or for
23 seven years from the date of the designation as a
24 revitalization area, whichever time is the lesser.

25 The provisions in this section restricting a city
26 from designating an area a revitalization area if
27 that area has been rezoned or restricting a city from
28 rezoning an area within a revitalization area shall
29 not apply to:

30 (a) The rezoning of an area consisting solely
31 of land on which no structure exists at the time of
32 rezoning except, where structures previously existing
33 on such land have been removed for the purpose of
34 qualifying for this exemption from the rezoning
35 restrictions of this section;

36 (b) The rezoning of an area if before the rezoning
37 the city has entered into agreements with all
38 developers and the persons and businesses involved
39 to insure that relocation payments or rent supplements
40 will be provided as required by section six (6) of
41 this Act; or

42 (c) The rezoning of an area for which an urban
43 renewal project has been approved pursuant to chapter
44 four hundred three (403) of the Code."

Conlon of Muscatine offered the following amendment H-6613,
to amendment H-6606, filed by him from the floor and moved its
adoption:

H-6613

1 Amend amendment H-6606 to House File 2448 as
2 follows:

3 1. Page 1, line 5, by striking the words "commer-
4 cial use for residential purposes" and by inserting
5 in lieu thereof the words "mixed commercial and

- 6 residential uses".
- 7 2. Page 1, line 9, by adding after the word
- 8 "rezoned." the following: "For purposes of this
- 9 Act, zoning for "mixed commercial and residential
- 10 uses" shall mean a zoning classification in which
- 11 small scale commercial uses are permitted in an
- 12 otherwise predominantly residential environment."
- 13 3. Page 1, lines 19 and 20, by striking the words
- 14 "commercial use for residential purposes" and by
- 15 inserting in lieu thereof the words "mixed commercial
- 16 and residential uses".

Amendment H—6613 was adopted.

Small of Johnson asked and received unanimous consent to reconsider the vote by which amendment H—6613, to amendment H—6606, was adopted by the House on May 10, 1978.

By unanimous consent, the following amendment H—6615, to amendment H—6613, to amendment H—6606, filed by Small of Johnson from the floor, was adopted.

H—6615

- 1 Amend amendment H—6613 to amendment H—6606 to
- 2 House File 2448 as follows:
- 3 1. Page 1, by striking lines 3 through 6 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, line 5, by inserting after the word
- 6 "purposes" the words "or mixed commercial and
- 7 residential uses".
- 8 2. Page 1, by striking lines 13 through 16 and
- 9 inserting in lieu thereof the following:
- 10 "3. Page 1, line 20, by inserting after the word
- 11 "purposes" the words "or mixed commercial and
- 12 residential uses".

On motion by Conlon of Muscatine, amendment H—6613, as amended, to amendment H—6606, was adopted.

On motion by Hargrave of Johnson, amendment H—6606, as amended, was adopted.

Norland of Worth offered the following amendment H—6559 filed by him and West of Marshall and moved its adoption:

H—6559

- 1 Amend House File 2448 as follows:

- 2 1. Page 7, line 12, by inserting after the word
- 3 "housing" the words "and for which reimbursement or
- 4 compensation has not otherwise been provided".

Amendment H—6559 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. 2448)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Mr. Speaker			

The nays were, 4:

Crabb	Howell	Scheelhaase	Wyckoff
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Absent or not voting, 7:

Branstad	Byerly	Den Herder	Gilloon
Hines	Krause	Varley	

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

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Cusack of Scott in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay for the afternoon session and May 11, 1978 on request of Crawford of Story.

INTRODUCTION OF BILLS

House File 2460, by committee on budget, a bill for an act creating a state of Iowa office in Washington, D.C., and making an appropriation.

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

House File 2461, by committee on sifting, a bill for an act relating to overtime compensation for deputy sheriffs and making the provisions of this Act retroactive.

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

House File 2462, by committee on sifting, a bill for an act correcting and relating to erroneous and obsolete sections of the Code.

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

House File 2463, by committee on sifting, a bill for an act relating to the inventory taking of motor fuel and special fuel gallonage to be sold or dispensed at tax rates established by House File four hundred ninety-one (491), Acts of the Sixty-seventh General Assembly, 1978 Session.

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

SENATE MESSAGES CONSIDERED

Senate File 2237, a bill for an act relating to the sales tax by providing that free newspapers and shoppers guides shall not be included within the definition of a retail sale and by exempting certain tangible personal property consumed by a retailer from the sales tax.

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

Senate File 2267, a bill for an act relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

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 May 9, 1978, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2423, a bill for an act relating to appropriations to the department of general services for designated capital improvements and expenses.

Also: That the Senate has on May 10, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2432, a bill for an act relating to the employment and payment by the state board of regents of attorneys and counselors for the purpose of acting as an employer under the provisions of chapter twenty (20) of the Code.

Also: That the Senate has on May 10, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2435, a bill for an act relating to providing additional funding for the second injury fund under workers' compensation.

Also: That the Senate has on May 8, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

KEVIN P. LIGHT, Acting Secretary

QUORUM CALL

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

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2359**, a bill for an act relating to reorganization procedures for school districts, and the Daggett of Adams motion to reconsider amendment H—6599, to the Senate amendment H—6577.

Daggett of Adams asked and received unanimous consent to withdraw his motion to reconsider.

Horn of Linn offered the following amendment H—6616, to the Senate amendment H—6577, filed by him from the floor and moved its adoption:

H—6616

- 1 Amend H—6577, Senate Amendment to House File
- 2 2359, as follows:
- 3 1. By striking lines 7 through 10.

Amendment H—6616 was adopted.

On motion by Baker of Buena Vista, the House concurred in the Senate amendment H—6577, as amended.

Baker of Buena Vista 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. 2359)

The ayes were, 68:

Anderson
Bina
Brunow
Connors
Doyle
Fitzgerald
Gilloon
Hansen
Howell
Koogler

Arnould
Binneboese
Clark, B.J.
Crawford
Dunton
Garrison
Gilson
Hargrave
Husak
Krewson

Avenson
Brandt
Clark, J.H.
Davitt
Dyrland
Gentleman
Griffiee
Harvey
Jochum
Lageschulte

Baker
Brockett
Cochran
Dieleman
Evans
Gettings
Halvorson
Horn
Junker
Lind

Lonergan	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Schroeder
Shimanek	Small	Smalley	Spear
Stromer	Svoboda	Tauke	Tofte
Varley	Walter	Wells	Mr. Speaker (Cusack)

The nays were, 17:

Bennett	Conlon	Crabb	Daggett
Danker	Harbor	Hinkhouse	Hoffmann
Lindeen	Menke	Pellett	Schneklath
Stephens	Thompson	Welden	West
Wyckoff			

Absent or not voting, 15:

Branstad	Byerly	Chiodo	Den Herder
Egenes	Hines	Hullinger	Jesse
Krause	Lipsky	Newhard	Rinas
Scheelhaase	Spencer	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 2359)

Baker of Buena Vista asked and received unanimous consent that House File 2359 be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of **Senate File 397**, a bill for an act to increase the fee for recording instruments.

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?" (S.F. 397)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Scheelhaase	Schneklloth	Schroeder	Shimane
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Wyckoff	Mr. Speaker (Cusack)		

The nays were, 1:

Monroe

Absent or not voting, 17:

Branstad	Byerly	Den Herder	Egenes
Evans	Gilloon	Hines	Hullinger
Jesse	Lipsky	Newhard	Nielsen
Rinas	Small	Spencer	Varley
Woods			

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

SENATE AMENDMENT CONSIDERED

Brandt of Black Hawk called up for consideration **House File 2390**, a bill for an act amending the Iowa civil rights law, amended by the Senate amendment H—6603, found on pages 2366 through 2370 of the House Journal.

Monroe of Des Moines offered the following amendment H-6607, to the Senate amendment H-6603, filed by him and Brandt of Black Hawk from the floor:

H-6607

- 1 Amend the Senate amendment, H-6603, to House File
- 2 2390 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking lines 5 and 6.
- 5 2. Page 1, by striking line 38 and inserting in
- 6 lieu thereof the following:
- 7 " Page 4, by striking lines 10 through 17
- 8 and inserting in lieu thereof the following:
- 9 "Sec. Section six hundred one A point six
- 10 (601A.6), subsection two (2), paragraph d, Code 1977,
- 11 is amended to read as follows:
- 12 d. Any bona fide religious institution or its
- 13 educational facility, association, corporation or
- 14 society with respect to any qualifications for
- 15 employment based on religion when such qualifications
- 16 are related to a bona fide religious purpose. A
- 17 religious qualification for instructional personnel
- 18 or an administrative officer, serving in a supervisory
- 19 capacity of a bona fide religious educational facility
- 20 or religious institution, shall be deemed to be a
- 21 bona fide occupational qualification."
- 22 3. Page 1, by striking lines 39 through 42.

By unanimous consent the following amendment H-6608, to amendment H-6607, to the Senate amendment H-6603, filed by Brandt of Black Hawk and Monroe of Des Moines from the floor, was adopted.

H-6608

- 1 Amend the amendment, H-6607, to Senate amendment,
- 2 H-6603, to House File 2390 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 1, line 20, by striking the word "deemed"
- 5 and inserting in lieu thereof the word "presumed".

On motion by Monroe of Des Moines, amendment H-6607, as amended, was adopted.

Speaker Cochran in the chair at 2:47 p.m.

West of Marshall offered the following amendment H-6604, to

the Senate amendment H—6603, filed by him from the floor and moved its adoption:

H—6604

- 1 Amend the Senate amendment H—6603, to House File
- 2 2390 as passed by the House and reprinted, as follows:
- 3 1. Page 1, by striking lines 23 and 24.

Roll call was requested by Wyckoff of Benton and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—6604 be adopted?"

The ayes were, 45:

Baker	Bennett	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Daggett
Danker	Dieleman	Dunton	Evans
Gilson	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Husak	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Nielsen	Pellett	Pelton	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Wyckoff			

The nays were, 49:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Connors
Crawford	Cusack	Davitt	Doyle
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Griffiee
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Svoboda	Wells
Mr. Speaker			

Absent or not voting, 6:

Branstad	Byerly	Chiodo	Den Herder
Spencer	Woods		

Amendment H—6604 lost.

On motion by Brandt of Black Hawk, the House concurred in the Senate amendment H—6603, as amended.

Brandt of Black Hawk 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. 2390)

The ayes were, 75:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Griffee	Halvorson
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lindeen
Lipsky	Lonergan	Middleswart	Millen
Miller, K.D.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Shimaneck
Smalley	Spear	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	Woods	Mr. Speaker	

The nays were, 20:

Bennett	Brockett	Crabb	Daggett
Danker	Evans	Gilson	Hansen
Harbor	Lageschulte	Lind	Menke
Miller (Sergeant)	Pellett	Schroeder	Stephens
Stromer	Welden	West	Wyckoff

Absent or not voting, 5:

Branstad	Byerly	Den Herder	Small
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 2390)

Brandt of Black Hawk asked and received unanimous consent that House File 2390 be immediately messaged to the Senate.

SPECIAL PRESENTATION

Speaker Cochran introduced House Page Janice Husak who presented a gift to Sally Blanton, Supervisor of Pages, in appreciation of her help during the session.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT
(House File 2361)

Patchett of Johnson called up for consideration the following report of the Conference Committee on House File 2361:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2361

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 2361, a bill for an act relating to elementary and secondary education and providing an appropriation, respectfully make the following report:

1. That the House recede from its amendment, S-5734, to Senate amendment, H-6250, to House File 2361 as amended, passed and reprinted by the House.

2. That the Senate recede from its amendment, H-6250, to House File 2361 as amended, passed and reprinted by the House.

3. That House File 2361 as amended, passed and reprinted by the House be amended as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. NEW SECTION. TITLE. Sections one (1) through eleven (11) of this Act shall be known and may be cited as the "Iowa community education Act".

Sec. 2. NEW SECTION. PURPOSE. It is the purpose of this Act to provide educational, recreational, cultural, and other community services and programs through the establishment of the concept of community education with the community school serving as the center for such activity. In cooperation with other community agencies and groups, it is the purpose of the community education act to mobilize

community resources to solve identified community concerns and to promote a more efficient and expanded use of existing school buildings and equipment, to provide leadership in working with other entities, to mobilize the human and financial resources of a community, and to provide a wide range of opportunities for all socio-economic, ethnic, and age groups. A related purpose of this Act is to develop a sense of community in which the citizenry cooperates with the school and community agencies and groups to resolve their school and community concerns and to recognize that the schools belong to the people, and that as the entity located in every neighborhood, the schools are available for use by the community day and night, year-round or any time when the programming will not interfere with the elementary and secondary program.

Sec. 3. NEW SECTION. DEFINITIONS. As used in sections one (1) through eleven (11) of this Act unless the context otherwise requires:

1. "Community education" means a life-long education process concerning itself with every facet that affects the well-being of all citizens within a given community. It extends the role of the school from one of teaching children through an elementary and secondary program to one of providing for citizen participation in identifying the wants, needs, and concerns of the neighborhood community and coordinating all educational, recreational, and cultural opportunities within the community with community education being the catalyst for providing for citizen participation in the development and implementation of programs toward the goal of improving the entire community.

Community education energizes people to strive for the achievement of determined goals and stimulates capable persons to assume leadership responsibilities. It welcomes and works with all groups, it draws no lines. It is the one institution in the entire community that has the opportunity to reach all people and groups and to gain their cooperation.

2. "Community school" means any elementary or secondary school.

3. "Community" means the area located within the boundaries of the local school district.

4. "State consultant" means the state community education consultant.

5. "Department" means the department of public instruction.

6. "State advisory council" means the council established by section six (6) of this Act.

7. "Director" means the local community school director who assumes responsibility for making the process function effectively.

8. "District-wide advisory council" means a broadly-representative group of persons selected from the entire school district with at least one representative from each of the local advisory councils after they are formed. At least one member of the council shall be a representative from the local public recreation department or agency, if one exists.

9. "Local advisory council" means a broadly-representative group of persons living within the attendance boundaries of an individual neighborhood school.

10. "Board" means the local board of directors of school districts.

Sec. 4. NEW SECTION. STATE CONSULTANT. State consultant of community education shall serve district and local advisory councils in accordance with rules promulgated by the superintendent of public instruction and in compliance with public law ninety-three dash three hundred eighty (P.L. 93-380).

Sec. 5. NEW SECTION. LOCAL DIRECTOR. The local community education director shall:

1. Serve as staff person to district-wide and local advisory councils.
2. Promote, publicize, and interpret the community education programs to the schools and community.
3. Facilitate community needs and resources after adequate assessment.
4. Seek ideas, promote people involvement in the process, and open lines of communication and coordination.
5. Stimulate planning to meet needs.
6. Schedule community-use hours available in school-plant facilities and related equipment and coordinate such use with building principals or designated representatives.
7. Prepare the community education budget in concert and with approval of the district-wide advisory council, and administer the budget after final approval by the board of directors.

Sec. 6. NEW SECTION. STATE ADVISORY COUNCIL.

1. The state advisory council is established consisting of nine members appointed by the state board of public instruction for three-year terms. The purpose of the community school advisory council is to promote educational, recreational, cultural and other community services through the maximum use of school facilities. The state council shall consist of members who are broadly representative of the educational, recreational, cultural, and social entities of the state. Members shall be appointed from various geographic locations throughout the state and shall represent various socio-economic, ethnic, and age groups. Terms of office shall commence on July first of the year in which the appointment is made and shall continue until a successor is appointed and qualifies. However, for the initial council, three members shall be appointed for three-year terms, three members for two-year terms, and three members for one-year terms. Vacancies occurring on the state council shall be filled for the unexpired term in the same manner as the original appointment.

2. The members of the state council shall serve without compensation, but shall be reimbursed for actual expenses and travel incurred while the member is on official business of the state council.

3. The members of the council shall meet annually as soon after July first as possible to organize at a time and place designated by the state consultant. Thereafter, meetings may be called by the chairperson or a majority of members. The state council shall elect a chairperson and such other officers as it deems necessary. The state consultant shall serve as secretary for the state council.

Sec. 7. NEW SECTION. DUTIES OF STATE COUNCIL. The state council shall:

1. Establish and maintain close cooperation and understanding among the various groups throughout the state affected by community education programs.

2. Provide a forum for the discussion, development, and recommendation of public policy alternatives for community education programs.

3. Serve as a clearinghouse for information on matters relating to community education programs and similar programs throughout the United States.

4. Serve as a clearinghouse for resource persons, associations, and groups of all kinds, coordinating assistance to school districts which have specific needs.

5. Provide an annual report to the state board of public instruction.

6. Perform other functions necessary to insure the orderly and coordinated development of community school programs in the state.

Sec. 8. NEW SECTION. DUTIES OF DISTRICT-WIDE ADVISORY COUNCIL. The district-wide advisory council shall:

1. Provide guidance to local advisory councils, training and orientation for community persons, evaluation and assessment of needs and delivery systems for school districts.

2. Develop a "sense of total community" and promote democratic thinking and action.

3. Promote meaningful involvement of total community in the identifying, prioritizing, and resolving of school-community concerns.

4. Serve as an advocate of community education and foster community cooperation.

5. Provide an annual budget recommendation and annual report to the local board of education.

6. Mobilize available human and financial resources of the community to meet needs, interests, and concerns of people in the total community.

7. Make school facilities and resources available to all age groups from the total community, day and night, year round.

8. Facilitate the assessment of community-wide needs with the understanding that local advisory councils will manage their own assessments of needs.

9. Provide support and act as a resource group for local advisory councils and the community education director.

10. Help plan and recommend a community education budget for approval by the local board of education.

11. Recommend to the board, regulations, guidelines, and fees, if any, for facility usage.

12. Define short and long-range community education goals and objectives.

13. Communicate through inquiring, informing, suggesting, recommending and evaluating community education for the community.

14. Cooperate with other agencies and organizations including the merged area schools and institutions under the control of the state board of regents toward common goals.

15. Perform the functions of the local advisory council in the event that the board determines that the size of the district does not warrant the establishment of a local advisory council.

Sec. 9. NEW SECTION. DUTIES OF LOCAL ADVISORY COUNCIL. The local advisory council shall:

1. Determine needs and priorities and provide programs to serve the needs of the community located within the attendance boundaries of an individual school.

2. Provide programming which is available to any community resident.

3. Promote meaningful involvement of the total neighborhood community in its identification and resolution of school and community concerns.

4. Mobilize available human and financial resources of the community to meet the wants and needs in that neighborhood community.

5. Use existing programs and community resources for delivery of services whenever feasible.

6. Use funds as allocated by district-wide advisory council after budget approval by board.

7. Evaluate the success of programs in meeting needs, interests, and concerns and in resolving responsible needs and concerns.

Sec. 10. NEW SECTION. ESTABLISHMENT OF PROGRAM.

1. The board of directors of a local school district may establish a community education program for schools in the district and provide for the general supervision of the program. Financial support for the program shall be provided from funds raised pursuant to chapter three hundred (300) of the Code and from any private funds and any federal funds made available for the purpose of implementing this Act. The

program which recognizes that the schools belong to the people and which shall be centered in the schools may include but shall not be limited to the use of the school facilities day and night, year round including weekends and regular school vacation periods for educational, recreational, cultural, and other community services and programs for all age, ethnic, and socio-economic groups residing in the community.

2. If a community education program is established, the board shall appoint a community education director who shall have professional training in the field of community education, recreation, or comparable experience.

3. Upon establishment of a community education program, the board shall provide for the selection of a district-wide advisory council which shall be responsible to the board and shall cooperate with and assist the board and the local community education director. The board shall also provide for the selection of local advisory councils.

4. The board shall receive an annual report and budget recommendation from the district-wide advisory council and may request supplementary reports as needed.

5. The school districts may cooperate with merged area schools, institutions under the control of the state board of regents, and area education agencies in providing community education programs.

6. The board may use opportunities available under public law ninety-three dash three hundred eighty (P.L. 93-380).

7. The board may approve cooperation and pooling of funds with other school districts.

Sec. 11. NEW SECTION. FUNDING OF COMMUNITY EDUCATION CONCEPT. Residents of the affected school district shall determine if community education will function in their community by providing for funding pursuant to chapter three hundred (300) of the Code.

Sec. 12. Section two hundred eighty-five point one (285.1), subsection twenty-one (21), Code 1977, is amended to read as follows:

21. Boards in districts operating buses may in their discretion transport senior citizens, children, and handicapped and other persons and groups, who are not otherwise entitled to free transportation, and shall collect the pro rata cost of transportation. Transportation under this subsection shall not be provided when the school bus is being used to transport pupils to or from school unless the board determines that such transportation is desirable and will not interfere with or delay the transportation of pupils.

Sec. 13. Section two hundred eighty-five point ten (285.10), subsection nine (9), Code 1977, is amended to read as follows:

9. In the discretion of the board, furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, or handicapped or other persons and groups in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver except when the bus is used for transporting pupils to and from extracurricular

activities sponsored by the school. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils.

Sec. 14. Section two hundred ninety-seven point five (297.5), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The directors in any high school district maintaining a program kindergarten through grade twelve may, by ~~February 4~~ March fifteenth of each year certify an amount not exceeding twenty-seven cents per thousand dollars of assessed value to the board of supervisors, who shall levy the amount so certified, and the tax so levied shall be placed in the schoolhouse fund and used only for the purchase and improvement of sites in and for said school district as specified by the directors.

Sec. 15. Section two hundred ninety-seven point nine (297.9), Code 1977, is amended to read as follows:

297.9 USE FOR OTHER THAN SCHOOL PURPOSES. The board of directors of any school district may authorize the use of any schoolhouse and its grounds within such district for the purpose of meetings of granges, lodges, agricultural societies, and similar ~~rural secret orders and societies~~, for parent-teacher associations, for community recreational activities, for community education programs, election purposes, other meetings of public interest, public forums and similar community purposes; provided, however, that the board may not grant such permission to any organization known or believed to hold views that are in conflict with the republican form of government as set forth in the Constitution of the United States; and for election purposes, and for other meetings of public interest; provided that such use shall in no way interfere with school activities; such use to be for such compensation and upon such terms and conditions as may be fixed by said board for the proper protection of the schoolhouse and the property belonging therein, including that of pupils, except that in the case of community education programs, any compensation necessary for programs provided specifically by community education and not those provided through community education by other agencies or organizations shall be compensated from the funding provided for community education programs.

Sec. 16. Section three hundred point one (300.1), Code 1977, is amended to read as follows:

300.1 ESTABLISHMENT—MAINTENANCE—SUPERVISION. Boards of ~~school~~ directors in school districts containing or contained in any city are hereby authorized to establish and maintain for children and adults in the public school buildings and on the public school grounds under the custody and management of such boards, public recreation places and playgrounds and necessary accommodations for same, without charge to the residents of said school district; also to cooperate with the commissioners or boards having the custody and management in such cities of public parks and public buildings and grounds of whatever sort, and, by making arrangements satisfactory to such boards controlling public parks and grounds, to provide for the supervision, instruction, and oversight necessary to carry on public educational and recreational activities, as described in this section in buildings and upon grounds in the custody and under the management of such commissioners or boards having charge of public parks and public buildings on grounds of whatever sort, in such cities.

Sec. 17. Section four hundred forty-two point four (442.4), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. Basic enrollment for the budget year beginning July 1, 1979 and each subsequent budget year is determined by adding the resident pupils who were enrolled on the second Friday of January September in the base year in public elementary and secondary schools of the district and in public elementary and secondary schools in another district or state for which tuition is paid by the district. For the school year beginning July 1, 1975, pupils who were enrolled on the second Friday of January in the base year in special education programs conducted by a county or joint county school system are included in basic enrollment. For the school year beginning July 1, 1975, and each succeeding school year, pupils enrolled in prekindergarten programs other than special education programs are not included in basic enrollment.

Resident pupils of high school age for which the district pays tuition to attend an Iowa area school are included in basic enrollment on a full-time equivalent basis as of the second Friday of January September in the base year for the budget year beginning July 1, 1979 and each subsequent budget year.

Shared-time and part-time pupils of school age, irrespective of the districts in which the pupils reside, are included in basic enrollment as of the second Friday of January September in the base year for the budget year beginning July 1, 1979 and each subsequent budget year, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time out-of-district pupil shall be reduced by the amount of any increased state aid occasioned by the counting of the pupil.

Pupils attending a university laboratory school are not counted in any district's basic enrollment, but the laboratory school shall report them directly to the department of public instruction.

A school district shall certify its basic enrollment to the state department of public instruction by January 25 September twenty-fifth of each year, and the department shall promptly forward the information to the state comptroller. For purposes of determining whether a district is entitled to an advance for increasing enrollment, and for record-keeping purposes, a determination of enrollment shall be made on the second Friday of September in the budget year and the second Friday of January in the base year, in the same manner as the January September basic enrollment is determined.

However, for the school year beginning July 1, 1974, basic enrollment is equal to the actual enrollment used for that year prior to adjustment for decreasing enrollment.

2. An adjusted enrollment for each district shall be computed as follows:

a. For the school year beginning July 1, 1975, if a district has a decrease from the sum of the basic enrollment in the base year plus adjustments for decreasing enrollment made in the base year, to the basic enrollment in the budget year, the state

comptroller shall compute an amount to be added to the basic enrollment for the budget year. The amount to be added is equal to fifty percent of this decrease, to the extent that the decrease does not exceed five percent of the sum of the basic enrollment in the base year plus adjustments made for decreasing enrollment in the base year, and twenty-five percent of the remaining decrease. If the district does not experience this decrease, the adjusted enrollment for the budget year is equal to the basic enrollment for the budget year.

b a. For the school years subsequent to the school year beginning July 1, 1975, and prior to the school year beginning July 1, 1979, and for the school years subsequent to the school year beginning July 1, 1979, if a district has a decrease from the basic enrollment in the base year to the basic enrollment in the budget year the state comptroller shall compute an amount to be added to the basic enrollment for the budget year. The amount to be added is equal to fifty percent of the basic enrollment decrease to the extent that it does not exceed five percent of the base year's basic enrollment, and twenty-five percent of the remaining basic enrollment decrease. If the school district does not experience a decrease from the basic enrollment in the base year to the basic enrollment in the budget year the adjusted enrollment for the budget year is equal to the basic enrollment for the budget year.

b. For the school year beginning July 1, 1979, if a district has a decrease from the basic enrollment in the base year to the basic enrollment in the budget year the state comptroller shall compute an amount to be added to the basic enrollment for the budget year. The amount to be added is equal to one hundred percent of the basic enrollment decrease to the extent that it does not exceed two and one-half percent of the base year's basic enrollment, and fifty percent of the remaining basic enrollment decrease. If the school district's basic enrollment in the base year is equal to or less than the basic enrollment for budget year the adjusted enrollment shall equal the basic enrollment for the budget year.

Sec. 18. Section four hundred forty-two point five (442.5), subsection one (1), paragraph a, Code 1977, is amended to read as follows:

a. "Miscellaneous income" means all receipts deposited to the general fund of a school district which are not obtained from state aid provided under section 442.1 or 442.11, or from property tax authorized under section 442.2 or 442.9. Miscellaneous income includes property tax levied under the provisions of section six hundred thirteen A point seven (613A.7) of the Code, to fund the costs of tort liability insurance for the school district.

Sec. 19. Section four hundred forty-two point seven (442.7), subsections one (1), two (2), three (3), four (4), and five (5), Code 1977, are amended to read as follows:

1. For the school year beginning July 1, 1975, the state percent of growth is ten and seven tenths percent.

Seven tenths of one percent of the state percent of growth is to compensate for the cost of improvements to the Iowa public employees' retirement system and also to fund a portion of the cost of driver education classes offered by the district and formerly funded partly by a state appropriation.

2 1. For school years subsequent to the school year beginning July 1, 1975 1978, a state percent of growth for the budget year shall be computed by the state comptroller prior to February 15 of each September fifteenth in the base year and forwarded to the superintendent of public instruction. The state percent of growth shall be an average of the following four percentages of growth:

a. The difference in the state general fund revenues received during the year, adjusted for changes in rates or basis, computed or estimated as a percentage of change for each of the following periods:

- (1) From the year immediately preceding the base year to the base year.
- (2) From the base year to the budget year.

b. The difference in the Iowa consumer price index which shall be computed by the state comptroller prior to January 1, 1976, and recomputed each month subsequent to January 1, 1976, based upon a comprehensive sampling of the costs of goods and services within Iowa, and until an Iowa consumer price index is available, the consumer price index published by the bureau of labor statistics, United States department of labor computed or estimated as a percentage of change for the following periods:

- (1) From July 1 January first of the year prior to the base year to July 1 January first of the budget base year.
- (2) From July 1 January first of the budget base year to July 1 January first of the year immediately following the budget year.

3 2. If the state percent of growth so computed is negative, that percentage shall not be used and the state percent of growth shall be zero.

4 3. Each year prior to February 15 September fifteenth the state comptroller shall recompute the state percent of growth for the previous year using adjusted estimates and the actual figures available. The difference between the recomputed state percent of growth for the base year and the original computation shall be added to or subtracted from the state percent of growth for the budget year, as applicable.

5. The state comptroller shall compute an estimated state percent of growth for the budget year prior to September 15 in the base year and shall forward this estimate to the superintendent of public instruction.

Sec. 20. Section four hundred forty-two point seven (442.7), subsection seven (7), paragraph a, Code 1977, is amended to read as follows:

a. If the state cost per pupil in the base year minus the amount included in the state cost per pupil in the base year to compensate for the cost of special education support services exceeds the district cost per pupil in the base year minus the amount included in the district cost per pupil in the base year to compensate for the cost of special education support services, the basic allowable growth per pupil for the budget year is modified to equal the lesser of one hundred twenty-five percent of the basic allowable growth product obtained by multiplying the state percent of growth for the

budget year times an amount equal to the state cost per pupil for the base year less the average amount for special education support service costs per pupil for the budget base year or an amount sufficient to equalize the district cost per pupil in the budget year, excluding the district's amount per pupil for special education support service costs, with the state cost per pupil in the budget year, excluding the average amount per pupil for special education support service costs.

Sec. 21. Section four hundred forty-two point seven (442.7), subsection eight (8), Code 1977, is amended by striking the subsection.

Sec. 22. Section four hundred forty-two point eight (442.8), Code 1977, is amended to read as follows:

442.8 STATE COST PER PUPIL. As used in this chapter, "state cost per pupil" for the school year beginning July 1, 1974, and prior school years means state cost per pupil in enrollment as enrollment was determined under section 442.4 prior to January 1, 1975, and "state cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means the state cost per pupil in weighted enrollment. The state cost per pupil for the school year beginning July 1, 1972, is nine hundred three dollars. The state cost per pupil for the school year beginning on July 1, 1973, and for each succeeding school year is the base year's state cost per pupil plus the allowable growth for the budget year. If the state percent of growth is zero, the state cost per pupil shall be the same as the base year's state cost per pupil.

For the school year beginning July 1, 1975, the allowable growth added to the state cost per pupil shall be the basic allowable growth as otherwise computed under section 442.7, increased by an amount equal to the average of the amounts of allowable growth added for each school district in the state for special education support services provided through the area education agencies under sections 273.9, subsection 3, and 442.7, subsection 7, paragraph "c". For each succeeding school year subsequent to the school year beginning July 1, 1975, the allowable growth added to the state cost per pupil as otherwise computed under section 442.7 shall be the basic allowable growth increased by an amount equal to the average of the amounts of allowable growth added for each school district in the state for additional special education support services needed for that year to serve newly identified children who require the services, under sections 273.9, subsection 3 and 442.7, subsection 7, paragraph "d". The state comptroller shall compute the applicable amount of allowable growth to be added to the state cost per pupil for each school year.

Sec. 23. Section four hundred forty-two point nine (442.9), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Extraordinary Session, chapter two (2), section one (1), is amended to read as follows:

442.9 DISTRICT COST PER PUPIL—DISTRICT COST—ADDITIONAL SCHOOL DISTRICT PROPERTY TAX LEVY.

1. The state comptroller shall determine the additional school district property tax levy for each school district, which is in addition to the foundation property tax levy, as follows:

a. As used in this chapter, "district cost per pupil" for the school year beginning July 1, 1974, and for prior school years means the district cost per pupil in enrollment, as enrollment was determined under section 442.4 prior to January 1, 1975, and "district cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means district cost per pupil in weighted enrollment. The district cost per pupil for the budget year is equal to the district cost per pupil for the base year plus the allowable growth.

b. The district cost for the budget year is equal to the district cost per pupil for the budget year multiplied by the weighted enrollment, plus the additional district cost allocated to the district under section 442.27 to fund media services and other services provided through the area education agency. A school district may not increase its district cost for the budget year except to the extent that an excess tax levy is authorized by the school budget review committee as provided in section 442.13, subsection 7.

c. The amount to be raised by the additional school district property tax levy is equal to the district cost for the budget year, less the product of the state or district foundation base and the weighted enrollment.

2. No later than May 1 first of each year, the state comptroller shall notify the county auditor of each county the amount, in dollars and cents per thousand dollars of assessed value, of the additional property tax levy in each school district in the county. Each county auditor shall spread the additional property tax levy for each school district over all taxable property in the district.

Sec. 24. Section four hundred forty-two point thirteen (442.13), subsection five (5), paragraph c, Code 1977, is amended to read as follows:

c. Unusual transportation problems and for which the per pupil transportation costs are substantially higher than the state average per pupil transportation costs due to sparsity of the population, topographical factors, and other obstacles which hinder the efficient transportation of pupils.

Sec. 25. Section four hundred forty-two point thirteen (442.13), subsection five (5), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. Any unique problems of districts to include minority problems, vandalism, civil disobedience and other costs incurred by school districts.

Sec. 26. Section four hundred forty-two point fourteen (442.14), Code 1977, is amended to read as follows:

442.14 ADDITIONAL ENRICHMENT AMOUNT.

1. For the budget year beginning July 1, ~~1976~~ 1979, and each succeeding school year, if a school board wishes to spend more than the amount permitted under sections 442.1 to 442.13, and the school board has not attempted by resolution to raise an additional enrichment amount for that budget year, the school board may raise an additional enrichment amount not to exceed ~~five~~ ten percent of the state cost per pupil multiplied by the adjusted enrollment in the district, as provided in this section. However, the additional enrichment amount may be used only for educational research, curriculum maintenance or development, or innovative programs.

2. The board shall determine the additional enrichment amount per pupil needed, within the limits of this section, and shall direct the county commissioner of elections to submit the question of whether to raise that amount under the provisions of this section and section 442.15, to the qualified electors of the school district at a regular or special school election held ~~not later than February 15~~ during September of the base year. If a majority of those voting favors raising the enrichment amount, the board may include the approved amount in its certified budget.

3. The additional enrichment amount needed shall be raised within the limits provided in this section by a combination of an enrichment property tax and a school district income surtax imposed in the proportion of a property tax of twenty-seven cents per thousand dollars of assessed valuation of taxable property in the district for each ~~two and one-half~~ five percent of income surtax.

4. The additional enrichment amount for a district is limited to the amount which may be raised by a combination tax in the prescribed proportion which does not exceed a property tax of ~~fifty-four one dollar and eight cents~~ per thousand dollars of assessed valuation and an income surtax of five twenty percent.

5. Any additional enrichment amount of a school district, not exceeding five percent of the state cost per pupil, which was approved at a referendum prior to July 1, 1978, shall remain in effect for the period for which it was approved.

Sec. 27. Section four hundred forty-two point fifteen (442.15), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

An additional enrichment amount authorized under section 442.14 or a lesser amount than the amount so authorized may be continued as provided in this section for a period of five school years. If the amount authorized is less than the maximum of five ~~ten~~ percent of the state cost per pupil and the board wishes to increase the amount, it shall re-establish its authority to do so in the manner provided in section 442.14. If the board wishes to continue any additional enrichment amount beyond the five-year period, it shall re-establish its authority to do so in the manner provided in section 442.14 within the twelve-month period prior to termination of the five-year period.

Sec. 28. Section four hundred forty-two point twenty-eight (442.28), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If a district's weighted enrollment on the second Friday of September in the budget year, determined in the same manner as the ~~January~~ September weighted enrollment is determined under section 442.4, is higher than its weighted enrollment on the second Friday of ~~January~~ September in the base year, the district is entitled to an advance from the state of an amount equal to its district cost per pupil less the amount per pupil for special education support services, media services and other services computed as a part of district cost under the provisions of section 442.7 and section 442.27 for the budget year multiplied by its increase in weighted enrollment. The advance shall be miscellaneous income.

Sec. 29. For the school year beginning July 1, 1979, the state cost per pupil shall be increased to an amount which would otherwise have resulted for the school year beginning July 1, 1979, if the surplus balances for area education agency support

services and for area education inherited funds had not been offset against the total support budgets for the school year beginning July 1, 1978. This adjustment is to compensate for the reductions made to state cost based upon the temporary offset of support budgets by certain area education agency fund balances.

Sec. 30. Notwithstanding the provisions of House File four hundred sixty-three (463), as enacted by the Sixty-seventh General Assembly, 1978 Session, as it pertains to the amount of the reduction to the support service costs to be allocated among the school districts, the amount of the special education support services cost to be reduced for area education agency thirteen (XIII) is equal to ninety-nine thousand eight hundred ninety-nine dollars rather than a reduction of one hundred twenty-one thousand one hundred twenty dollars.

Sec. 31. To meet the special problems that result from budget reductions due to declining enrollments prior to the modifications in the adjustments for declining enrollments to take effect commencing with the school year beginning July 1, 1979, there is appropriated from the general fund of the state for the fiscal years beginning July 1, 1978 and ending June 30, 1980, to the school budget review committee the sum of two million five hundred thousand (2,500,000) dollars, or so much thereof as necessary to be used to minimize the impact of the factor listed in paragraph two (2) of this section. The school budget review committee may also establish a modified allowable growth for the school district by increasing the allowable growth for the school district to provide additional funds to assist the school district with hardships which result from the impact on the school district's budget resulting from declining enrollment.

To assess whether a district has hardships resulting from reduced funds because of declining enrollment, the school budget review committee shall consider whether the school district will be forced to terminate an existing educational program because of insufficient funds and thus diminish the overall quality of the school program for the budget year from that provided in the base year.

Sec. 32. The legislative council is directed to establish a joint subcommittee of the House and Senate committees on education composed of members of both parties to study the information received from the department of public instruction federally financed state equalization of educational opportunity study which is scheduled for completion in September of 1978. The Sixty-seventh General Assembly recognizes the needs of pupils for equal educational opportunity can be improved over the existing school finance formula. The weighting system to provide the funds necessary to assist in the education of children requiring special education has greatly assisted Iowa's educational program to meet the needs of these pupils, placing Iowa's program as one of the best in the nation for children requiring special education. It is recognized that a funding system designed to meet the educational and financial needs of children may require a substantial rewriting of the current school finance system. The subcommittee shall prepare a final report and submit necessary bill drafts to implement the recommendations of the subcommittee to the Sixty-eighth General Assembly.

Sec. 33. For the school years beginning July 1, 1979 and July 1, 1980 only, a school district may make application to the department of public instruction for approval of a program of instruction for gifted and talented children to be funded by an increase in allowable growth, as defined in section four hundred forty-two point seven (442.7) of

the Code. The department shall promulgate rules under the provisions of chapter seventeen A (17A) of the Code relating to administration of sections thirty-three (33) through thirty-eight (38) of this Act.

Sec. 34. The program plans submitted by school districts shall describe the type of program to be offered and shall establish all of the following:

1. That there are sufficient gifted and talented children within the district.
2. That the gifted and talented children program will be provided by the most appropriate educational agency.
3. That the school district or other educational agency providing the gifted and talented children program has employed qualified personnel.
4. That the instruction is a natural and normal progression of a planned course of instruction.
5. That the revenue raised for support of the gifted and talented program will be expended for actual delivery of a gifted and talented children program.
6. Other factors as the department may require.

Sec. 35. "Gifted and talented children" are those identified as possessing outstanding abilities who are capable of high performance. Gifted and talented children are children who require differentiated educational programs or services beyond those provided by the regular school program.

Gifted and talented children include those with demonstrated achievement or potential ability in any two or more of the following areas:

1. Creative thinking.
2. Leadership ability.
3. Visual and performing arts ability.
4. Specific ability aptitude.
5. Intellectual ability.

Sec. 36. The department of public instruction may approve gifted and talented children programs for the school years beginning July 1, 1979 and July 1, 1980 only, for not more than ten school districts in this state, including districts of various enrollments and geographic locations.

Sec. 37. The department shall inform the school budget review committee of the names of the school districts approved for gifted and talented children programs and the approved budget of each program. The school budget review committee shall approve a modified allowable growth for each such district as an unusual circumstance, under the authority granted to it in section four hundred forty-two point thirteen (442.13) of the Code, to provide funds equal to the budget approved by the department of public instruction.

Sec. 38. The area education agencies in which the school districts having approved gifted and talented children programs are located shall cooperate with the school district in the identification and placement of gifted and talented children and may assist school districts in the establishment of such programs.

Sec. 39. If the voters of a school district have approved the levying of a tax pursuant to section three hundred point two (300.2) of the Code prior to the effective date of this Act, moneys collected pursuant to the voted tax levy after the effective date of this Act may be used for community education programs.

Sec. 40. The purpose of sections seventeen (17) and thirty-one (31) of this Act is to allow school districts to meet the increasing financial pressures caused by declining enrollment by providing an appropriation to the school budget review committee for the 1978-1980 school years and establishing a temporary modified adjusted enrollment for the 1979-1980 school year.

Sec. 41. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Sun & The Hawkeye Record-Herald, a newspaper published in Mount Vernon, Iowa, and in the Adams County Free Press, a newspaper published in Corning, Iowa."

2. Amend the title, by striking lines 1 through 8 and inserting in lieu thereof the following: "An Act relating to education providing for a tax and an appropriation."

ON THE PART OF THE SENATE:

EARL M. WILLITS, Chair
JOAN ORR
MILO MERRITT
WILLARD R. HANSEN

ON THE PART OF THE HOUSE:

JOHN E. PATCHETT, Chair
HORACE DAGGETT
LOWELL E. NORLAND
WALLY E. HORN
LYLE R. KREWSON

Patchett of Johnson asked and received unanimous consent to temporarily defer action on the conference committee report to House File 2361.

SENATE FILE 2267 SUBSTITUTED FOR HOUSE FILE 2456

Perkins of Greene asked and received unanimous consent to substitute Senate File 2267 for House File 2456.

Senate File 2267, an act relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources, was taken up for consideration.

Miller (Sergeant) of Calhoun offered the following amendment H-6618 filed by Miller (Sergeant) of Calhoun, Varley and Daggett from the floor and moved its adoption:

H—6618

- 1 Amend Senate File 2267, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 9, by striking the figures
- 4 "\$2,965,000" and inserting in lieu thereof the figures
- 5 "\$1,265,000".

Roll call was requested by Bina of Scott and Crabb of Crawford.

Rule 70 was invoked.

On the question "Shall amendment H—6618 be adopted?"

The ayes were, 41:

Bennett	Binneboese	Brockett	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Dieleman	Duntun	Gentleman
Gilson	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Husak	Jochum
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Oxley	Pellett	Pelton
Schnekloth	Shimanek	Stephens	Tauke
Thompson	Varley	Welden	Woods
Wyckoff			

The nays were, 49:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Chiodo
Connors	Cusack	Davitt	Doyle
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gettings	Gilloon	Griffie
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Jesse	Koogler
Middleswart	Monroe	Nielsen	Norland
O'Halloran	Patchett	Pavich	Perkins
Poncy	Scheelhaase	Schroeder	Small
Smalley	Spear	Stromer	Svoboda
Tofte	Walter	Wells	West
Mr. Speaker			

Absent or not voting, 10:

Branstad	Byerly	Clark, B.J.	Den Herder
Junker	Lind	Lonergan	Newhard
Rinas	Spencer		

Amendment H—6618 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo for the remainder of the day and May 11, 1978 on request of Lind of Black Hawk.

O'Halloran of Black Hawk offered amendment H—6621 filed by O'Halloran, Koogler, Norland, Dunton, Welden, Varley and Jesse from the floor. Division was requested as follows:

H—6621

- 1 Amend Senate File 2267 as passed by the Senate
- 2 as follows:

H—6621A

- 3 1. Page 2, by striking lines 16 through 35 and
- 4 inserting in lieu thereof the following:
- 5 "b. For the purpose of assessing the past and future
- 6 effects on the environment, both favorable and
- 7 detrimental, of existing low-head dams in Iowa.
- 8 Comments shall be solicited from the energy policy
- 9 council. Also for the preparation of".
- 10 2. Page 3, line 7 by striking the word "permanent"
- 11 and inserting in lieu thereof the word "temporary".
- 12 3. Page 3, line 9 by striking the words "this plan"
- 13 and inserting in lieu thereof the words "these plans".

H—6621B

- 14 4. Page 4, by striking lines 11 through 35.
- 15 5. Page 5, by striking line 1.

Speaker pro tempore Nielsen of Polk in the chair at 5:00 p.m.

O'Halloran of Black Hawk moved the adoption of amendment H—6621A.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 43, nays 40.

Amendment H—6221A was adopted.

O'Halloran of Black Hawk moved the adoption of amendment H—6221B.

Roll call was requested by Husak of Tama and Wyckoff of Benton.

On the question "Shall amendment H—6621B be adopted?"

The ayes were, 53:

Avenson	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Chiodo
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Davitt	Dieleman	Duntun
Evans	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Harbor
Hargave	Hines	Hoffmann	Horn
Howell	Koogler	Krewson	Lageschulte
Lonergan	Menke	Miller, K.D.	Miller (Sergeant)
Monroe	O'Halloran	Patchett	Pelton
Perkins	Poncy	Schneklath	Schroeder
Shimanek	Smalley	Spear	Svoboda
Varley	Welden	Wells	Woods
Mr. Speaker (Nielsen)			

The nays were, 36:

Arnould	Baker	Bennett	Crabb
Daggett	Danker	Doyle	Egenes
Halvorson	Hansen	Harvey	Hinkhouse
Hullinger	Husak	Jochum	Junker
Krause	Lind	Lindeen	Lipsky
Middleswart	Millen	Newhard	Norland
Oxley	Pavich	Pellett	Scheelhaase
Stephens	Stromer	Tauke	Thompson
Tofte	Walter	West	Wyckoff

Absent or not voting, 11:

Anderson	Branstad	Clark, B.J.	Cochran
Den Herder	Dyrland	Fitzgerald	Jesse
Rinas	Small	Spencer	

Amendment H—6621B was adopted.

Scheelhaase of Woodbury offered the following amendment H—6622 filed by him from the floor and moved its adoption:

H—6622

- 1 Amend Senate File 2267 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, line 4, by striking the word "fifty"
- 4 and inserting in lieu thereof the words "seventy-
- 5 five".
- 6 2. Page 4, line 6, by inserting after the word
- 7 "of" the words "the repair of existing".

Amendment H—6622 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. 2267)

The ayes were, 90:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brunow
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	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
Wyckoff	Mr. Speaker		
	(Nielsen)		

The nays were, none.

Absent or not voting, 10:

Anderson
Clark, B.J.
Jesse

Branstad
Cochran
Spencer

Brockett
Den Herder

Byerly
Dyrland

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

IMMEDIATE MESSAGE
(Senate File 2267)

Perkins of Greene asked and received unanimous consent that Senate File 2267 be immediately messaged to the Senate.

HOUSE FILE 2456 WITHDRAWN

Perkins of Greene asked and received unanimous consent to withdraw House File 2456 from further consideration by the House.

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT
(House File 356)

Perkins of Greene called up for consideration the following report of the second conference committee on House File 356:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 356

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game; repealing sections one hundred nine point seventy-four (109.74) and one hundred ten point eighteen (110.18) of the Code; the taking and possession of migratory birds; and removing the payment of bounties on wolf, wildcat or bobcat, lynx, crow and fox, respectfully make the following report:

1. That the House recede from its amendment S—5687 to Senate amendment H-6166 to House File 356 as amended, passed and reprinted by the House.
2. That the Senate recede from its amendment H—6166 to House File 356 as amended, passed and reprinted by the House.
3. That House File 356 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. Chapter one hundred seven (107), Code 1977, is amended by adding the following new section:

NEW SECTION. The commission shall not limit the number of applications submitted for consideration or the number of projects under construction with respect to United States heritage conservation and recreation service projects.

Sec. 2. Chapter one hundred nine (109), Code 1977, is amended by adding the following new section:

NEW SECTION. A person who is hunting shall not use a mobile radio transmitter to communicate the location or direction of game or to coordinate the movement of other hunters.

Sec. 3. Section one hundred nine point thirty-eight (109.38), subsection two (2), Code 1977, is amended to read as follows:

2. If following an investigation the commission finds that the number of hunters licensed to take deer or wild turkey should be limited or further regulated, the commission shall conduct a drawing to determine which applicants shall receive a license. Applications for licenses shall be received and accepted during a fifteen day thirty-day period established by the commission. At the end of such period the drawing shall be conducted. If the quota has not been filled, licenses shall then be issued in the order in which such applications are received and shall continue to be issued until such quota has been met or until a date fifteen days prior to the opening day of the season, whichever first occurs. If an applicant fails to receive a deer license by either of the methods provided herein, such applicant shall receive a certificate at the time his application and monetary remittance is returned to him which shall entitle him to a license the following year before the drawing is conducted by the commission. If an applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with his or her license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this priority. Persons purchasing a deer license for the gun season as provided under this section and under section one hundred ten point one (110.1) of the Code shall not be eligible for a deer-hunting license under the provisions of section one hundred ten point seventeen (110.17) of the Code. This subsection shall not apply to the hunting of wild turkey on game breeding and shooting preserves licensed under chapter 110A.

Sec. 4. Section one hundred nine point forty-eight (109.48), unnumbered paragraph two (2), Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

The commission may adopt rules for the taking and possession of migratory birds which are subject to the federal "Migratory Bird Treaty Act" and "Migratory Bird Stamp Hunting Act" during the time and in the manner permitted under those federal Acts. The commission shall not adopt a rule for the taking or possession of a

migratory bird for which an open season is not authorized by another paragraph of this section.

Sec. 5. Section one hundred nine point seventy-four (109.74), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

109.74 WHERE PERMITTED. Trotlines and throw lines may be used in the border rivers of the state and in the inland waters. However, the commission may by rule prohibit the use of trotlines or throw lines in certain inland waters.

Sec. 6. Section one hundred nine point one hundred twenty-three (109.123), Code 1977, is amended to read as follows:

109.123 PROHIBITED HUNTING NEAR BUILDINGS. A person shall not hunt any game within one two hundred yards of any building inhabited by people or domestic livestock unless the owner or tenant has given consent.

Sec. 7. Chapter one hundred ten (110), Code 1977, is amended by adding the following new sections:

NEW SECTION. The commission shall not issue more than two operator's certificates for commercial fishing gear for each owner's certificate for commercial fishing gear.

NEW SECTION. A resident or nonresident person required to have a hunting or trapping license shall not hunt or trap unless he or she has on his or her person a valid wildlife habitat stamp signed in ink with his or her signature across the face of the stamp. This section shall not apply to residents who are permanently disabled or who are younger than sixteen or older than sixty-five years of age. Special wildlife habitat stamps shall be administered in the same manner as hunting and trapping licenses except all revenue derived from the sale of the wildlife habitat stamps shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section four hundred twenty-seven point one (427.1) of the Code, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition such revenue may be used for the development, management and enhancement of wildlife lands and habitat areas. Not more than fifty percent of all revenue from the sale of wildlife habitat stamps may be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The share of funding of those agreements provided by the revenue from the sale of wildlife habitat stamps shall not exceed fifty percent.

NEW SECTION. For the purpose of obtaining a license, a person is permanently disabled if that person has been found under the provisions of the federal Social Security Act, title two (II), or any other public or private pension system to have a total, permanent physical or mental condition which prevents that person from engaging in his or her occupation or qualifies that person for retirement.

NEW SECTION. For the purpose of obtaining a license, a person is permanently disabled if that person has been found under the provisions of the federal Social Security Act, title two (II), or any other public or private pension system to have a total, permanent physical or mental condition which prevents that person from engaging in his or her occupation or qualifies that person for retirement.

NEW SECTION. A county board of supervisors shall not authorize the payment of bounties on the following species: crow, rattlesnake, fox, wolf except coyote, wildcat or bobcat and lynx.

NEW SECTION. Any person required to have a fishing license shall not possess trout unless that person has at that time on his or her person an unexpired special trout license stamp validated by that person's signature written across the face of the stamp in ink; a receipt, or other evidence showing that such trout was lawfully acquired. The proceeds from the sale of this stamp shall be used exclusively to restock trout waters designated by the state conservation commission.

NEW SECTION.

1. A nonresident shall not hunt pheasants unless the pheasant stamp is purchased and affixed to the nonresident hunting license and the nonresident hunter possesses an unused pheasant tag. A nonresident shall not possess an untaged pheasant.

2. The pheasant stamp shall permit the license holder to hunt pheasants. The stamps shall be issued with tags in the amount of twice the possession limit established by the commission for pheasant. The tags shall bear the same number as the stamp and shall be designed to be used only once. A nonresident may purchase another pheasant stamp and tags when the tags of the previous stamp are exhausted.

NEW SECTION. The deer hunting license shall be accompanied by a tag designed to be used only once and separable into two parts. When a deer is taken, the deer shall be tagged with one part of the tag and both parts of the tag shall be dated.

Sec. 8. Section one hundred ten point one (110.1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter sixty-six (66), section six (6), is amended by striking the section and inserting in lieu thereof the following:

110.1 LICENSES. Except as otherwise provided in this chapter, no person shall fish, trap, hunt, pursue, catch, kill or take in any manner, or use or have possession of, or sell or transport all or any portion of any wild animal, bird, game or fish, the protection and regulation of which is desirable for the conservation of the resources of the state without first procuring a license or certificate to do so and the payment of a fee as follows:

1. Fishing licenses:

a. Legal residents except as
otherwise provided \$ 6.00

b. Legal residents permanently
disabled or sixty-five years of
age or older 1.25

c. Lifetime license for legal residents permanently disabled or sixty-five years of age or older	6.00
d. Nonresident license	12.00
e. Three-day license for resident or nonresident	3.00
f. Special trout license stamp	5.00
2. Hunting licenses:	
a. Legal residents except as otherwise provided	6.00
b. Legal residents permanently disabled or sixty-five years of age or older	1.25
c. Lifetime license for legal residents permanently disabled or sixty-five years of age or older	6.00
d. Deer hunting license for residents	15.00
e. Wild turkey hunting license for residents	15.00
f. Nonresidents hunting license	35.00
g. Nonresidents raccoon stamp and tags	100.00
h. Nonresidents pheasant stamp	5.00
3. Hunting and fishing combined licenses:	
a. Legal residents except as otherwise provided	11.00
b. Legal residents permanently disabled or sixty-five years of age or older	2.50
c. Lifetime license for residents permanently disabled or sixty-five years of age or older	8.00

4. Trapping and game breeders
licenses:

a. Trapping license for legal residents sixteen years of age or older	10.00
b. Trapping license for legal residents under sixteen years of age	1.00
c. Trapping license for nonresidents	100.00
d. Fur dealers license for residents	150.00
e. Fur dealers license for nonresidents	300.00
f. Game breeder's license	10.00

5. Net, seine, trap, commercial
trotline licenses for residents:

a. Seine:

For the first 500 lineal feet or fraction thereof \$10.00 and for each additional 500 feet or fraction thereof	15.00
--	-------

b. Trammel net:

For each 300 lineal feet or fraction thereof	10.00
--	-------

c. Gill net:

For each 100 lineal feet or fraction thereof	2.00
--	------

d. All other nets, for each net	1.00
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e. Basket traps, for each trap	1.00
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f. Commercial trotline:

For each trotline	1.00
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g. Owner's certificate for commercial fishing gear	25.00
--	-------

h. Operator's certificate for each person operating commercial fishing gear	1.00
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6. Net, seine, trap, commercial
trotline licenses for nonresidents
eligible to purchase such licenses:

a. Seine:

For each 500 lineal feet or
fraction thereof 20.00

b. Trammel net:

For each 300 lineal
feet or fraction thereof 20.00

c. Gill net:

For each 300 lineal feet
or fraction thereof 20.00

d. All other nets, for each
net 3.00

e. Basket traps, for each
trap 3.00

f. Commercial trotlines,
for each trotline 4.00

7. Other licenses:

a. Mussel licenses:

(1) Legal residents 10.00

(2) Nonresidents 25.00

b. Wholesale fish-market or
fish-peddler's license for
residents 10.00

c. Wholesale fish-market license
for nonresidents 25.00

d. Wholesale fish-peddler's
license for nonresidents 10.00

e. Peddlers, employed by whole
sale fish market, certificate 1.00

f. Scientific collector's license 2.00

g. Private fish hatcheries 10.00

h. Bait dealer's license for residents	25.00
i. Bait dealer's license for nonresidents	50.00
j. Taxidermy license	10.00
k. Falconry license	10.00
l. Nongame support certificate	5.00
m. Special wildlife habitat stamp	3.00

Sec. 9. Section one hundred ten point four (110.4), Code 1977, is amended to read as follows:

110.4 DEPOSITARIES—BOND. The county recorder may designate various depositaries for the sale of such licenses other than the office of the county recorder. The director may designate depositaries other than those designated by the recorders of the various counties but in so doing the interest of the state shall be fully protected either by a sufficient cash deposit or a satisfactory bond. Depositaries designated by the county recorder or the director may have the privilege of charging an additional five percent of the cost of twenty-five cents for each license to be retained for the service rendered in issuing the license.

Sec. 10. Section one hundred ten point five (110.5), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county recorder may require that a writing fee of twenty-five cents be charged for each license sold by the county recorder's office. The writing fees from the sale of licenses by the county recorder shall be deposited in the county general fund.

Sec. 11. Section one hundred ten point fourteen (110.14), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The magistrate shall revoke the hunting license or suspend the privilege of procuring a hunting license for a period of one year of any person who has been convicted twice within a year of trespassing while hunting. If the hunting privileges of a hunting and fishing combined license are revoked, the fishing privileges of the license shall still be valid and the magistrate shall enter on the license that the hunting privileges are revoked. A person shall not purchase a license for a privilege that was revoked or suspended during the period of revocation or suspension.

Sec. 12. Section one hundred ten point seventeen (110.17), unnumbered paragraph ten (10), Code 1977, is amended to read as follows:

The commission shall upon request issue without charge a special fishing license to residents of Iowa sixteen years or more of age who the commission finds are mental-

ly or physically severely handicapped. Such special license shall be valid only when the holder is fishing under supervision. The commission is hereby authorized to prepare an application to be used by the person requesting handicapped status, which would require that his attending physician sign the form declaring the person handicapped and eligible for exempt status.

Sec. 13. Section one hundred ten point eighteen (110.18), Code 1977, is amended to read as follows:

110.18 COURTESY NONRESIDENT LICENSES. The commission is hereby authorized to issue a courtesy nonresident license for the taking of any fish or game, except deer. Such licenses may be issued by the director of the commission, without charge, to dignitaries and officials of other states, countries, or the United States who are in the state as guests of the governor or the commission. Such licenses shall be issued for a specific number of days. The commission shall establish policies for the issuance of each license and such policies shall be subject to review by the administrative rules review committee pursuant to section seventeen A (17A) of the Code. The commission shall enter each issuance in its minutes. The number of licenses to be issued for any one season or species of fish or game shall not exceed one hundred fifty.

Sec. 14. Section one hundred ten B point two (110B.2), Code 1977, is amended to read as follows:

110B.2 STAMP REQUIRED. No person sixteen years of age or older shall hunt or take any migratory waterfowl within this state without first procuring a state migratory waterfowl stamp and having such stamp in his or her possession while hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The commission shall determine the form of the stamp and shall furnish the stamps to the county recorders and their designated depositaries for issuance or sale in the same manner as hunting licenses are issued or sold under chapter 110.

Sec. 15. Section one hundred ten B point three (110B.3), Code 1977, is amended to read as follows:

110B.3 FEE. The fee for each stamp issued under this chapter shall be one dollar five dollars. Each stamp shall expire on the last day of February following its issuance.

Sec. 16. Section three hundred twenty-one G point seven (321G.7), Code 1977, is amended to read as follows:

321G.7 FEES TO CONSERVATION FUND. All Seventy-five percent of the fees collected from the registration of snowmobiles shall be forwarded by the county recorder to the commission for remission to the treasurer of state, who shall place such money in the state conservation fund. The fees collected forwarded shall be appropriated by the general assembly to the commission solely for their use. Twenty-five percent of the fees collected from the registration of snowmobiles shall be deposited by the county recorder in the county conservation fund or the county general fund if there is no county conservation fund. These fees may be used for snowmobile programs and other programs deemed appropriate by the county conservation board or the board of supervisors if there is no county conservation board.

Sec. 17. Notwithstanding the provisions of section thirteen (13) of this Act, the state conservation commission shall not issue any courtesy nonresident licenses under section one hundred ten point eighteen (110.18) of the Code during the calendar year beginning January 1, 1979 and ending December 31, 1979.

Sec. 18. INTENT.

1. It is the intent of the general assembly that the succeeding general assembly appropriate funds for additional field officers for the state conservation commission with the funds made available by the license fee increases provided in this Act.

2. It is the intent of the general assembly that the state conservation commission temporarily assign its personnel who are qualified as peace officers, regardless of their permanent assignments, to enforce the game laws during the days of greatest hunting activity.

Sec. 19. This Act is effective January 1, 1979. However, effective July 1, 1978 and notwithstanding section one hundred ten point one (110.1) of the Code, the fee for a deer hunting license for residents shall be fifteen dollars and the fee for a nonresident hunting license shall be thirty-five dollars."

2. Amend the title, by striking lines 1 through 7 and inserting in lieu thereof the following: "An Act relating to the administration of hunting, fishing and recreation programs and subjecting violators to penalties."

ON THE PART OF THE SENATE:

FRED W. NOLTING, Chair
C. W. (Bill) HUTCHINS
MERLIN D. HULSE
E. KEVIN KELLY

ON THE PART OF THE HOUSE:

CARROLL T. PERKINS, Chair
WILLIAM B. GRIFFEE
JOHN PELTON
SEMOR C. TOFTE

Conlon of Muscatine rose on a point of order that the conference committee report was not within the scope of the title of the bill.

The Speaker ruled the point not well taken and the report in order.

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 23.

The motion prevailed and the 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.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 356)

The ayes were, 63:

Anderson	Arnould	Avenson	Bina
Brandt	Chiodo	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Daggett
Dieleman	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Griffiee	Halvorson	Hansen	Harbor
Harvey	Hines	Hoffmann	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pelton
Perkins	Rinas	Schnekloth	Schroeder
Shimaneck	Smalley	Spear	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Woods	Mr. Speaker (Nielsen)	

The nays were, 26:

Baker	Bennett	Binneboese	Brunow
Danker	Davitt	Doyle	Dunton
Gettings	Gilson	Hargrave	Hinkhouse
Howell	Hullinger	Koogler	Lind
Miller, K.D.	Pavich	Pellett	Poney
Scheelhaase	Small	Stephens	Walter
West	Wyckoff		

Absent or not voting, 11:

Branstad	Brockett	Byerly	Clark, B.J.
Cochran	Connors	Den Herder	Horn
Spencer	Stromer	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 356)

Perkins of Greene asked and received unanimous consent that House File 356 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dyrland of Clayton for the remainder of the day on request of Patchett of Johnson.

ADOPTION OF CONFERENCE COMMITTEE REPORT
(House File 2361)

The House resumed consideration of the report of the conference committee on House File 2361, a bill for an act relating to elementary and secondary education and providing an appropriation, found on pages 2400 through 2415 of the House Journal.

Patchett of Johnson moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the report was adopted.

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. 2361)

The ayes were, 79:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brunow
Chiodo	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Doyle	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky

Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poney	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Smalley	Spear	Svoboda	Tauke
Thompson	Varley	Walter	West
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 3:

Schnekloth	Stephens	Welden
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Absent or not voting, 18:

Binneboese	Branstad	Brockett	Byerly
Clark, B.J.	Cochran	Connors	Den Herder
Dieleman	Dyrland	Gettings	Horn
Newhard	O'Halloran	Spencer	Stromer
Tofte	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 2361)

Patchett of Johnson asked and received unanimous consent that House File 2361 be immediately messaged to the Senate.

BUDGET CALENDAR

House File 2449, a bill for an act appropriating funds to the legislative oversight bureau, 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. 2449)

The ayes were, 72:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brunow
Chiodo	Clark, J.H.	Conlon	Crabb

Cusack	Davitt	Doyle	Dunton
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Howell
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schnekloth	Shimanek
Small	Smalley	Spear	Svoboda
Thompson	Varley	Walter	Welden
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 5:

Daggett	Danker	Millen	Stephens
Tauke			

Absent or not voting, 23:

Binneboese	Branstad	Brockett	Byerly
Clark, B.J.	Cochran	Connors	Crawford
Den Herder	Dieleman	Dyrland	Egenes
Gettings	Horn	Hullinger	Lipsky
O'Halloran	Perkins	Schroeder	Spencer
Stromer	Tofte	Wells	

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

IMMEDIATE MESSAGE (House File 2449)

Cusack of Scott asked and received unanimous consent that House File 2449 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn on request of Millen of Van Buren; Crawford of Story on request of Tauke of Dubuque, both for the remainder of the day.

MOTION TO RECONSIDER PREVAILED
(House File 2448)

Norland of Worth moved to reconsider the vote by which House File 2448, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made, passed the House and was placed on its last reading on May 10, 1978.

A non-record roll call was requested.

The ayes were 55, nays 0.

The motion prevailed and the House reconsidered House File 2448.

Norland of Worth offered the following amendment H-6625 filed by Norland, West, O'Halloran, Clark of Lee and Bina from the floor and moved its adoption:

H-6625

- 1 Amend House File 2448 as follows:
- 2 1. Page 7, by striking line 30.

Amendment H-6625 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. 2448)

The ayes were, 74:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brunow
Clark, J.H.	Conlon	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Howell	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan

Menke	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Svoboda	Tauke
Thompson	Walter	Welden	West
Woods	Mr. Speaker (Nielsen)		

The nays were, 2:

Crabb	Wyckoff
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Absent or not voting, 24:

Binneboese	Branstad	Brockett	Byerly
Chiodo	Clark, B.J.	Cochran	Connors
Crawford	Den Herder	Dyrland	Egenes
Gilloon	Horn	Hullinger	Lipsky
Middleswart	Newhard	Rinas	Spencer
Stromer	Tofte	Varley	Wells

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

IMMEDIATE MESSAGE (House File 2448)

Bina of Scott asked and received unanimous consent that House File 2448 be immediately messaged to the Senate.

BUDGET CALENDAR

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2460, a bill for an act creating a state of Iowa office in Washington, D.C. and making an appropriation.

Cusack of Scott offered the following amendment H—6624 filed by him and Varley of Adair from the floor:

H—6624

- 1 Amend House File 2460 as follows:
- 2 1. Page 1, line 15, by inserting after the
- 3 word "office," the following: "The governor's
- 4 appointee shall be designated as office manager,

- 5 however that person shall not possess any more
- 6 authority (other than to formulate administrative
- 7 procedures) than the person appointed to represent
- 8 the legislative branch of government."

Fitzgerald of Webster asked and received unanimous consent to defer action on House File 2460 and that the bill retain its place on the calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 10, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2438, a bill for an act to provide reimbursement for special assessments and for rent constituting property taxes paid for persons sixty-five years of age or older or a surviving spouse fifty-five years of age or older.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT CONSIDERED

Anderson of Jasper called up for consideration **House File 2438**, a bill for an act to provide reimbursement for special assessments, for property taxes paid, and for rent constituting property taxes paid for persons sixty-five years of age or older, a surviving spouse fifty-five years of age or older, or totally disabled, amended by the Senate, and moved that the House concur in the following Senate amendment H-6630:

H-6630

- 1 Amend House File 2438 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 28, by inserting after the word
- 4 "claimant" the words "or an amount equal to the annual
- 5 payment of the special assessment levied against the
- 6 homestead of the claimant and payable in annual
- 7 installments through the period of years provided
- 8 by the governing body of the city, whichever is less".
- 9 2. Page 3, line 30, by striking the words "pay
- 10 the" and inserting in lieu thereof the words "pay
- 11 that".
- 12 3. Page 3, lines 30 and 31, by striking the words
- 13 "due and payable".

- 14 4. Page 4, line 15, by striking the words "eight
 15 hundred" and inserting in lieu thereof the words
 16 "hundred one thousand".
 17 5. Page 4, line 17, by striking the words "eight
 18 hundred" and inserting in lieu thereof the words
 19 "hundred one thousand".

The motion prevailed and the House concurred in the Senate amendment H-6630.

Anderson of Jasper 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. 2438)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Chiodo	Clark, J.H.	Conlon
Connors	Crabb	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Svoboda	Tauke
Thompson	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

The nays were, none.

Absent or not voting, 16:

Branstad	Brockett	Byerly	Clark, B.J.
Cochran	Crawford	Den Herder	Dyrland
Egenes	Hullinger	Lipsky	Millen
Spencer	Stromer	Tofte	Varley

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 2209)

O'Halloran of Black Hawk called up for consideration the report of the conference committee on Senate File 2209, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems, filed on May 9, 1978 and found on pages 2370 through 2374 of the House Journal, and 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?" (S.F. 2209)

The ayes were, 80:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Chiodo	Clark, J.H.	Conlon
Connors	Crabb	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Svoboda	Tauke
Thompson	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

The nays were, none.

Absent or not voting, 20:

Branstad	Brockett	Byerly	Clark, B.J.
Cochran	Crawford	Den Herder	Dyrland
Egenes	Gilloon	Hargrave	Harvey
Hullinger	Lipsky	Middleswart	Rinas
Spencer	Stromer	Tofte	Varley

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

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 121

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 121, a bill for an act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality, respectfully make the following report:

1. That the House amendment S—5732 to Senate File 121 as amended, passed and reprinted by the Senate, be amended as follows:

1. Page 1, by striking lines 36 through 44 and inserting in lieu thereof the words "require and the executive director shall issue a permit under this division for a poultry or livestock operation which conforms with the federal environmental protection agency permits which have been previously issued or simultaneously issued pertaining to a federal national pollutant discharge elimination system permit for the poultry or livestock operation pursuant to section four hundred two (402) of the federal Water Pollution Control Act as amended to December 31, 1976."

ON THE PART OF THE SENATE:

ALVIN V. MILLER, Chair
C.W. HUTCHINS
BERL E. PRIEBE
DALE L. TIEDEN
IRVIN L. BERGMAN

ON THE PART OF THE HOUSE

PHILIP A. DAVITT
HERBERT C. HINKHOUSE
ARLYN E. DANKER
WENDELL C. PELLETT

The House resumed consideration of House File 2460, a bill for an act creating a state of Iowa office in Washington, D.C. and making an appropriation, and amendment H—6624.

Action on amendment H—6624 was temporarily deferred.

Welden of Hardin offered the following amendment H—6632 fil-

ed by Welden, Varley, West, Stromer and Millen from the floor and moved its adoption:

H—6632

- 1 Amend House File 2460 as follows:
- 2 1. Page 1, by striking lines 9 through 21 and
- 3 inserting in lieu thereof the following:
- 4 Sec. 2. NEW SECTION. APPOINTMENT OF STAFF.
- 5 The governor and the legislative council may nomi-
- 6 nate persons for the position of director of the
- 7 office. From these nominations the legislative
- 8 council and the governor shall jointly agree on the
- 9 appointment of a director who shall serve as the
- 10 state's information and liaison officer and who shall
- 11 appoint a research assistant who shall be qualified
- 12 to perform clerical duties as well as other duties
- 13 which may be assigned. The salary of the liaison
- 14 officer shall not exceed thirty-five thousand"
- 15 2. Page 2, lines 15 and 16, by striking the
- 16 words and figures "one hundred fifteen thousand
- 17 (115,000)" and inserting in lieu thereof the following:
- 18 "eighty thousand (80,000)".

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 35, nays 47.

Amendment H—6632 lost.

The House resumed consideration of amendment H—6624.

On motion by Cusack of Scott, amendment H—6624 was adopted.

Tauke of Dubuque moved to reconsider the vote by which amendment H—6632 failed to be adopted by the House on May 10, 1978.

The Speaker ruled that with the adoption of amendment H—6624, the motion to reconsider amendment H—6632 was not in order.

Tauke of Dubuque moved to reconsider the vote by which amendment H—6624 was adopted by the House on May 10, 1978.

A non-record roll call was requested.

The ayes were 28, nays 39.

The motion lost.

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.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 2460)

The ayes were, 54:

Anderson	Avenson	Bennett	Brandt
Brunow	Byerly	Clark, J.H.	Conlon
Cusack	Dieleman	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Griffiee
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Menke	Middleewart	Millen	Miller (Sergeant)
Newhard	Norland	O'Halloran	Patchett
Pellett	Pelton	Poncy	Rinas
Schnekloth	Schroeder	Shimanek	Stephens
Svoboda	Thompson	Tofte	Wells
West	Mr. Speaker (Nielsen)		

The nays were, 31:

Arnould	Baker	Bina	Binneboese
Chiodo	Connors	Daggett	Danker
Davitt	Dunton	Gettings	Gilson
Hargrave	Hines	Hinkhouse	Hullinger
Krause	Loneragan	Miller, K.D.	Oxley
Pavich	Perkins	Scheelhaase	Small
Smalley	Spear	Tauke	Walter
Welden	Woods	Wyckoff	

Absent or not voting, 15:

Branstad	Brockett	Clark, B.J.	Cochran
Crabb	Crawford	Den Herder	Doyle
Dyrland	Egenes	Lipsky	Monroe
Spencer	Stromer	Varley	

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 10, 1978, refused to concur in the House amendment to the following bill:

Senate File 2267, a bill for an act appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

KEVIN P. LIGHT, Acting Secretary

HOUSE INSISTS (Senate File 2267)

Perkins of Greene called up for consideration **Senate File 2267**, a bill for an act relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

(House File 2423)

Wyckoff of Benton called up for consideration **House File 2423**, a bill for an act making appropriations to the department of general services for designated capital improvements and expenses, and moved that the House insist on its amendment to the Senate amendment.

The motion prevailed and the House insists on its amendment to the Senate amendment.

ADOPTION OF THE CONFERENCE COMMITTEE REPORT (House File 2098)

Perkins of Greene called up for consideration the following report of the conference committee on House File 2098:

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2098**

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 2098, a bill for an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research, respectfully make the following report:

1. That the House recede from its amendment, S-5733, to the Senate amendment, H-5884, to House File 2098, as amended, passed and reprinted by the House.

2. That the Senate recede from its amendment, H-5884, to House File 2098, as amended, passed, and reprinted by the House.

3. That House File 2098, as amended, passed, and reprinted by the House be amended to read as follows:

1. Page 1, by striking lines 30, 31, and 32 and inserting in lieu thereof the following:

<p>"a. From the general fund for salaries, support, maintenance, and miscellaneous purposes</p>	<p>\$377,399</p>
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<p>b. From the general fund for salaries, support, and miscellaneous purposes for the processing of aujeszky's disease tests required by the department of agriculture's aujeszky's disease control program</p>	<p>\$100,000</p>
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The department shall charge a fee for each aujeszky's disease test. The fees shall cover the costs of the program but shall not exceed one dollar for each aujeszky's disease test and all moneys obtained by collection of such fees shall be deposited in the state general fund."

2. Page 2, lines 34 and 35, by striking the words "and other funds available".

3. Page 3, by inserting after line 2 the following new subsections:

" . Funds appropriated for the general administration of the department under subsection one (1) of this section shall be used by the department for the salary and support of a livestock reporter who shall provide daily livestock quotations at

least twice weekly from the central livestock commission company in Webster City, Iowa, provided that livestock quotations reporting services at other livestock markets shall not be reduced to provide the services required under this section.

If Senate File three hundred sixty-five (365) is approved by the Sixty-seventh General Assembly, 1978 Session, and becomes law, the funds appropriated under section one (1) of this Act shall be adjusted as follows:

a. The amount of funds appropriated pursuant to section one (1), subsection one (1), paragraph a, of this Act shall be increased to eight hundred ninety-seven thousand eight hundred two (897,802) dollars.

b. The amount of funds appropriated pursuant to section one (1), subsection two (2), paragraph a, of this Act shall be increased to two million three hundred thirty-seven thousand five hundred seventy-three (2,337,573) dollars.

c. The amount of funds appropriated pursuant to section one (1), subsection two (2), paragraph b, of this Act shall be reduced to one hundred thirty-two thousand seven hundred thirty-five (132,735) dollars.

d. The number of permanent full-time positions shall be increased under section one (1), subsection nine (9), of this Act to three hundred thirty-five permanent full-time positions.

e. That funds appropriated to the regulatory division from the hotel and restaurant fund shall be available for expenditure for the period beginning July 1, 1978 and ending December 31, 1978 and all unencumbered funds remaining in the hotel and restaurant fund on January 1, 1979 shall be transferred to the general fund of the state."

4. Page 3, by inserting after line 2 the following new section:

"Sec. . There is appropriated from the general fund of the state to the department of agriculture for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to make grants to counties to pay the indemnity and the expenses of the inspection and testing of animals as provided in chapters one hundred sixty-three A (163A) and one hundred sixty-four (164) of the Code. The secretary of agriculture shall not approve a grant under this section to a county unless the board of supervisors has levied the maximum levy for the county brucellosis eradication fund under section one hundred sixty-four point twenty-three (164.23) of the Code for the fiscal year beginning July 1, 1978 and ending June 30, 1979 and all funds in the county brucellosis eradication fund including all unobligated funds transferred from the county tuberculosis eradication fund, have been expended. However, no individual claimant, in a single county, shall receive more than five thousand (5,000) dollars in a single fiscal year."

5. Page 5, by inserting after line 35 the following new sections:

"Sec. . There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the energy policy council for salaries and support of not more than seven full-time permanent positions,

maintenance and miscellaneous purposes, the amount of two hundred fourteen thousand one hundred and ten (214,110) dollars, or so much thereof as is necessary.

Sec. . There is appropriated from the general fund of the state to Iowa state university of science and technology agricultural experiment station for the fiscal period beginning July 1, 1978 and ending June 30, 1979, the sum of seventy-five thousand (75,000) dollars, or so much thereof as may be necessary, to be used by the university to conduct a study and research of grain grading, testing and pricing in Iowa, such study and research to include but not be limited to the effects on grain grading, testing and pricing in Iowa of weight shrinkage factors, price discounts, grain product quality and present harvesting techniques.

The study and research conducted by the university shall include study and research in the field."

6. Page 8, by inserting after line 7 the following new section:

"Sec. . The state conservation commission shall pay out of funds available to it the assessment of the city of Ventura, Iowa for a water line and the limitation for the payment of assessments provided for in section three hundred seven A point five (307A.5) of the Code shall not apply to this assessment."

7. Page 11, line 23, by striking the word "fifty" and inserting in lieu thereof the word "seventy-five".

8. Page 12, line 14, by striking the words "legislative council" and inserting in lieu thereof the words "temporary land preservation policy commission".

9. Page 12, line 18, by inserting after the period the words "Full-time permanent positions authorized in this section are abolished on June thirtieth following the dissolution of the temporary land preservation policy commission pursuant to chapter fifty-three (53), section four (4), subsection ten (10) of the Acts of the Sixty-seventh General Assembly, 1977 Session."

10. Page 12, line 30, by striking the words "eighty-hour" and inserting in lieu thereof the word "eighty-four".

11. Page 13, line 3, by inserting after the word "grain" the words "which are located within the ambient air quality attainment areas for suspended particulates".

12. Page 13, lines 11 through 15, by striking the words and figures "seventy-five percent grants under the federal Water Pollution Act amendments of 1972, eighty-six (86) Stat. eight hundred sixteen (816)," and inserting in lieu thereof the words and figures "grants under section two hundred two (202) of the federal Water Pollution Control Act as amended by the federal Clean Water Act of 1977,".

13. Page 14, line 33, by striking the word "division" and inserting in lieu thereof the word "Act".

14. Page 15, by inserting after line 2 the following new sections:

"Sec. . Section ninety-three point two (93.2), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

93.2 COUNCIL ESTABLISHED.

1. There is established an energy policy council which shall consist of the following twelve members:

a. Four members of the general assembly. Two members shall be appointed by the speaker of the house from the membership of the house of representatives, not more than one of whom shall be from the same political party. Two members shall be appointed by the majority leader of the senate from the membership of the senate, not more than one of whom shall be from the same political party. Legislative members of the energy policy council shall vote only on policy statements.

b. The director of energy policy. The director shall be entitled to vote on a matter before the council only when the director's vote is necessary to determine the outcome of a tie vote.

c. Seven public members appointed by the governor for four-year terms commencing July first and subject to confirmation by two-thirds of the membership of the senate. The governor's appointees shall be knowledgeable in the fields of energy production, energy technology and energy management. Not more than four of the governor's appointees shall be from the same political party.

2. The following persons shall serve as ex officio nonvoting members of the council:

a. The state geologist.

b. The chairperson of the Iowa state commerce commission.

c. The administrative officer of the state soil conservation committee.

d. The director of transportation.

e. The executive director of the Iowa department of environmental quality.

f. The director of the Iowa natural resources council. If the Iowa natural resources council is abolished or merged into another state agency by an act of the general assembly that becomes law, the director of the Iowa natural resources council shall cease to serve as an ex-officio non-voting member of the energy policy council.

g. The secretary of agriculture.

Sec. . Section ninety-three point three (93.3), Code 1977, is amended to read as follows:

93.3 PERSONNEL. The governor shall appoint a director of energy policy who shall carry out duties assigned to him the director by the council or duties assigned to him the director by the governor pursuant to a proclamation of emergency issued under the provisions of section 93.8. The appointment of the director shall be subject

to confirmation by two-thirds of the members of the senate. The director shall be paid an annual salary in an amount not to exceed twenty-two thousand dollars. Other personnel utilized by the council shall be employed through a program of interchange of personnel between the council and other governmental agencies pursuant to chapter 28D. The employees of the council shall be subject to the provisions of chapter nineteen A (19A) of the Code. Any employee or any position established for an employee that is to be paid for from federal funds shall be terminated when the federal funds are no longer available.

Sec. . Section ninety-three point four (93.4), Code 1977, is amended to read as follows:

93.4 MEETINGS. The council shall organize within ten days following June 13, 1974, by electing one of its members to serve as chairman and one to serve as vice chairman. The council shall establish annually by establishing procedures and requirements with respect to quorum, place and conduct of meetings and. The director shall serve as chairperson of the council. The members shall select the vice chairperson. The council may provide for the establishment of an executive committee selected from among the voting members of the council to supervise the administrative duties assigned to the director.

Sec. . Section ninety-three point five (93.5), Code 1977, is amended to read as follows:

93.5 COMPENSATION AND EXPENSES. Council members who are not employees of the state shall receive a per diem at the rate of forty dollars for each day devoted to council business and all nonlegislative council members shall be reimbursed for actual expenses incurred in carrying out their duties as members of the council. Legislative members shall receive payment pursuant to section 2.10 and section 2.12.

Sec. . Section ninety-three point seven (93.7), subsection one (1), paragraph i, is amended to read as follows:

i. Legislation necessary to implement the state policy for the development and utilization of energy sources and the comprehensive conservation plan. The council shall serve as policy advisor to the governor and the general assembly on all energy matters.

Sec. . Section ninety-three point seven (93.7), subsections five (5) and six (6), are amended to read as follows:

5. Review, propose and recommend legislation relating to the development and use of alternative sources of energy in this state and the reduction of dependence on nonrenewable sources of energy.

6. Develop and recommend public education and communication programs in energy conservation and conversion to alternative sources of energy.

Sec. . Chapter ninety-three (93), Code 1977, is amended by adding the following new sections:

NEW SECTION. REVIEW. The second session of the Sixty-ninth General Assembly meeting in the year 1982 shall review the activities and performance of the council and shall not later than July 1, 1982 make a determination concerning the status and duties of the council.

NEW SECTION. REPEAL. Chapter ninety-three (93) of the Code is repealed June 30, 1983.

Sec. . Of the initial public members appointed by the governor to the energy policy council, two members shall be appointed for terms ending June 30, 1980, two members shall be appointed for terms ending June 30, 1981, and three members shall be appointed for terms ending June 30, 1982. The terms of public members serving on the energy policy council on June 30, 1978 shall expire on July 1, 1978.

Sec. . Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred thirteen (1113), section twenty-two (22), as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand eighty-eight (1088), section five (5) and as codified in section ninety-three point sixteen (93.16), Code 1977, is repealed."

15. Page 15, by inserting after line 14 the following new section:

"Sec. . Section four hundred fifty-five B point thirty-two (455B.32), subsection eleven (11), Code 1977, is amended to read as follows:

11. Formulate and adopt specific and detailed statewide standards pursuant to chapter 17A for review of plans and specifications and the construction of sewer systems and water supply distribution systems and extensions to such systems not later than October 1, 1977. The standards shall be based on criteria contained in the "Recommended Standards for Sewage Works" and "Recommended Standards for Water Works" (Ten States Standards) as adopted by the Great Lakes-Upper Mississippi River board of state sanitary engineers, design manuals published by the department, applicable federal guidelines and standards, standard textbooks, current technical literature and applicable safety standards. The material standards for polyvinyl chloride pipe shall not exceed the specifications for polyvinyl chloride pipe in designations D-1784-69, D-2241-73, D-2564-76, D-2672-76, D-3036-73 and D-3139-73 of the American society of testing and material. The rules adopted which directly pertain to the construction of sewer systems and water supply distribution systems and the review of plans and specifications for such construction shall be known respectively as the Iowa Standards for Sewer Systems and the Iowa Standards for Water Supply Distribution Systems and shall be applicable in each governmental subdivision of the state. Exceptions shall be made to the standards so formulated only upon special request to and receipt of permission from the department. The department shall publish the standards and make copies of such standards available to governmental subdivisions and to the public."

16. Renumber sections and references as may be necessary by this amendment.

17. Amend the title, line 1, by inserting after the word "Act" the words "relating to and".

ON THE PART OF THE SENATE:

LOWELL L. JUNKINS, Chair
 JAMES V. GALLAGHER
 FRED W. NOLTING
 JOHN N. NYSTROM
 FOREST V. SCHWENGELS

ON THE PART OF THE HOUSE:

CARROLL T. PERKINS, Chair
 COOPER EVANS
 MARY O'HALLORAN
 LYLE SCHEELHAASE

Perkins of Greene moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the 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.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 2098)

The ayes were, 79:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Halvorson	Hansen	Harbor	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 3:

Harvey

Hullinger

West

Absent or not voting, 18:

Branstad
Crabb
Egenes
Lipsky
Stromer

Brockett
Crawford
Gilloon
Monroe
Varley

Clark, B.J.
Den Herder
Hargrave
Rinas

Cochran
Dyrland
Krewson
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 2098)

Perkins of Greene asked and received unanimous consent that House File 2098 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER

(Senate File 397)

I move to reconsider the vote by which Senate File 397 passed the House on May 10, 1978.

JUNKER of Woodbury

(House File 2460)

I move to reconsider the vote by which House File 2460 passed the House on May 10, 1978.

CUSACK of Scott

(House File 2460)

I move to reconsider the vote by which House File 2460 passed the House on May 10, 1978.

KOOGLER of Mahaska

(House File 2460)

I move to reconsider the vote by which House File 2460 passed the House on May 10, 1978.

GILLOON of Dubuque

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, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2164, a bill for an act relating to the status and salaries of full-time or part-time county attorneys and assistant county attorneys.

Also: That the Senate has on May 10, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2219, a bill for an act relating to the investment of police and fire retirement system funds.

Also: That the Senate has, on May 10, 1978, adopted the conference committee report and passed House File 2382, a bill for an act relating to flight from the state to avoid prosecution and providing a penalty.

Also: That the Senate has on May 10, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2450, a bill for an act appropriating funds from the general fund of the state to the state educational radio and television facility board for its general operations.

Also: That the Senate has, on May 10, 1978, adopted the conference committee report and passed Senate File 121, a bill for an act providing for issuance of permits for poultry and livestock operations by the department of environmental quality.

Also: That the Senate has on May 10, 1978, 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 321, a bill for an act relating to bonded agricultural warehouses.

Also: That the Senate has on May 9, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was 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 May 9, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 389, a bill for an act relating to persons who engage in the business of buying or selling grain.

Also: That the Senate has on May 10, 1978, 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 2066, a bill for an act relating to exemption of gross receipts from the rental of prosthetic, orthotic and orthopedic devices from the sales and use tax.

Also: That the Senate has on May 9, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2127, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions.

Also: That the Senate has on May 9, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2181, a bill for an act providing for the destruction of certain court records.

Also: That the Senate has on May 9, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2190, a bill for an act creating in the department of social services the right of subrogation to recover payments made under the medical assistance program.

Also: That the Senate has on May 9, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2202, a bill for an act specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence.

Also: That the Senate has, on May 10, 1978, adopted the conference committee report and passed Senate File 2209, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems.

Also: That the Senate has on May 9, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2213, a bill for an act amending the weapons chapter of the criminal code revision.

Also: That the Senate has on May 9, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2221, a bill for an act relating to city development by clarifying the definition of territory and requiring the city development.

Also: That the Senate has on May 10, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2268, a bill for an act appropriating funds to department of public instruction for salary adjustments and fringe benefits for radio station employees of merged area XII.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO HOUSE FILE 2164

H-6623

1 Amend House File 2164 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 24 through 35.

4 2. Page 2, by striking lines 1 through 32 and
5 inserting in lieu thereof the following:

6 "2. The resolution changing the status of the
7 county attorney shall state the annual salary to be
8 paid to the full-time county attorney. Notwithstanding
9 section three hundred forty A point six (340A.6) of
10 the Code, the board of supervisors shall adopt an
11 annual salary for the county attorney which is between
12 sixty-five and one hundred percent of the annual
13 salary received by a district court judge.

14 Sec. 4. NEW SECTION. PART-TIME COUNTY ATTORNEYS.

15 1. The board of supervisors of a county may change
16 the status of a full-time county attorney to a part-
17 time county attorney by following the same procedures
18 as provided in section three (3) of this Act. If
19 the incumbent county attorney objects to the change
20 in status, the change shall be delayed until January
21 first following the next election of a county attorney.

22 2. The resolution changing the status of a full-
23 time county attorney to a part-time county attorney
24 shall state the annual salary to be paid to the part-
25 time county attorney.

26 Sec. 5. NEW SECTION. CURRENT STATUS UNAFFECTED.

27 The provisions of this Act shall not affect the full-
28 time or part-time status of a county attorney that
29 is in effect on the effective date of this Act, but
30 any subsequent change in the full-time or part-time
31 status of the county attorney shall be made as provided
32 in section three (3) or four (4) of this Act, as
33 applicable.

34 Sec. 6. Section three hundred forty point ten
35 (340.10), Code 1977, is amended by striking the section
36 and inserting in lieu thereof the following:

37 340.10 ASSISTANT COUNTY ATTORNEY. The annual
38 salary of each assistant county attorney shall be
39 determined by the county attorney within the budget
40 set for the county attorney's office by the board

41 of supervisors. The salary of an assistant county
42 attorney shall not exceed eighty-five percent of the
43 maximum salary of a full-time county attorney.
44 The county attorney shall inform the board of
45 supervisors of the full-time or part-time status of
46 each assistant county attorney. In the case of a
47 part-time assistant county attorney, the county
48 attorney shall inform the board of supervisors of
49 the approximate number of hours per week the person
50 shall devote to his or her duties as assistant county

Page 2

1 attorney.
2 Sec. 7. Section three hundred forty-one point
3 nine (341.9), Code 1977, is amended to read as follows:
4 341.9 FULL-TIME COUNTY PROSECUTORS. In counties
5 having a population in excess of one hundred fifty
6 thousand, the The county attorney may appoint, with
7 the approval of the board of supervisors, assistant
8 county attorneys to serve as full-time prosecutors
9 who shall refrain from the private practice of law.
10 The compensation paid to such assistant county
11 attorneys shall not be subject to the provisions
12 of section 340.10 be determined by the county attorney
13 within the budget set for the county attorney's office
14 by the board of supervisors. The salary of an
15 assistant county attorney shall not exceed eighty-
16 five percent of the maximum salary of a full-time
17 county attorney."

18 3. Page 2, by inserting after line 32 the follow-
19 ing sections:

20 "Sec. . Section three hundred thirty-six point
21 one (336.1), Code 1977, is amended to read as follows:
22 336.1 QUALIFICATIONS. County attorneys shall
23 be qualified electors of their respective counties,
24 duly admitted to practice as attorneys and counselors
25 in the courts of this state as provided by law.
26 However, if the boards of supervisors of two or more
27 counties enter into an agreement to share the services
28 of a county attorney as authorized by this chapter,
29 the county attorney shall be a qualified elector of
30 one of the counties that he or she serves. No person
31 shall be qualified for such office while his the
32 person's license to practice remains revoked or
33 suspended.

34 Sec. . Chapter three hundred thirty-six (336),
35 Code 1977, is amended by adding the following new
36 section:

37 NEW SECTION. AUTHORIZATION TO SHARE THE SERVICES
38 OF A COUNTY ATTORNEY—ELECTION. The boards of
39 supervisors of two or more counties may enter into

40 an agreement pursuant to chapter twenty-eight E (28E)
41 of the Code to share the services of a county attorney.
42 A county attorney who will serve two or more coun-
43 ties pursuant to an agreement authorized by this
44 section shall be elected by a majority of the votes
45 cast for the office of county attorney in all of the
46 counties which the county attorney will serve pursuant
47 to the agreement. The election shall be held in
48 accordance with section forty-seven point two (47.2),
49 unnumbered paragraph two (2), of the Code.
50 If an agreement is entered into pursuant to this

Page 3

1 section, its effective date shall be delayed until
2 January first of the year following the next general
3 election at which a county attorney is elected in
4 the manner provided by this section."
5 4. Renumbering as necessary.

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 321

H-6620

1 Amend the House amendment S-5842 to Senate File 321
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 2, line 5, by inserting after the word
5 "receipt" the words "covering grain held for more than
6 one year".
7 2. Page 2, line 17, by adding after the word
8 "dollars." the following: "Violation of this
9 section shall not constitute grounds for suspension,
10 revocation, or modification of the license of anyone
11 licensed under this chapter.".

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 2066

H-6619

1 Amend the House amendment, S-5677, to Senate File
2 2066 as passed by the Senate as follows:
3 1. Page 4, by inserting after line 6 the following
4 new section:
5 "Sec. . Section four hundred twenty-two point
6 forty-five (422.45), Code 1977 Supplement, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. Gross receipts from sale of
9 tangible personal property, except vehicles subject
10 to registration, to a person regularly engaged in
11 the business of leasing if the period of the lease
12 is for more than one year, such tangible personal
13 property, and the leasing of such property is subject
14 to taxation under this division. Tangible personal
15 property exempt under this subsection if made use
16 of for any purpose other than leasing or renting,
17 the person claiming the exemption under this subsection
18 shall be liable for the tax that would have been due
19 except for this subsection. The tax shall be computed
20 upon the original purchase price. The aggregate of
21 the tax paid on the leasing or rental of such tangible
22 personal property, not to exceed the amount of the
23 sales tax owed, shall be credited against such tax.
24 This sales tax shall be in addition to any sales or
25 use tax that may be imposed as a result of the disposal
26 of such tangible personal property."
27 2. Page 4, line 18, by inserting after the word
28 "transportation." the words "This subsection shall
29 be retroactive to January 1, 1973."
30 3. Page 4, line 30, by inserting after the word
31 "subsection." the words "This subsection shall be
32 retroactive to January 1, 1973.

REPORTS 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 regular calendar:

- H.F. 2352 An act authorizing group insurance, health or medical service for dependents of public employees. By committee on labor and industrial relations.
- H.F. 2282 A bill for an act to enact the Uniform Parentage Act providing substantive equality for all children regardless of the marital status of their parents and providing for civil contempt. By Newhard, Krewson and Gentleman.
- S.F. 2115 A bill for an act authorizing the temporary transfer of money from the general fund of the county to the county conservation fund to match federal funds. By Rush, Junkins and Scott.
- S.F. 2176 A bill for an act relating to the probing of grain for foreign material content. By committee on agriculture.
- S.F. 2201 A bill for an act requiring public officials and candidates to publicly disclose financial interests, prohibiting receipt of certain gifts, requiring a report of receipt of certain gifts, relating to conflicts of interest, and providing penalties. By committee on judiciary.

- S.F. 2133 A bill for an act to provide workers' compensation for state inmates. By committee on judiciary.
- S.B. 508 An act correcting and relating to erroneous and obsolete sections of the Code.
- S.B. 506 An act to legalize proceedings of the Black Hawk county board of supervisors relating to the purchase of land.
- S.B. 509 An act relating to the inventory taking of motor fuel and special fuel gallonage to be sold or dispensed at tax rates established by House File four hundred ninety-one (491), Acts of the Sixty-seventh General Assembly, 1978 Session.
- H.F. 2417 An act relating to civil liability and insurance reporting for losses caused by personal property. By committee on commerce.

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 noncontroversial five-minute calendar:

- H.F. 2433 An act making technical corrections and relating to chapter ninety-five (95) of the Acts of the Sixty-seventh General Assembly, 1977 Session. By committee on state government.
- S.F. 2215 An act relating to motor vehicle transportation regulation. By committee on transportation.
- S.F. 2068 An act relating to transfer of rights-of-way between the state and political subdivisions of the state. By Schwengels.
- S.F. 2253 An act to legalize proceedings taken by the city of Charter Oak relating to the letting of certain contracts. By committee on judiciary.
- S.F. 2260 An act legalizing the proceedings of the city council of Polk City, Iowa in connection with the making of a contract for the construction of water main improvements. By committee on judiciary.
- S.F. 2208 An act relating to the composition of the Iowa crime commission. By committee on state government.
- S.F. 397 An act to increase the fee for recording instruments. By committee on county government.
- S.F. 217 An act to clarify the responsibilities of parents to children. By Rush.
- S.F. 2196 An act providing that energy conservation shall be one of the objectives of city and county zoning regulations. By committee on energy.
- S.F. 164 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. By Taylor, Schwengels, Coleman, et al.

- S.F. 2205 An act amending the criminal code revision to prohibit a person from photographing a child involved in certain prohibited sexual acts, and providing a penalty. By committee on judiciary.
- S.F. 2198 An act repealing the prohibition against allowing minors in a billiard hall where beer is sold. By committee on judiciary.
- S.F. 44 An act to provide that certain records required to be filed in a dissolution action shall not be public records. By Redmond.
- S.F. 158 An act to amend or revise certain Code sections affected by the repeal of former chapter two hundred fifty-four (254) of the Code. By committee on county government.
- S.F. 2104 An act relating to the Iowa probate code. By Kelly.
- S.F. 99 An act relating to the state of the judicial department message. By Kelly.
- S.F. 106 An act relating to filing multiple counts in a single information, indictment, or complaint charging false use of a financial instrument. By Redmond.
- H.F. 2422 An act relating to the operations of the citizens' aide office. By committee on state government.
- S.F. 72 An act relating to the inclusion of fine arts projects in state building construction projects in cooperation with the Iowa state arts council. By Murray and Hill of Polk.

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 noncontroversial fifteen-minute calendar:

- H.F. 2434 An act making statutory changes which affect the duties, responsibilities and procedures of county treasurers with regard to tax sales, collection of taxes and fees, tax levies, maintenance of records and disposition of county funds. By committee on county government.
- S.B. 507 An act relating to overtime compensation for deputy sheriffs and making the provisions of this Act retroactive.
- S.F. 261 An act requiring state agencies and political subdivisions to conduct a life cycle cost analysis for certain construction projects. By Scott.
- S.F. 182 An act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty. By Burroughs.
- S.F. 353 An act relating to the purchase of energy efficient motor vehicles by state agencies. By Scott.
- S.F. 275 An act relating to the disclosure to governmental agencies, of financial information in the possession of financial institutions, and providing penalties. By Rush.

- H.F. 402 An act relating to the establishment of a force of reserve law enforcement officers for counties and the state of Iowa. By Husak.
- S.F. 380 An act relating to unified law enforcement, including clarification of the tax levy, election procedures, and administration of the district. By committee on county government.
- S.F. 94 An act relating to moving expenses for employees of the state department of transportation. By committee on state government.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 10, 1978, he approved and transmitted to the Secretary of State the following bills:

Senate File 2173, an act providing for exemption certificates for exempt purchases under the sales tax law relating to casual sales and assigning responsibility for the tax on nonexempt purchases subject to penalties provided by law.

Senate File 2229, an act relating to and appropriating funds for capital projects relating to educational agencies.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 506 Sifting Committee

To legalize proceedings of the Black Hawk county board of supervisors relating to the purchase of land.

S.B. 507 Sifting Committee

Relating to overtime compensation for deputy sheriffs and making the provisions of this Act retroactive.

S.B. 508 Sifting Committee

Correcting and relating to erroneous and obsolete sections of the Code.

S.B. 509 Sifting Committee

Relating to the inventory taking of motor fuel and special fuel gallonage to be sold or dispensed at tax rates established by House

File four hundred ninety-one (491), Acts of the Sixty-seventh General Assembly, 1978 Session.

S.B. 510 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.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 3, 1978 when the vote was taken on Senate File 264. Had I been present, I would have voted "aye."

JUNKER of Woodbury

I was necessarily absent from the House chamber on May 8, 1978. Had I been present I would have voted "aye" on House Files 2315, 2377, 2383, 2454, 2455; Senate Files 358, 2008, 2107 and 2263.

I was necessarily absent from the House chamber on May 9, 1978. Had I been present I would have voted "aye" on House Files 112 and 2426.

GRIFFEE of Chickasaw

PRESENTATION OF VISITORS

Millen of Van Buren presented to the House the Honorable William E. Darrington, former member of the House of Representatives representing Harrison County and the Honorable Ray V. Bailey, former member of the House of Representatives representing Wright County.

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

Fifty-six eighth grade students from Holy Trinity School, Des Moines, Iowa, accompanied by Pam Whitmore and Sandy Rouse. By Jesse of Polk, Krewson of Polk and Smalley of Polk.

Fifty-five fifth grade students from Sacred Heart School, West Des Moines, Iowa, including Julie Davitt, daughter of Representative Davitt, accompanied by Mrs. Grandquist and Mr. Biagioli. By Davitt of Warren and Thompson of Polk.

Forty-two twelfth grade students from Ida Grove Senior High School, Ida Grove, Iowa. By Bennett of Ida.

Forty-two fifth grade students from Dike Community School, Dike, Iowa. By Evans of Grundy.

Thirty-five sixth grade students from Bennett Community School, Bennett, Iowa, accompanied by Mrs. Arlene Keith and Mrs. Helen Lendt. By Hinkhouse of Cedar.

REPORT OF COMMITTEE MEETING

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 12:00 (noon), May 9, 1978

Convened: 12:15 p.m.

Adjourned: 12:47 p.m.

Present: Cusack, chair; Dunton, vice-chair; Welden, ranking member; Avenson, Stromer, Varley, Wells and West.

Absent: Harvey (arrived 12:25 p.m.), Jesse (arrived 12:25 p.m.), Koogler (arrived 12:20 p.m.), Norland (arrived 12:32 p.m.), and O'Halloran (arrived 12:20 p.m.).

Senate File 2228, a bill for an act providing for a guaranteed student loan program, changing the name of the higher education facilities commission and increasing its membership by two members and making an appropriation.

Recommended **Amend and Do Pass**.

H-6612

1 Amend Senate File 2228, as passed by the Senate,

2 as follows:

3 1. Page 1, line 3, by striking the words "higher
4 education facilities" and inserting in lieu thereof
5 the words "higher education facilities college aid".

6 2. Page 1, line 11, by striking the words "Higher
7 Education Facilities" and inserting in lieu thereof
8 the words "Higher Education Facilities College Aid".

9 3. Page 1, by inserting after line 30 the follow-
10 ing new section:

11 "Sec. . . . Section two hundred sixty-one point
12 one (261.1), unnumbered paragraph five (5), Code 1977,
13 is amended to read as follows:

14 A vacancy shall exist on the commission when a
15 legislative member of the commission ceases to be
16 a member of the general assembly or when a student
17 member ceases to be enrolled as a student. Such
18 vacancy shall be filled within thirty days."

19 4. Page 2, lines 7 and 8, by striking the words
20 "higher education facilities" and inserting in lieu
21 thereof the words "higher education facilities college
22 aid".

23 5. Page 2, line 12, by striking the words "higher
24 education facilities" and inserting in lieu thereof
25 the words "higher education facilities college aid".

26 6. Page 4, line 35, by striking the words "higher
27 education" and inserting in lieu thereof the words
28 "college aid".

29 7. Page 9, line 21, by striking the words "higher
30 education" and inserting in lieu thereof the words
31 "college aid".

32 8. Page 10, line 5, by striking the words "higher
33 education" and inserting in lieu thereof the words
34 "college aid".

Fiscal note is not required

Aye: Cusack, Avenson, Jesse, Norland, O'Halloran, Stromer, Wells and West.

Nay: Dunton, Welden and Varley.

Absent or not voting: Harvey and Koogler.

Study Bill 504, a bill for an act creating a state information and liaison office in Washington, D.C., and making an appropriation.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Wells and West.

Nay: Welden and Harvey.

Absent or not voting: None.

AMENDMENTS FILED

H-6626	H.F. 2417	Connors of Polk Gilloon of Dubuque Jochum of Dubuque
H-6627	S.F. 2176	Gilson of Guthrie
H-6628	S.F. 2176	Dunton of Keokuk
H-6629	S.F. 2228	Baker of Buena Vista
H-6631	S.F. 2228	Varley of Adair
H-6633	H.F. 2058	Lind of Black Hawk
H-6634	S.F. 2128	Monroe of Des Moines Harvey of Scott Brandt of Black Hawk Cusack of Scott Wyckoff of Benton
H-6635	S.F. 2176	Dieleman of Marion

On motion by Fitzgerald of Webster, the House adjourned at 9:08 p.m., until 9:00 a.m., Thursday, May 11, 1978.

JOURNAL OF THE HOUSE

One Hundred Twenty-third Calendar Day — Seventy-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 11, 1978

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

Prayer was offered by the Honorable Ingwer L. Hansen, State Representative from O'Brien County.

The Journal of Wednesday, May 10, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. L. McClenahan, Sigourney, Iowa.

INTRODUCTION OF BILL

House File 2464, by committee on sifting, a bill for an act to legalize proceedings of the Black Hawk county board of supervisors relating to the purchase of land.

Read first time and **placed on the sifting 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 May 10, 1978, adopted the second conference committee report and passed House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game.

KEVIN P. LIGHT, Acting Secretary

SENATE MESSAGE CONSIDERED

Senate File 2268, a bill for an act appropriating funds to the department of public instruction for salary adjustments and fringe benefits for radio station employees of merged area XII.

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

SENATE AMENDMENTS CONSIDERED

Halvorson of Clayton called up for consideration **House File 544**, a bill for an act relating to snowmobiles, amended by the Senate amendment H—6460 found on page 2156 of the House Journal, and moved that the House concur in the Senate amendment H—6460.

The motion prevailed and the House concurred in the Senate amendment H—6460.

O'Halloran of Black Hawk in the chair at 9:32 a.m.

Halvorson 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. 544)

The ayes were, 73:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Garrison	Gentleman	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Husak	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
Oxley	Pavich	Pellet	Pelton
Perkins	Poncy	Schnekloth	Shimanek
Smalley	Spear	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Wyckoff
Ms. Speaker (O'Halloran)			

The nays were, 3:

Gettings	Scheelhaase	Woods
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Absent or not voting, 24:

Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Den Herder	Egenes	Fitzgerald
Gilloon	Hargrave	Hines	Hullinger
Jesse	Jochum	Krause	Newhard
Nielsen	Patchett	Rinas	Schroeder
Small	Spencer	Stephens	Stromer

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

Conlon of Muscatine called up for consideration **House File 2164**, a bill for an act relating to the status and salaries of full-time or part-time county attorneys and assistant county attorneys, amended by the Senate amendment H—6623, found on pages 2455 through 2457 of the House Journal, and moved that the House concur in the Senate amendment H—6623.

A non-record roll call was requested.

The ayes were 64, nays 7.

The motion prevailed and the House concurred in the Senate amendment H—6623.

Conlon of Muscatine 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. 2164)

The ayes were, 72:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Garrison	Gentleman	Gilson	Griffee
Halvorson	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Jochum	Junker	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	Oxley	Pavich
Pellett	Pelton	Perkins	Scheelhaase

Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Wyckoff	Ms. Speaker (O'Halloran)

The nays were, 5:

Gettings	Hansen	Husak	Menke
Poncy			

Absent or not voting, 23:

Branstad	Byerly	Chiodo	Clark, B.J.
Cusack	Den Herder	Egenes	Fitzgerald
Gilloon	Hines	Hullinger	Jesse
Koogler	Lind	Millen	Newhard
Patchett	Rinas	Spencer	Stephens
Stromer	Welden	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 2228, a bill for an act providing for a guaranteed student loan program, changing the name of the higher education facilities commission and increasing its membership by two members and making an appropriation, with report of committee recommending amendment and passage was taken up for consideration.

Wells of Linn offered amendment H—6612 filed by the committee on budget on May 10, 1978 and found on pages 2463 and 2464 of the House Journal. Division was requested as follows: Lines 3 through 8 and lines 19 through 34, amendment H—6612A; lines 9 through 18, amendment H—6612B.

Wells of Linn moved the adoption of the committee amendment H—6612A.

Roll call was requested by Poncy of Wapello and Horn of Linn.

Rule 70 was invoked.

On the question "Shall the committee amendment H—6612A be adopted?"

The ayes were, 39:

Arnould	Bennett	Bina	Brandt
Brockett	Clark, J.H.	Conlon	Crawford
Danker	Evans	Garrison	Gentleman
Gilson	Halvorson	Hansen	Hargrave
Hoffmann	Howell	Husak	Jochum
Krewson	Lindeen	Lipsky	Menke
Pavich	Pellett	Perkins	Schroeder
Shimanek	Small	Smalley	Spear
Tauke	Tofte	Varley	Walter
Wells	West	Ms. Speaker (O'Halloran)	

The nays were, 38:

Anderson	Avenson	Baker	Binneboese
Connors	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Gettings	Griffee	Harbor	Harvey
Hinkhouse	Horn	Junker	Koogler
Lageschulte	Lind	Loneragan	Millen
Miller (Sergeant)	Monroe	Newhard	Nielsen
Oxley	Pelton	Poney	Schneklath
Stephens	Svoboda	Thompson	Welden
Woods	Wyckoff		

Absent or not voting, 23:

Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Cochran	Crabb	Den Herder
Egenes	Fitzgerald	Gilloon	Hines
Hullinger	Jesse	Krause	Middleswart
Miller, K.D.	Norland	Patchett	Rinas
Scheelhaase	Spencer	Stromer	

Amendment H—6612A was adopted.

On motion by Cusack of Scott, amendment H—6612B was adopted.

Baker of Buena Vista offered the following amendment H—6629 filed by him and moved its adoption:

H—6629

- 1 Amend Senate File 2228 as follows:
- 2 1. Page 2, by inserting after line 9 the following
- 3 new section:
- 4 "Sec. . Section two hundred sixty-one point

- 5 two (261.2), Code 1977, is amended by adding the
6 following new subsection:
7 **NEW SUBSECTION.** Prepare and administer a state
8 plan for a state matching program to match federal
9 funds paid under the GI Bill Improvement Act of 1977
10 Public Law ninety-five dash two hundred two (P.L.
11 95-202) to a veteran who is an Iowa resident for the
12 purpose of repaying any school loans received by such
13 veteran from the United States veterans
14 administration."

A non-record roll call was requested.

The ayes were 37, nays 30.

Amendment H—6629 was adopted.

Jesse of Polk offered the following amendment H—6422 filed by him and moved its adoption:

H—6422

- 1 Amend Senate File 2228 as follows:
2 1. Page 6, by striking lines 15 and 16.
3 2. Page 8, by inserting after line 17 the
4 following:
5 "5. The treasurer of state shall invest any
6 funds, including those in the loan reserve account,
7 and the interest income earned shall be credited
8 back to the loan reserve account."

Amendment H—6422 was adopted.

Varley of Adair offered the following amendment H—6631 filed by him and moved its adoption:

H—6631

- 1 Amend Senate File 2228, as amended and passed
2 by the Senate, as follows:
3 1. Page 8, by striking lines 32 through 35.
4 2. Page 9, by striking lines 1 through 5.

Amendment H—6631 lost.

Spear of Lee moved to reconsider the vote by which the committee amendment H—6612A was adopted by the House on May 11, 1978.

A non-record roll call was requested.

The ayes were 31, nays 45.

The motion lost.

Cusack of Scott moved to reconsider the vote by which amendment H—6629 was adopted by the House on May 11, 1978.

The motion prevailed and the House reconsidered amendment H—6629.

By unanimous consent the following amendment H—6640, to amendment H—6629, filed by Cusack of Scott from the floor was adopted:

H—6640

- 1 Amend H—6629 to Senate File 2228 as follows:
- 2 1. Page 1, by striking lines 7 and 8 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SUBSECTION. Prepare a state plan, complete
- 5 with fiscal implications, for a state matching pro-
- 6 gram to match federal".

On motion by Baker of Buena Vista, amendment H—6629, as amended, was adopted.

By unanimous consent the following amendment H—6641, filed by Lipsky of Linn from the floor, was adopted:

H—6641

- 1 Amend Senate File 2228 as follows:
- 2 1. Title page, line 1, by inserting after the
- 3 word "program," the words "a state matching program
- 4 to match federal funds paid under the GI Bill
- 5 Improvement Act of 1977,".

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. 2228)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Egenes	Evans	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Woods	Wyckoff
Ms. Speaker (O'Halloran)			

The nays were, none.

Absent or not voting, 11:

Brockett	Clark, B.J.	Den Herder	Dyrland
Fitzgerald	Garrison	Hines	Krause
Spencer	Stromer	Welden	

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

House File 2420, a bill for an act relating to the transfer of funds between state departments, institutions and agencies, 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. 2420)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Loneragan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wyckoff	Ms. Speaker	
		(O'Halloran)	

The nays were, 6:

Byerly	Egenes	Hoffmann	Lipsky
Millen	Woods		

Absent or not voting, 7:

Brockett	Clark, B.J.	Den Herder	Hines
Rinas	Spencer	Stromer	

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

CONSIDERATION OF BILLS

Sifting Committee Noncontroversial Five-Minute Calendar

House File 2433, a bill for an act making technical corrections and relating to chapter ninety-five (95) of the Acts of the Sixty-seventh General Assembly, 1977 Session, was taken up for consideration.

Crawford of Story offered the following amendment H—6638 filed by him and Monroe of Des Moines from the floor and moved its adoption:

H - 6638

1 Amend House File 2433 as follows:

2 1. Page 5, by striking lines 10 through 18 and
3 inserting in lieu thereof the following:

4 "Sec. . Acts of the Sixty-seventh General
5 Assembly, 1977 Session, chapter ninety-five (95),
6 is amended by striking section twenty-two (22) and
7 inserting in lieu thereof the following:

8 SEC. 22. Section four hundred fifty-five B point
9 fifty-nine (455B.59), Code 1977, is amended by striking
10 the section and inserting in lieu thereof the
11 following:

12 **455B.59 REVOCATION OR SUSPENSION.** The board may
13 suspend or revoke the certificate of an operator,
14 following a hearing before the board, when the operator
15 is found guilty of the following acts or offenses:

16 1. Fraud in procuring a license.

17 2. Professional incompetency.

18 3. Knowingly making misleading, deceptive, untrue
19 or fraudulent representations in the practice of his
20 or her profession or engaging in unethical conduct
21 or practice harmful or detrimental to the public.
22 Proof of actual injury need not be established.

23 4. Habitual intoxication or addiction to the use
24 of drugs.

25 5. Conviction of a felony related to the pro-
26 fession or occupation of the licensee, or the
27 conviction of any felony that would affect his or
28 her ability to operate a water treatment or wastewater
29 treatment plant. A copy of the record of conviction
30 or plea of guilty shall be conclusive evidence.

31 6. Fraud in representation as to skill or ability.

32 7. Use of untruthful or improbable statements
33 in advertisements.

34 8. Willful or repeated violations of this Act."

35 2. Page 6, by inserting after line 15 the
36 following:

37 "Sec. . Section one hundred fifty-three point
38 thirty-three (153.33), Code 1977, is amended by adding
39 the following new subsection:

40 **NEW SUBSECTION.** To promulgate rules as may be
41 necessary to implement the provisions of this chapter.

42 Sec. . Section one hundred fifty-three point
43 thirty-two (153.32), subsections one (1) through four
44 (4), and section one hundred fifty-three point thirty-
45 four (153.34), subsections five (5), six (6), eight
46 (8), and ten (10), Code 1977, are amended by striking
47 those subsections.

48 Sec. . Section one hundred fifty-three point
49 nineteen (153.19), Code 1977, is repealed."

50 3. By renumbering the sections to conform with

Page 2

1 this amendment.

Amendment H—6638 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. 2433)

The ayes were, 93:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Ms. Speaker			
(O'Halloran)			

The nays were, none.

Absent or not voting, 7:

Clark, B.J.	Den Herder	Hines	Rinas
Scheelhaase	Spencer	Stromer	

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

SIFTING COMMITTEE NONCONTROVERSIAL FIFTEEN-MINUTE CALENDAR

House File 2434, a bill for an act making statutory changes which will affect the duties, responsibilities and procedures of county treasurers with regard to tax sales, collection of taxes and fees, tax levies, maintenance of records and disposition of county funds, was taken up for consideration.

Spear of Lee offered amendment H—6449 filed by him and requested division as follows:

H—6449

- 1 Amend House File 2434 as follows:

H—6449A

- 2 1. Page 2, by striking lines 32 through 35.
- 3 2. Page 3, by striking lines 1 through 7.

H—6449B

- 4 3. Page 7, line 30, by inserting after the word
- 5 "taxes" the words "and special taxes past due on any
- 6 special assessment certified by the county".
- 7 4. Page 7, line 30, by striking the words "penalty,
- 8 interest and cost" and inserting in lieu thereof the
- 9 words "penalties, interest and costs".
- 10 5. Page 7, line 34, by striking the words "
- 11 interest and cost" and inserting in lieu thereof the
- 12 words "and special taxes past due on any special
- 13 assessments certified by the county, penalties,
- 14 interest and costs".
- 15 6. Page 8, line 8, by inserting after the word
- 16 "general" the words "and special".
- 17 7. Page 8, line 17, by inserting after the word
- 18 "general" the words "and special".
- 19 8. Page 8, line 19, by inserting after the word
- 20 "general" the words "and special".

Spear of Lee asked and received unanimous consent to defer action on amendment H—6449A.

On motion by Spear of Lee, amendment H—6449B was adopted.

On motion by Spear of Lee, amendment H—6449A was adopted.

Hullinger of Decatur offered the following amendment H—6192 filed by him and moved its adoption:

H—6192

- 1 Amend House File 2434 as follows:
- 2 1. Page 5, by striking lines 21 through 32 and
- 3 inserting in lieu thereof the following: "nine
- 4 (445.39), Code 1977, as amended by Senate File two
- 5 thousand one hundred fifty-one (2151), section nine
- 6 (9), as enacted by the Sixty-seventh General Assembly,
- 7 1978 Session, is amended to read as follows:
- 8 445.39 INTEREST AS PENALTY. If the first install-
- 9 ment of taxes shall not be paid by the delinquent
- 10 date specified in section four hundred forty-five
- 11 point thirty-seven (445.37) of the Code, said
- 12 installment shall become due and draw interest, as
- 13 a penalty, of one percent per month until paid, from
- 14 such delinquent date following the levy; and if the
- 15 last half shall not be paid by April first following
- 16 such levy, then a like interest shall be charged from
- 17 the date such last half became delinquent. However,
- 18 after April first in a year when late certification
- 19 of the tax list results in a penalty date later than
- 20 October first, penalties on delinquent first
- 21 installments shall accrue as if certification were
- 22 made on June thirtieth."

Amendment H—6192 was adopted.

Spear of Lee offered the following amendment H—6180 filed by him and moved its adoption:

H—6180

- 1 Amend House File 2434 as follows:
- 2 1. Page 9, by inserting after line 32 the follow-
- 3 ing:
- 4 "6. The board of supervisors may transfer title
- 5 to real estate acquired by virtue of a tax deed to
- 6 a city, a city agency, or to the Iowa housing finance
- 7 authority for use in an Iowa homesteading project
- 8 under section two hundred twenty point fourteen
- 9 (220.14) of the Code and they need not comply with
- 10 the provisions of this section."

Amendment H—6180 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. 2434)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dielemän
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffiee	Halvorson
Hansen	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonerган
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Stephens	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Ms. Speaker (O'Halloran)		

The nays were, none.

Absent or not voting, 10:

Clark, B.J.	Den Herder	Gilloon	Harbor
Hines	Rinas	Schroeder	Spencer
Stromer	Varley		

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

IMMEDIATE MESSAGE (House File 2434)

Hullinger of Decatur asked and received unanimous consent that House File 2434 be immediately messaged to the Senate.

House File 2461, a bill for an act relating to overtime compensation for deputy sheriffs and making the provisions of this Act retroactive, was taken up for consideration.

Fitzgerald of Webster asked and received unanimous consent to defer action on House File 2461 and that the bill retain its place on the calendar.

SIFTING COMMITTEE REGULAR CALENDAR

House File 2352, a bill for an act authorizing group insurance, health or medical service for dependents of public employees, was taken up for consideration.

Small of Johnson offered the following amendment H—5958 filed by him and moved its adoption:

H—5958

- 1 Amend House File 2352 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "institution." the following: "The group insurance
- 4 health and medical service provided for employees may
- 5 include coverage for dependents of the employees,
- 6 which coverage shall be considered a bargainable item
- 7 within the scope of negotiations under section twenty
- 8 point nine (20.9) of the Code."
- 9 2. Page 1, by striking lines 13 through 17 and
- 10 inserting in lieu thereof the words "and the sheriff."

Amendment H—5958 was adopted.

Crabb of Crawford offered the following amendment H—6448 filed by him:

H—6448

- 1 Amend House File 2352 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "Notwithstanding the employer's authority to
- 5 provide group insurance coverage for dependents of
- 6 employees, this subject shall be a permissive sub-
- 7 ject of bargaining."

Bennett of Ida rose on a point of order and invoked Joint Rule 16 relating to fiscal notes.

The Speaker ruled the point not well taken and a fiscal note not required.

Crabb of Crawford moved the adoption of amendment H—6448.

Roll call was requested by Small of Johnson and Walter of Pottawattamie.

On the question "Shall amendment H—6448 be adopted?"

The ayes were, 32:

Bennett	Branstad	Brockett	Conlon
Crabb	Daggett	Danker	Dieleman
Egenes	Evans	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Lageschulte	Lindeen	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Pellett
Pelton	Schnekloth	Schroeder	Stephens
Thompson	Varley	Welden	Wyckoff

The nays were, 57:

Anderson	Arnould	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Clark, J.H.	Cochran	Connors
Crawford	Cusack	Davitt	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Hargrave	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lind	Lipsky	Loneragan	Monroe
Newhard	Oxley	Patchett	Pavich
Perkins	Poney	Rinas	Scheelhaase
Shimanek	Small	Spear	Tauke
Tofte	Walter	Wells	Woods
Ms. Speaker (O'Halloran)			

Absent or not voting, 11:

Avenson	Clark, B.J.	Den Herder	Hines
Nielsen	Norland	Smalley	Spencer
Stromer	Svoboda	West	

Amendment H—6448 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. 2352)

The ayes were, 77:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Giloon	Gilson
Griffie	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middlewart	Miller, K.D.
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Perkins	Poney	Rinas	Scheelhaase
Schroeder	Shimaneck	Small	Smalley
Spear	Tauke	Thompson	Tofte
Varley	Walter	Wells	Woods
Ms. Speaker (O'Halloran)			

The nays were, 15:

Bennett	Branstad	Brockett	Crabb
Daggett	Danker	Harbor	Millen
Miller (Sergeant)	Pelton	Schnekloth	Stephens
Welden	West	Wyckoff	

Absent or not voting, 8:

Brunow	Clark, B.J.	Den Herder	Jesse
Krause	Spencer	Stromer	Svoboda

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 2352)

Small of Johnson asked for unanimous consent that House File

2352 be immediately messaged to the Senate.

Objection was raised.

Small of Johnson moved to reconsider the vote by which House File 2352 passed the House on May 11, 1978.

A non-record roll call was requested.

The ayes were 30, nays 40.

The motion lost.

IMMEDIATE MESSAGES (House File 2420)

Cusack of Scott asked and received unanimous consent that House File 2420 be immediately messaged to the Senate.

(Senate File 2228)

Cusack of Scott asked and received unanimous consent that Senate File 2228 be immediately messaged to the Senate.

Speaker Cochran in the chair at 12:12 p.m.

CONFERENCE COMMITTEES APPOINTED (House File 2423)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2423: Wyckoff of Benton, Chair; Wells of Linn, Jesse of Polk, Harbor of Mills and Brockett of Marshall.

(Senate File 2267)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2267: Perkins of Greene, Chair; Koogler of Mahaska, Hullinger of Decatur, Evans of Grundy and Varley of Adair.

HOUSE FILE 2255 WITHDRAWN

Clark of Lee asked and received unanimous consent to withdraw House File 2255 from further consideration by the House.

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 members present, twenty 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 members of the conference committee, appointed May 11, 1978, for House File 2423, a bill for an Act relating to appropriations to the department of general services for designated capital improvements and expenses, on the part of the Senate are:

The Senator from Linn, Senator Redmond, Chair; the Senator from Black Hawk, Senator Gallagher; the Senator from Boone, Senator Nystrom; the Senator from Hardin, Senator Taylor; and the Senator from Polk, Senator Willits.

Also: That the members of the conference committee, appointed May 11, 1978, for Senate File 2267, a bill for an Act relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources, on the part of the Senate are:

The Senator from Polk, Senator Palmer, Chair; the Senator from Dubuque, Senator Carr; the Senator from Winneshiek, Senator Craft; the Senator from Black Hawk, Senator Nolting; and the Senator from Jefferson, Senator Schwengels.

KEVIN P. LIGHT, Acting Secretary

The House resumed consideration of **House File 2461**, a bill for an act relating to overtime compensation for deputy sheriffs and making the provisions of this Act retroactive.

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. 2461)

The ayes were, 74:

Avenson	Baker	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, J.H.	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gettings	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Loneragan
Menke	Middleswart	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Scheelhaase	Schroeder	Shimanek
Smalley	Spear	Tauke	Varley
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 15:

Bennett	Conlon	Gentleman	Hinkhouse
Hoffmann	Lipsky	Millen	Miller (Sergeant)
Pellett	Pelton	Schneklath	Stephens
Thompson	Tofte	Welden	

Absent or not voting, 11:

Anderson	Arnould	Clark, B.J.	Den Herder
Garrison	Hines	Rinas	Small
Spencer	Stromer	Svoboda	

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 to suspend Rule 48 for the committee on budget meeting.

SIFTING COMMITTEE REGULAR CALENDAR

House File 2282, a bill for an act to enact the Uniform Parentage Act providing substantive equality for all children regardless of the marital status of their parents and providing for civil contempt, with report of committee recommending passage was taken up for consideration.

Newhard of Jones offered the following amendment H—6369 filed by him and moved its adoption:

H—6369

1 Amend House File 2282 as follows:

2 1. Page 1, line 20, by striking the words "or
3 under this Act" and inserting in lieu thereof the
4 words "under this Act, under chapter two hundred
5 fifty-two A (252A) of the Code or under other
6 proceedings available at law or in equity".

7 2. Page 1, line 21, by striking the word "Act"
8 and inserting in lieu thereof the words "Act, under
9 chapter two hundred fifty-two A (252A) of the Code
10 or under other proceedings available at law or in
11 equity".

12 3. Page 5, line 11, by striking the word "juvenile"
13 and inserting in lieu thereof the word "district".

14 4. Page 5, by striking lines 26 through 32 and
15 inserting in lieu thereof the following:

16 "Sec. 9. NEW SECTION. PARTIES. The natural
17 mother, each man presumed to be the".

18 5. Page 7, line 2, by inserting after the word
19 "types" the words "at the expense of the party
20 requesting the duplicate tests".

21 6. Page 10, lines 2 and 3, by striking the words
22 "the custody and guardianship of the child, visitation
23 privileges with the child,".

24 7. Page 11, lines 3 through 5, by striking the
25 words "The court may order the proportion of any
26 indigent party to be paid from the court expense
27 fund."

28 8. Page 11, by striking lines 17 through 20 and
29 inserting in lieu thereof the following:

30 "2. All orders or judgments providing support
31 payments shall direct the payment of such sums to
32 the clerk of court for the use of the person to whom
33 the payments have been awarded."

34 9. Page 11, by striking line 29 and inserting
35 in lieu thereof:

36 "1. Future education and support; or".

37 10. Page 12, by striking lines 2 through 11.

38 11. Page 12, by striking line 35.

39 12. Page 13, by striking lines 1 through 3.

40 13. Page 15, by inserting after line 10 the follow-
41 ing new section:

42 "Sec. . NEW SECTION. CUSTODY, GUARDIANSHIP
43 AND VISITATION. The custody and guardianship of the
44 child and visitation privileges with the child shall
45 be determined in a proceeding separate and apart from
46 any proceeding under this Act to determine paternity

47 of the child and support. The child shall be made
 48 a party to such separate action. A general guardian
 49 or guardian ad litem appointed by the court shall
 50 represent a child who is minor. The child's mother

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1 or father shall not represent the child as guardian
 2 or otherwise. The court may appoint the department
 3 of social services as guardian ad litem for the child."
 4 14. Page 15, by inserting after line 10 the follow-
 5 ing new section:
 6 "Sec. . NEW SECTION. WELFARE RECIPIENT—
 7 ASSIGNMENT OF SUPPORT PAYMENTS. Persons entitled
 8 to support payments pursuant to this Act who are also
 9 welfare recipients shall assign their rights to the
 10 payments to the department of social services, which
 11 may secure payments in default. The clerk of court
 12 shall forward support payments received pursuant
 13 to this Act to the department of social services and
 14 shall furnish the department with copies of all orders
 15 or decrees awarding support to parties having custody
 16 of minor children when the parties are receiving
 17 welfare assistance."
 18 15. By renumbering sections to conform with this
 19 amendment.

Amendment H—6369 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. 2282)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
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	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte

Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Chiodo	Clark, B.J.	Den Herder	Hines
Monroe	Rinas	Small	Spencer
Stromer			

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

House File 2463, a bill for an act relating to the inventory taking of motor fuel and special fuel gallonage to be sold or dispensed at tax rates established by House File four hundred ninety-one (491), Acts of the Sixty-seventh General Assembly, 1978 Session, with report of committee recommending passage was taken up for consideration.

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?" (H.F. 2463)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
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	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Hargrave	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson

Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
West	Wyckoff	Mr. Speaker	

The nays were, 5:

Harvey	Jesse	Lind	Welden
Woods			

Absent or not voting, 8:

Chiodo	Clark, B.J.	Den Herder	Harbor
Hines	Scheelhaase	Spencer	Stromer

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

The House resumed consideration of **Senate File 2115**, a bill for an act authorizing the temporary transfer of money from the general fund of the county to the county conservation fund to match federal funds, and amendment H—6015 filed by Wyckoff of Benton and found on page 2332 of the House Journal.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—6091, to amendment H—6015, filed by him on April 17, 1978.

On motion by Wyckoff of Benton, amendment H—6015 lost.

Wyckoff of Benton offered the following amendment H—6437 filed by him and moved its adoption:

H—6437

- 1 Amend Senate File 2115 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 5, by inserting after the word
- 4 "earlier." the words "The transferred funds shall
- 5 not be used to acquire abandoned railroad rights-of-
- 6 way."

Roll call was requested by Pelton of Clinton and Wyckoff of Benton.

Rule 70 was invoked.

On the question "Shall amendment H—6437 be adopted?"

The ayes were, 41:

Baker	Bennett	Binneboese	Branstad
Brockett	Crabb	Daggett	Danker
Davitt	Doyle	Dunton	Garrison
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Horn	Hullinger	Husak
Junker	Koogler	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Nielsen
Oxley	Pellett	Scheelhaase	Schneklloth
Stephens	Tofte	West	Wyckoff
Mr. Speaker			

The nays were, 50:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Byerly	Chiodo
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Dieleman	Dyrland	Egenes
Evans	Fitzgerald	Gettings	Gilloon
Gilson	Griffee	Hargrave	Hoffmann
Howell	Jesse	Jochum	Krewson
Lipsky	Monroe	Newhard	O'Halloran
Patchett	Pavich	Pelton	Perkins
Poncy	Schroeder	Shimanek	Small
Smalley	Spear	Svoboda	Tauke
Thompson	Varley	Walter	Welden
Wells	Woods		

Absent or not voting, 9:

Clark, B.J.	Den Herder	Gentleman	Hines
Krause	Norland	Rinas	Spencer
Stromer			

Amendment H—6437 lost.

Connors of Polk in the chair at 3:06 p.m.

Wyckoff of Benton offered the following amendment H—6647 filed by him from the floor:

H-6647

1 Amend Senate File 2115 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 22 the follow-
4 ing:

5 "Sec. . Section one hundred eleven A point
6 four (111A.4), subsection two (2), Code 1977, is
7 amended to read as follows:

8 2. To acquire in the name of the county by gift,
9 purchase, lease, agreement or otherwise, in fee or
10 with conditions, suitable real estate within or without
11 the territorial limits of the county areas of land
12 and water for public museums, parks, preserves,
13 parkways, playgrounds, recreation centers, forests,
14 wildlife and other conservation purposes and for
15 participation in watershed, drainage and flood control
16 programs for the purpose of increasing the recreational
17 resources of the county. The state conservation
18 commission, the county board of supervisors, or the
19 governing body of any city or village may, upon request
20 of the county conservation board, designate, set apart
21 and transfer to the county conservation board for
22 use as museums, parks, preserves, parkways,
23 playgrounds, recreation centers, play fields, tennis
24 courts, skating rinks, swimming pools, gymnasiums,
25 rooms for arts and crafts, camps and meeting places,
26 community forests, wildlife areas and other
27 recreational purposes, any land and buildings owned
28 or controlled by the state conservation commission
29 or such county or municipality and not devoted or
30 dedicated to any other inconsistent public use. In
31 acquiring or accepting land, due consideration shall
32 be given to its scenic, historic, archaeologic,
33 recreational or other special features, and no land
34 shall be acquired or accepted which in the opinion
35 of the board and the state conservation commission
36 is of low value from the standpoint of its proposed
37 use."

38 2. By renumbering the sections to conform with
39 this amendment.

Patchett of Johnson rose on a point of order that amendment
H-6647 was not germane.

The Speaker ruled the point well taken and amendment
H-6647 not germane.

Wyckoff of Benton moved that the rules governing germaneness
be suspended for the consideration of amendment H-6647.

Roll call was requested by Wyckoff of Benton and Harbor of Mills.

On the question "Shall the rules be suspended?"

The ayes were, 29:

Baker	Bennett	Binneboese	Brockett
Conlon	Crabb	Daggett	Danker
Evans	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Husak	Junker
Lageschulte	Lind	Lindeen	Loneragan
Menke	Millen	Miller, K.D.	Pellett
Schneklath	Schroeder	Stephens	Tofte
Wyckoff			

The nays were, 51:

Anderson	Arnould	Bina	Brandt
Brunow	Chiodo	Clark, J.H.	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffiee	Hargrave	Hines	Hoffmann
Horn	Howell	Jesse	Jochum
Koogler	Krause	Krewson	Lipsky
O'Halloran	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Shimanek	Small	Smalley	Spear
Svoboda	Tauke	Thompson	Varley
Walter	Welden	Wells	

Absent or not voting, 20:

Avenson	Branstad	Byerly	Clark, B.J.
Cochran	Den Herder	Gilloon	Hullinger
Middleswart	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Oxley	Spencer
Stromer	West	Woods	Mr. Speaker (Connors)

The motion lost.

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?" (S.F. 2115)

The ayes were, 93:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 7:

Clark, B.J.	Den Herder	Gentleman	Gilloon
Koogler	Spencer	Welden	

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

Senate File 2133, a bill for an act to provide workers' compensation for state inmates, was taken up for consideration.

Jesse of Polk offered the following amendment H—5831 filed by him and Newhard of Jones and moved its adoption:

H—5831

- 1 Amend Senate File 2133, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 2, line 13, by striking the word "awarded"
- 4 and inserting in lieu thereof the word "determined".

- 5 2. Page 2, line 16, by striking all after the
6 word "discharge."
7 3. Page 2, by striking lines 17 through 20.
8 4. Page 2, by striking lines 24 through 27.
9 5. Page 2, line 28, by striking the words "of
10 dependents."
11 6. Page 3, by inserting after line 31 the following
12 section:
13 "Sec. . Section eighty-eight point three (88.3),
14 subsection five (5), Code 1977, is amended to read
15 as follows:
16 5. "Employee" means an employee of an employer
17 who is employed in a business of his employer.
18 "Employee" also means an inmate as defined in section
19 five (5) of this Act, when he or she works in
20 connection with the maintenance of the institution,
21 in an industry maintained in the institution, or while
22 otherwise on detail to perform services for pay."
23 7. Renumber sections to conform with this amend-
24 ment.
25 8. Amend the title, line 1, by striking all after
26 the word "to" and inserting in lieu thereof the words
27 "limit claims of inmates injured while working to
28 workers' compensation."

Amendment H—5831 was adopted.

Conlon of Muscatine offered the following amendment H—5491
filed by Conlon, et al. :

H—5491

- 1 Amend Senate File 2133 as follows:
2 1. Page 3, by inserting after line 31 the following
3 sections:
4 "Sec. . Chapter eighty-five (85), Code 1977,
5 is amended by adding the following new section:
6 **NEW SECTION. GARNISHMENT OF WORKERS' COMPENSA-**
7 **TION FOR INMATES.**
8 1. Compensation due or that may become due an
9 inmate under section five (5) of this Act shall be
10 subject to garnishment, attachment, and execution
11 as follows:
12 a. By victims of crimes for which the inmate has
13 been convicted if the victim petitions for a money
14 judgment in a civil action within seven years after
15 his or her cause of action accrues; and
16 b. For the support of the inmate's minor child
17 or children if an order, judgment, or decree for
18 support is rendered in this state.

19 2. Within a reasonable time after an inmate files
20 a claim of workers' compensation, the warden or
21 superintendent of the institution where the inmate
22 is serving his or her sentence shall make a reasonable
23 effort to notify, by ordinary mail, victims of the
24 inmate's crimes and persons entitled to child support,
25 who may be eligible to garnish part or all of the
26 compensation due or that may become due an inmate
27 under section five (5) of this Act. The notification
28 shall include the following information:
29 a. The fact that the inmate has filed a claim
30 for workers' compensation benefits under section five
31 (5) of this Act;
32 b. The amount of compensation benefits that may
33 be determined; and
34 c. A statement that the victim or person entitled
35 to child support may begin proceedings involving
36 garnishment of workers' compensation benefits.
37 3. After a victim obtains a money judgment or
38 writ of attachment against the inmate or after an
39 order, judgment, writ, or decree for support of a
40 minor child is obtained, a certified copy of that
41 order, judgment, writ, or decree shall be filed with
42 the state comptroller and with the industrial
43 commissioner. The state comptroller shall send payment
44 of all or as much of the compensation benefits as
45 is necessary to satisfy the order, judgment, writ,
46 or decree to the clerk of court who shall dispose
47 of the funds as provided by law. Payment may be in
48 installments.
49 4. Section six hundred forty-two point twenty-
50 one (642.21) of the Code shall not apply to the

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1 garnishment of compensation benefits under this Act.
2 Sec. . Section six hundred twenty-seven point
3 thirteen (627.13), Code 1977, is amended to read as
4 follows:
5 627.13 WORKERS' COMPENSATION. Any compensation
6 due or that may become due an employee or dependent
7 under the provisions of chapter 85 shall be exempt
8 from garnishment, attachment, and execution. However,
9 compensation due or that may become due an inmate
10 under section five (5) of this Act shall be subject
11 to garnishment, attachment, and execution as follows:
12 a. By victims of crimes for which the inmate has
13 been convicted if the victim petitions for a money
14 judgment in a civil action within seven years after
15 his or her cause of action accrues; and
16 b. For the support of the inmate's minor child

17 or children if an order, judgment, or decree for
 18 support is rendered in this state."
 19 2. By renumbering sections to conform with this
 20 amendment.

Conlon of Muscatine offered the following amendment H—5561,
 to amendment H—5491, filed by him and moved its adoption:

H—5561

1 Amend the House amendment, H—5491, to Senate File
 2 2133 as follows:
 3 1. Page 1, by inserting after line 48 the following
 4 paragraph:
 5 "Among competing garnishments, a claim under
 6 paragraph b of subsection one (1) of this section
 7 shall have priority."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 34, nays 51.

Amendment H—5561 lost.

Conlon of Muscatine moved the adoption of amendment
 H—5491.

Roll call was requested by Conlon of Muscatine and Schnekloth
 of Scott.

On the question "Shall amendment H—5491 be adopted?"

The ayes were, 34:

Bennett	Branstad	Byerly	Chiodo
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Dunton	Garrison	Hansen
Harbor	Harvey	Hoffmann	Husak
Junker	Lageschulte	Lind	Lindeen
Menke	Millen	Miller (Sergeant)	Pellett
Schnekloth	Smalley	Spear	Stephens
Stromer	Thompson	Tofte	Welden
West	Wyckoff		

The nays were, 50:

Arnould	Avenson	Baker	Bina
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Binneboese	Brandt	Brockett	Brunow
Doyle	Dyrland	Evans	Fitzgerald
Gentleman	Gettings	Gilloon	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Krewson
Lipsky	Loneragan	Middleswart	Miller, K.D.
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Poncy	Scheelhaase	Schroeder	Shimanek
Small	Svoboda	Tauke	Walter
Wells	Mr. Speaker (Connors)		

Absent or not voting, 16:

Anderson	Clark, B.J.	Cochran	Cusack
Daggett	Davitt	Den Herder	Dieleman
Egenes	Halvorson	Monroe	Perkins
Rinas	Spencer	Varley	Woods

Amendment H—5491 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. 2133)

The ayes were, 75:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Cochran	Crabb
Crawford	Cusack	Davitt	Dieleman
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffie	Hansen
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Spear	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	Woods	Mr. Speaker (Connors)	

The nays were, 20:

Bennett	Branstad	Clark, J.H.	Conlon
Daggett	Danker	Dunton	Halvorson
Harbor	Harvey	Hoffmann	Lind
Millen	Pellett	Schnekloth	Smalley
Stephens	Stromer	West	Wyckoff

Absent or not voting, 5:

Chiodo	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.

IMMEDIATE MESSAGE (Senate File 2133)

Doyle of Woodbury asked and received unanimous consent that Senate File 2133 be immediately messaged to the Senate.

Senate File 2118, a bill for an act granting certain counties the authority to acquire and finance certain public improvements, was taken up for consideration.

Brunow of Appanoose asked and received unanimous consent to temporarily defer action on amendment H—5916.

Hullinger of Decatur offered the following amendment H—6436 filed by him and moved its adoption:

H—6436

- 1 Amend Senate File 2118, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 8, by striking the words "levy
- 4 assessments,"
- 5 2. Page 1, line 15, by striking the word "through"
- 6 and inserting in lieu thereof the words and numerals
- 7 " , five (V) and".
- 8 3. Page 1, line 16, by inserting after the word
- 9 "Code." the following: "A public improvement
- 10 authorized under this subsection shall not be financed
- 11 by a special assessment."
- 12 4. Page 1, line 21, by striking the word "through"
- 13 and inserting in lieu thereof the words and numeral
- 14 " , five (V) and".

- 15 5. Page 1, by striking lines 23 through 32.
16 6. Renumber subsections to conform to this
17 amendment.

Amendment H—6436 was adopted.

Brunow of Appanoose offered the following amendment
H—5916 filed by him:

H—5916

- 1 Amend Senate File 2118, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the following
4 new section:
5 "Sec. . Section three hundred thirty-two point
6 three (332.3), subsection twenty-four (24), Code 1977,
7 is amended to read as follows:
8 24. In counties which have not created a county
9 conservation board pursuant to chapter 111A, to
10 appropriate from the general fund of the county an
11 amount, not to exceed two thousand dollars per annum,
12 To levy a tax, subject to the provisions of this
13 subsection, not to exceed three cents per thousand
14 dollars of assessed value for the use of a local,
15 nonprofit historical society, organized pursuant to
16 chapter 504 or chapter 504A, for the purpose of
17 collecting and preserving historical materials,
18 artifacts, places, and structures of the area,
19 maintaining a historical library and collections,
20 conducting historical studies and researches, issuing
21 publications, providing public lectures of historical
22 interest, and otherwise disseminating a knowledge
23 of the history of the area to the general public.
24 If there are two or more nonprofit historical societies
25 in the county, the board shall apportion the moneys
26 derived from the levy as it determines. If such
27 appropriation levy is made, the local historical
28 society shall present to the county board of
29 supervisors an annual report describing in detail
30 its use of the funds appropriated."
31 2. Renumber sections and correct internal references
32 as are necessary in accordance with this amendment.
33 3. Amend the title, line 2, by inserting after
34 the word "improvements" the words "and to levy a tax
35 and distribute moneys to nonprofit historical societies".

Smalley of Polk rose on a point of order that amendment
H—5916 was not germane.

The Speaker ruled the point well taken and amendment H—5916 not germane.

Brunow of Appanoose moved that the rules governing germaneness be suspended for the consideration of amendment H—5916.

Roll call was requested by Tauke of Dubuque and Walter of Pottawattamie.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 47:

Arnould	Bina	Branstad	Brunow
Byerly	Clark, J.H.	Conlon	Crawford
Davitt	Dieleman	Dunton	Dyrland
Evans	Gettings	Griffiee	Halvorson
Hansen	Harbor	Harvey	Hines
Hinkhouse	Hoffmann	Howell	Krause
Lageschulte	Lind	Lindeen	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Patchett	Pavich	Perkins
Schroeder	Shimanek	Small	Spear
Svoboda	Tauke	Thompson	Walter
Wells	West	Wyckoff	

The nays were, 46:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Brockett	Chiodo
Cochran	Crabb	Cusack	Daggett
Danker	Doyle	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Hargrave
Horn	Hullinger	Husak	Jochum
Junker	Koogler	Krewson	Lipsky
Monroe	Nielsen	O'Halloran	Oxley
Pellett	Pelton	Poncy	Rinas
Scheelhaase	Schnekloth	Smalley	Stephens
Stromer	Tofte	Varley	Welden
Woods	Mr. Speaker (Connors)		

Absent or not voting, 7:

Clark, B.J.	Den Herder	Egenes	Jesse
Newhard	Norland	Spencer	

The motion lost.

Spear of Lee offered the following amendment H—6131 filed by him and moved its adoption:

H—6131

- 1 Amend Senate File 2118, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Amend the title, line 1, by striking the word
- 4 "certain".

Amendment H—6131 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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 2118)

The ayes were, 85:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Halvorson	Hansen	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Junker	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Oxley	Patchett	Pavich	Pellet
Pelton	Perkins	Poney	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	Woods	Wyckoff
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 15:

Avenson	Clark, B.J.	Den Herder	Egenes
Gilloon	Harbor	Jochum	Koogler
Norland	O'Halloran	Rinas	Scheelhaase
Spencer	Varley	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

(Senate File 2118)

Hullinger of Decatur asked and received unanimous consent that Senate File 2118 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story for the remainder of the day on request of Stephens of Plymouth.

Speaker Cochran in the chair at 4:12 p.m.

SIFTING COMMITTEE CALENDAR

Senate File 2215, a bill for an act relating to motor vehicle transportation regulation, was taken up for consideration.

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?" (S.F. 2215)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffiee	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 (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellett	Perkins
Poney	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Lind

Absent or not voting: 9

Clark, B.J.	Den Herder	Egenes	Gilloon
Halvorson	Norland	Pelton	Rinas
Spencer			

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

Senate File 2068, a bill for an act relating to transfer of rights-of-way between the state and political subdivisions of the state, was taken up for consideration.

Millen of Van Buren moved that the bill be read a last time 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. 2068)

The ayes were, 93:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell

Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimaneck
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, 7:

Clark, B.J.	Den Herder	Egenes	Middleswart
Norland	Rinas	Spencer	

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

Senate File 2253, a bill for an act to legalize proceedings taken by the city of Charter Oak relating to the letting of certain contracts, 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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 2253)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Harbor
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler

Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were none.

Absent or not voting, 18:

Brockett	Chiodo	Clark, B.J.	Cusack
Den Herder	Egenes	Evans	Gilloon
Hargrave	Krause	Lind	Middleswart
Norland	Pelton	Rinas	Spencer
Svoboda	Welden		

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

Senate File 2260, a bill for an act legalizing the proceedings of the city council of Polk City, Iowa in connection with the making of a contract for the construction of water main improvements, was taken up for consideration.

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?" (S.F. 2260)

The ayes were, 82:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Byerly	Clark, J.H.	Connors
Crabb	Crawford	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke

Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Smalley
Spear	Stephens	Stromer	Svoboda
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 3:

Harvey	Junker	Tauke
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Absent or not voting, 15:

Anderson	Brunow	Chiodo	Clark, B.J.
Conlon	Cusack	Den Herder	Egenes
Evans	Gilson	Lind	Middleswart
Rinas	Small	Spencer	

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 2460)

Cusack of Scott called up for consideration the motion to reconsider **House File 2460**, filed on May 10, 1978, and moved to reconsider the vote by which House File 2460, a bill for an act creating a state of Iowa office in Washington, D.C. and making an appropriation, passed the House and was placed on its last reading May 10, 1978.

A non-record roll call was requested

The ayes were 27, nays 54.

The motion lost.

WAYS AND MEANS CALENDAR

House File 2341, by committee on county government, a bill for an act authorizing township trustees to divide a township into taxing districts to provide fire portection service, with report of committee recommending amendment and passage was taken up for consideration.

Anderson of Jasper asked and received unanimous consent to defer action on House File 2341 and that the bill retain its place on the calendar.

MOTION TO RECONSIDER PREVAILS

(Senate file 2128)

Monroe of Des Moines called up for consideration the motion to reconsider Senate File 2128, filed on March 29, 1978, and moved to reconsider the vote by which Senate File 2128, a bill for an act making an appropriation to the office of governor including funds for the administration and management of the Terrace Hill governor's mansion, passed the House and was placed on its last reading on March 29, 1978.

A non-record roll call was requested.

The ayes were 58, nays 11.

The motion prevailed and the House reconsidered Senate File 2128.

Cusack of Scott asked and received unanimous consent to withdraw amendment H-6374 filed by Cusack, et al., on April 27, 1978.

Monroe of Des Moines offered the following amendment H-6634 filed by Monroe, et al. :

H-6634

- 1 Amend Senate File 2128 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 21 the follow-
- 4 ing:
- 5 "Sec. . The office of the administrative rules
- 6 coordinator shall be funded pursuant to the provisions
- 7 of section fourteen point twenty-two (14.22) of the
- 8 Code."
- 9 2. Renumber the remaining section.

Welden of Hardin offered the following amendment H-6650, to amendment H-6634, filed by him from the floor and moved its adoption:

H—6650

- 1 Amend H—6634 to S. F. 2128 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "Code" the words "for the fiscal year beginning
- 4 July 1, 1978, only"

Amendment H—6650 was adopted.

On motion by Monroe of Des Moines, amendment H—6634, as amended, 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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 2128)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brånstad	Brockett	Brunow	Byerly
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Middleswart
Miller, K.D.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wyckoff	Mr. Speaker	

The nays were, 3:

Gettings

Poncy

Woods

Absent or not voting, 14:

Chiodo	Clark, B.J.	Connors	Den Herder
Dyrland	Egenes	Hines	Jesse
Loneragan	Millen	Miller (Sergeant)	Perkins
Rinas	Spencer		

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

MOTION TO RECONSIDER PREVAILS (House File 2164)

Brunow of Appanoose called up for consideration the motion to reconsider House File 2164, filed by him from the floor and moved to reconsider the vote by which House File 2164, a bill for an act relating to the status and salaries of full-time or part-time county attorneys and assistant county attorneys, passed the House and was placed on its last reading on May 11, 1978.

A non-record roll call was requested.

The ayes were 55, nays 12.

The motion prevailed and the House reconsidered House File 2164.

Conlon of Muscatine asked and received unanimous consent to reconsider the vote by which the House concurred in the Senate amendment H—6623.

Conlon of Muscatine offered the following amendment H—6642, to the Senate amendment H—6623, filed by him and Brunow of Appanoose from the floor and moved its adoption:

H—6642

- 1 Amend the Senate amendment, H—6623, to House
- 2 File 2164 as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "sixty-five" and by inserting in lieu thereof the
- 5 word "forty-five".

Amendment H—6642 was adopted.

On motion by Conlon of Muscatine, the House concurred in the Senate amendment H—6623, as amended.

Conlon of Muscatine 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. 2164)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffiee	Halvorson	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Millen	Miller, K.D.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	Wyckoff	Mr. Speaker	

The nays were, 6:

Gettings	Hansen	Husak	Menke
Miller (Sergeant)	Poney		

Absent or not voting, 11:

Clark, B.J.	Den Herder	Egenes	Harvey
Lipsky	Middleswart	Rinas	Small
Spencer	West	Woods	

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

IMMEDIATE MESSAGES
(House File 2164)

Conlon of Muscatine asked and received unanimous consent that House File 2164 be immediately messaged to the Senate.

(Senate File 2128)

Wyckoff of Benton asked and received unanimous consent that Senate File 2128 be immediately messaged to the Senate.

House File 2462, a bill for an act correcting and relating to erroneous and obsolete sections of the Code, was taken up for consideration.

Monroe of Des Moines offered the following amendment H-6652 filed by him from the floor and moved its adoption:

H-6652

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, by inserting after line 21 the follow-
- 3 ing new section:
- 4 "Sec. . . . Section two hundred twenty-nine point
- 5 twenty-two (229.22), subsections two (2) and three
- 6 (3), Code 1977, as amended by Acts of the Sixty-seventh
- 7 General Assembly, 1978 Session, Senate File three
- 8 hundred thirty-three (333), section seven (7), is
- 9 amended to read as follows:
- 10 2. In the circumstances described in subsection
- 11 1, any peace officer who has reasonable grounds to
- 12 believe that a person is mentally ill, and because
- 13 of that illness is likely to physically injure himself
- 14 or herself or others if not immediately detained,
- 15 may without a warrant take or cause that person to
- 16 be taken to the nearest available facility as defined
- 17 in section 229.11, subsections 2 and 3. A person
- 18 believed mentally ill, and likely to injure himself
- 19 or herself or others if not immediately detained,
- 20 may be delivered to a hospital by someone other than
- 21 a peace officer. Upon delivery of the person believed
- 22 mentally ill to the hospital, the chief medical officer
- 23 may order treatment of that person, including
- 24 chemotherapy, but only to the extent necessary to
- 25 preserve the person's life or to appropriately control
- 26 behavior by the person which is likely to result in
- 27 physical injury to that person or others if allowed
- 28 to continue. The peace officer who took the person

29 into custody, or other party who brought the person
30 to the hospital, shall describe the circumstances
31 of the matter to the chief medical officer. If the
32 chief medical officer finds that there is reason to
33 believe that the person is seriously mentally impaired,
34 and because of that impairment is likely to physically
35 injure himself or herself or others if not immediately
36 detained, the chief medical officer shall enter a
37 written order for the person to be detained in custody
38 at once communicate with the nearest available
39 magistrate as defined in section eight hundred one
40 point four (801.4), subsection six (6), of the Code
41 Supplement. The magistrate shall proceed to the
42 facility where the person is detained, except that
43 if the chief medical officer's communication with
44 the magistrate occurs between the hours of midnight
45 and the next succeeding seven o'clock a.m. and the
46 magistrate deems it appropriate under the circumstances
47 described by the chief medical officer, the magistrate
48 may delay going to the facility and in that case shall
49 give the chief medical officer verbal instructions
50 either directing that the person be released forthwith

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1 or authorizing the person's continued detention at
2 that facility. In the latter case, the magistrate
3 shall:
4 a. By the close of business on the next working
5 day, file with the clerk a written report stating
6 the substance of the information on the basis of which
7 the person's continued detention was ordered; and
8 b. Arrive at the facility where the person is
9 being detained not later than eight o'clock a.m. of
10 the same day on which the chief medical officer's
11 notification occurs.
12 3. Upon arrival at the hospital, the magistrate
13 shall at once review the matter. Unless convinced
14 upon initial inquiry that there are no grounds for
15 further detention of the person, the magistrate shall
16 in the manner prescribed by section two hundred twenty-
17 nine point eight (229.8), subsection one (1) of the
18 Code insure that the person has or is provided legal
19 counsel at the earliest practicable time, and shall
20 arrange for the counsel to be present, if practicable,
21 before proceeding further under this section. If
22 the magistrate finds upon review of the report prepared
23 by the chief medical officer under subsection two
24 (2) of this section, and of such other information
25 or evidence as the magistrate deems pertinent, that
26 there is probable cause to believe that the person

27 is seriously mentally impaired and because of that
28 impairment is likely to physically injure himself
29 or herself or others if not detained, the magistrate
30 shall enter a written order for the person to be
31 detained in custody and, if the facility where the
32 person is at that time is not an appropriate hospital,
33 transported to an appropriate hospital. The
34 magistrate's order shall state the circumstances under
35 which the person was taken into custody or otherwise
36 brought to a hospital and the grounds supporting the
37 finding of probable cause to believe that he or she
38 is seriously mentally impaired and likely to physically
39 injure himself or herself or others if not immediately
40 detained. The order shall be filed with the clerk
41 of the district court in the county where it is
42 anticipated that an application will be filed under
43 section two hundred twenty-nine point six (229.6)
44 of the Code, and a certified copy of the order shall
45 be delivered to the chief medical officer of the
46 hospital where the person is detained, at the earliest
47 practicable time."

Amendment H—6652 was adopted.

Jesse of Polk offered the following amendment H—6646 filed by him and Newhard of Jones from the floor:

H—6646

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, by inserting after line 25 the following
- 3 section:
- 4 "Sec. . Chapter five hundred fifty-one (551),
- 5 Code 1977, is repealed."

Spear of Lee rose on a point of order that amendment H—6646 was not germane.

The Speaker ruled the point well taken and amendment H—6646 not germane.

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. 2462)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Evans	Garrison	Gentleman
Gettings	Gilson	Griffie	Halvorson
Hansen	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonerган	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker

The nays were, 2:

Dyrland	Pelton
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Absent or not voting, 10:

Clark, B.J.	Den Herder	Egenes	Fitzgerald
Gilloon	Harbor	Norland	Spencer
Svoboda	Woods		

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

RULES SUSPENDED

Bina of Scott moved to suspend the rules for the immediate consideration of Senate File 336, a bill for an act relating to the imposition of a hotel and motel tax by a city or county.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 51, nays 39.

The motion prevailed and Senate File 336 was taken up for consideration.

Koogler of Mahaska offered the following amendment H—6320 filed by him and Bina of Scott:

H—6320

1 Amend Senate File 336 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. NEW SECTION. LOCAL SALES AND SERVICE

6 TAX. A local sales and service tax at the rate of one
7 percent may be imposed by a county on the gross
8 receipts, except the gross receipts from the sale
9 of any motor vehicle, machine or equipment exclusively
10 designed for and used for agricultural purposes, taxed
11 by the state under chapter four hundred twenty-two
12 (422), division four (IV), of the Code. A local sales
13 and service tax shall be imposed on the same basis
14 as the state sales and service tax and shall not be
15 imposed on the sale of any property or service not
16 taxed by the state. A local sales and service tax
17 is applicable only to transactions within the
18 territorial limits of the county imposing it and shall
19 be collected by all persons required to collect state
20 sales and service taxes.

21 The amount of the sale or service, for purposes
22 of determining the amount of the local sales and
23 service tax, does not include the amount of any state
24 gross receipts tax.

25 No tax permit other than the state tax permit
26 required under section four hundred twenty-two point
27 fifty-three (422.53) of the Code may be required by
28 local authorities.

29 Sec. 2. NEW SECTION. ADMINISTRATION. A local
30 sales and service tax shall be imposed on July first
31 following the passage of a resolution of the board
32 of supervisors.

33 The director of revenue shall administer the
34 provisions of a local sales and service tax as nearly
35 as possible in conjunction with the administration
36 of state sales and service tax laws. The director
37 shall provide appropriate forms, or provide on the
38 regular state tax forms, for reporting local sales
39 and service tax liability.

40 A resolution of a county board of supervisors
41 imposing a local sales and service tax shall adopt
42 by reference the applicable provisions of the

43 appropriate sections of chapter four hundred twenty-
44 two (422), division four (IV), of the Code for a local
45 sales and service tax, and all powers of the director
46 and requirements of the director in administering
47 the state sales and service tax law are applicable
48 to the administration of a local sales and service
49 tax law including but not limited to powers to impose
50 interest and penalties, and requirements for hearing

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1 and appeal. Local officials shall confer with the
2 director of revenue and obtain assistance in drafting
3 the resolution imposing a local sales and service
4 tax. A certified copy of the resolution imposing
5 a local sales and service tax shall be filed with
6 the director as soon as possible after passage.

7 The director, in consultation with local officials,
8 shall collect and account for a local sales and service
9 tax. The director shall not retain for the use of
10 the department of revenue any sales and service tax
11 receipts to cover administrative expense. All local
12 sales and service tax receipts shall be credited to
13 a "local tax fund" hereby established in the office
14 of the treasurer of state.

15 **Sec. 3. NEW SECTION. COUNTYWIDE SHARES.** The
16 treasurer of state shall credit the local sales and
17 service tax receipts to a joint account in the local
18 tax fund and shall remit quarterly to each city in
19 the county a pro rata share of the joint account,
20 based upon the percentage of its population residing
21 in the county to the total population of the county,
22 and to the board of supervisors a pro rata share of
23 the joint account based upon the percentage of
24 population in the county outside of cities, all
25 according to the population determined by the most
26 recent certified federal census.

27 **Sec. 4.** This Act is effective January 1, 1979."

28 2. Amend the title, line 1, by inserting after
29 the word "of" the words "a sales and service tax
30 including".

Nielsen of Polk rose on a point of order that amendment H-6320 was not germane and not in order.

The Speaker ruled the point well taken and amendment H-6320 not germane and not in order.

Koogler of Mahaska moved that the rules be suspended for the consideration of amendment H-6320.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 41, nays 45.

The motion lost, placing out of order amendment H—6321, to amendment H—6320, filed by Bina of Scott on April 25, 1978.

Harvey of Scott asked and received unanimous consent that action on amendment H—5801 be temporarily deferred.

Bina of Scott asked for unanimous consent to withdraw the following amendments: H—5795, H—5796, H—5797 and H—5798.

Objection was raised.

Bina of Scott asked and received unanimous consent to withdraw the following amendments:

H—5798 filed by Bina, et al., on March 28, 1978.

H—5797 filed by Bina of Scott on March 28, 1978.

Bina of Scott moved to withdraw amendment H—5795 filed by Bina, et al., on March 28, 1978.

Roll call was requested by Baker of Buena Vista and Horn of Linn.

On the question "Shall the motion to withdraw amendment H—5795 prevail?"

The ayes were, 63:

Anderson	Arnould	Avenson	Bina
Brandt	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Garrison	Gentleman
Gilloon	Gilson	Griffee	Harbor
Hines	Hinkhouse	Hoffmann	Howell
Jesse	Jochum	Krause	Krewson
Lind	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Newhard	Nielsen	Norland

O'Halloran	Oxley	Patchett	Pavich
Pelton	Poncy	Schroeder	Shimanek
Small	Stephens	Thompson	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 13:

Baker	Bennett	Danker	Halvorson
Horn	Husak	Lageschulte	Lipsky
Menke	Pellett	Schnekloth	Spear
Stromer			

Absent or not voting, 24:

Binneboese	Clark, B.J.	Daggett	Den Herder
Egenes	Fitzgerald	Gettings	Hansen
Hargrave	Harvey	Hullinger	Junker
Koogler	Lindeen	Loneragan	Monroe
Perkins	Rinas	Scheelhaase	Smalley
Spencer	Svoboda	Tauke	Tofte

The motion prevailed and amendment H—5795 was withdrawn.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5796 filed by him on March 28, 1978.

Harvey of Scott offered the following amendment H—5803 filed by him and Schnekloth of Scott:

H—5803

1 Amend Senate File 336, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 30 the following
 4 section:
 5 "Sec. . Section four hundred twenty-two point
 6 forty-five (422.45), Code 1977 Supplement, is amended
 7 by adding the following new subsection:
 8 **NEW SUBSECTION.** The gross receipts from the renting
 9 of any and all rooms, apartments or sleeping quarters
 10 in any hotel, motel, inn, public lodging house, rooming
 11 house or tourist court or in any other place where
 12 sleeping accommodations are furnished to transient
 13 guests for rent whether with or without meals if those
 14 gross receipts are subject to a hotel and motel tax
 15 imposed pursuant to this Act."

Nielsen of Polk rose on a point of order that amendment H—5803 was not germane.

The Speaker ruled the point not well taken and amendment H—5803 germane.

Harvey of Scott moved the adoption of amendment H—5803.

Roll call was requested by Harvey of Scott and Schnekloth of Scott.

Rule 70 was invoked.

On the question "Shall amendment H—5803 be adopted?"

The ayes were, 30:

Baker	Bennett	Clark, J.H.	Conlon
Crabb	Cusack	Daggett	Danker
Evans	Halvorson	Harbor	Harvey
Horn	Husak	Koogler	Lageschulte
Menke	Millen	Miller, K.D.	Miller (Sergeant)
O'Halloran	Pavich	Pellett	Perkins
Schnekloth	Stromer	Walter	Welden
West	Wyckoff		

The nays were, 47:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Byerly	Connors
Crawford	Davitt	Dieleman	Doyle
Dunton	Dyrland	Garrison	Gentleman
Gilloon	Gilson	Griffie	Hargrave
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Jochum	Krause	Krewson
Lind	Lipsky	Middleswart	Newhard
Nielsen	Norland	Pelton	Poncy
Rinas	Scheelhaase	Shimanek	Small
Smalley	Spear	Stephens	Thompson
Varley	Woods	Mr. Speaker	

Absent or not voting, 23:

Binneboese	Branstad	Brockett	Chiodo
Clark, B.J.	Den Herder	Egenes	Fitzgerald
Gettings	Hansen	Jesse	Junker
Lindeen	Loneragan	Monroe	Oxley
Patchett	Schroeder	Spencer	Svoboda
Tauke	Tofte	Wells	

Amendment H—5803 lost.

Bennett of Ida offered amendment H—5807 filed by him on March 28, 1978.

Nielsen of Polk rose on a point of order that amendment H—5807 was subject matter previously considered and, therefore, not in order.

The Speaker ruled the point well taken and amendment H—5807 not in order.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5830 filed by him on March 29, 1978.

Danker of Pottawattamie offered the following amendment H—6322 filed by him:

H—6322

- 1 Amend Senate File 336 as amended, passed, and re-
- 2 printed as follows:
- 3 1. Page 2, by inserting after line 30 the follow-
- 4 ing:
- 5 "Sec. . . The general assembly shall not mandate
- 6 to any local government any new program or mandate an
- 7 increase in the level of service under an existing
- 8 program unless the cost of such mandated program or
- 9 level of service is funded by the state."

Nielsen of Polk rose on a point of order that amendment H—6322 was not germane.

The Speaker ruled the point well taken and amendment H—6322 not germane.

Harvey of Scott asked and received unanimous consent to withdraw amendment H—5801 filed by him on March 28, 1978.

Brunow of Appanoose in the chair at 6:20 p.m.

Koogler of Mahaska moved to table Senate File 336.

Roll call was requested by Byerly of Polk and Nielsen of Polk.

Rule 70 was invoked.

On the question "Shall the motion to table prevail?"

The ayes were, 37:

Baker	Bennett	Bina	Conlon
Crabb	Cusack	Daggett	Danker
Davitt	Dieleman	Dunton	Evans
Gilson	Griffie	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Horn
Hullinger	Husak	Koogler	Lageschulte
Loneragan	Menke	Millen	Miller, K.D.
Miller (Sergeant)	O'Halloran	Pellett	Pelton
Schnekloth	Stephens	Tofte	Walter
Wyckoff			

The nays were, 49:

Anderson	Avenson	Binneboese	Branstad
Byerly	Chiodo	Clark, J.H.	Connors
Crawford	Doyle	Dyrland	Garrison
Gentleman	Gettings	Gilloon	Hargrave
Hines	Hoffmann	Howell	Jesse
Jochum	Junker	Krause	Krewson
Lind	Lipsky	Middleswart	Monroe
Newhard	Nielsen	Norland	Patchett
Poncy	Rinas	Scheelhaase	Schroeder
Shimanek	Small	Smalley	Spear
Stromer	Svoboda	Tauke	Thompson
Varley	Wells	West	Woods
Mr. Speaker (Brunow)			

Absent or not voting, 14:

Arnould	Brandt	Brockett	Clark, B.J.
Cochran	Den Herder	Egenes	Fitzgerald
Lindeen	Oxley	Pavich	Perkins
Spencer	Welden		

The motion 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.

Bina of Scott asked for unanimous consent to amend the committee amendment H—5436 by striking lines 1 and 2 on page 2.

Objection was raised.

Bina of Scott moved to suspend the rules and reconsider the vote by which amendment H—5436 was adopted and to adopt the following amendment H—6655, to amendment H—5436, filed by him from the floor and adopt amendment H—5436, as amended:

H—6655

- 1 Amend amendment H—5436, to Senate File 336 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 2, by striking lines 1 and 2 and insert-
- 4 ing in lieu thereof the following:
- 5 " . Page 2, by striking line 31."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 54, nays 30.

The motion prevailed, the rules were suspended and amendment H—6655 and amendment H—5436, as amended, were 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.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 336)

The ayes were, 53:

Anderson	Avenson	Binneboese	Brandt
Branstad	Byerly	Chiodo	Clark, J.H.
Cochran	Connors	Crawford	Doyle
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Hargrave
Hines	Hoffmann	Howell	Jesse
Jochum	Junker	Krause	Krewson
Lind	Lipsky	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Perkins	Poney	Rinas	Scheelhaase
Schroeder	Shimanek	Small	Smalley
Spear	Svoboda	Tauke	Thompson

Varley
Mr. Speaker
(Brunow)

Wells

West

Woods

The nays were, 42:

Arnould	Baker	Bennett	Bina
Conlon	Crabb	Cusack	Daggett
Danker	Davitt	Dieleman	Dunton
Gilson	Griffiee	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Horn
Hullinger	Husak	Koogler	Lageschulte
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	O'Halloran
Pavich	Pellett	Pelton	Schnekloth
Stephens	Stromer	Tofte	Walter
Welden	Wyckoff		

Absent or not voting, 5:

Brockett
Spencer

Clark, B.J.

Den Herder

Egenes

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

MOTION TO RECONSIDER TABLED (Senate File 336)

Gilloon of Dubuque moved to reconsider the vote by which Senate File 336 passed the House on May 11, 1978.

Hargrave of Johnson 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.

Koogler of Mahaska moved to table the motion to reconsider.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 58, nays 33.

The motion to table prevailed.

SENATE FILE 2184 SUBSTITUTED FOR HOUSE FILE 2439

Miller of Buchanan asked and received unanimous consent to substitute Senate File 2184 for House File 2439.

Senate File 2184, a bill for an act to impose a tax upon freight line and equipment car companies, making an appropriation and providing penalties for violations, was taken up for consideration.

Krause of Kossuth offered amendment H-6654 filed by Krause, Pavich, Gilson, Pellett, Rinas, Junker, Small, Hines, Evans, Howell, Walter, Lageschulte, Davitt, Tauke, Monroe, Harbor, Jochum and Daggett from the floor.

Perkins of Greene rose on a point of order that amendment H-6654 was not germane.

The Speaker ruled the point well taken and amendment H-6654 not germane.

Krause of Kossuth moved that the rules governing germaneness be suspended for the consideration of amendment H-6654.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 64, nays 20.

The motion prevailed and the rules were suspended.

Welden of Hardin asked and received unanimous consent to temporarily defer action on amendment H-6654.

Miller of Buchanan offered the following amendment H-6653 filed by Miller of Buchanan, Pavich, Wells, West, Evans, Schneklath, Danker, Norland, Miller (Sergeant) of Calhoun, Avenson, Pellett, Dunton, Wyckoff, Davitt, Halvorson, Woods, Arnould, Brockett, Husak, Menke, Egenes, Lind, Garrison, Hullinger, Horn, Cusack, Koogler, Stephens, Rinas, Poncy, Byerly, Griffie, Hines, Thompson, Pelton, Spear, Anderson, Small, Walter, Lageschulte, Gilson, Hargrave, Tofte, Chiodo, Gilloon, Newhard, O'Halloran, Monroe, Patchett, Middleswart, Brandt and Gettings from the floor and moved its adoption:

H-6653

- 1 Amend Senate File 2184 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 24, by inserting after the word
- 4 "loaded" the words "and empty".
- 5 2. Page 1, line 32, by striking the words "and
- 6 one-fourth".

Roll call was requested by Tauke of Dubuque and Conlon of Muscatine.

Rule 70 was invoked.

On the question "Shall amendment H-6653 be adopted?"

The ayes were, 53:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Byerly	Chiodo
Cochran	Cusack	Davitt	Doyle
Dunton	Dyrland	Evans	Garrison
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Husak	Jesse	Jochum
Koogler	Lageschulte	Lind	Menke
Middleswart	Miller, K.D.	Monroe	Newhard
Nielsen	Norland	O'Halloran	Patchett
Pavich	Pellett	Pelton	Rinas
Scheelhaase	Schneklloth	Small	Spear
Stephens	Svoboda	Thompson	Tofte
Walter	West	Woods	Wyckoff
Mr. Speaker (Brunow)			

The nays were, 37:

Baker	Bennett	Branstad	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Dieleman	Gentleman
Hansen	Harbor	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Junker	Krause	Krewson	Lindeen
Loneragan	Millen	Miller (Sergeant)	Oxley
Perkins	Schroeder	Shimanek	Smalley
Stromer	Tauke	Varley	Welden
Wells			

Absent or not voting, 10:

Brockett
Fitzgerald
Poncy

Clark, B.J.
Hargrave
Spencer

Den Herder
Harvey

Egenes
Lipsky

Amendment H—6653 was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—6537 filed by him on May 4, 1978.

Evans of Grundy offered the following amendment H—6651 filed by Evans, Miller of Buchanan, Norland and West from the floor and moved its adoption:

H—6651

- 1 Amend Senate File 2184 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, by inserting after line 23 the follow-
- 4 ing:
- 5 "Sec. . The state department of transportation
- 6 shall conduct a study of the feasibility and methods
- 7 of establishing an authority for the bonding, purchase
- 8 and lease of railroad cars for the transportation
- 9 of commodities within and without the state of Iowa.
- 10 The department shall consult with various persons
- 11 and groups and shall consider:
- 12 1. The constitutional and legal obstacles to
- 13 bonding for railroad car purchases.
- 14 2. The methods of integrating the expertise of
- 15 the state department of transportation with the
- 16 authority established to implement the bonding,
- 17 purchase and lease of railroad cars.
- 18 3. The tax status of railroad cars leased by the
- 19 bonding authority.
- 20 4. The economic feasibility of a purchase and
- 21 lease program and the bonding limitations necessary
- 22 for such an authority.
- 23 5. The methods of managing a pool of cars owned
- 24 by the authority.
- 25 The state department of transportation shall consult
- 26 with people familiar with the rail transportation
- 27 industry, with agricultural product transportation
- 28 needs, with management and marketing practices, and
- 29 with farming and manufacturing concerns, to assess
- 30 the utility of the bonding for the purchase and lease
- 31 of railroad cars.
- 32 The state department shall make recommendation
- 33 to the general assembly prior to February 1, 1979,

- 34 to include an evaluation of the needs for and
35 feasibility of a railroad car authority. The
36 department shall include evaluations of the feasible
37 alternative forms of a railroad car authority."
38 2. Renumber as necessary.

Amendment H—6651 was adopted.

The House resumed consideration of amendment H—6654 as follows:

H—6654

- 1 Amend Senate File 2184 as amended, passed and re-
2 printed by the Senate as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. NEW SECTION. SHORT TITLE. This Act
6 may be referred to and cited as the "Iowa Railway
7 Improvement Authority Act".
8 Sec. 2. NEW SECTION. DECLARATION OF NECESSITY
9 AND PURPOSE—LIBERAL CONSTRUCTION. The purpose of
10 this Act is to benefit the people of the state of
11 Iowa and to improve their general health, welfare
12 and prosperity and the economic and commercial
13 development of the state. It is essential that the
14 people and businesses of this state have access to
15 adequate railway transportation facilities. It is
16 essential that railway corporations operating within
17 the state be provided with appropriate additional
18 means to assist in the maintenance and improvement
19 of railway transportation facilities. It is the
20 purpose of this Act to provide a measure of assistance
21 and alternative methods to enable railway corporations
22 operating in the state to provide additional facilities
23 and to maintain and improve existing facilities to
24 insure a safe, economical and efficient railway service
25 in the state. It is the intent of the legislature
26 by the passage of this Act to create a state authority
27 to lend money to railway corporations and to authorize
28 the state authority to acquire, construct, reconstruct,
29 repair, alter, improve, extend, own, lease and dispose
30 of properties to promote the general health, welfare
31 and prosperity of the people of this state. It is
32 also intended that such state authority is vested
33 with all powers to enable the state authority to
34 accomplish its stated purpose. It is not intended
35 by this Act that the state authority shall itself
36 be authorized to operate any such railway facilities.
37 This Act shall be liberally construed to accomplish

38 the legislative intentions.

39 Sec. 3. NEW SECTION. DEFINITIONS. For purposes
40 of this Act, unless the context otherwise requires:

41 1. "Authority" means the state railway improvement
42 finance authority created by this Act.

43 2. "Commission" means the state transportation
44 commission.

45 3. "Railroad corporation" means a railroad
46 corporation as defined in section three hundred twenty-
47 seven D point two (327D.2) of the Code.

48 4. "Railroad facilities" means structures,
49 fixtures, buildings and equipment (except rolling
50 stock) permanently located within the state of Iowa

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1 necessary or useful to any railway corporation in
2 providing railroad transportation services, including,
3 but not limited to, roadbeds, track, trestles, depot,
4 switching and signalling equipment and all necessary,
5 useful and related equipment and appurtenances and
6 all lands and rights-of-way necessary or convenient
7 as a site or sites for any of the foregoing.

8 5. "Project costs" as applied to railway facilities
9 financed under the provisions of this Act means the
10 sum total of all reasonable or necessary costs
11 incidental to the acquisition, construction,
12 reconstruction, repair, alteration, improvement and
13 extension of such railway facilities including, but
14 not limited to, the cost of studies and surveys,
15 plans, specifications, architectural and engineering
16 services, legal, organization, marketing or other
17 special services, financing, acquisition, demolition,
18 construction, equipment and site development of new
19 and rehabilitated buildings and facilities, rehabilita-
20 tion, reconstruction, repair or remodeling of existing
21 buildings and facilities and all other necessary and
22 incidental expenses including, but not limited to,
23 an initial bond and interest reserve together with
24 interest on bonds issued to finance such railway
25 facilities to a date six months subsequent to the
26 estimated date of completion.

27 6. "Department" means the Iowa state department
28 of transportation.

29 7. "Director" means the director of the state
30 department of transportation.

31 Sec. 4. NEW SECTION. IOWA RAILWAY IMPROVEMENT
32 FINANCE AUTHORITY. There is created an Iowa railway
33 improvement finance authority responsible for planning,
34 regulation and improvement of railroad financing as
35 provided by law.

36 Sec. 5. NEW SECTION. GOVERNING BOARD. The
37 governing board of the authority shall be the state
38 transportation commission created by section three
39 hundred seven point five (307.5) of the Code.

40 All rules and laws which are applicable to the
41 commission as governing body of the department of
42 transportation shall be applicable to the commission
43 as governing board for the authority to the extent
44 applicable.

45 Any payment for compensation and expenses of the
46 commission as governing board for the authority shall
47 be paid from funds of the authority.

48 Sec. 6. NEW SECTION. ORGANIZATION. The director
49 of transportation shall be executive director of the
50 authority. The executive director shall receive such

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1 compensation as fixed by the commission. The executive
2 director or other person designated by the commission,
3 shall keep a record of the proceedings thereof and
4 shall be custodian of all books, documents and papers
5 filed with the authority, the minute books or journal
6 thereof and its official seal. Said executive director
7 or other person, may cause copies to be made of all
8 minutes and other records and documents of the
9 commission or authority and may give certificates
10 under the official seal of the authority to the effect
11 that such copies are true and accurate copies. The
12 commission may delegate by resolution to one or more
13 of its members or to its executive director such
14 powers and duties as it may deem proper. Each member
15 of the commission shall execute a surety bond in the
16 penal sum of fifty thousand dollars. The executive
17 director shall execute a surety bond in the penal
18 sum of one hundred thousand dollars or, in lieu
19 thereof, the chairperson of the commission shall
20 execute a blanket bond covering each member, the
21 executive director and the employees of the authority.
22 Each surety bond to be conditioned upon the faithful
23 performance of the duties of the office or offices
24 covered, to be executed by a surety company authorized
25 to transact business in this state as surety and to
26 be approved by the attorney general and filed in the
27 office of the secretary of state. The cost of each
28 such bond shall be paid by the commission from funds
29 accruing to the authority.

30 Sec. 7. NEW SECTION. POWERS OF THE AUTHORITY.
31 The authority shall have the following powers to be
32 exercised by the commission together with all
33 incidental powers necessary for the performance of

34 the authority's responsibilities:

35 1. To have perpetual succession as a body politic
36 and corporate.

37 2. To adopt by-laws for the regulation of its
38 affairs and the conduct of its business.

39 3. To sue and be sued and to prosecute and defend,
40 at law or in equity, in any court having jurisdiction
41 of the subject matter and of the parties.

42 4. To have and to use a corporate seal and to
43 alter the same at pleasure.

44 5. To determine the location and construction
45 of any railway facility to be financed under the
46 provisions of this Act and to construct, reconstruct,
47 renovate, replace, maintain, repair, operate and lease
48 the same, to enter into contracts for any and all
49 of such purposes.

50 6. To enter into contracts for the operation and

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1 management of a railroad facility.

2 7. To designate a railroad corporation as its
3 agent to determine the location and construction of
4 a railway facility undertaken by such railroad
5 corporation under the provisions of this Act and as
6 agent of the authority, to construct, reconstruct,
7 renovate, replace, maintain, repair, operate and lease
8 the same and as agent of the authority, to enter into
9 contracts for any and all of such purposes including
10 contracts for the management and operation of such
11 railway facility.

12 8. To lease to a railway corporation any or all
13 of the railway facilities upon such terms and
14 conditions as the members of the commission shall
15 deem proper, and to charge and collect rent and
16 terminate any such lease upon the failure of the
17 lessee to comply with any of the obligations of the
18 lease.

19 9. The commission may include in any such lease
20 provisions that the lessee shall have options to renew
21 the terms of the lease for such period or periods
22 and at such rent as shall be determined by the
23 directing body or to purchase any or all of the railway
24 facilities or that upon payment of all of the
25 indebtedness incurred by the authority for the
26 financing of such railway facilities the authority
27 may convey any or all of the railway facilities to
28 the lessee or lessees upon terms and considerations
29 acceptable to the commission.

30 10. To issue bonds, notes or other obligations

31 for any of its corporate purposes and to refund the
32 same, all as provided for in this Act. However, total
33 outstanding issuance of bonds, notes, or other
34 obligations shall not exceed one hundred million
35 dollars at any one time.

36 11. Generally to fix and revise from time to time
37 and charge and collect rates, rents, fees and charges
38 for the use of any railway facility or any portion
39 of such facilities and to contract with any person,
40 firm or corporation or other body public or private
41 in respect to such facilities.

42 12. To employ consulting engineers, architects,
43 attorneys, accountants, construction and financial
44 experts, superintendents, managers and such other
45 employees and agents as may be necessary in the
46 commission's judgment and to fix their compensation.

47 13. To receive and accept from any public agency
48 loans or grants for or in aid of project costs, and
49 to receive and accept grants, gifts or other
50 contributions from any source.

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1 14. To mortgage all or any portion of its railway
2 facilities and the site or sites whether then owned
3 or thereafter acquired, for the benefit of the holders
4 of bonds issued to finance such railway facility or
5 any portion of any facility.

6 15. To make loans to any railway corporation for
7 the cost of a railway facility in accordance with
8 an agreement between the authority and such railway
9 corporation; provided that no such loan shall exceed
10 the total project cost of such railway facility as
11 determined by such railway corporation and approved
12 by the commission.

13 16. To make loans to a railway corporation to
14 refund outstanding obligations, mortgages or advances
15 issued, made or given by such railway corporation
16 for the cost of a railway facility including the
17 function of issuing bonds and making loans to a railway
18 corporation to refinance indebtedness incurred for
19 railway facilities undertaken and completed prior
20 to or after the enactment of this Act when the
21 commission finds that such financing is in the public
22 interest.

23 17. To do all things necessary and convenient
24 to carry out the purposes of this Act. The authority
25 shall have no power to operate any railway facility
26 as a business other than as a lessor. Any lease of
27 the railway facility or loan agreement with a railway
28 corporation entered into pursuant to the provisions

29 of this Act shall be for a term not shorter than the
30 longest maturity of any bonds issued to finance such
31 railway facility or any portion of a railway facility
32 and shall provide for payment to the authority of
33 rentals or other sums adequate to pay principal and
34 interest on such bonds as the same fall due and to
35 create and maintain such reserves and accounts for
36 depreciation as the members of the commission shall
37 determine to be necessary.

38 Sec. 8. NEW SECTION. ACQUISITION OF PROPERTY.

39 The authority is authorized and empowered directly
40 or by or through a railway corporation, as its agent,
41 to acquire by purchase, lease, gift, devise or
42 otherwise such lands, structures, property, real or
43 personal, rights-of-way, franchises, easements, and
44 other interests in lands including lands lying under
45 water and riparian rights which are located within
46 or without the state as its may deem necessary or
47 convenient for the construction or acquisition or
48 operation of a railway facility, upon such terms as
49 may be considered by the commission to be reasonable,
50 and to take title in the name of the authority or

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1 in the name of such railway corporation as its agent.
2 Sec. 9. NEW SECTION. BONDS. Bonds of the
3 authority may be issued as serial bonds or as term
4 bonds or a combination of both types. All bonds
5 issued by the authority shall be payable solely out
6 of the revenues and receipts derived from the leasing
7 or sale by the authority of its railway facilities
8 or as may be designated in the proceedings of the
9 commission under which the bonds shall be authorized
10 to be issued by the commission, or derived from any
11 loan agreement between the authority and a railway
12 corporation with respect to railway facilities.
13 Such bonds may be executed and delivered by the
14 authority at any time and from time to time, may be
15 in such form and denominations and of such terms and
16 maturities, may be in fully registered form or in
17 bearer form registrable either as to principal or
18 interest or both, may bear such conversion privileges
19 and be payable in such installments and at such time
20 or times not exceeding forty years from the date of
21 issuance, may be payable at such place or places
22 whether within or without the state of Iowa, may bear
23 interest at such rate or rates per annum as shall
24 be determined by the members of the commission and
25 without regard to any interest rate limitation
26 appearing in any other law. Bonds shall be payable

27 at such time or times and at such place and evidenced
28 in such manner, and may be executed by such officers
29 of the authority, either manually or by facsimile.
30 Coupon bonds shall have attached interest coupons
31 bearing the facsimile signature of the treasurer of
32 the authority, and may contain such provisions not
33 inconsistent with this Act, as provided in the
34 proceedings of the commission. The bonds shall be
35 authorized to be issued or shall be in a trust
36 indenture as authorized by the authority. If deemed
37 advisable by the authority there may be retained in
38 the proceedings or the trust indenture under which
39 any bonds are authorized to be issued, an option to
40 redeem all or any part as may be specified in such
41 proceedings or in such trust indenture. Redemption
42 shall be at a price after notice on such terms and
43 conditions as may be set forth in the proceedings
44 or in such trust indenture, and as may be briefly
45 recited in the face of the bonds. Nothing in this
46 Act shall be construed to confer on the authority
47 the right or option to redeem any bonds except as
48 may be provided in the proceedings or in such trust
49 indenture under which they shall be issued. Any bonds
50 of the authority may be sold at public or private

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1 sale for such price and in such manner and from time
2 to time as may be determined by the members of the
3 authority. The commission may pay all expenses,
4 premiums and commissions which its members may deem
5 necessary or advantageous in connection with the
6 issuance of the bonds. Issuance by the authority
7 of one or more series of bonds for one or more purposes
8 shall not preclude the authority from issuing other
9 bonds in connection with the same railway facility
10 or any other railway facility or any other purpose.
11 The proceedings under which bonds may be issued shall
12 recognize and protect any prior pledge or mortgage
13 made for any prior issue of bonds.
14 Any bonds of the authority at any time outstanding
15 may at any time be refunded by the authority by the
16 issuance of its refunding bonds in such amount as
17 the members of the commission may deem necessary but
18 not exceeding an amount sufficient to refund the
19 principal of the bonds so to be refunded, together
20 with any unpaid interest premiums, commissions, service
21 fees and other expenses necessary to be paid. Any
22 refunding may be effected whether the bonds to be
23 refunded have matured or shall mature, either by sale
24 of the refunding bonds and the application of the

25 proceeds for the payment of the bonds to be refunded,
26 or by the exchange of the refunding bonds for the
27 bonds to be refunded with the consent of the holders
28 of the bonds to be refunded. Refunding may be made
29 without regard to whether or not the bonds to be
30 refunded were issued in connection with the same
31 railway facility or separate railway facilities or
32 for any other purpose, and without regard to whether
33 or not the bonds proposed to be refunded shall be
34 payable on the same date or different dates or due
35 serially or otherwise. All such bonds and the interest
36 coupons applicable are negotiable instruments.
37 Sec. 10. NEW SECTION. SECURITY FOR BONDS. The
38 principal of and interest on any bonds issued by the
39 authority shall be secured by a pledge of the revenues,
40 rentals and receipts out of which the same shall be
41 made payable and may be secured by a trust indenture
42 or mortgage or deed of trust including assignment
43 of leases or other contract rights of the authority
44 or contract rights of the authority or any railway
45 corporation with third parties which may cover all
46 or any part of the railway facilities for which the
47 revenues, rentals or receipts so pledged may be
48 derived, including, but not limited to, any
49 enlargements of and additions to any facilities.
50 The resolution under which the bonds are authorized

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1 to be issued and any such trust indenture, mortgage
2 or deed of trust may contain:
3 1. Any agreements and provisions respecting the
4 maintenance of the properties covered.
5 2. The fixing and collection of rents for any
6 portions leased by the authority to others.
7 3. The creation and maintenance of special funds
8 from revenues and the rights and remedies available
9 in the event of default, including the designation
10 of a trustee.
11 Each pledge, agreement, lease, indenture, mortgage
12 and deed of trust made for the benefit or security
13 of any of the bonds of the authority shall continue
14 effective until the principal and interest on the
15 bonds shall have been fully paid or provision for
16 such payment duly made. In the event of default in
17 payment or any agreements of the authority made as
18 a part of the contract under which the bonds were
19 issued, the authority may enforce by suit, mandamus,
20 the appointment of a receiver in equity or by
21 foreclosure of any mortgage and deed of trust.
22 In addition to the foregoing, bonds of the authority

23 may be secured by a pooling of contracts whereby the
24 authority may assign its rights and pledge amounts
25 receivable under two or more contracts with two or
26 more railway corporations upon such terms as may be
27 provided for in the proceedings of the members of
28 the commission or as may be provided for in a trust
29 indenture authorized by the authority.

30 Sec. 11. NEW SECTION. PAYMENT OF BONDS —
31 NONLIABILITY OF STATES. Bonds issued under the
32 provisions of this Act shall not be deemed to
33 constitute a debt or liability of the state or of
34 any political subdivision other than the authority
35 or a pledge of the faith and credit of the state or
36 of any political subdivision other than the authority
37 but shall be payable solely from the funds provided
38 for in this Act. The issuance of bonds under the
39 provisions of this Act shall not, directly or
40 indirectly, obligate the state or any political
41 subdivision to levy any form of taxation or to make
42 any appropriation for their payment. Nothing in this
43 section contained shall prevent or be construed to
44 prevent the authority from pledging its full faith
45 and credit or the full faith and credit of a railway
46 corporation to the payment of bonds authorized pursu-
47 ant to this Act. Nothing in this Act shall be
48 construed to authorize the authority to create a debt
49 of the state within the meaning of the Constitution
50 of the state of Iowa and all bonds issued by the

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1 authority pursuant to the provisions of this Act are
2 payable and shall state that they are payable solely
3 from the funds pledged for their payment in accordance
4 with the resolution authorizing their issuance or
5 in any mortgage and deed of trust executed as security.
6 The state shall not in any event be liable for the
7 payment of the principal of or interest on any bonds
8 of the authority or for the performance of any pledge,
9 mortgage, obligation or agreement of any kind which
10 may be undertaken by the authority. No breach of
11 any such pledge, mortgage, obligation or agreement
12 may impose any pecuniary liability upon the state
13 or any charge upon its general credit or against its
14 taxing power.

15 Sec. 12. NEW SECTION. AUTHORITY AS PUBLIC
16 INSTRUMENTALITY. The authority is hereby declared
17 to be performing a public function in behalf of the
18 state and to be a public instrumentality of the state.
19 Income of the authority and all properties at any
20 time owned by the authority shall be exempt from all

21 taxation in the state of Iowa. Nothing in this Act
22 shall be construed as exempting from taxation
23 properties comprising railway facilities financed
24 under any of the provisions of this Act which are
25 at any time owned by railway corporations or other
26 persons.

27 Sec. 13. NEW SECTION. PERMISSIVE ANNUAL LEVY
28 FOR DEBT SERVICE. The general assembly may annually
29 appropriate funds from the state treasury to the
30 authority or to the trustee under any trust indenture
31 or mortgage of deed of trust securing bonds issued
32 under the provisions of this Act. Such funds shall
33 be applied to debt service on bonds of the authority
34 issued to finance railroad facilities utilized by
35 the railroad corporation with respect to which such
36 sum was appropriated. Any such appropriation in
37 excess of the sum required for debt service on such
38 bonds in the twelve months next succeeding the payment
39 of such sum to the authority or trustee may be applied
40 by the authority to maintenance and repair of the
41 railway facilities or deposited by the trustee in
42 any special trust fund devoted to the maintenance
43 and repair of the railway facilities.

44 Moneys appropriated hereunder and deposited with
45 the authority or trustee shall not be subject to
46 sections eight point thirty-three (8.33) and eight
47 point thirty-nine (8.39) of the Code.

48 Sec. 14. NEW SECTION. CONVEYANCE OF TITLE TO
49 RAILWAY CORPORATION. When the principal of and
50 interest on bonds issued by the authority to finance

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1 the cost of railway facilities of one or more railway
2 corporations, including any refunding bonds issued
3 to refund and refinance such bonds, have been fully
4 paid and retired or when adequate provision has been
5 made to fully pay and retire the bonds, and all other
6 conditions of the resolution, the lease, the trust
7 indenture and the mortgage or deed of trust authorizing
8 and securing the bonds have been satisfied and the
9 lien of such mortgage or deed of trust has been
10 released in accordance with the provisions provided,
11 the authority shall promptly do all things and execute
12 such deeds and conveyances as are necessary and
13 required to convey its right, title and interest,
14 in such railway facilities so financed, and any other
15 facilities mortgaged to secure the bonds, to such
16 railway corporation or corporations upon recommendation
17 of the commission.

18 Sec. 15. NEW SECTION. POWERS NOT RESTRICTED—
19 LAW COMPLETE IN ITSELF. Neither this Act nor anything

20 herein contained shall be construed as a restriction
21 or limitation upon any powers which the authority
22 might otherwise have under any laws of this state;
23 but shall be construed as cumulative of any such
24 powers. No proceedings, referendum, notice or approval
25 shall be required for the creation of the authority
26 or the issuance of any bonds or any instrument as
27 security except as herein provided, any other law
28 to the contrary notwithstanding; provided, that nothing
29 herein shall be construed to deprive the state and
30 its governmental subdivisions of their respective
31 police powers over properties of the authority or
32 to impair any power thereof of any official or
33 agency of the state and its governmental subdivisions
34 which may be otherwise provided by law.

35 Sec. 16. NEW SECTION. INVESTMENT OF FUNDS. The
36 treasurer of state, upon direction of the authority
37 may invest any funds in bonds, notes, certificates
38 of indebtedness, treasury bills or other securities
39 constituting direct obligations of the United States
40 of America; in certificates of deposit or time deposits
41 constituting direct obligations of any financial
42 institution as defined by law, provided that
43 investments may be made only in those certificates
44 of deposit or time deposits in financial institutions
45 which are insured by an instrumentality of the federal
46 government or in short term discount obligations of
47 the federal national mortgage association. Any such
48 securities may be purchased at the offering or market
49 price at the time of purchase. Only funds shall be
50 so invested as, in the judgment of the authority

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1 concerned, will not be required for expenditure within
2 a period of ninety days from and after the date of
3 the investment and all securities so purchased shall
4 mature or be redeemable on a date prior to the time
5 when, in the judgment of the authority concerned,
6 the funds so invested will be required for expenditure.
7 The express judgment of the authority concerned as
8 to the time when any funds will be required for
9 expenditure or be redeemable is final and conclusive.

10 Sec. 17. NEW SECTION. BONDS ELIGIBLE FOR
11 INVESTMENT. The state and all counties, cities,
12 villages, incorporated towns, and other municipal
13 corporations, political subdivisions and public bodies,
14 and public officers of any thereof, all banks, bankers,
15 trust companies, savings banks and institutions,
16 building and loan associations, savings and loan
17 associations, investment companies, insurance companies
18 and associations, and all executors, administrators,

19 guardians, trustees and other fiduciaries may legally
20 invest any sinking funds, moneys or other funds
21 belonging to them or within their control in any bonds
22 issued pursuant to this Act.

23 Sec. 18. NEW SECTION. EXEMPTION FROM CONSTRUCTION
24 AND BIDDING REQUIREMENTS FOR PUBLIC BUILDINGS. A

25 railway facility is not subject to any requirements
26 relating to public buildings, structures, grounds,
27 works, or improvements imposed by any other law,
28 except as determined by the commission, or any other
29 similar requirements which may be lawfully waived
30 by this section, and any requirement of competitive
31 bidding or other restriction imposed on the procedure
32 for award of contracts for such purpose or the lease,
33 sale, or other disposition of property of the authority
34 is not applicable to any action taken under the
35 provisions of this Act.

36 The commission shall promulgate rules to insure
37 sound construction practices, sound management
38 practices, and other sound practices consistent with
39 insuring the sanctity of bonds issued for projects
40 to be done.

41 Sec. 19. NEW SECTION. POWERS ADDITIONAL TO THOSE
42 GRANTED BY OTHER LAWS—SEVERABILITY. The powers
43 conferred by this Act shall be in addition and
44 supplementary to, and the limitations by this Act
45 shall not affect the powers conferred by any other
46 law. Railway facilities may be acquired, purchased,
47 constructed, reconstructed, improved, bettered and
48 extended and bonds may be issued under this Act for
49 said purposes notwithstanding that any other law may
50 provide for the acquisition, purchase, construction,

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1 reconstruction, improvement, betterment and extensions
2 of like railway facilities, or the issuance of bonds
3 for like purposes, and without regard to the
4 requirements, restrictions, limitations or other
5 provisions contained in any other law.

6 Sec. 20. The authority shall not issue bonds under
7 the provisions of this Act until the commission has
8 determined that the bonds will be competitive in the
9 bond market. At such time as the commission has
10 determined by majority vote that the bonds will be
11 competitive, it shall send proper notification to
12 the speaker of the house of representatives, the
13 lieutenant governor, and the governor, and shall order
14 the authority to proceed with bond issuance."

15 2. Renumber as necessary.

Welden of Hardin offered the following amendment H—6657, to amendment H—6654, filed by him and Millen of Van Buren from the floor and moved its adoption:

H—6657

- 1 Amend amendment H—6654 to Senate File 2184 as
- 2 follows:
- 3 1. Page 3, line 47, strike the word "operate".
- 4 2. Page 9, strike lines 27 through 47.
- 5 3. Page 11, by striking lines 23 through 40.

Amendment H—6657 was adopted.

Krause of Kossuth moved the adoption of amendment H—6654, as amended.

Roll call was requested by Krause of Kossuth and Pellett of Cass.

Rule 70 was invoked.

On the question "Shall amendment H—6654, as amended, be adopted?"

The ayes were, 53:

Arnould	Baker	Bennett	Bina
Binneboese	Brandt	Chiodo	Clark, J.H.
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Gentleman	Gettings	Gilson
Halvorson	Harbor	Hargrave	Harvey
Hines	Howell	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Middleswart	Monroe
O'Halloran	Patchett	Pavich	Pellett
Perkins	Poncy	Rinas	Shimanek
Small	Smalley	Stephens	Stromer
Svoboda	Tauke	Varley	Wells
Mr. Speaker			
(Brunow)			

The nays were, 34:

Anderson	Avenson	Branstad	Byerly
Cochran	Conlon	Danker	Evans
Garrison	Griffie	Hansen	Hinkhouse

Hoffmann	Horn	Husak	Koogler
Lind	Lonergan	Menke	Millen
Miller, K.D.	Miller (Sergeant)	Newhard	Norland
Oxley	Pelton	Schneklath	Schroeder
Spear	Thompson	Tofte	Welden
West	Wyckoff		

Absent or not voting, 13:

Brockett	Clark, B.J.	Den Herder	Dyrland
Egeñes	Fitzgerald	Gilloon	Hullinger
Nielsen	Scheelhaase	Spencer	Walter
Woods			

Amendment H—6654 was adopted.

By unanimous consent the following amendment H—6664 filed by Krause of Kossuth from the floor was adopted:

H—6664

- 1 Amend Senate File 2184 as follows:
- 2 1. Title page, by striking lines 1 through 3,
- 3 and inserting in lieu thereof the following: "An
- 4 Act relating to railroads, making an appropriation
- 5 and providing penalties for violations."

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?" (S.F. 2184)

The ayes were, 69:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Garrison	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hines	Hoffmann
Horn	Howell	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton

Perkins
Small
Varley
Mr. Speaker
(Brunow)

Poncy
Spear
Wells

Scheelhaase
Svoboda
West

Shimanek
Thompson
Woods

The nays were, 17:

Bennett
Harvey
Lonergan
Stromer
Wyckoff

Branstad
Hinkhouse
Schnekloth
Tauke

Daggett
Husak
Smalley
Tofte

Danker
Lipsky
Stephens
Welden

Absent or not voting, 14:

Brockett
Fitzgerald
Junker
Spencer

Clark, B.J.
Gilloon
Nielsen
Walter

Den Herder
Hargrave
Rinas

Egenes
Hullinger
Schroeder

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

WAYS AND MEANS CALENDAR

The House resumed consideration of **House File 2341**, a bill for an act authorizing township trustees to divide a township into taxing districts to provide fire protection service.

Wyckoff of Benton offered amendment H—6039 filed by the committee on ways and means on April 13, 1978 and found on pages 1551 and 1552 of the House Journal.

Anderson of Jasper asked and received unanimous consent to withdraw amendment H—6097 filed by him and Harbor of Mills on April 17, 1978, placing out of order amendment H—6407, to amendment H—6097, filed by Nielsen of Polk on April 28, 1978.

Nielsen of Polk asked and received unanimous consent to defer action on House File 2341 and that the bill retain its place on the calendar.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent

for the immediate consideration of **Senate File 2239**, a bill for an act appropriating funds for certain legal fees, with report of committee recommending passage 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. 2239)

The ayes were, 63:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Clark, J.H.
Cochran	Crawford	Cusack	Davitt
Dieleman	Doyle	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Halvorson
Hargrave	Hines	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Lind	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poney	Rinas	Scheelhaase	Schroeder
Smalley	Spear	Svoboda	Tauke
Thompson	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, 23:

Bennett	Branstad	Conlon	Crabb
Daggett	Danker	Hansen	Harbor
Hoffmann	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Schnekloth	Stephens
Stromer	Tofte	Welden	

Absent or not voting, 14:

Brockett	Byerly	Chiodo	Clark, B.J.
Connors	Den Herder	Dunton	Egenes
Harvey	Hullinger	Shimanek	Small
Spencer	Varley		

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 2268**, a bill for an act appropriating funds to the department of public instruction for salary adjustments and fringe benefits for radio station employees of merged area XII, 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. 2268)

The ayes were, 83:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poney	Rinas	Scheelhaase	Schnekloth
Shimanek	Smalley	Spear	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	
		(Brunow)	

The nays were, 1:

Stephens

Absent or not voting, 16:

Baker	Brockett	Byerly	Chiodo
Clark, B.J.	Den Herder	Dunton	Egenes
Gilloon	Harvey	Millen	Nielsen
Schroeder	Small	Spencer	Varley

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

SENATE AMENDMENT CONSIDERED

Svoboda of Iowa called up for consideration **Senate File 321**, a bill for an act relating to bonded agricultural warehouses, amended by the House, further amended by the Senate amendment H—6620, found on page 2457 of the House Journal, and moved that the House concur in the Senate amendment to the House amendment.

The motion prevailed and the House concurred in the Senate amendment H—6620, to the House amendment.

Svoboda of Iowa 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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 321)

The ayes were, 86:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschults
Lind	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter

Welden
Wyckoff

Wells
Mr. Speaker
(Brunow)

West

Woods

The nays were, none.

Absent or not voting, 14:

Brockett
Den Herder
Lipsky
Spencer

Byerly
Egenes
Nielsen
Varley

Chiodo
Harvey
Norland

Clark, B.J.
Krause
Schroeder

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

Senate File 2208, a bill for an act relating to the composition of the Iowa crime commission, 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?" (S.F. 2208)

The ayes were, 85:

Anderson
Bina
Chiodo
Connors
Daggett
Doyle
Fitzgerald
Gilloon
Hansen
Hoffmann
Husak
Krewson
Lonergan
Miller, K.D.
Nielsen
Pavich
Poncy
Shimanek
Stephens
Thompson
Wells
Mr. Speaker
(Brunow)

Arnould
Binneboese
Clark, J.H.
Crabb
Danker
Dunton
Garrison
Gilson
Harbor
Horn
Jochum
Lageschulte
Menke
Miller (Sergeant)
Norland
Pellett
Rinas
Small
Stromer
Tofte
West

Baker
Brandt
Cochran
Crawford
Davitt
Dyrland
Gentleman
Griffie
Hargrave
Howell
Junker
Lind
Middleswart
Monroe
Oxley
Pelton
Scheelhaase
Smalley
Svoboda
Walter
Woods

Bennett
Branstad
Conlon
Cusack
Dieleman
Evans
Gettings
Halvorson
Hinkhouse
Hullinger
Koogler
Lindeen
Millen
Newhard
Patchett
Perkins
Schneklloth
Spear
Tauke
Welden
Wyckoff

The nays were, none.

Absent or not voting, 15:

Avenson	Brockett	Byerly	Clark, B.J.
Den Herder	Egenes	Harvey	Hines
Jesse	Krause	Lipsky	O'Halloran
Schroeder	Spencer	Varley	

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

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, 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. 164)

The ayes were, 79:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lonergan	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Newhard	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Shimanek	Smalley	Spear	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	
		(Brunow)	

The nays were, 5:

Menke	Monroe	Schnekloth	Stephens
Welden			

Absent or not voting, 16:

Brockett	Byerly	Chiodo	Clark, B.J.
Crawford	Den Herder	Egenes	Harvey
Jesse	Krause	Lipsky	Nielsen
Norland	Schroeder	Small	Spencer

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

Senate File 2205, a bill for an act amending the criminal code revision to prohibit a person from photographing a child involved in certain prohibited sexual acts, and providing a penalty, 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. 2205)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Chiodo	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schnekloth	Shimanek
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte

Varley
Woods

Walter
Wyckoff

Welden
Mr. Speaker
(Brunow)

Wells

The nays were, none.

Absent or not voting, 17:

Brockett
Egenes
Krause
O'Halloran
West

Byerly
Harbor
Lipsky
Schroeder

Clark, B.J.
Harvey
Nielsen
Small

Den Herder
Jesse
Norland
Spencer

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

Senate File 2198, a bill for an act repealing the prohibition against allowing minors in a billiard hall where beer is sold, with report of committee recommending passage was taken up for consideration.

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?" (S.F. 2198)

The ayes were, 76:

Anderson
Bina
Chiodo
Connors
Davitt
Fitzgerald
Gilson
Hargrave
Horn
Jochum
Lageschulte
Lonergan
Monroe
Patchett
Rinas
Small
Svoboda
Varley
West

Arnould
Binneboese
Clark, J.H.
Crabb
Doyle
Gentleman
Griffee
Hines
Howell
Junker
Lind
Millen
Newhard
Pavich
Scheelhaase
Spear
Tauke
Walter
Woods

Avenson
Brandt
Cochran
Crawford
Dyrland
Gettings
Halvorson
Hinkhouse
Husak
Koogler
Lindeen
Miller, K.D.
O'Halloran
Perkins
Schroeder
Stephens
Thompson
Welden
Wyckoff

Baker
Branstad
Conlon
Cusack
Evans
Gilloon
Harbor
Hoffmann
Jesse
Krewson
Lipsky
Miller (Sergeant)
Oxley
Poney
Shimanek
Stromer
Tofte
Wells
Mr. Speaker
(Brunow)

The nays were, 14:

Bennett	Daggett	Danker	Dieleman
Dunton	Garrison	Hansen	Hullinger
Menke	Middleswart	Pellett	Pelton
Schnekloth	Smalley		

Absent or not voting, 10:

Brockett	Byerly	Clark, B.J.	Den Herder
Egenes	Harvey	Krause	Nielsen
Norland	Spencer		

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

Senate File 44, a bill for an act to provide that certain records required to be filed in a dissolution action shall not be public records, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Nielsen of Polk asked and received unanimous consent to defer action on Senate File 44 and that the bill retain its place on the calendar.

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

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?" (S.F. 158)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Chiodo	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave

Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Schnekloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, none.

Absent or not voting, 9:

Brockett	Byerly	Clark, B.J.	Den Herder
Egenes	Rinas	Scheelhaase	Schroeder
Spencer			

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

Senate File 94, a bill for an act relating to moving expenses for employees of the state department of transportation, with report of committee recommending amendment and passage was taken up for consideration.

Griffie of Chickasaw offered amendment H—6184 filed by the committee on state government.

Spear of Lee offered the following amendment H—6349, to the committee amendment H—6184, filed by him and moved its adoption:

H—6349

- 1 Amend the Committee on State Government amendment,
- 2 H—6184, to Senate File 94, as passed by the Senate
- 3 as follows:
- 4 1. Page 2, line 25, by inserting after the period
- 5 the words "The total weight of household goods for
- 6 which reimbursement may be made under the provisions
- 7 of this section shall not exceed ten thousand pounds."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 39, nays 50.

Amendment H—6349 lost.

Pelton of Clinton rose on a point of order and invoked Joint Rule 16.

The Speaker ruled the point not well taken and a fiscal note not required.

Debate having exceeded the allowed time, Senate File 94 was referred to the sifting committee.

WAYS AND MEANS CALENDAR

The House again resumed consideration of **House File 2341**, a bill for an act authorizing township trustees to divide a township into taxing districts to provide fire protection service, and the committee amendment H—6039.

Nielsen of Polk offered the following amendment H—6662, to the committee amendment H—6039, filed by him from the floor and moved its adoption:

H—6662

- 1 Amend H—6039 to House File 2341 as follows:
- 2 1. Page 1, by inserting after line 3, the
- 3 following:
- 4 Sec. . Section three hundred forty-seven point
- 5 seven (347.7), unnumbered paragraph one (1), Code
- 6 1977, is amended to read as follows:
- 7 If the hospital be established, the board of
- 8 supervisors, at the time of levying ordinary taxes,
- 9 shall levy a tax at the rate voted not to exceed
- 10 fifty-four cents per thousand dollars of assessed
- 11 value in any one year for the erection and equipment
- 12 thereof, and also a tax not to exceed twenty-seven
- 13 cents per thousand dollars of value for the
- 14 improvement, maintenance, and replacements of the
- 15 hospital, as certified by the board of hospital
- 16 trustees; provided, however, in counties having a
- 17 population of two hundred twenty-five thousand

18 inhabitants or over, the levy for improvements and
19 maintenance of the hospital shall not exceed one
20 dollar and ~~thirty-five~~ sixty cents per thousand dollars
21 of assessed value in any one year. The proceeds of
22 such taxes shall constitute the county public hospital
23 fund and such fund shall be subject to review by the
24 board of supervisors in counties over two hundred
25 twenty-five thousand. Provided, however, that the
26 board of trustees of a county hospital of said county,
27 where funds are available in the county public hospital
28 fund of said county which are unappropriated, may
29 use such unappropriated funds for erecting and
30 equipping hospital buildings and additions thereto
31 without authority from the voters of said county." "

Amendment H—6662 was adopted.

Anderson of Jasper offered the following amendment H—6658, to the committee amendment H—6039, filed by Anderson, Harbor, Halvorson, Dyrland, Varley, Schroeder, Brunow and Poney from the floor and moved its adoption:

H—6658

1 Amend the Committee on Ways and Means amendment,
2 H—6039 to House File 2341 as follows:
3 1. Page 1, by inserting after line 3 the following:
4 "Section 1. Chapter three hundred thirty-two (332),
5 Code 1977, is amended by adding the following new section:
6 NEW SECTION. The board of supervisors of each county
7 may create an ambulance service expense fund and may levy
8 an annual tax not exceeding twenty-seven cents per thousand
9 dollars of the assessed value of the taxable property in
10 the county, excluding those cities or townships who
11 provide their own ambulance services as provided under
12 section three hundred fifty-nine point forty-two (359.42),
13 of the Code. Revenues received from the levy shall be
14 deposited in the ambulance service fund and used to provide
15 ambulance services as provided in section three
16 hundred thirty-two point three (332.3), subsection twenty-
17 three of the Code.
18 Section . Chapter three hundred thirty-two point
19 three (332.3), subsection twenty-three (23), Code 1977,
20 is amended by striking the third unnumbered paragraph."
21 2. Page 1, by striking lines 11 through 14 and inserting
22 in lieu thereof the following:
23 "benefited fire district."
24 3. Page 1, by striking line 50.
25 4. Page 2, by striking line 1 and inserting in lieu
26 thereof the following:
27 . Title page, by striking lines 1 and 2 and inserting

28 in lieu thereof the following:
29 "An Act authorizing counties or townships to levy a tax
30 to provide fire protection and ambulance services, and
31 authorizing township trustees to divide a township into
32 taxing districts for that purpose."

A non-record roll call was requested.

The ayes were 44, nays 23.

Amendment H—6658 was adopted.

Hinkhouse of Cedar rose on a point of order that amendment H—6039 was not germane.

The Speaker ruled the point well taken and amendment H—6039 not germane.

Fitzgerald of Webster asked and received unanimous consent that the rules governing germaneness be suspended for the consideration of amendment H—6039.

Wyckoff of Benton moved the adoption of the committee amendment H—6039, as amended.

A non-record roll call was requested.

The ayes were 51, nays 31.

Amendment H—6039, as amended, was adopted.

Speaker Cochran in the chair at 9:35 p.m.

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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 2341)

The ayes were, 70:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, J.H.	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Griffie
Halvorson	Harbor	Hines	Horn
Howell	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Pellett
Perkins	Poncy	Scheelhaase	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Tauke	Thompson	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 20:

Bina	Conlon	Gettings	Gilloon
Hansen	Hargrave	Harvey	Hinkhouse
Hoffmann	Hullinger	Lind	Menke
Millen	Oxley	Pavich	Pelton
Schnekloth	Stromer	Tofte	Walter

Absent or not voting, 10:

Brockett	Byerly	Clark, B.J.	Den Herder
Egenes	Jesse	Krause	Rinas
Spencer	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 2341)

Wyckoff of Benton asked and received unanimous consent that House Rile 2341 be immediately messaged to the Senate.

Senate File 99, a bill for an act relating to a state of the judicial department message, was taken up for consideration.

Shimanek of Jones offered the committee amendment H-6070 filed by the committee on judiciary and law enforcement on April

17, 1978 and found on page 1598 of the House Journal and moved its adoption.

Amendment H—6070 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. 99)

The ayes were, 63:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Connors	Cusack	Daggett	Danker
Davitt	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Griffie	Halvorson
Hargrave	Harvey	Hinkhouse	Hoffmann
Howell	Hullinger	Jesse	Jochum
Junker	Krause	Krewson	Lind
Lipsky	Loneragan	Middleswart	Monroe
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Pellett	Pelton
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Smalley	Stromer	Thompson
Tofte	Varley	Walter	Welden
West	Woods	Mr. Speaker	

The nays were, 25:

Bennett	Clark, J.H.	Conlon	Crabb
Crawford	Dieleman	Gilson	Hansen
Horn	Husak	Koogler	Lageschulte
Lindeen	Menke	Miller, K.D.	Miller (Sergeant)
Oxley	Perkins	Poney	Schneklath
Spear	Stephens	Tauke	Wells
Wyckoff			

Absent or not voting 12:

Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Den Herder	Egenes	Harbor
Hines	Millen	Spencer	Svoboda

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

IMMEDIATE MESSAGE

(Senate File 99)

Shimanek of Jones asked and received unanimous consent that Senate File 99 be immediately messaged to the Senate.

Senate File 2104, a bill for an act relating to the Iowa probate code, was taken up for consideration.

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. 2104)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none:

Absent or not voting, 9:

Brockett	Byerly	Clark, B.J.	Den Herder
Egenes	Harbor	Schroeder	Spencer
Varley			

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

Senate File 72, a bill for an act relating to the inclusion of fine arts projects in state building construction projects in cooperation with the Iowa state arts council, 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. 72)

The ayes were, 67:

Arnould	Avenson	Bina	Binneboese
Brandt	Branstad	Brunow	Chiodo
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Daggett	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Griffie	Halvorson	Hargrave	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lipsky	Loneragan	Middleswart	Millen
Miller (Sergeant)	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pelton	Poncy	Rinas	Scheelhaase
Shimanek	Small	Smalley	Stromer
Tauke	Thompson	Tofte	Walter
Wells	Woods	Mr. Speaker	

The nays were, 20:

Baker	Bennett	Crabb	Danker
Evans	Gilson	Hansen	Husak
Lindeen	Menke	Miller, K.D.	Norland
Pellett	Perkins	Schnekloth	Spear
Stephens	Welden	West	Wyckoff

Absent or not voting, 13:

Anderson	Brockett	Byerly	Clark, B.J.
Den Herder	Egenes	Harbor	Harvey
Hines	Schroeder	Spencer	Svoboda
Varley			

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

Senate File 106, a bill for an act relating to filing multiple counts in a single information, indictment, or complaint charging false use of a financial instrument, 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?" (S.F. 106)

The ayes were, 76:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Halvorson	Hansen	Hargrave
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Perkins
Poncy	Rinas	Scheelhaase	Schroeder
Shimanek	Small	Smalley	Spear
Stromer	Svoboda	Walter	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 8:

Junker	Lipsky	Pelton	Schneklloth
Tauke	Thompson	Tofte	Welden

Absent or not voting, 16:

Anderson	Brockett	Byerly	Chiodo
Clark, B.J.	Den Herder	Egenes	Evans
Harbor	Harvey	Hines	Hoffmann
Nielsen	Spencer	Stephens	Varley

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

REPORT OF THE SECOND CONFERENCE COMMITTEE
(Senate File 137)

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the report of the second 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, and providing penalties, has been filed in the office of the Chief Clerk on May 11, 1978 and signed on the part of the Senate by Senator Slater, Chair; Senator Carr and Senator Junkins; on the part of the House by Representative Monroe, Chair; Representative Woods and Representative Garrison.

DAVID L. WRAY
Chief Clerk of the House

INTRODUCTION OF BILL

House File 2465, by committee on budget, a bill for an act appropriating funds to designated state agencies to implement an emergency medical care program.

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

MOTION TO RECONSIDER
(Senate File 2184)

I move to reconsider the vote by which Senate File 2184 passed the House on May 11, 1978.

MILLER of Buchanan

MOTION TO RESCIND
(Senate File 336)

I move to rescind the vote by which Senate File 336 passed the House on May 11, 1978.

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 11, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2290, a bill for an act providing 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 11, 1978, adopted the conference committee report and passed:

House File 2361, a bill for an act relating to moneys available to school districts.

Also: That the Senate has on May 11, 1978, 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 2390, a bill for an act amending the Iowa civil rights law.

Also: That the Senate has, on May 11, 1978, rejected the conference committee report on Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation, and the members of the second conference committee, on the part of the Senate are:

The Senator from Polk, Senator Palmer, Chair; the Senator from Sioux, Senator DeKoster; the Senator from Guthrie, Senator Hutchins; the Senator from Cerro Gordo, Senator Miller; and the Senator from Boone, Senator Nystrom.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO HOUSE FILE 2290

H-6656

- 1 Amend House File 2290 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by inserting after line 30 the following
- 4 new subsection:
- 5 " . For the construction
- 6 of a national guard armory at
- 7 Dubuque, the location of which
- 8 shall be determined by the executive
- 9 council\$231,000".
- 10 2. Page 3, by inserting after line 35 the follow-
- 11 ing new section:
- 12 "Sec. . It is the intent of the general assembly
- 13 that upon completion of the construction of the new

14 national guard armory at Dubuque, the executive council
15 shall convey any interest held by the state in Lot
16 1 of Lot 2 of Lot 3 of Randalls' Subdivision in the
17 city of Dubuque, Iowa to the city of Dubuque, Iowa."

18 3. Page 4, line 15, by striking the figure
19 "\$3,543,700" and inserting in lieu thereof the figure
20 "\$3,579,700".

21 4. Page 4, by striking lines 16 through 35 and
22 inserting in lieu thereof the following:

23 "2. INSPECTION AND SECURITY
24 FUNCTION

25 For salaries, support, mainte-
26 nance and miscellaneous purposes of
27 fire marshal's inspections, arson
28 investigators including the state's
29 contribution to the peace officers'
30 retirement, accident, and disability
31 system provided in chapter ninety-
32 seven A (97A) of the Code in the
33 amount of sixteen percent of the
34 salaries for which the funds are
35 appropriated, and capitol security
36 divisions.....\$ 805,000

37 3. INVESTIGATION FUNCTION

38 For salaries, support, mainte-
39 nance, and miscellaneous purposes of
40 the divisions of criminal investiga-
41 tion and bureau of identification,
42 drug law enforcement, and beer and
43 liquor law enforcement, including the
44 state's contribution to the peace
45 officers' retirement, accident, and
46 disability system provided in chap-
47 ter ninety-seven A (97A) of the Code
48 in the amount of sixteen percent of
49 the salaries for which the funds are
50 appropriated.....\$2,688,000"

Page 2

1 5. Page 5, by striking line 1.

2 6. Page 5, by striking lines 13 through 18.

3 7. Page 5, by inserting after line 24 the following
4 new subsection:

5 " It is the intent of the general assembly
6 that prior to the expenditure of funds by the
7 department for the purpose of organizing or providing
8 continuous support of an internal affairs division
9 within the department of public safety, the department
10 shall adopt rules pursuant to chapter seventeen A
11 (17A) of the Code providing for the method and
12 procedures to be followed in an internal affairs

13 investigation."

14 8. Page 5, by inserting after line 24 the following
15 new subsection:

16 " . It is the intent of the general assembly
17 that the department of public safety make a concerted
18 effort, by efficiently coordinating the resources
19 of the state fire marshal and the division of
20 investigation, to apprehend persons who have committed
21 the serious crime of arson. The department of public
22 safety shall assure that the crime of arson will
23 continue to receive a high degree of investigative
24 priority."

25 9. Page 6, line 10, by inserting after the word
26 "property" the words "at their job site".

27 10. Page 6, line 10, by inserting after the period
28 the words "In allocating funds appropriated by this
29 subsection to implement a state assistance program,
30 the department shall review each allocation to consider
31 whether the allocation should be revised where a
32 public transit has received funds for the development
33 and implementation of a mass transit project for state
34 employees."

35 11. Page 6, by striking lines 21 through 23 and
36 inserting in lieu thereof the words "for future
37 transportation uses of abandoned rail".

38 12. Page 6, line 25, by striking the figure
39 "100,000" and inserting in lieu thereof the figure
40 "50,000".

41 13. Page 9, line 19, by striking the figure
42 "84,117,500" and inserting in lieu thereof the figure
43 "86,117,500".

44 14. Page 11, by inserting after line 20 the
45 following new section:

46 "Sec. . Section eighty point eighteen (80.18),
47 Code 1977, is amended by adding the following new
48 unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. The department may
50 expend moneys from the support allocation of the

Page 3

1 department as reimbursement for replacement or repair
2 of personal items of the department's employees damaged
3 or destroyed during the employee's tour of duty.
4 However, the reimbursement shall not exceed seventy-
5 five dollars for each item. The department shall
6 establish rules in accordance with chapter seventeen
7 (17A) of the Code to carry out the purpose of this
8 paragraph."

9 15. Page 14, by inserting after line 20 the follow-
10 ing new section:

11 "Sec. . . It is the intent of the general assem-
12 bly that the commissioner of public safety shall
13 reassign the arson investigators from the division
14 of criminal investigation and bureau of identification
15 of the department of public safety to the state fire
16 marshal's office effective July 1, 1978 and the arson
17 investigators shall be under the direct supervision
18 of the state fire marshal."

19 16. Page 14, line 22, by striking the words "the
20 additional" and inserting in lieu thereof the words
21 "an amount equal to".

22 17. Page 16, by inserting the follow-
23 ing new sections:

24 "Sec. 27. Section three hundred twenty-four point
25 three (324.3), Code 1977, as amended by Acts of the
26 Sixty-seventh General Assembly, 1977 Session, chapter
27 one hundred six (106), section one (1), and House
28 File four hundred ninety-one (491), as enacted by
29 the Sixty-seventh General Assembly, 1978 Session,
30 section sixteen (16), is amended by striking subsec-
31 tion four (4).

32 Sec. 28. Section three hundred twenty-four point
33 three (324.3), Code 1977, as amended by Acts of the
34 Sixty-seventh General Assembly, 1977 Session, chapter
35 one hundred six (106), section one (1), and House
36 File four hundred ninety-one (491), as enacted by
37 the Sixty-seventh General Assembly, 1978 Session,
38 section sixteen (16), is amended by adding the
39 following new unnumbered paragraphs:

40 NEW UNNUMBERED PARAGRAPH. Motor fuel shall be
41 sold tax paid to the state of Iowa, any of its
42 agencies, or to any political subdivision of the
43 state. Tax on fuel which is used for public purposes
44 shall be subject to refund. Claims for refunds will
45 be filed with the department on a quarterly basis
46 and in no case will the director grant a refund of
47 motor fuel or special fuel tax where a claim is not
48 filed within one year from the date the tax was due.
49 The claim shall contain the number of gallons pur-
50 chased, the calculation of the amount of motor fuel

Page 4

1 and special fuel tax subject to refund and any other
2 information required by the department necessary to
3 process the refund.

4 NEW UNNUMBERED PARAGRAPH. Each state agency and
5 political subdivision of the state which has purchased
6 special fuel tax free as a user shall file with the
7 department of revenue, prior to January fifteenth
8 in each year, report of the number of gallons of

9 special fuel purchased tax free by the state agency
10 or the political subdivision of the state in the prior
11 calendar year and a calculation of the amount of
12 special fuel tax that would have been required for
13 the previous calendar year if the state agency or
14 political subdivision had been required to pay state
15 motor fuel and state special fuel taxes.

16 Sec. 29. Section three hundred twenty-four point
17 thirty-five (324.35), Code 1977, as amended by Acts
18 of the Sixty-seventh General Assembly, 1977 Session,
19 chapter one hundred six (106), section two (2), and
20 House File four hundred ninety-one (491), as enacted
21 by the Sixty-seventh General Assembly, 1978 Session,
22 section twenty (20), is amended by striking unnumbered
23 paragraph two (2) and inserting in lieu thereof the
24 following:

25 Tax on special fuel sold to the state of Iowa,
26 any of its agencies, or any political subdivisions
27 of the state where such fuel is used for public
28 purposes shall be subject to refund. Claims shall
29 be filed in accordance with the claims for motor fuel
30 tax refunds provided by section three hundred twenty-
31 four point three (324.3) of the Code.

32 Sec. 30. If House File four hundred ninety-one
33 (491), as enacted by the Sixty-seventh General
34 Assembly, 1978 Session, does not become law, the
35 provisions of sections twenty-seven (27), twenty-eight
36 (28), and twenty-nine (29) of this Act are void.

37 Sec. 31. It is the intent of the general assembly
38 that if Senate File two thousand one hundred eighty-
39 four (2184) is enacted by the Sixty-seventh General
40 Assembly, 1978 Session, and becomes law, the funds
41 appropriated to the railroad assistance fund pursuant
42 to section six (6), subsection three (3) of this Act
43 shall not be transferred to the state department of
44 transportation from the general fund of the state
45 and the appropriation made pursuant to section six
46 (6), subsection three (3) of this Act is void.

47 Sec. 32. If House File four hundred ninety-one
48 (491) is enacted by the Sixty-seventh General Assembly
49 1978 Session, and becomes law, and House File four
50 hundred ninety-one (491) amends the provisions of

Page 5

1 section three hundred twelve point two (312.2),
2 subsection five (5) of the Code by increasing the
3 annual standing appropriation from the road use tax
4 fund to the primary road fund by fifty-five thousand
5 dollars or more for fiscal years beginning July 1,
6 1978 for carrying out the provisions of section three

7 hundred seven A point two (307A.2), subsection eleven
8 (11) of the Code, section twenty-two (22) of this
9 Act is void."

10 18. Page 16, line 8, by striking the word
11 "division" and inserting in lieu thereof the word
12 "Act".

13 19. Page 16, by inserting after line 10 the follow-
14 ing section:

15 "Sec. . Acts of the Sixty-sixth General
16 Assembly, 1976 Session, chapter one thousand two
17 hundred forty-six (1246), section two (2), is
18 repealed."

19 20. Renumber sections and correct internal refer-
20 ences as are necessary in accordance with this
21 amendment.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2247

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 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation, respectfully make the following report:

1. That the House recede from its amendment (S-5693) to Senate File 2247, as amended, passed, and reprinted by the Senate.

2. That Senate File 2247, as amended, passed, and reprinted by the Senate, be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Acts of the Sixty-seventh General Assembly, 1977 Extraordinary Session, chapter one (1), section thirty-three (33), is repealed."

3. That the title be amended, lines 1 and 2, by striking the words "and providing an appropriation".

ON THE PART OF THE SENATE:

EUGENE M. HILL, Chair
WARREN E. CURTIS
FRED W. NOLTING
EARL M. WILLITS

ON THE PART OF THE HOUSE:

GREGORY D. CUSACK, Chair
ROBERT C. ARNOULD
ANDREW VARLEY
JAMES C. WEST

PROOF OF PUBLICATION

Published copy of House File 2464 and verified proof of publication of said bill in the Waterloo Courier, Waterloo, Iowa on May 9, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

SECOND CONFERENCE COMMITTEE APPOINTMENT
(Senate File 2247)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 2247: Avenson of Fayette, Chair; Dunton of Keokuk, Small of Johnson, Harvey of Scott and Hansen of O'Brien.

REMOVAL FROM SIFTING
Fifteen-Minute Noncontroversial Calendar
(House File 402)

We hereby respectfully request that House File 402 be removed from the sifting committee noncontroversial fifteen-minute calendar pursuant to sifting committee Rule 9.

BRANDT of Black Hawk
KREWSON of Polk
LIPSKY of Linn

(House File 402)

We hereby respectfully request that House File 402 be removed from the sifting committee noncontroversial fifteen-minute calendar pursuant to sifting committee Rule 9.

GILLOON of Dubuque
DYRLAND of Clayton
RINAS of Linn

(Senate File 353)

We hereby respectfully request that Senate File 353 be removed from the sifting committee noncontroversial fifteen-minute calendar pursuant to sifting committee Rule 9.

CRABB of Crawford
HULLINGER of Decatur
DOYLE of Woodbury
GILSON of Guthrie
PELLETT of Cass
SCHNEKLOTH of Scott

**Five-Minute Noncontroversial Calendar
(House File 2422)**

We hereby respectfully request that House File 2422 be removed from the sifting committee five-minute noncontroversial calendar pursuant to sifting committee Rule 9.

SMALL of Johnson
SMALLEY of Polk
BROCKETT of Marshall

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on May 10, 1978. Had I been present I would have voted "aye" on House Files 2361 and 2449.

DIELEMAN of Marion

I was necessarily absent from the House chamber on May 10, 1978. Had I been present I would have voted "aye" on House Files 2361, 2438, 2448 and 2449.

TOFTE of Winneshiek

I was necessarily absent from the House chamber on May 10, 1978. Had I been present I would have voted "aye" on House Files 2361 and 2449.

GETTINGS of Wapello

PRESENTATION OF VISITORS

Pelton of Clinton presented to the House the Honorable Jay Mennenga, former member of the House representing Clinton County.

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

Sixty sixth grade students from Dexfield Elementary School, Dexter, Iowa, accompanied by Dorothy Sandborn. By Varley of Adair and Davitt of Warren.

Eighty-five students from Nashua Community School, Nashua, Iowa, accompanied by Mr. Jerry Bakke and Mrs. Jo Carder. By Griffie of Chickasaw.

Forty-five fifth grade students from Tri-County Community School, Thornburg, Iowa, accompanied by Mrs. Lynn DeLacey. By Dunton of Keokuk.

Thirty-three fifth grade students from What Cheer Elementary School, What Cheer, Iowa, accompanied by Brad Hurst. By Dunton of Keokuk.

REPORT OF COMMITTEE MEETING

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 2:40 p.m., May 11, 1978

Convened: 2:40 p.m.

Adjourned: 3:20 p.m.

Present: Cusack, chair; Dunton, vice-chair; Welden, ranking member; Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Varley, Wells and West.

Absent: Stromer

Senate File 2239, a bill for an act appropriating funds for certain legal fees.

Recommended **Do Pass**

Fiscal note is not required.

Aye: Cusack, Dunton, Welden, Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Varley, Wells and West.

Nay: None.

Absent or not voting: Stromer.

Senate File 2268, a bill for an act appropriating funds to the department of public instruction for salary adjustments and fringe benefits for radio station employees of merged area XII.

Recommended **Do Pass.**

Fiscal note is not required.

Aye: Cusack, Dunton, Welden, Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Varley, Wells and West.

Nay: None.

Absent or not voting: Stromer.

Study Bill 505, a bill for an act appropriating funds to designated state agencies to implement an emergency medical care program.

Recommended **Do Pass.**

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Varley, Wells and West.

Nay: Welden.

Absent or not voting: Stromer.

AMENDMENTS FILED

H—6636	S.F. 2187	Brunow of Appanoose Krause of Kossuth Davitt of Warren Schroeder of Pottawattamie Lageschulte of Bremer Doyle of Woodbury
H—6637	S.F. 2187	Nielsen of Polk Schroeder of Pottawattamie Wyckoff of Benton Scheelhaase of Woodbury Davitt of Warren
H—6639	H.F. 402	Committee on Sifting
H—6643	S.F. 2187	Husak of Tama Wyckoff of Benton Harbor of Mills Crabb of Crawford Hansen of O'Brien Hinkhouse of Cedar West of Marshall Baker of Buena Vista
H—6644	S.F. 2187	Pelton of Clinton

H-6645	S.F. 2187	Pelton of Clinton
H-6648	S.F. 2187	Small of Johnson
H-6649	S.F. 2187	Lipsky of Linn
H-6659	H.F. 2290	Rinas of Linn
		Tauke of Dubuque
H-6660	H.F. 2290	Nielsen of Polk
		Schroeder of Pottawattamie
		Wyckoff of Benton
		Scheelhaase of Woodbury
		Davitt of Warren
H-6663	S.F. 44	Doyle of Woodbury
		Harvey of Scott
H-6665	H.F. 2290	Brunow of Appanoose
		Schroeder of Pottawattamie
		Menke of O'Brien
H-6666	H.F. 2045	Woods of Polk
H-6667	S.F. 2187	Woods of Polk
H-6668	H.F. 402	Lipsky of Linn
H-6669	S.F. 353	Connors of Polk
		Crabb of Crawford
		Byerly of Polk
		Junker of Woodbury
H-6670	S.F. 2200	Newhard of Jones
		Jesse of Polk
H-6671	S.F. 353	Connors of Polk
		Crabb of Crawford
		Byerly of Polk
		Junker of Woodbury
H-6672	S.F. 2187	Schnekloth of Scott
H-6673	H.F. 2290	Schnekloth of Scott
H-6674	H.F. 2290	Garrison of Black Hawk
		Koogler of Mahaska
		Miller of Buchanan
		Lind of Black Hawk
H-6675	H.F. 2058	Lind of Black Hawk
H-6676	H.F. 2417	Baker of Buena Vista
		Davitt of Warren
H-6677	H.F. 2464	Brandt of Black Hawk
H-6678	S.F. 353	Lind of Black Hawk
H-6679	S.F. 353	Welden of Hardin
		Hullinger of Decatur
H-6680	H.F. 2417	Jesse of Polk
H-6681	H.F. 2417	Jesse of Polk
H-6682	S.F. 2176	Wyckoff of Benton

H—6683

S.F. 2176

Harbor of Mills

H—6684

S.F. 217

Newhard of Jones

On motion by Fitzgerald of Webster, the House adjourned at 10:01 p.m., until 9:00 a.m., Friday, May 12, 1978.

JOURNAL OF THE HOUSE

One Hundred Twenty-fourth Calendar Day—Seventy-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 12, 1978

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

Prayer was offered by the Honorable Elizabeth Miller, State Senator from Marshall County.

The Journal of Thursday, May 11, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ray Fitzsimmons, Resident, Broadlawns Polk County Hospital, Des Moines, 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 May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 28, 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.

Also: The Senate has, on May 11, 1978, adopted the conference committee report and passed:

House File 2098, a bill for an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2162, a bill for an act relating to the hours during which alcoholic beverages and beer may be sold on a Sunday when the following Monday is New Year's Day by liquor control licensees and beer permittees.

Also: That the Senate has on May 11, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2285, a bill for an act to create an Iowa boundary commission.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2315, a bill for an act to legalize proceedings taken by the board of supervisors of Cerro Gordo county relating to the sale of certain properties.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2316, a bill for an act to legalize proceedings taken by the city of Kensett relating to the letting of certain contracts.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2368, a bill for an act to repeal the authority of the special education division of the department of public instruction to provide standards for special education teachers.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2377, a bill for an act to legalize proceedings taken by the Van Buren county board of supervisors relating to the sale of certain real estate belonging to the Van Buren county conservation board subject to certain conditions and easements.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2383, a bill for an act to legalize and validate the procedures whereby the Fremont-Mills Community School District in the Counties of Fremont and Mills contracted for the sale of tracts of real estate and the contracts entered into with the respective purchasers.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2403, a bill for an act to legalize proceedings taken by the county board of supervisors of Clinton county relating to the remodeling, expansion and repair of the Clinton county care facility and to authorize payments for additional costs incurred if the payments can be accomplished without a levy of additional taxes.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2407, a bill for an act authorizing memorial hospitals to issue tax anticipatory warrants.

Also: That the Senate has on May 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2454, a bill for an act to legalize proceedings taken by the board of supervisors of Chickasaw County, relating to the sale of certain properties.

Also: That the Senate has on May 11, 1978, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 123, a resolution relating to the Future of the Family II conference to be held at Iowa State University.

Also: That the conference committee report for Senate File 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, filed on May 11, 1978, was called up for consideration and ruled out of order.

Also: That the Senate has on May 11, 1978, amended the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2008, a bill for an act to provide a salary increase for shorthand reporters.

Also: That the Senate has on May 11, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2133, a bill for an act to provide workers' compensation for state inmates.

Also: That the Senate has on May 11, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2228, a bill for an act providing for a guaranteed student loan program, changing the name of the higher education facilities commission and increasing its membership by two members and making an appropriation.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2270, a bill for an act providing for procedures to recover payments of unemployment compensation in order 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.

KEVIN P. LIGHT, acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2285

H-6689

1 Amend House File 2285, as amended, passed and

2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 30 the follow-
4 ing:

5 " The commission may hold hearings with
6 authority to call witnesses, administer oaths, issue
7 subpoenas, and cite for contempt."

8 2. By numbering and renumbering subsections as
9 necessary in accordance with this amendment.

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 2008

H-6688

1 Amend the House amendment S-5851 to Senate
2 File 2008 as passed by the Senate as follows:

3 1. Page 1, by striking lines 7 through 15 and
4 inserting in lieu thereof the following:

5 "NEW SECTION. Shorthand reporters will
6 receive such compensation as fixed by rule of
7 the supreme court or by statute for transcrib-
8 ing their notes pursuant to section six hundred
9 five point eleven (605.11) Code 1977, but shall
10 not work on outside depositions during the
11 hours for which the reporters are compensated
12 pursuant to section six hundred five point eight
13 (605.8) Code 1977."

HOUSE CONCURRENT RESOLUTION 142 -

By Brunow

1 *Whereas*, the general assembly is a separate and
2 equal branch of government; and

3 *Whereas*, the legislative branch has the
4 responsibility to account for the expenditure of
5 public funds; and

6 *Whereas*, the continued efficient and responsible
7 operation of the legislative branch of government
8 would be assisted by a comprehensive review of
9 expenditures, inventory, and contractual obligations;

10 *Now Therefore*,

11 *Be It Resolved by the House of Representatives*,
12 *The Senate Concurring*, That the legislative council
13 shall contract with a certified public accountant firm
14 to review the expenditures, inventory, and contractual
15 obligations of the 68th General Assembly, first session,
16 and interim, the cost of such audits to be paid from
17 funds available under section two point twelve (2.12)
18 of the Code; and

19 *Be It Further Resolved*, That results of such audit
20 shall be available to the public.

Referred to committee on **budget**.

Speaker pro tempore Nielsen of Polk in the chair at 9:32 a.m.

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.

CONSIDERATION OF BILLS SIFTING COMMITTEE REGULAR CALENDAR

House File 2464, a bill for an act to legalize proceedings of the Black Hawk county board of supervisors relating to the purchase of land, with report of committee recommending passage was taken up for consideration.

Brandt of Black Hawk offered the following amendment
H—6677 filed by her and moved its adoption:

H—6677

- 1 Amend House File 2464 as follows:
- 2 1. Page 1, by striking lines 29 through 34.

Amendment H—6677 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. 2464)

The ayes were, 74:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brockett
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn

Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Lageschulte	Lindeen
Loneragan	Menke	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Shimaneck
Small	Smalley	Spear	Stephens
Stromer	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker (Nielsen)		

The nays were none.

Absent or not voting, 26:

Binneboese	Branstad	Brunow	Byerly
Chiodo	Den Herder	Egenes	Evans
Gilloon	Harbor	Hines	Howell
Krause	Krewson	Lind	Lipsky
Middleswart	Millen	Newhard	Patchett
Rinas	Schroeder	Spencer	Svoboda
Tauke	Varley		

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

IMMEDIATE MESSAGE

(House File 2464)

Brandt of Black Hawk asked and received unanimous consent that House File 2464 be immediately messaged to the Senate.

REMOVAL FROM SIFTING

Five-Minute Noncontroversial Calendar
(Senate Files 44, 217, 2196)

We hereby respectfully request that Senate Files 44, 217 and 2196 be removed from the sifting committee noncontroversial five-minute calendar pursuant to sifting committee Rule 9.

HUSAK of Tama
CRABB of Crawford
HALVORSON of Clayton

Fifteen-Minute Noncontroversial Calendar
(Senate Files 2120, 261, 182, 275, 380)

We hereby respectfully request that Senate Files 2120, 261, 182, 275 and 380 be removed from the sifting committee noncontroversial fifteen-minute calendar pursuant to sifting committee Rule 9.

HUSAK of Tama
CRABB of Crawford
HALVORSON of Clayton

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

The House resumed session, Speaker pro tempore, Nielsen of Polk in the chair.

SENATE AMENDMENT CONSIDERED

Rinas of Linn called up for consideration **House File 2290**, 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 amendment H—6656, found on pages 2560 through 2565 of the House Journal.

Speaker Cochran in the chair at 10:18 a.m.

Brunow of Appanoose offered the following amendment H—6665, to the Senate amendment H—6656, filed by Brunow, et al., and moved its adoption:

H—6665

- 1 Amend the Senate amendment, H—6656, to House File
- 2 2290, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 21 through 50.
- 5 2. Page 2, by striking line 1.
- 6 3. Page 2, by striking lines 14 through 24.
- 7 4. Page 3, by striking lines 9 through 18.

Roll call was requested by Gilson of Guthrie and Thompson of Polk.

On the question "Shall amendment H—6665 be adopted?"

The ayes were, 27:

Binneboese	Brandt	Brunow	Clark, J.H.
Conlon	Crawford	Davitt	Gentleman
Hinkhouse	Hoffmann	Jochum	Krewson
Lindeen	Lipsky	Menke	Middleswart
Miller, K.D.	Newhard	Norland	Rinas
Schroeder	Shimanek	Spear	Stromer
Tauke	Varley	Wyckoff	

The nays were, 64:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Branstad	Brockett
Clark, B.J.	Connors	Crabb	Cusack
Daggett	Danker	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Garrison	Gettings	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Horn	Howell	Hullinger
Husak	Jesse	Junker	Koogler
Krause	Lageschulte	Lind	Loneragan
Millen	Monroe	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Small	Smalley	Stephens	Svoboda
Thompson	Tofte	Walter	Weiden
Wells	West	Woods	Mr. Speaker

Absent or not voting, 9:

Byerly	Chiodo	Den Herder	Fitzgerald
Gillon	Griffee	Miller (Sergeant)	Schnekloth
Spencer			

Amendment H—6665 lost.

Nielsen of Polk offered amendment H—6660, to the Senate amendment H—6656, filed by Nielsen, et al..

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

The House resumed session, Speaker Cochran in the chair.

(House File 2290 and amendment H—6660, to the Senate amendment H—6656, pending at recess.)

On motion by Avenson of Fayette, the House was recessed until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spencer of Clay on request of Hullinger of Decatur.

INTRODUCTION OF BILL

House File 2466, by committee on claims, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa.

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

SENATE MESSAGE CONSIDERED

Senate File 2270, a bill for an act providing for procedures to recover payments of unemployment compensation in order 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 referred to the **sifting committee**.

BUSINESS PENDING

The House resumed consideration of **House File 2290**, 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, and amendment H—6660, to the Senate amendment H—6656.

Nielsen of Polk asked and received unanimous consent to withdraw amendment H—6660, placing out of order the following amendments to amendment H—6660:

H—6673 filed by Schneklath of Scott on May 11, 1978.

H—6674 filed by Garrison, et al., on May 11, 1978.

QUORUM CALL

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

Daggett of Adams offered amendment H—6687, to the Senate amendment H—6656, filed by him and Koogler of Mahaska from the floor:

Scheelhaase of Woodbury rose on a point of order that amendment H—6687 was not germane.

The Speaker ruled the point well taken and amendment H—6687 not germane.

Rinas of Linn offered amendment H—6659 filed by him and Tauke of Dubuque on May 11, 1978.

Nielsen of Polk rose on a point of order that amendment H—6659 was not germane.

The Speaker ruled the point well taken and amendment H—6659 not germane.

Rinas of Linn moved that the House concur in the Senate amendment H—6656.

A non-record roll call was requested.

The ayes were 62, nays 18.

The motion prevailed and the House concurred in the Senate amendment H—6656.

Rinas 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. 2290)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brockett
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Perkins	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Mr. Speaker		

The nays were, 10:

Brunow	Davitt	Gettings	Harvey
Miller, K.D.	Pelton	Poncy	Rinas
Stephens	Wyckoff		

Absent or not voting, 8:

Brandt	Branstad	Den Herder	Egenes
Hines	Hinkhouse	Jesse	Spencer

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 2201, a bill for an act requiring public officials and candidates to publicly disclose financial interest, prohibiting receipt of certain gifts, requiring a report of receipt of certain gifts, relating to conflicts of interest, and providing penalties, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—6686 filed by Monroe, Harbor, Walters, West, Bina, Stromer, Krause, Danker, Woods, Junker, Chiodo, Stephens, Miller of

Buchanan, Daggett, Middleswart, Pellett, Lonergan, Welden, Brandt, Halvorson, Jochum, Crabb, Newhard, Millen, Connors, Hansen, Davitt, Schroeder, Baker, Lind, Gettings, Tofte, Doyle, Griffee, Pavich, Binneboese, Rinas, Jesse, Nielsen, Byerly, Norland, Patchett, Hargrave, Garrison, Dunton, Hinkhouse, Scheelhaase, Wells, Horn and Koogler from the floor:

H-6686

1 Amend Senate File 2201 as amended, passed and
2 reprinted by the Senate as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section sixty-eight B point five
6 (68B.5), Code 1977, is amended by striking the section
7 and inserting in lieu thereof the following:

8 68B.5 GIFTS PROHIBITED. An official shall not
9 solicit, accept, demand, receive or agree to receive
10 any gift for the official's own use or for the use
11 of his or her spouse or unemancipated children, except
12 under the following conditions:

13 1. If it is received in the course of carrying
14 out the functions or responsibilities of the office
15 or position of employment; and

16 2. If, in the opinion of the appointing authority,
17 immediate supervisor of the employee, or elected
18 official the gift is useful or beneficial to the state
19 or any of its political subdivisions; and

20 3. If the appointing authority, immediate
21 supervisor of the employee, or elected official
22 approves the acceptance of the gift; and

23 4. If a disclosure statement pursuant to section
24 three (3) of this Act is filed.

25 Sec. 2. NEW SECTION. DEFINITIONS. For the purpose
26 of this Act:

27 1. "Gift" means a gratuity given in a single
28 calendar year from one source in the form of goods,
29 services, loans, entertainment, hospitality, promise,
30 membership, subscription, transportation, lodging,
31 meals, or any other thing of value which has a value
32 or aggregate value of fifty dollars or more; however,
33 a gift shall not mean any of the following:

34 a. A gratuity received from a person related to
35 the official by consanguinity or affinity within the
36 second degree, or a gratuity which is not motivated
37 because of the receiving person's official capacity
38 or employment.

39 b. Campaign contributions.

40 c. Anything of value received by a representative
41 or senator of the general assembly or the spouse or
42 unemancipated children of a member of the general

43 assembly from a lobbyist registered either with the
44 chief clerk of the house or the secretary of the
45 senate. In the event the house of representatives
46 or the senate fails to adopt rules governing the
47 activities of lobbyists, this exemption shall not
48 apply to the members of that house of the general
49 assembly which did not adopt rules.
50 d. Anything of value which is paid for with funds

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1 from the state of Iowa or any of the political
2 subdivisions of Iowa.

3 2. "Official" means a person elected to public
4 office, or a person appointed or employed to or by
5 an office of this state or a political subdivision
6 of this state, which appointed or employed person
7 receives a salary or per diem compensation whether
8 serving full or part-time. A person covered by the
9 code of judicial conduct shall not be considered an
10 "official" for the purposes of this Act.

11 3. "Elected official" means a person holding a
12 position which is normally filled by the electorate
13 of the state or a political subdivision of the state.

14 **Sec. 3. NEW SECTION. FILING OF DISCLOSURE.** Any
15 official receiving a gift as defined in section two
16 (2) of this Act shall file a disclosure statement
17 within thirty days of the receipt of such gratuity
18 at the office specified in section four (4) of this
19 Act, which disclosure shall contain:

20 1. The manner in which the state or its political
21 subdivision will benefit from its acceptance.

22 2. A detailed description of the gift received
23 including an estimate of its monetary value.

24 3. The name of the donor of the gift.

25 4. The date received and accepted.

26 **Sec. 4. NEW SECTION. PLACE OF FILING.** The
27 disclosure statement required by section three (3)
28 of this Act shall be filed as follows:

29 1. State representatives, with the chief clerk
30 of the house.

31 2. State senators, with the secretary of the
32 senate.

33 3. Elected state officials, with the secretary
34 of state.

35 4. All other elected officials, with the county
36 auditor of the county of residence of that elected
37 official.

38 5. Officials who are employed, with the immediate
39 supervisor of the employee.

40 6. Officials who are appointed, with the appointing
41 authority.

42 Sec. 5. NEW SECTION. OFFERING GIFTS PROHIBITED.

43 Any person offering, making, or attempting to give
44 any gift to any official in contravention of the
45 provisions of this Act shall be subject to the
46 provisions of section seven (7) of this Act.

47 Sec. 6. NEW SECTION. LEGISLATIVE INTENT. The
48 general assembly intends that this Act be construed
49 in a manner which will prohibit officials from
50 accepting any gift except as provided by this Act.

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1 This Act shall not be interpreted in a manner which
2 would prohibit officials from participating in meetings
3 and conferences held within or without the state for
4 the purpose of exchanging ideas relating to
5 governmental policy or educating the participants.

6 Sec. 7. Section sixty-eight B point eight (68B.8),
7 Code 1977 Supplement, is amended to read as follows:

8 68B.8 ADDITIONAL PENALTY. In addition to any
9 penalty contained in any other provision of law, a
10 person who knowingly and intentionally violates the
11 provisions of sections 68B.3 through 68B.6 and this
12 section or section three (3) or four (4) of this Act
13 shall be guilty of a serious misdemeanor and may be
14 suspended from his or her position.

15 Sec. 8. Section seven hundred twenty-two point
16 one (722.1), Code 1977 Supplement, is amended to read
17 as follows:

18 722.1 BRIBERY. A person who offers, promises
19 or gives anything of value or any benefit to any
20 person who is serving or has been elected, selected,
21 appointed, employed or otherwise engaged to serve
22 in a public capacity, including any public officer
23 or employee, any referee, juror or venireman, or any
24 witness in any judicial or arbitration hearing or
25 any official inquiry, or any member of a board of
26 arbitration, with intent to pursuant to an agreement
27 or arrangement or with the understanding that the
28 promise or thing of value or benefit will influence
29 the act, vote, opinion, judgment, decision or exercise
30 of discretion of such person with respect to his or
31 her services in such capacity commits a class D felony.
32 In addition, any person convicted under this section
33 shall be disqualified from holding public office under
34 the laws of this state.

35 Sec. 9. Section seven hundred twenty-two point
36 two (722.2), Code 1977 Supplement, is amended to read
37 as follows:

38 722.2 ACCEPTING BRIBE. Any person who is serving
39 or has been elected, selected, appointed, employed
40 or otherwise engaged to serve in a public capacity,

41 including any public officer or employee, any referee,
 42 juror or venireman, or any witness in any judicial
 43 or arbitration hearing or any official inquiry, or
 44 any member of a board of arbitration, who shall solicit
 45 or knowingly accept or receive any promise or anything
 46 of value or any benefit given with the intent to
 47 pursuant to an agreement or arrangement or with the
 48 understanding that the promise or thing of value or
 49 benefit will influence the act, vote, opinion,
 50 judgment, decision or exercise of discretion of such

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1 person with respect to his or her services in such
 2 capacity commits a class C felony. In addition, any
 3 person convicted under this section shall be
 4 disqualified from holding public office under the
 5 laws of this state.

Pelton of Clinton moved to table amendment H—6686.

Middleswart of Warren rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point not well taken and the motion in order.

Roll call was requested by Dyrland of Clayton and Lipsky of Linn.

On the question "Shall the motion to table prevail?"

The ayes were, 21:

Brockett	Clark, J.H.	Conlon	Dyrland
Egenes	Evans	Hines	Hoffmann
Husak	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Pelton	Rinas
Schnekloth	Shimaneck	Smalley	Thompson
Varley			

The nays were, 70:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, B.J.	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson

Hansen	Harbor	Hargrave	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Lind	Lonerger
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Perkins	Poncy	Scheelhaase	Schroeder
Small	Spear	Stephens	Stromer
Svoboda	Tauke	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 9:

Baker	Chiodo	Den Herder	Fitzgerald
Harvey	Junker	Krause	Newhard
Spencer			

The motion to table lost.

Monroe of Des Moines moved the adoption of amendment H—6686.

Roll call was requested by Tauke of Dubuque and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6686 be adopted?"

The ayes were, 55:

Baker	Bennett	Bina	Binneboese
Brandt	Byerly	Chiodo	Connors
Daggett	Danker	Davitt	Dieleman
Doyle	Garrison	Gettings	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Horn	Hullinger
Jesse	Jochum	Junker	Koogler
Krause	Lind	Lonerger	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Perkins
Smalley	Stephens	Stromer	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 39:

Anderson	Arnould	Avenson	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Cusack	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gilson	Hines	Hoffmann
Howell	Husak	Krewson	Lageschulte
Lindeen	Lipsky	Menke	O'Halloran
Pelton	Poncy	Rinas	Schneklloth
Shimanek	Small	Spear	Svoboda
Tauke	Thompson	Varley	

Absent or not voting, 6:

Crabb	Den Herder	Gilloon	Scheelhaase
Schroeder	Spencer		

Amendment H—6686 was adopted, placing out of order amendment H—6695 filed by Tauke of Dubuque from the floor.

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 70 was invoked.

On the question "Shall the bill pass?" (S.F. 2201)

The ayes were, 56:

Baker	Bennett	Bina	Binneboese
Brandt	Byerly	Chiodo	Connors
Crabb	Daggett	Danker	Davitt
Dieleman	Doyle	Garrison	Gettings
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Horn
Howell	Hullinger	Jesse	Jochum
Junker	Koogler	Krause	Lind
Lonergan	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Oxley
Patchett	Pavich	Pellett	Perkins
Scheelhaase	Schroeder	Smalley	Stromer
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 39:

Anderson	Arnould	Avenson	Branstad
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Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Cusack	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gilson	Hines	Hoffmann
Husak	Krewson	Lageschulte	Lindeen
Lipsky	Menke	O'Halloran	Pelton
Poncy	Rinas	Schnekloth	Shimanek
Small	Spear	Stephens	Svoboda
Tauke	Thompson	Varley	

Absent or not voting, 5:

Den Herder	Gilloon	Newhard	Norland
Spencer			

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 2201)

Monroe of Des Moines asked for unanimous consent that Senate File 2201 be immediately messaged to the Senate.

Objection was raised.

Monroe of Des Moines moved to reconsider the vote by which Senate File 2201 passed the House on May 12, 1978.

Roll call was requested by Dyrland of Clayton and Svoboda of Iowa.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 28:

Arnould	Bennett	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crawford
Cusack	Dunton	Dyrland	Evans
Harvey	Hines	Hoffmann	Krewson
Lageschulte	Lipsky	Pelton	Rinas
Schnekloth	Shimanek	Smalley	Spear
Svoboda	Tauke	Thompson	Varley

The nays were, 57:

Anderson	Baker	Bina	Binneboese
Brandt	Byerly	Chiodo	Connors

Crabb	Daggett	Danker	Davitt
Dieleman	Doyle	Fitzgerald	Garrison
Gettings	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hinkhouse	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Lind	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Poncy	Scheelhaase	Small
Stephens	Stromer	Tofte	Walter
Welden	Wells	West	Wyckoff
Mr. Speaker			

Absent or not voting, 15:

Avenson	Brunow	Den Herder	Egenes
Gentleman	Gilloon	Hargrave	Jesse
Krause	Newhard	O'Halloran	Perkins
Schroeder	Spencer	Woods	

The motion lost.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

West of Marshall offered House Memorial Resolution 107, as follows, and moved its adoption:

HOUSE MEMORIAL RESOLUTION 107

Whereas, The Honorable F. B. Gilbert of Marshall County, who was a member of the Thirty-ninth and Fortieth sessions of the General Assembly, passed away on May 10, 1978;

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 West of Marshall, Brockett of Marshall and Evans of Grundy.

BUDGET CALENDAR

House File 2465, a bill for an act appropriating funds to designated state agencies to implement an emergency medical care program, was taken up for consideration.

Patchett of Johnson in the chair at 3:55 p.m.

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. 2465)

The ayes were, 82:

Arnould	Baker	Bennett	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Cochran
Conlon	Connors	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilloon	Giison	Griffee	Halvorson
Hansen	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Norland	O'Halloran	Pavich	Pellett
Pelton	Perkins	Poney	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Tauke	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker (Patchett)		

The nays were, none.

Absent or not voting, 18:

Anderson	Avenson	Branstad	Clark, J.H.
Crabb	Den Herder	Gentleman	Harbor
Hullinger	Jesse	Miller	Newhard
Nielsen	Oxley	Spencer	Stromer
Svoboda	Walter		

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

IMMEDIATE MESSAGE

(House File 2465)

Husak of Tama asked and received unanimous consent that House File 2465 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Pelton of Clinton called up for consideration **Senate File 2008**, a bill for an act to provide a salary increase for shorthand reporters, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H—6688 to the House amendment, found on page 2574 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—6688, to the House amendment.

Pelton of Clinton 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. 2008)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Tauke

Thompson
Wells
Mr. Speaker
(Patchett)

Tofte
West

Varley
Woods

Welden
Wyckoff

The nays were, 1:

Griffiee

Absent or not voting, 10:

Crabb
Newhard
Svoboda

Cusack
Nielsen
Walter

Den Herder
Spencer

Millen
Stromer

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 2285**, a bill for an act to create an Iowa boundary commission, amended by the Senate amendment H—6689, and moved that the House concur in the Senate amendment H—6689, found on pages 2474 and 2475 of the House Journal.

On motion by Scheelhaase of Woodbury, the House concurred in the Senate amendment H—6689.

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.

On the question "Shall the bill pass?" (H.F. 2285)

The ayes were, 82:

Anderson
Bennett
Branstad
Clark, B.J.
Crawford
Dieleman
Egenes
Gettings
Hargrave
Hoffmann
Husak

Arnould
Bina
Brockett
Clark, J.H.
Daggett
Doyle
Evans
Griffiee
Harvey
Horn
Jesse

Avenson
Binneboese
Byerly
Cochran
Danker
Dunton
Garrison
Halvorson
Hines
Howell
Jochum

Baker
Brandt
Chiodo
Connors
Davitt
Dyrland
Gentleman
Hansen
Hinkhouse
Hullinger
Junker

Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker (Patchett)		

The nays were, 5:

Conlon	Gilloon	Lipsky	Poney
Schnekloth			

Absent or not voting, 13:

Brunow	Crabb	Cusack	Den Herder
Fitzgerald	Gilson	Harbor	Monroe
Newhard	Nielsen	Spencer	Stromer
Svoboda			

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

Hines of Story called up for consideration **Senate File 221**, a bill for an act relating to the examination, certification, and appointment of assessors, amended by the House, further amended by the Senate amendment H—6518, found on page 2229 of the House Journal, and moved that the House concur in the Senate amendment to the House amendment.

The motion prevailed and the House concurred in the Senate amendment H—6518, to the House amendment.

Hines 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. 221)

The ayes were, 86:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt

Branstad	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crawford	Daggett	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffie	Halvorson
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tpfte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker (Patchett)		

The nays were, 3:

Danker	Harvey	Lonergan
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Absent or not voting, 11:

Brockett	Chiodo	Crabb	Cusack
Den Herder	Fitzgerald	Harbor	Monroe
Newhard	Nielsen	Spencer	

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

SIFTING COMMITTEE REGULAR CALENDAR

The House resumed consideration of **Senate File 2187**, a bill for an act relating to transportation providing for licensing authorized vehicle recyclers, modification of temporary drivers permit provisions, the issuance of restricted certificate of title, junking certificate and salvage certificate of title, the inspections of vehicles and component parts, requirements for perfecting state liens on motor vehicles, elimination of the listing of "occupation" on motor vehicle licenses, the prohibition of eluding or attempting to elude a marked police vehicle, appropriations for notice of suspensions and revocations, the elimination of inspection requirements for pollution control equipment and for vehicles for which the certificate of title must be surrendered, definitions for illuminated signals on official traffic control signals and the duties for stopping before yield signs, stop signs and railroad crossings, the reporting of property damage

accidents, the placement of stop signs on highways, the promulgation of motor vehicle noise and exhaust requirements, the prohibitions of removing certain motor vehicle identification numbers, elimination of certain financial responsibility requirements, the movement of oversized loads of hay, straw or stover, a ten dollar fee for car lots, providing for penalties and repeal of certain sections.

Brunow of Appanoose offered the following amendment H-6636 filed by Brunow, et al., on May 11, 1978:

H-6636

1 Amend Senate File 2187 as amended, passed and re-
2 printed 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 Code editor, in codifying the
6 provisions of this Act, is directed to codify sections
7 two (2) through eight (8) of this Act as a new chapter.

8 Sec. 2. NEW SECTION. ADMINISTRATION. The
9 administration of this chapter shall be vested in
10 the director of the state department of transportation.

11 The department may employ such employees as are
12 necessary for the administration of this chapter,
13 within applicable budget limitations.

14 Sec. 3. NEW SECTION. DEFINITIONS. As used in
15 this chapter and unless a different meaning appears
16 from the context:

17 1. "Person" includes any individual, firm,
18 corporation, copartnership, joint adventure, or
19 association, and the plural as well as the singular
20 number.

21 2. "Department" means the state department of
22 transportation.

23 3. "Selling" includes bartering, exchanging, or
24 otherwise dealing in.

25 4. "Vehicle" means any vehicle as defined in
26 chapter three hundred twenty-one (321) of the Code.

27 5. "Vehicle rebuilder" means a person engaged
28 in the business of rebuilding or restoring to operating
29 condition vehicles subject to registration under
30 chapter three hundred twenty-one (321) of the Code,
31 which have been damaged or wrecked.

32 6. "Used vehicle parts dealer" means a person
33 engaged in the business of selling bodies, parts of
34 bodies, frames or component parts of used vehicles
35 subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 7. "Vehicle salvager" means a person engaged in
38 the business of scrapping vehicles, dismantling or

39 storing wrecked or damaged vehicles or selling resuable
40 parts of vehicles or storing vehicles not currently
41 registered which vehicles are subject to registration
42 under chapter three hundred twenty-one (321) of the
43 Code.

44 8. "Authorized vehicle recycler" means a person
45 licensed to operate as a vehicle rebuilder, used
46 vehicle parts dealer or vehicle salvager.

47 9. "Wrecked or salvage vehicle" means a damaged
48 vehicle for which the cost of repair exceeds fifty
49 percent of the fair market value of the vehicle before
50 it became damaged.

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1 10. "Extension" means a place of business of an
2 authorized vehicle recycler other than the principal
3 place of business within the county of the principal
4 place of business.

5 Sec. 4. NEW SECTION. PROHIBITIONS. Except for
6 educational institutions, people licensed as new or
7 used vehicle dealers under chapter three hundred
8 twenty-two (322) of the Code, people engaged in a
9 hobby not for profit, people engaged in the busi-
10 ness of purchasing bodies, parts of bodies, frames
11 or component parts of vehicles only for sale as scrap
12 metal or a person licensed under the provisions of
13 this chapter as an authorized vehicle recycler, a
14 person in this state shall not engage in the business
15 of:

16 1. Selling used bodies, parts of bodies, frames
17 or component parts of more than six used vehicles
18 subject to registration under chapter three hundred
19 twenty-one (321) of the Code in a calendar year; or

20 2. Wrecking or dismantling in a calendar year
21 more than six vehicles or the parts of more than six
22 vehicles subject to registration under chapter three
23 hundred twenty-one (321) of the Code for resale; or

24 3. Rebuilding or restoring for sale six or more
25 wrecked or salvage vehicles subject to registration
26 under chapter three hundred twenty-one (321) of the
27 Code in a calendar year; or

28 4. Storing vehicles not currently registered or
29 storing damaged vehicles except where such storing
30 or damaged vehicles is incidental to the primary
31 purpose of the repair of motor vehicles for others,
32 scrapping, disposing, salvaging or recycling more
33 than six vehicles or parts of more than six vehicles
34 subject to registration under chapter three hundred
35 twenty-one (321) of the Code in a calendar year.

36 Sec. 5. NEW SECTION. LICENSE APPLICATION AND
37 FEES.

38 1. Upon application and payment of a thirty-five
39 dollar fee, a person may apply for a license to operate
40 as an authorized vehicle recycler to engage in the
41 business as one or more of the following:
42 a. A vehicle rebuilder; or
43 b. A used vehicle parts dealer; or
44 c. A vehicle salvager.
45 2. Application for a license as an authorized
46 vehicle recycler shall be made to the department on
47 forms provided by the department. The application
48 shall be accompanied by the fee. The license shall
49 be approved or disapproved within thirty days after
50 application for the license. Each license shall

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1 expire, unless revoked or suspended by the department,
2 on December thirty-first of the calendar year for
3 which the license was granted. A separate license
4 shall be obtained for each county in which an applicant
5 conducts operations.

6 3. Each licensee shall file with the department
7 a supplemental statement form when the licensee's
8 principal place of business, an extension or the
9 operation of business in the county is changed to
10 differ from the information contained on the initial
11 license application form within fifteen days after
12 each operational change. The department shall notify
13 each licensee of the approval of a change in license
14 status. If a change in license status is approved
15 by the department the licensee shall surrender the
16 old license to the department together with a thirty-
17 five dollar fee. The department shall issue a new
18 license modified to reflect the principal place of
19 business, each extension and the operations of the
20 licensee.

21 **Sec. 6. NEW SECTION. DISPLAY OF LICENSE.** A
22 license issued under the provisions of this chapter
23 shall specify the location of the principal place
24 of business, each extension within the county of the
25 principal place of business and the license shall
26 be conspicuously displayed at the principal place
27 of business except during periods when the license
28 is surrendered for modifications.

29 **Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR**
30 **REVOCATION OF LICENSE.** The license of a person issued
31 under the provisions of this chapter may be denied,
32 revoked or suspended if the department finds that
33 the licensee has:

34 1. Violated any provisions of this chapter; or
35 2. Made any material misrepresentation to the
36 department in connection with an application for a

37 license, junking certificate, salvage certificate,
38 certificate of title or registration of a vehicle;
39 or
40 3. Been convicted of a fraudulent practice in
41 connection with selling or offering for sale vehicles
42 or parts of vehicles subject to registration under
43 chapter three hundred twenty-one (321) of the Code;
44 or
45 4. Failed to maintain an established principal
46 place of business in the county without notification
47 to the department; or
48 5. Had a license issued under the provisions of
49 this chapter denied, suspended or revoked within the
50 previous three years, or

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1 6. Been convicted of violation of any of sections
2 three hundred twenty-one point fifty-two (321.52),
3 three hundred twenty-one point seventy-one (321.71),
4 three hundred twenty-one point seventy-eight (321.78),
5 three hundred twenty-one point ninety-two (321.92),
6 three hundred twenty-one point ninety-seven (321.97),
7 three hundred twenty-one point ninety-eight (321.98),
8 three hundred twenty-one point ninety-nine (321.99),
9 three hundred twenty-one point one hundred (321.100),
10 or seven hundred thirteen point twenty-four (713.24)
11 of the Code.

12 Sec. 8. NEW SECTION. FEES. All fees of whatever
13 character accruing from the administration of this
14 chapter shall be accounted for and paid by the
15 department into the state treasury monthly and shall
16 be credited to the road use tax fund.

17 Sec. 9 Section three hundred twenty-one point
18 one (321.1), Code 1977 Supplement, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. "Vehicle rebuilder" means a person
21 engaged in the business of rebuilding or restoring
22 to operating condition vehicles subject to registration
23 under chapter three hundred twenty-one (321) of the
24 Code, which have been damaged or wrecked.

25 NEW SUBSECTION. "Used vehicle parts dealer" means
26 a person engaged in the business of selling bodies,
27 parts of bodies, frames or component parts of used
28 vehicles subject to registration under chapter three
29 hundred twenty-one (321) of the Code.

30 NEW SUBSECTION. "Vehicle salvager" means a person
31 engaged in the business of scrapping vehicles,
32 dismantling or storing wrecked or damaged vehicles
33 or selling reusable parts of vehicles or storing
34 vehicles not currently registered which vehicles
35 are subject to registration under chapter three hundred

36 twenty-one (321) of the Code

37 Sec. 10. Section three hundred twenty-one point
38 thirty (321.30), Code 1977, is amended by adding the
39 following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. The treasurer shall
41 also refuse registration of any vehicle if the
42 applicant for registration of such vehicle has failed
43 to pay the required registration fees of any vehicle
44 owned or previously owned when the registration fee
45 was required to be paid by the applicant and for which
46 vehicle the registration was suspended or revoked
47 under the provisions of section three hundred twenty-
48 one point one hundred one (321.101), subsection four
49 (4), of the Code, until such fees are paid together
50 with any accrued penalties.

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1 Sec. 11. Section three hundred twenty-one point
2 thirty-eight (321.38), Code 1977, is amended to read
3 as follows:

4 321.38 PLATES, METHOD OF ATTACHING. Every
5 registration plate shall at all times be securely
6 fastened in a horizontal position to the vehicle for
7 which it is issued so as to prevent the plate from
8 swinging and at a height of not less than twelve
9 inches from the ground, measuring from the bottom
10 of such plate, in a place and position to be clearly
11 visible and shall be maintained free from foreign
12 materials or imitation plate or plates imitating or
13 purporting to imitate the official license plate of
14 any other state or territory of the United States
15 or of any foreign government and in a condition to
16 be clearly legible. Registration plates attached
17 to a motor vehicle shall not have the view of such
18 plates from the rear of the motor vehicle obstructed
19 by a trailer towing connection when a vehicle is not
20 being towed.

21 Sec. 12. Section three hundred twenty-one point
22 forty-nine (321.49), subsection one (1), Code 1977,
23 as amended by Acts of the Sixty-seventh General
24 Assembly, 1977 Session, chapter one hundred three
25 (103), section nineteen (19), is amended to read as
26 follows:

27 1. If Except as provided in section three hundred
28 twenty-one point fifty-two (321.52) of the Code, if
29 an application for transfer of registration and
30 certificate of title is not submitted to the county
31 treasurer of the residence of the transferee within
32 seven days of the date of assignment or transfer of
33 title, a penalty of five dollars shall accrue against

34 said vehicle, and no registration card or certificate
35 of title shall thereafter be issued until penalty
36 is paid.

37 Sec. 13. Section three hundred twenty-one point
38 fifty-one (321.51), subsection four (4), Code 1977,
39 as amended by Acts of the Sixty-seventh General
40 Assembly, 1977 Session, chapter one hundred three
41 (103), section twenty-two (22) is amended to read
42 as follows:

43 4. The Except as provided in section three hundred
44 twenty-one point fifty-two (321.52) of the Code, the
45 county treasurer of the county of residence of the
46 transferee upon receipt of the application for a new
47 certificate of title, the appropriate fee therefor,
48 and the affidavit as provided in subsection 2 of this
49 section, and when satisfied as to the genuineness
50 and regularly thereof of the application, shall issue

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1 a restricted certificate of title to the applicant
2 but shall not issue registration plates or a
3 registration card. A restricted certificate of title
4 shall be red in color and shall have conspicuously
5 imprinted thereon in bold print, in a manner prescribed
6 by the department, the words "RESTRICTED CERTIFICATE
7 OF TITLE—CANNOT BE REGISTERED AND OPERATED ON THE
8 HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF
9 INSPECTION EXCEPT AS PROVIDED IN SECTION three hundred
10 twenty-one point fifty-one (321.51) of the Code."

11 At such time as the transferee surrenders a valid
12 approved certificate of inspection and the restricted
13 certificate of title to the county treasurer of the
14 county of residence, the county treasurer, upon payment
15 of the appropriate fees, shall issue a certificate
16 of title that is not restricted for the vehicle and
17 shall also issue a registration card and registration
18 plates to the applicant if the applicant is not in
19 possession of registration plates which may be attached
20 to the vehicle, however, if the registration fee for
21 the vehicle has been paid for the current year, the
22 county treasurer shall issue a registration card and
23 registration plates to the applicant if the applicant
24 is not in possession of registration plates which
25 may be attached to the vehicle upon payment of an
26 additional registration fee of five dollars. A vehicle
27 with a restricted certificate of title shall not have
28 a registration plate attached to the vehicle.

29 Sec. 14. Section three hundred twenty-one point
30 fifty-one (321.51), subsection seven (7), Code 1977,
31 as amended by Acts of the Sixty-seventh General

32 Assembly, 1977 Session, chapter one hundred three
33 (103), section twenty-two (22), is amended by striking
34 the subsection.

35 Sec. 15. Section three hundred twenty-one point
36 fifty-two (321.52), subsection one (1), Code 1977,
37 as amended by Acts of the Sixty-seventh General
38 Assembly, 1977 Session, chapter one hundred three
39 (103), section twenty-three (23), is amended by
40 striking the subsection.

41 Sec. 16. Section three hundred twenty-one point
42 fifty-two (321.52), Code 1977, as amended by Acts
43 of the Sixty-seventh General Assembly, 1977 Session,
44 chapter one hundred three (103), section twenty-three
45 (23), is amended by adding the following new
46 subsections:

47 NEW SUBSECTION. The purchaser or transferee of
48 a motor vehicle for which a certificate of title is
49 issued which is sold for scrap or junk shall surrender
50 the certificate of title and registration receipt

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1 to the county treasurer of the county of residence
2 of the transferee within fifteen days after assignment
3 of the certificate of title. The county treasurer
4 shall issue to such person without fee a junking
5 certificate. A junking certificate shall authorize
6 the holder to possess, transport or transfer by
7 endorsement the ownership of the junked vehicle.
8 A certificate of title shall not again be issued for
9 the vehicle subsequent to the issuance of a junking
10 certificate. The county treasurer shall cancel the
11 record of the vehicle and forward the certificate
12 of title to the department. The junking certificate
13 shall be of a form to allow for the assignment of
14 ownership of the vehicle. The junking certificate
15 shall provide a space for the notation of the
16 transferee of the component parts of the vehicle
17 transferred by the owner of the vehicle.

18 NEW SUBSECTION. When a vehicle for which a
19 certificate of title is issued is junked or dismantled
20 by the owner, the owner shall detach the registration
21 plates and surrender the plates to the county
22 treasurer, unless the plates are properly assigned
23 to another vehicle. The owner shall also surrender
24 the registration receipt and certificate of title
25 to the county treasurer. Upon surrendering the
26 certificate of title, the county treasurer shall issue
27 to such person, without fee, a junking certificate,
28 which shall authorize the holder to possess, transport
29 or transfer ownership of the junked vehicle by
30 endorsement of the junking certificate. A certificate
31 of title shall not again be issued for the junked

32 vehicle for which a junking certificate is issued.
33 The county treasurer shall cancel the record of the
34 vehicle and forward the certificate of title to the
35 department.

36 NEW SUBSECTION. A vehicle rebuilder or a motor
37 vehicle dealer licensed under chapter three hundred
38 twenty-two (322) of the Code, upon acquisition of
39 a wrecked or salvage vehicle, shall surrender the
40 certificate of title and registration receipt or
41 manufacturer's or importer's statement of origin
42 properly assigned, together with an application for
43 a salvage certificate of title to the county treasurer
44 of the county of residence of the purchaser or
45 transferee within fourteen days after the date of
46 assignment of the certificate of title for the wrecked
47 or salvage motor vehicle. The provisions of this
48 subsection shall apply only to vehicles with a fair
49 market value of five hundred dollars or more, based
50 on the value before the vehicle became wrecked or

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1 salvage. Upon payment of a fee of two dollars, the
2 county treasurer shall issue a salvage certificate
3 of title which shall be of a distinctive color and
4 bear the words "SALVAGE CERTIFICATE OF TITLE". A
5 salvage certificate of title may be assigned to any
6 person. Notwithstanding any other provisions in this
7 section a vehicle on which ownership has transferred
8 to an insurer of such vehicle, as a result of a
9 settlement with the owner of the vehicle arising out
10 of damage to, or unrecovered theft of the vehicle,
11 shall be deemed to be a wrecked or salvage vehicle
12 and the insurer shall comply with the provisions of
13 this subsection to obtain a salvage certificate of
14 title within fourteen days after the date of assignment
15 of the certificate of title of the vehicle. Any
16 owner, except an insurer of vehicles, who transfers
17 a wrecked or salvage vehicle with a fair market value
18 less than five hundred dollars, based on the value
19 before it became wrecked or salvage, shall comply
20 with the provisions of section three hundred twenty-
21 one point fifty-one (321.51) of the Code.

22 When a wrecked or salvage vehicle has been repaired
23 or rebuilt, that person shall make application for
24 a certificate of title to the county treasurer of
25 the county of residence of the owner, and shall
26 surrender the salvage certificate of title issued
27 for the vehicle. A verification of the vehicle
28 identification number of the vehicle shall be made
29 by a peace officer of the state department of
30 transportation, the department of public safety,

31 county sheriff or police department of cities with
32 a population exceeding five thousand persons or a
33 person designated by the commissioner of public safety
34 or the director. The verification shall be made on
35 forms provided by the department and signed by the
36 peace officer or the appropriately designated person
37 and the verification form shall be surrendered by
38 the owner to the county treasurer at the time
39 application is made for a certificate of title. Upon
40 payment of the appropriate fees and surrender of the
41 appropriate documents the county treasurer shall issue
42 a certificate of title to the person making
43 application.

44 For purposes of this subsection a "wrecked or
45 salvage vehicle" means a damaged vehicle for which
46 the cost of repair exceeds fifty percent of the fair
47 market value of the vehicle before it became damaged.

48 Sec. 17. Section three hundred twenty-one point
49 ninety-five (321.95), Code 1977, is amended to read
50 as follows:

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1 321.95 RIGHT OF INSPECTION. Peace officers or
2 ~~examiners employed in the department~~ shall have the
3 authority to inspect any vehicle or component part
4 in possession of a demolisher vehicle rebuilder,
5 vehicle salvager, used vehicle parts dealer or any
6 person licensed under chapter three hundred twenty-
7 two (322) of the Code, or found upon the public highway
8 or in any public garage or, enclosure or property
9 in which vehicles or component parts are kept for
10 sale, storage, hire or repair and for that purpose
11 may enter any such public garage or, enclosure or
12 property. Every person doing business as a demolisher
13 vehicle rebuilder, vehicle salvager, used vehicle
14 parts dealer, or any person licensed under chapter
15 three hundred twenty-two (322) of the Code, or a
16 person having used engines or transmissions which
17 are component parts for sale shall keep an accurate
18 and complete record of all vehicles demolished and
19 of such component parts purchased or received for
20 resale as component parts in the course of business.
21 These records shall contain the name and address
22 of the person from whom each such vehicle or component
23 part was purchased or received and the date when the
24 purchase or receipt occurred or the junking certificate
25 if required for the vehicle. These records shall
26 be open for inspection by any police authority peace
27 officer at any time during normal business hours.
28 Records required by this section shall be kept for
29 at least three years after the transaction which they
30 record.

31 Sec. 18. Section three hundred twenty-one point
32 one hundred (321.100), Code 1977 Supplement, is amended
33 by adding the following new subsection:
34 NEW SUBSECTION. To transfer in any manner or to
35 offer to transfer in any manner a certificate of
36 title, manufacturer's or importer's certificate to
37 any vehicle on which a salvage certificate of title
38 or junking certificate is required under section three
39 hundred twenty-one point fifty-two (321.52) of the
40 Code, with knowledge or reason to believe that the
41 certificate will be used for a vehicle other than
42 the vehicle for which the certificate is issued.
43 "Transfer" for the purposes of this subsection means
44 to sell, exchange, change possession or ownership
45 or convey in any manner.
46 Sec. 19. Section three hundred twenty-one point
47 one hundred one (321.101), Code 1977, is amended by
48 adding the following new unnumbered paragraph:
49 NEW UNNUMBERED PARAGRAPH. If a vehicle, for which
50 the registration has been suspended or revoked pursuant

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1 to subsection four (4) of this section, is transferred
2 to a bona fide purchaser for value without actual
3 knowledge of such suspension or revocation then the
4 vehicle shall be deemed to be registered and the
5 provisions of sections three hundred twenty-one point
6 twenty-eight (321.28) and three hundred twenty-one
7 point thirty (321.30), subsections four (4) and five
8 (5), of the Code shall not be applicable to such
9 vehicle for the failure of the previous owner to pay
10 the required fees.
11 Sec. 20. Chapter three hundred twenty-one (321),
12 Code 1977, is amended by adding the following new
13 section as section three hundred twenty-one point
14 one hundred nineteen (321.119) of the Code:
15 NEW SECTION. CHURCH BUS REGISTRATION FEES. A
16 motor vehicle designed to carry nine passengers or
17 more which is owned and used exclusively by a church
18 or religious organization to transport passengers
19 to and from activities of or sponsored by the church
20 or religious organization and which is not for rent
21 or hire for purposes which are unrelated to the
22 activities of the church or religious organization
23 shall be exempt from motor vehicle registration fees
24 except as provided in this section. Upon application
25 and payment of an annual fee of thirty-five dollars,
26 the department shall issue a registration certificate
27 and shall also issue registration plates. The plates
28 shall be attached to the front and rear of each vehicle
29 registered under this section. A registration under

30 the provisions of this section shall not be issued
31 unless the motor vehicle has been issued a certificate
32 of inspection under the provisions of section three
33 hundred twenty-one point two hundred thirty-eight
34 (321.238) of the Code, within the two-year period
35 prior to the effective date for the registration.
36 The provision of this section shall be effective
37 November 1, 1978 for registration fees payable on
38 or after November 1, 1978 for registration plates
39 issued for the calendar year 1979.

40 Sec. 21. Section three hundred twenty-one point
41 one hundred twenty-two (321.122), Code 1977, is amended
42 by adding the following new subsection:

43 NEW SUBSECTION. 5. However, motor trucks or truck
44 tractors towing disabled motor vehicles shall be
45 registered for the gross weight of the motor truck
46 or truck tractor without consideration of the weight
47 of the vehicle being towed.

48 Sec. 22. Section three hundred twenty-one point
49 one hundred thirty-one (321.131), Code 1977, is amended.
50 to read as follows:

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1 321.131 LIEN OF FEE. All registration or other
2 fees provided for in this chapter shall be and continue
3 a lien against the vehicle for which said fees are
4 payable unless otherwise provided in this section
5 until such time as they are paid as provided by law,
6 with any accrued penalties. The county treasurer
7 may perfect a security interest in a vehicle for the
8 amount of such fees by noting the lien upon the
9 certificate of title for the vehicle as provided in
10 section three hundred twenty-one point fifty (321.50)
11 of the Code. If the lien is not perfected as provided
12 in this section, the lien shall not be valid against
13 a bona fide purchaser of the vehicle without actual
14 notice to the purchaser.

15 Sec. 23. Section three hundred twenty-one point
16 one hundred eighty (321.180), Code 1977, is amended
17 by adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. A permittee shall not
19 be penalized for failing to have his or her permit
20 in immediate possession if the permittee produces
21 in court, within a reasonable time, an instruction
22 permit issued to him or her and valid at the time
23 of the permittee's arrest.

24 Sec. 24. Section three hundred twenty-one point
25 one hundred eighty-one (321.181), Code 1977, is amended
26 by striking unnumbered paragraphs two (2), three (3),
27 four (4), and five (5).

28 Sec. 25. Section three hundred twenty-one point

29 one hundred eighty-three (321.183), Code 1977, is
30 amended to read as follows:

31 321.183 CONTENTS OF APPLICATION. Every said
32 application shall state the full name, date of birth,
33 ~~occupation~~, sex, and residence address of the
34 applicant, and briefly describe the applicant, and
35 shall state whether the applicant has theretofore
36 been licensed as an operator or chauffeur, and if
37 so, when and by what state or country, and whether
38 any such license has ever been suspended or revoked,
39 or whether an application has been refused, and, if
40 so, the date of and reason for such suspension,
41 revocation, or refusal.

42 Sec. 26. Section three hundred twenty-one point
43 one hundred eighty-nine (321.189), subsection one
44 (1), Code 1977, as amended by Acts of the Sixty-seventh
45 General Assembly, 1977 Session, chapter one hundred
46 three (103), section forty-one (41), is amended to
47 read as follows:

48 1. MOTOR VEHICLE LICENSE. Upon the payment of
49 the required fee, the department shall issue to every
50 qualifying applicant an operator's license, motorized

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1 bicycle license, or chauffeur's license, as applied
2 for. Appearing on this license shall be a
3 distinguishing number assigned to the licensee; the
4 licensee's full name, date of birth, ~~occupation~~, sex,
5 residence address; a colored photograph; a brief
6 description of the licensee; and the usual signature
7 of the licensee. If prior to the renewal date, a
8 person desires to obtain an operator's or chauffeur's
9 license in the form authorized by this section, such
10 license may be issued as a voluntary replacement upon
11 payment of the required fee. The number of places
12 where licenses are available shall not be reduced
13 because of procedures or equipment required in placing
14 colored photographs on licenses or permits. The
15 department shall provide a space on every license
16 where the licensee may affix a decal or sticker
17 indicating that the licensee is a donor under the
18 Uniform Anatomical Gift Act and shall provide a space
19 where the licensee may affix a symbol indicating the
20 presence of a medical condition. The license may
21 contain such other information as the department may
22 by rule require. No license shall be valid unless
23 it bears the usual signature of the licensee. The
24 department shall advise an applicant that he or she
25 may request a number other than a social security
26 number as the motor vehicle license number. The

27 department shall not retain a positive or negative
28 photograph of the licensee. The licensee may affix
29 a decal or sticker on the license in the space provided
30 which indicates that the licensee in the space provided
31 which indicates that the licensee is a donor under
32 the Uniform Anatomical Gift Act. The decal shall
33 not be larger than one-half inch in diameter. The
34 use of the decal or sticker on the license shall be
35 authorized only if the licensee has complied with
36 the provisions for making a gift under the Uniform
37 Anatomical Gift Act and shall be effective only if
38 the licensee carries on or about the licensee's person
39 a duly signed and executed donor card as authorized
40 by the Uniform Anatomical Gift Act.

41 Sec. 27. Section three hundred twenty-one point
42 one hundred eighty-nine (321.189), subsection three
43 (3), Code 1977, is amended to read as follows:

44 3. CARRIED AND EXHIBITED. Every licensee shall
45 have his or her operator's or chauffeur's, or motorized
46 bicycle license or instruction permit in his immediate
47 possession at all times when operating a motor vehicle
48 and shall display the same, upon demand of a judicial
49 magistrate or district associate judge, a peace
50 officer, or a field deputy or examiner of the

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1 department. However, no person charged with violating
2 this section shall be convicted if he or she produces
3 in court, within a reasonable time, an operator's
4 or chauffeur's or motorized bicycle license or
5 instruction permit issued to him or her and valid
6 at the time of his the person's arrest.

7 Sec. 28. Section three hundred twenty-one point
8 two hundred ten (321.210), unnumbered paragraph five
9 (5), Code 1977, is amended to read as follows:

10 If the department assesses any points against an
11 operator or chauffeur of a motor vehicle under any
12 point system devised by the department for the purpose
13 of suspending operators' or chauffeurs' licenses,
14 the department must notify the licensee by ordinary
15 mail that such points have been assessed and the
16 reason therefor. Such notice shall also contain a
17 reference to all code sections under which the person's
18 motor vehicle license may be suspended, revoked,
19 canceled or denied. Provided that no license shall
20 be suspended on the basis of any point system devised
21 by the department without notice of proposed suspension
22 to the licensee and a reasonable opportunity for a
23 preliminary hearing before a member of the department
24 who shall have authority in meritorious cases to
25 revoke the suspension.

26 Sec. 29. Section three hundred twenty-one point
27 two hundred ten (321.210), Code 1977, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 8. Has eluded or attempted to
30 elude a pursuing police vehicle pursuant to section
31 thirty-four (34) of this Act.

32 Sec. 30. Section three hundred twenty-one point
33 two hundred eleven (321.211), Code 1977, is amended
34 to read as follows:

35 321.211 NOTICE AND HEARING. Upon suspending the
36 license of any person as hereinbefore authorized the
37 department shall immediately notify the licensee in
38 writing and upon his or her request shall afford him
39 or her an opportunity for a hearing before the director
40 of his or her duly authorized agent as early as
41 practical within not to exceed thirty days after
42 receipt of such request in the county wherein the
43 licensee resides unless the department and the licensee
44 agree that such hearing may be held in some other
45 county. Upon such hearing the director or his or
46 her duly authorized agent may administer oaths and
47 may issue subpoenas for the attendance of witnesses
48 and the production of relevant books and papers and
49 may require a re-examination of the licensee. Upon
50 such hearing the department shall either rescind its

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1 order of suspension or for good cause may extend the
2 suspension of such license or revoke such license.
3 There is hereby appropriated each year from the general
4 fund of the state to the department one hundred five
5 thousand dollars or so much thereof as may be necessary
6 to be used to pay the cost of notice and personal
7 delivery of service, if necessary to meet the notice
8 requirement of this section. The department shall
9 promulgate rules governing the payment of the cost
10 of personal delivery of service. The reinstatement
11 fees collected under section three hundred twenty-
12 one point one hundred ninety-one (321.191) of the
13 Code shall be deposited in the general fund of the
14 state in a manner provided in section three hundred
15 twenty-one point one hundred ninety-two (321.192)
16 of the Code, as reimbursement for the costs of notice
17 under this section.

18 A peace officer stopping a person for whom a notice
19 of a suspension or revocation has been issued or to
20 whom a notice of a hearing has been sent under the
21 provisions of this section may personally serve such
22 notice upon forms approved by the department to satisfy
23 the notice requirements of this section. The peace
24 officer may confiscate the motor vehicle license of

25 such person if the license has been revoked or has
26 been suspended subsequent to a hearing and the person
27 has not forwarded the motor vehicle license to the
28 department as required.

29 Sec. 31. Section three hundred twenty-one point
30 two hundred thirty-eight (321.238), subsection ten
31 (10), unnumbered paragraph one (1), Code 1977, is
32 amended to read as follows:

33 In making a vehicle inspection, the inspection
34 station shall inspect such of the following equipment
35 as is applicable to the vehicle: Brakes, lights,
36 turning signals, steering, sound devices, glass,
37 mirrors, exhaust system, windshield wipers, seat
38 belts, tires and such other safety equipment as may
39 be prescribed for inspection under rules adopted by
40 the director. The inspection station shall also
41 inspect each motor vehicle to ascertain that none
42 of the factory installed emission control devices
43 have been removed or rendered inoperable.

44 Sec. 32. Section three hundred twenty-one point
45 two hundred thirty-eight (321.238), subsection twelve
46 (12), Code 1977, is amended to read as follows:

47 12. Every motor vehicle subject to registration
48 under the laws of this state, except motor vehicles
49 registered under section 321.115, and motorized
50 bicycles, motor vehicles transferred under the

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1 provisions of sections three hundred twenty-one point
2 fifty-one (321.51) and three hundred twenty-one point
3 fifty-two (321.52) of the Code when first registered
4 in this state, other than a registration to a dealer
5 licensed under chapter 322, and each time when
6 transferred for use within this state or when
7 registration is changed from a registration as provided
8 in section 321.115 to a regular registration, other
9 than transfers to a dealer licensed under chapter
10 322, shall be inspected at an authorized inspection
11 station, unless there is affixed to the motor vehicle
12 a valid certificate of inspection which was issued
13 for the motor vehicle not more than sixty days prior
14 to the date on which the vehicle was transferred and
15 the vehicle has not been transferred during the sixty-
16 day period, provided that during a one-year period
17 the vehicle may be transferred between parents and
18 their children or between spouses without another
19 inspection. A vehicle inspection is not required
20 when the transfer of a vehicle or an interest in the
21 vehicle is between spouses or when required pursuant
22 to a decree for dissolution of marriage between former
23 spouses. However, the certificate of inspection for

24 a new motor vehicle which has not previously been
25 sold at retail and which is not sold within sixty
26 days after the date the inspection was performed may
27 be revalidated by the inspection station without
28 another inspection provided the motor vehicle has
29 not been driven more than one hundred miles since
30 the inspection was performed. If the motor vehicle
31 is subject to inspection, the authorized inspection
32 station shall issue and affix a valid certificate
33 of inspection or certificate of rejection, as the
34 case may be, in accordance with the results of the
35 inspection. If an inspection is required, an applicant
36 shall file with an application for title to the vehicle
37 or for registration thereof under the provisions of
38 section 321.23, subsection 2 or 3, with the county
39 treasurer of the county of his or her residence, a
40 statement on a form provided by the director, signed
41 by an authorized inspection station certifying the
42 date that a certificate of inspection was issued for
43 and affixed to the vehicle. If an inspection is
44 required the county treasurer shall not issue a title
45 to the vehicle to the applicant or register the vehicle
46 unless such statement is filed with the application
47 showing that the inspection of the vehicle was made
48 not more than sixty days prior to the date of sale
49 or transfer, or unless the vehicle was purchased out
50 of this state by a resident of this state who resides

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1 outside of this state, but desires to maintain his
2 or her Iowa residency and he or she executes a
3 statement to that effect in form and content as
4 prescribed by the director. The county treasurer
5 shall stamp the registration card for such vehicle
6 with the words "NOT INSPECTED." A vehicle so
7 registered shall be inspected at an authorized
8 inspection station within fifteen days after being
9 brought into this state. The county treasurer shall
10 mail the statement of inspection or statement of out-
11 of-state residence to the department at the time of
12 mailing copies of the registration receipt. The
13 department may destroy any forms, certificates or
14 statements after one year from the date they are filed
15 unless they relate to pending appeals. The provisions
16 of this subsection shall not be applicable to the
17 transfer of a motor vehicle to the insurer of such
18 vehicle who obtains ownership of such vehicle as a
19 result of a settlement with the owner thereof arising
20 out of damage to such vehicle and written proof thereof
21 is submitted to the county treasurer on forms
22 prescribed by the department.

23 Sec. 33. Section three hundred twenty-one point
24 two hundred fifty-six (321.256), Code 1977, is amended
25 to read as follows:

26 321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL
27 DEVICES. No driver of a vehicle ~~or motorman of a~~
28 ~~streetcar~~ shall disobey the instructions of any
29 official traffic-control device placed in accordance
30 with the provisions of this chapter, unless at the
31 time otherwise directed by a ~~police~~ peace officer
32 subject to the exceptions granted the driver of an
33 authorized emergency vehicle.

34 Sec. 34. Section three hundred twenty-one point
35 two hundred fifty-seven (321.257), Code 1977, is
36 amended by striking the section and inserting in lieu
37 thereof the following:

38 321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.

39 1. For the purposes of this section "stop at the
40 official traffic control signal" means stopping at
41 the first opportunity at either the clearly marked
42 stop line or before entering the crosswalk or before
43 entering the intersection.

44 2. Official traffic control signals consisting
45 of colored lights or colored lighted arrows shall
46 regulate vehicle and pedestrian traffic in the
47 following manner:

48 a. A "steady circular red" light means vehicular
49 traffic shall stop. Vehicular traffic shall remain
50 standing until a signal to proceed is shown or

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1 vehicular traffic, unless prohibited by a sign, may
2 cautiously enter the intersection to make a right
3 turn from the right lane of traffic or a left turn
4 from a one-way street to a one-way street from the
5 left lane of traffic on a one-way street onto the
6 left most lane of traffic on a one-way street. Turns
7 made under this paragraph shall be made in a manner
8 that does not interfere with other vehicular or
9 pedestrian traffic lawfully using the intersection.
10 Pedestrian traffic facing a steady circular red light
11 shall not enter the roadway unless the pedestrian
12 can safely cross the roadway without interfering with
13 any vehicular traffic.

14 b. A "steady circular yellow" or a "steady yellow
15 arrow" light means vehicular traffic is warned that
16 the related green movement is being terminated and
17 vehicular traffic shall no longer proceed into the
18 intersection and shall stop. If the stop cannot be
19 made in safety, a vehicle may be driven cautiously
20 through the intersection. Pedestrian traffic is
21 warned that there is insufficient time to cross the

22 intersection and any pedestrian starting to cross
23 the roadway shall yield the right-of-way to all
24 vehicles.

25 c. A "steady circular green" light means vehicular
26 traffic may proceed straight, turn right or turn left
27 through the intersection unless otherwise specifically
28 prohibited. Vehicular traffic shall yield the right-
29 of-way to other vehicular and pedestrian traffic
30 lawfully within the intersection.

31 d. A "steady green arrow" light shown alone or
32 with another official traffic control signal means
33 vehicular traffic may cautiously enter the intersection
34 and proceed in the direction indicated by the arrow.
35 Vehicular traffic shall yield the right-of-way to
36 other vehicles and pedestrians lawfully within the
37 intersection.

38 e. A "flashing circular red" light means vehicular
39 traffic shall stop and after stopping may proceed
40 cautiously through the intersection yielding to all
41 vehicles not required to stop or yield which are
42 within the intersection or approaching so closely
43 as to constitute a hazard, but then may proceed.

44 f. A "flashing yellow" light means vehicular
45 traffic shall proceed through the intersection or
46 past such signal with caution.

47 g. A "don't walk" light is a pedestrian signal
48 which means that pedestrian traffic facing the
49 illuminated pedestrian signal shall not start to cross
50 the roadway in the direction of the pedestrian signal,

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1 and pedestrian traffic in the crossing shall proceed
2 to a safety zone.

3 h. A "walk" light is a pedestrian signal which
4 means that pedestrian traffic facing the illuminated
5 pedestrian signal may proceed to cross the roadway
6 in the direction of the pedestrian signal and shall
7 be given the right-of-way by drivers of all vehicles.

8 Sec. 35. Section three hundred twenty-one point
9 two hundred fifty-eight (321.258), Code 1977, is
10 amended by striking the section and inserting in lieu
11 thereof the following:

12 321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC 13 CONTROL SIGNALS.

14 1. Colored lights placed on a vertical official
15 traffic control signal face shall be arranged from
16 the top to the bottom in the following order when
17 used: Circular red, circular yellow, circular green,
18 straight through yellow arrow, straight through green
19 arrow, left turn yellow arrow, left turn green arrow,
20 right turn yellow arrow, and right turn green arrow.

21 2. Colored lights placed on a horizontal official
22 traffic control signal face shall be arranged from
23 the left to the right in the following order when
24 used: Circular red, circular yellow, left turn yellow
25 arrow, left turn green arrow, circular green, straight
26 through yellow arrow, straight through green arrow,
27 right turn yellow arrow, and right turn green arrow.

28 Sec. 36. Section three hundred twenty-one point
29 two hundred sixty-five (321.265), Code 1977, is amended
30 to read as follows:

31 321.265 STRIKING FIXTURES UPON A HIGHWAY. The
32 driver of any vehicle involved in an accident resulting
33 ~~only~~ in damage to property legally upon or adjacent
34 to a highway shall take reasonable steps to locate
35 and notify the owner, a peace officer or person in
36 charge of such property of such fact and of his or
37 her name and address and of the registration number
38 of the vehicle he is driving causing the damage and
39 shall upon request and if available exhibit his or
40 her operator's or chauffeur's license and shall make
41 report of such accident when and as required in section
42 321.266.

43 Sec. 37. Section three hundred twenty-one point
44 three hundred twenty-two (321.322), Code 1977, is
45 amended by striking the section and inserting in lieu
46 thereof the following:

47 321.322 VEHICLES ENTERING STOP OR YIELD
48 INTERSECTION.

49 1. The driver of a vehicle approaching a stop
50 intersection indicated by stop sign shall stop at

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1 the first opportunity at either the clearly marked
2 stop line or before entering the crosswalk or before
3 entering the intersection or at the point nearest
4 the intersecting roadway where the driver has a view
5 of approaching traffic on the intersecting roadway
6 before entering the intersection. Before proceeding,
7 the driver shall yield the right-of-way to any vehicle
8 on the intersecting roadway which has entered the
9 intersection or which is approaching so closely as
10 to constitute an immediate hazard during the time
11 the driver is moving across or within the intersection.

12 2. The driver of a vehicle approaching a yield
13 sign shall slow to a speed reasonable for the existing
14 conditions and, if required for safety, shall stop
15 at the first opportunity at either the clearly marked
16 stop line or before entering the crosswalk or before
17 entering the intersection or at the point nearest
18 the intersecting roadway where the driver has a view
19 of approaching traffic on the intersecting roadway.

20 After slowing or stopping, the driver shall yield
21 the right-of-way to any vehicle on the intersecting
22 roadway which has entered the intersection or which
23 is approaching so closely as to constitute an immediate
24 hazard during the time the driver is moving across
25 or within the intersection.

26 Sec. 38. Section three hundred twenty-one point
27 three hundred forty-two (321.342), unnumbered paragraph
28 one (1), Code 1977, as amended by Acts of the Sixty-
29 seventh General Assembly, 1977 Session, chapter one
30 hundred three (103), section forty-seven (47), is
31 amended by striking the paragraph and inserting in
32 lieu thereof the following:

33 The driver of any vehicle approaching a railroad
34 grade crossing across which traffic is regulated by
35 a stop sign, a railroad sign directing traffic to
36 stop or an official traffic control signal displaying
37 a flashing red or steady circular red colored light
38 shall stop prior to crossing the railroad at the first
39 opportunity at either the clearly marked stop line
40 or at a point near the crossing where the driver has
41 a clear view of the approaching railroad traffic.

42 Sec. 39. Section three hundred twenty-one point
43 three hundred forty-five (321.345), Code 1977, is
44 amended to read as follows:

45 321.345 STOP OR YIELD AT THROUGH HIGHWAYS. The
46 department, based on an engineering study, with
47 reference to primary highways, and local authorities
48 with reference to other highways under their
49 jurisdiction may designate through highways and erect
50 stop signs or yield signs, in accordance with

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1 specifications established by the department at
2 specified entrances thereto to the highway or may
3 designate any intersection as a stop intersection
4 or as a yield intersection and erect like signs at
5 one or more entrances to such intersection.

6 Every said sign shall bear the word "Stop" or
7 "Yield" in letters not less than six inches in height.
8 Every stop or yield sign shall be located as near
9 as practical at the property line of the highway at
10 the entrance to which the stop or yield must be made,
11 or at the nearest line of the crosswalk thereat, or,
12 if none, at the nearest line of the roadway.

13 Every driver of a vehicle and every motorman of
14 a streetcar shall stop or yield at such sign or at
15 a clearly marked stop line before entering an
16 intersection except when directed to proceed by a
17 police officer or traffic control signal.

18 Sec. 40. Section three hundred twenty-one point
19 three hundred seventy-two (321.372), subsection one
20 (1), Code 1977, is amended to read as follows:

21 1. The driver of any school bus used to transport
22 ~~children people~~ to and from a public or private school
23 or other location shall, when stopping to receive
24 or discharge ~~pupils~~ a person, turn on flashing warning
25 lamps at a distance of not less than three hundred
26 feet nor more than five hundred feet from the point
27 where ~~said pupils are~~ the person is to be received
28 or discharged from the bus. At the point of receiving
29 or discharging ~~pupils~~ a person the driver of the bus
30 shall bring bus to a stop, turn off the amber flashing
31 warning lamps, turn on the red flashing warning lamps,
32 and extend the stop arm. After receiving or
33 discharging ~~pupils~~ a person, the bus driver shall
34 turn off all flashing warning lamps, retract the stop
35 arm and proceed on the route. No school bus shall
36 stop to load or unload ~~pupils~~ a person unless there
37 is at least three hundred feet of clear vision in
38 each direction.

39 A school bus, when operating on a highway with
40 four or more lanes shall not stop to load or unload
41 ~~pupils~~ a person who must cross the highway, except
42 at designated stops where ~~pupils~~ a person who must
43 cross the highway may do so at points where there
44 are official traffic control devices or ~~police peace~~
45 officers.

46 A school bus shall, while carrying passengers,
47 have its headlights turned on.

48 Sec. 41. Section three hundred twenty-one point
49 three hundred ninety-three (321.393), unnumbered
50 paragraph one (1), Code 1977, is amended to read as

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1 follows:

2 No lighting device or reflector, when mounted on
3 or near the front of any motor truck or trailer,
4 except school buses shall display any other color
5 than white, yellow, or amber; provided that
6 installations heretofore in place and otherwise
7 complying with the law may display a green light until
8 replacements are made, however, such green light shall
9 be replaced with the appropriate color when replacement
10 is made or prior to January 1, 1980, whichever is
11 earlier.

12 Sec. 42. Section three hundred twenty-one point
13 four hundred thirty-seven (321.437), Code 1977, is
14 amended to read as follows:

15 321.437 MIRRORS. Every motor vehicle shall be
16 equipped with a mirror so located as to reflect to

17 the driver a view of the highway for a distance of
18 at least two hundred feet to the rear of such vehicle.
19 Any motor vehicle so loaded, or towing another vehicle
20 in such manner, as to obstruct the view in a rear
21 view mirror located in the driver's compartment shall
22 be equipped with a side mirror so located that the
23 view to the rear will not be obstructed however when
24 such vehicle is not loaded or towing another vehicle
25 the side mirrors shall be retracted or removed. All
26 van or van type motor vehicles shall be equipped with
27 outside mirrors of unit magnification, each with not
28 less than nineteen point five square inches of
29 reflective surface, installed with stable supports
30 on both sides of the vehicle, located so as to provide
31 the driver a view to the rear along both sides of
32 the vehicle, and adjustable in both the horizontal
33 and vertical directions to view the rearward scene.

34 Sec. 43. Section three hundred twenty-one point
35 four hundred ninety-four (321.494), Code 1977, is
36 amended by adding the following new paragraph:

37 NEW PARAGRAPH. However, the owner or operator
38 of a carpool or vanpool as defined in section three
39 hundred twenty-five point one (325.1) of the Code,
40 as amended by Acts of the Sixty-seventh General
41 Assembly, 1977 Session, chapter one hundred three
42 (103), section fifty-seven (57), shall not be liable
43 unless damage is caused as a result of the driver
44 of the carpool or vanpool being under the influence
45 of an alcoholic beverage, a narcotic, hypnotic or
46 other drug, or any combination of such substances,
47 or because of the reckless operation of the carpool
48 or vanpool vehicle by the operator. The legislature
49 finds that to preserve increasingly scarce natural
50 resources of petroleum products, and to encourage

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1 a cooperative effort from the public to share the
2 costs incurred to transport individuals in shared
3 transportation facilities to and from work, it is
4 in the interest of the health, safety and welfare
5 of the state to adopt the provisions of this paragraph.

6 Sec. 44. Chapter three hundred twenty-one (321),
7 Code 1977, is amended by adding the following new
8 section:

9 NEW SECTION. ELUDING OR ATTEMPTING TO ELUDE A
10 PURSUING POLICE VEHICLE. The driver of a motor vehicle
11 commits a serious misdemeanor if the driver willfully
12 fails to bring his or her vehicle to a stop or
13 otherwise eludes or attempts to elude a pursuing
14 police vehicle by exceeding the posted speed limit
15 by an amount in excess of twenty miles per hour after

16 being given a signal by red light and siren to bring
17 the vehicle to a stop. The peace officer giving the
18 signal shall be in a vehicle which shall be marked
19 showing it to be an official police vehicle.

20 Sec. 45. Chapter three hundred twenty-one (321),
21 Code 1977, is amended by adding the following new
22 section:

23 **NEW SECTION. VEHICLES WITHOUT IDENTIFICATION**
24 **NUMBERS.** Any person who knowingly buys, receives,
25 disposes of, sells, offers for sale, or has in his
26 or her possession any vehicle, or any component part
27 of a vehicle, from which the vehicle identification
28 number or component part number has been removed,
29 defaced, covered, altered, or destroyed for the pur-
30 pose of concealing or misrepresenting the identity
31 of the vehicle or component part is guilty of a simple
32 misdemeanor.

33 Sec. 46. Chapter three hundred twenty-one (321),
34 Code 1977, is amended by adding the following new
35 section:

36 **NEW SECTION.**

37 1. Upon conviction and the suspension or revoca-
38 tion of a person's motor vehicle license under sections
39 three hundred twenty-one point two hundred nine
40 (321.209), subsections six (6) and seven (7), three
41 hundred twenty-one point two hundred ten (321.210)
42 or three hundred twenty-one point five hundred fifty-
43 five (321.555), subsection two (2), of the Code, and
44 upon the denial by the director of an application
45 for a temporary restricted license, a person may apply
46 to the district court having jurisdiction for the
47 residence of the person for a temporary restricted
48 permit to operate a motor vehicle to and from work.
49 The application may be granted only if all the
50 following criteria is satisfied:

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- 1 a. The restricted temporary permit is requested
- 2 only for a case of extreme hardship where alternative
- 3 means of transportation does not exist.
- 4 b. The permit applicant has not made an application
- 5 for such a permit in any other district court in the
- 6 state which was denied or revoked.
- 7 c. The permit is restricted for travel to and
- 8 from work at times specified in the permit.
- 9 d. Proof of financial responsibility is established
- 10 as defined in chapter three hundred twenty-one A
- 11 (321A) of the Code.
- 12 2. The district court shall forward a record of
- 13 each application for such temporary restricted permit

14 to the department, together with the results of the
15 disposition of the request by the court.

16 3. A temporary restricted permit shall be valid
17 only if the department is in receipt of records
18 required by this section. The permit shall be canceled
19 upon conviction of a moving traffic violation as
20 defined in section three hundred twenty-one point
21 one hundred eighty-one (321.181) of the Code, or upon
22 any violation of the terms of the permit.

23 Sec. 47. Section three hundred twenty-one A point
24 seventeen (321A.17), Code 1977, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. An individual applying for a motor
27 vehicle license following a period of suspension or
28 revocation under the provisions of section three
29 hundred twenty-one point two hundred sixteen (321.216)
30 of the Code Supplement shall not be required to
31 maintain proof of financial responsibility under the
32 provisions of this section.

33 Sec. 48. Acts of the Sixty-seventh General
34 Assembly, 1977 Session, chapter one hundred three
35 (103), section fifty-four (54), the first new section
36 added to chapter three hundred twenty-one E (321E),
37 Code 1977, is amended to read as follows:

38 NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS.

39 Vehicles or a combination of vehicles with divisible
40 loads may be moved on the highways of this state
41 pursuant to a special permit issued for special or
42 emergency situations by the department or local
43 authorities subject to the discretion and judgment
44 provided for in section three hundred twenty-one E
45 point one (321E.1) of the Code. The combined gross
46 weight or gross weight on any one axle or group of
47 axles may exceed the limits established in section
48 three hundred twenty-one point four hundred sixty-
49 three (321.463) of the Code, subject to the limits
50 and routes established by the issuing authority.

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1 However movement of hay, straw or stover may be allowed
2 in the absence of special or emergency situations,
3 however such movement shall be consistent with the
4 other requirements for movement of oversize divisible
5 loads.

6 Sec. 49. Section three hundred twenty-two point
7 two (322.2), subsection seven (7), Code 1977, is
8 amended to read as follows:

9 7. "Motor vehicle" means any self-propelled vehicle
10 subject to registration under the laws of this state.

11 Sec. 50. Section three hundred twenty-two point
12 five (322.5), Code 1977, is amended to read as follows:

13 322.5 LICENSE FEE. The license fee for a motor
14 vehicle dealer for each calendar year or part thereof
15 shall be the sum of thirty-five dollars for the
16 licensee's principal place of business in each city
17 or township and an additional ~~five~~ ten dollars for
18 each ~~used ear~~ car lot which is in the city or township
19 ~~wherein said in which the~~ principal place of business
20 is located and which is not adjacent to such place,
21 to be paid to the department at the time a license
22 is applied for. In case the application is denied,
23 the department shall refund the amount of such fee
24 to the applicant.

25 A motor vehicle dealer may display new motor
26 vehicles at fairs, vehicle shows and vehicle
27 exhibitions. Motor vehicle dealers, in addition to
28 selling vehicles at their principal place of business
29 and car lots, may, upon receipt of a temporary permit
30 approved by the department, display and offer new
31 motor vehicles for sale and negotiate sales of new
32 motor vehicles only at county fairs, as defined in
33 chapter one hundred seventy-four (174) of the Code,
34 vehicle shows and vehicle exhibitions which fairs,
35 shows and exhibitions are approved by the department
36 and are held in the county of the motor vehicle
37 dealer's principal place of business. Application
38 for temporary permits shall be made upon forms provided
39 by the department and shall be accompanied by a ten
40 dollar permit fee. Permits shall be issued for periods
41 of not to exceed fourteen days. No sale of a motor
42 vehicle by a motor vehicle dealer shall be completed
43 nor any sales agreement signed at any such fair, show
44 or exhibition. All such sales shall be consummated
45 at the motor vehicle dealer's principal place of
46 business.

47 Sec. 51. Section seven hundred fourteen point
48 eight (714.8), subsection five (5), Code 1977
49 Supplement, is amended to read as follows:

50 5. Removes, alters or defaces any serial or other

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1 identification number, or any owners' identification
2 mark, from any property not his or her own unless
3 such removal or alteration is prohibited by the new
4 section added to chapter three hundred twenty-one
5 (321) of the Code by section thirty-five (35) of this
6 Act.

7 Sec. 52. Section eight hundred five point eight
8 (805.8), subsection two (2), paragraph b, Code 1977
9 Supplement, is amended to read as follows:
10 b. For registration violations under sections

321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and
section three hundred twenty-one point thirty-
two (321.32) and section three hundred twenty-one
point one hundred eighty-nine (321.189) of the Code,
the scheduled fine is five dollars. For violations
of section 321.190 sections three hundred twenty-
one point thirty-two (321.32) and three hundred twenty-
one point one hundred eighty-nine (321.189), subsection
three (3), of the Code, the case shall be dismissed
without imposition of fine or costs if a license or
registration valid at the time of the issuance of
the citation is presented by the defendant to the
magistrate or scheduled violations office.

Sec. 53. Section eight hundred five point eight
(805.8), subsection two (2), paragraph c, Code 1977
Supplement, is amended to read as follows:

c. For improperly used or nonused, or defective
or improper equipment, other than brakes, driving
lights and brakelights, under sections 321.317,
321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
three hundred twenty-one point three hundred ninety-
three (321.393) of the Code, 321.399, 321.422, 321.432,
321.435, 321.436, 321.437, 321.438, 321.439, 321.440,
321.441, 321.442, 321.444, 321.445, and 321.447 the
scheduled fine is ten dollars.

Sec. 54. Section nine hundred seven point three
(907.3), subsection one (1), Code 1977 Supplement,
is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The offense is a violation
of section three hundred twenty-one point two hundred
eighty-one (321.281) of the Code.

Sec. 55. Section nine hundred seven point four
(907.4), Code 1977 Supplement, is amended to read
as follows:

907.4 DEFERRED JUDGMENT DOCKET. Any deferment
of judgment under section 907.3 shall be reported
promptly by the district clerk of court to the supreme
court administrator who shall maintain a permanent
record thereof including the name of the defendant,
the district court docket number, the nature of the

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offense, and the date of the deferment. Before
granting deferment in any case, the court shall request
of the supreme court administrator a search of the
deferred judgment docket and shall consider any prior
record of a deferment of judgment against the de-
fendant. The permanent record provided for in this
section shall constitute a confidential record exempted
from public access under section 68A.7 and shall be

9 available only to justices of the supreme court,
10 judges of the court of appeals, district judges,
11 district associate judges, and judicial magistrates
12 requesting information pursuant to this section or
13 the designee of such judge or magistrate.

14 Sec. 56. The state department of transportation
15 is directed to promulgate rules to establish a maximum
16 brake horsepower rating for motorized bicycles and
17 such other motorized bicycle equipment requirements.
18 The state department of transportation shall promulgate
19 rules to provide for the placement of motor vehicle
20 registration validation stickers on all registration
21 plates issued for the motor vehicle when such valida-
22 tion stickers are issued in lieu of issuing new
23 registration plates under the provisions of section
24 three hundred twenty-one point thirty-four (321.34)
25 of the Code.

26 Sec. 57. House File 2289, as enacted by the Sixty-
27 seventh General Assembly, 1978 Session, section twenty-
28 six (26) is amended by striking subsection two (2)
29 and inserting in lieu thereof the following:

30 2. Any employee of the department of revenue whose
31 duty assignments will be terminated by this Act shall
32 be transferred to the state department of
33 transportation. The Iowa merit employment commission
34 shall arbitrate and decide any written appeal made
35 by any employee concerning any transfer, reassignment
36 or reclassification made necessary by this Act.

37 Sec. 58. Sections three hundred twenty-one point
38 one hundred twenty-four (321.124) and three hundred
39 twenty-one point four hundred thirty-five (321.435),
40 Code 1977, are repealed.

41 Sec. 59. Sections one (1) through nineteen (19),
42 twenty-three (23), twenty-six (26), thirty (30),
43 thirty-four (34), and thirty-eight (38) of this Act
44 shall become effective January 1, 1979."

45 2. Renumber as necessary in conformance with this
46 amendment.

47 3. Amend the title by striking lines 1 through
48 23 and inserting in lieu thereof the following "An
49 Act relating to transportation providing for a tax
50 and making an appropriation."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—6637, to amendment H—6636, filed by Nielsen, et al., on May 11, 1978.

Pelton of Clinton offered the following amendment H—6644, to amendment H—6636, filed by him:

H—6644

1 Amend the amendment, H—6636, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 10, by inserting after line 10 the follow-
5 ing:

6 "Sec. 16. Section three hundred twenty-one point
7 one hundred thirteen (321.113), Code 1977, is amended
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. A motor vehicle used
10 primarily by a person with a physical handicap which
11 substantially interferes with normal physical movement
12 and registered by such person and a motor vehicle
13 used primarily by a person over sixty-two years of
14 age and registered by such person shall have the
15 registration fee otherwise computed under the
16 provisions of section three hundred twenty-one point
17 one hundred nine (321.109) of the Code, reduced by
18 fifty percent if such person had a taxable income
19 as defined in section four hundred twenty-two point
20 nine (422.9) of the Code, of less than eight thousand
21 dollars for the year preceding the year for which
22 the registration will apply. Application for reduction
23 shall be made upon forms not exceeding one page in
24 length provided by the department. The reduction
25 provided under this paragraph shall be available only
26 for applications made after January first of the year
27 for which the registration will apply."

28 2. By renumbering the sections and cross-references
29 to conform with this amendment.

Nielsen of Polk rose on a point of order that amendment H—6644 was not germane.

The Speaker ruled the point well taken and amendment H—6644 not germane.

Pelton of Clinton asked for unanimous consent to suspend the rules for the consideration of amendment H—6644.

Objection was raised.

Husak of Tama offered the following amendment H—6643, to amendment H—6636, filed by Husak, et al., and moved its adoption:

H—6643

1 Amend amendment H—6636, to Senate File 2187, as

- 2 passed by the Senate and reprinted, as follows:
3 1. Page 11, by inserting after line 14 the
4 following section:
5 "Sec. . . . Section three hundred twenty-one
6 point one hundred sixty-six (321.166), Code 1977,
7 as amended by Acts of the Sixty-seventh General Assembly,
8 1977 Session, chapter one hundred three (103), section
9 thirty-four (34), is amended by adding the following
10 new subsection:
11 NEW SUBSECTION. 6. Registration plates issued
12 a disabled veteran under the provisions of section
13 three hundred twenty-one point one hundred five
14 (321.105) of the Code, shall display the word
15 "DISABLED VET" and shall display the alphabetical
16 characters "DV", which shall be of the same size as
17 the characters in the registration plate number and
18 shall precede the registration plate number."

A non-record roll call was requested.

The ayes were 44, nays 28.

Amendment H—6643 was adopted.

Nielsen of Polk rose on a point of order that amendment H—6636 was not germane.

Fitzgerald of Webster asked and received unanimous consent to defer action on Senate File 2187.

(Amendment H—6636 and Nielsen's point of order pending.)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 566, a bill for an act relating to the issuance and expiration of waterworks or waste waterworks operators' certificates.

Also: That the Senate has on May 12, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2021, a bill for an act relating to definitions and reports pertaining to corporate farming and providing penalties for violations of the corporate farming Act.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2040, a bill for an act to provide a paid leave of absence to compete in olympic competition.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2175, a bill for an act relating to the state military code.

Also: That the Senate has on May 12, 1978, 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 2190, a bill for an act to provide for the determination of the amount of the increase of the assessed valuation of agricultural land and residential property.

Also: That the Senate has on May 12, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2212, a bill for an act relating to the authority of the Iowa natural resources council and providing a penalty.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2330, a bill for an act redefining the term "governing body" as used in chapter 509A of the Code, relating to insurance plans for public employees.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2420, a bill for an act relating to the transfer of funds between state departments, institutions and agencies.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2463, a bill for an act relating to the inventory taking of motor fuel and special fuel gallonage to be sold or dispensed at tax rates established by House File 491.

Also: That on May 12, 1978, the Senator from Boone, Senator Nystrom, has withdrawn as a member of the conference committee on House File 2423, a bill for an act relating to appropriations to the department of general services for designated capital improvements and expenses, and that the Senator from Story, Senator Murray, has been appointed as his replacement.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2449, a bill for an act appropriating funds to the legislative oversight bureau.

Also: That the Senate has on May 12, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 336, a bill for an act relating to the imposition of a hotel and motel tax by a city or county.

Also: That the Senate has on May 12, 1978, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2128, a bill for an act making an appropriation to the office of governor including funds for the administration and management of the Terrace Hill governor's mansion.

Also: That the Senate has, on May 12, 1978, adopted the second conference committee report and passed Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation.

SENATE AMENDMENT CONSIDERED

Scheelhaase of Woodbury called up for consideration House File 2021, a bill for an act relating to definitions and reports pertaining to corporate farming, restrictions on and conveyance of agricultural land holdings, and providing penalties for violations of the corporate farming act, amended by the Senate, and moved that the House concur in the following Senate amendment H—6700:

H—6700

- 1 Amend House File 2021 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 one hundred seventy-two C
- 6 point one (172C.1), Code 1977, as amended by Acts
- 7 of the Sixty-seventh General Assembly, 1977 Session,
- 8 chapter eighty-two (82), is amended by adding the
- 9 following new subsection:
- 10 **NEW SUBSECTION.** "Actively engaged in farming"
- 11 means that a natural person who is a shareholder and
- 12 an officer, director or employee of the corporation
- 13 either:
- 14 a. Inspects the production activities periodically
- 15 and furnishes at least half of the value of the tools
- 16 and pays at least half the direct cost of produc-
- 17 tion; or
- 18 b. Regularly and frequently makes or takes an
- 19 important part in making management decisions

20 substantially contributing to or affecting the success
21 of the farm operation; or

22 c. Performs physical work which significantly
23 contributes to crop or livestock production.

24 NEW SUBSECTION. "Nonresident alien" means:

25 a. An individual who is not a citizen of the
26 United States and who is not domiciled in the United
27 States.

28 b. A corporation incorporated under the law of
29 any foreign country.

30 c. A corporation organized in the United States,
31 beneficial ownership of which is held, directly or
32 indirectly, by nonresident alien individuals.

33 d. A trust organized in the United States or else-
34 where if beneficial ownership is held, directly or
35 indirectly, by nonresident alien individuals.

36 e. A partnership or limited partnership organized
37 in the United States or elsewhere if beneficial
38 ownership is held, directly or indirectly, by
39 nonresident alien individuals.

40 NEW SUBSECTION. The term "beneficial ownership"
41 includes interests held by a nonresident alien
42 individual directly or indirectly holding or acquiring
43 a ten percent or greater share in the partnership,
44 limited partnership, corporation or trust, or directly
45 or indirectly through two or more such entities.
46 In addition, the term beneficial ownership shall
47 include interests held by all nonresident alien
48 individuals if the nonresident alien individuals in
49 the aggregate directly or indirectly hold or acquire
50 twenty-five percent or more of the partnership, limited

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1 partnership, corporation or trust.

2 Sec. 2. Section one hundred seventy-two C point
3 four (172C.4), subsection two (2), Code 1977, is
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. Commercial sales are incidental
6 to the research or experimental objectives of the
7 corporation when they are less than twenty-five percent
8 of the gross sales of the primary product of the
9 research. The limitation provided in this subsection
10 shall not apply to corporations referred to in
11 subsection three (3) of this section.

12 Sec. 3. Section one hundred seventy-two C point
13 four (172C.4), subsection three (3), Code 1977, as
14 amended by Acts of the Sixty-seventh General Assembly,
15 1977 Session, chapter eighty-two (82), section four
16 (4), is amended by striking the subsection and
17 inserting in lieu thereof the following:

18 3. Agricultural land, including leasehold inter-

19 ests, acquired by a nonprofit corporation organized
20 under the provisions of chapters five hundred four
21 (504) and five hundred four A (504A) of the Code
22 including land acquired and operated by or for a state
23 university for research, experimental, demonstration,
24 foundation seed increase or test purposes and land
25 acquired and operated by or for nonprofit corporations
26 organized specifically for research, experimental,
27 demonstration, foundation seed increase or test
28 purposes in support of or in conjunction with a state
29 university.

30 Sec. 4. Section one hundred seventy-two C point
31 four (172C.4), Code 1977, as amended by Acts of the
32 Sixty-seventh General Assembly, 1977 Session, chapter
33 eighty-two (82), is amended by adding the following
34 new subsections:

35 NEW SUBSECTION. Agricultural land acquired by
36 a trust for immediate use in non-farming purposes.

37 NEW SUBSECTION. Any corporation, other than a
38 family farm corporation or an authorized farm
39 corporation, violating the provisions of this section
40 shall upon conviction, be punished by a fine of not
41 more than fifty thousand dollars and shall divest
42 itself of any land acquired in violation of this
43 section within one year after conviction. The courts
44 of this state may prevent and restrain violations
45 of this section through the issuance of an injunction.
46 The attorney general or a county attorney shall
47 institute suits on behalf of the state to prevent
48 and restrain violations of this section.

49 Sec. 5. Section one hundred seventy-two C point
50 five (172C.5), subsection one (1), Code 1977, is

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1 amended to read as follows:

2 1. Declaration of the type of agricultural activity
3 engaged in by the reporting corporation and the name,
4 address and title of the agent or person in charge
5 of the corporation's daily operations.

6 Sec. 6. Section one hundred seventy-two C point
7 six (172C.6), subsection two (2), Code 1977, is amended
8 to read as follows:

9 2. Declaration of the type of agricultural activity
10 engaged in by the reporting limited partnership and
11 the name, address and title of the agent or person
12 in charge of the limited partnership's daily
13 operations.

14 Sec. 7. Section one hundred seventy-two C point
15 eleven (172C.11), Code 1977, is amended by striking
16 the section and inserting in lieu thereof the
17 following:

18 172C.11 PENALTIES—REPORTS. Failure to timely
19 file a report or the filing of false information is
20 punishable by a civil fine not to exceed one thousand
21 dollars.

22 For purposes of this section a report is timely
23 filed if the report is filed prior to May first of
24 the year in which it is required to be filed.

25 The secretary of state shall notify a person whom
26 the secretary has reason to believe is required to
27 file a report as provided by this chapter and who
28 has not filed a timely report that the person may
29 be in violation of this section. After thirty days
30 from receipt of the notice, any person required to
31 report under this chapter who has not filed shall
32 be assessed a civil fine of one hundred dollars for
33 each day in which the report is not filed. The
34 secretary of state shall include in the notice, a
35 statement of the penalty which will be assessed if
36 the report is required and is not filed within thirty
37 days. This penalty shall be in addition to any other
38 penalty under this chapter.

39 Sec. 8. Section one hundred seventy-two C point
40 fourteen (172C.14), Code 1977, is amended to read
41 as follows:

42 172C.14. DUTIES OF SECRETARY OF STATE—LEGISLATIVE
43 USE. The secretary of state shall do all things
44 necessary to implement this chapter. It is the intent
45 of this section that information shall be made
46 available to members of the general assembly and
47 appropriate committees of the general assembly in
48 order to determine the extent of farming being carried
49 out in this state by corporations and other business
50 entities and the effect of such farming practices

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1 upon the economy of this state. The reports of
2 processors required in section one hundred seventy-
3 two C point nine (172C.9) of the Code shall be
4 confidential reports except as to the general assembly
5 and appropriate committees of the general assembly
6 whose members upon receipt of such reports treat such
7 information as confidential and to the attorney gen-
8 eral for review and appropriate action when necessary.
9 The secretary of state shall assist any committee
10 of the general assembly existing or established for
11 the purposes of studying the effects of this chapter
12 and the practices this chapter seeks to study and
13 regulate.

14 Sec. 9. Chapter five hundred fifty-eight (558),
15 Code 1977, is amended by adding the following new
16 sections:

17 **NEW SECTION. DEFINITIONS.** As used in this chapter
18 unless the context otherwise requires:

19 1. "Nonresident alien" means:

20 a. An individual who is not a citizen of the
21 United States and who is not domiciled in the United
22 States.

23 b. A corporation incorporated under the law of
24 any foreign country.

25 c. A corporation organized in the United States,
26 beneficial ownership of which is held, directly or
27 indirectly, by nonresident alien individuals.

28 d. A trust organized in the United States or
29 elsewhere if beneficial ownership is held, directly
30 or indirectly, by nonresident alien individuals.

31 e. A partnership or limited partnership organized
32 in the United States or elsewhere if beneficial
33 ownership is held, directly or indirectly, by
34 nonresident alien individuals.

35 2. The term "beneficial ownership" includes,
36 interests held by a nonresident alien individual
37 directly or indirectly holding or acquiring a ten
38 percent or greater share in the partnership, limited
39 partnership, corporation or trust, or directly or
40 indirectly through two or more such entities. In
41 addition, the term beneficial ownership shall include
42 interests held by all nonresident alien individuals
43 if the nonresident alien individuals in the aggregate
44 directly or indirectly hold or acquire twenty-five
45 percent or more of the partnership, limited
46 partnership, corporation or trust.

47 3. The term "conveyance" means all deeds and all
48 contracts for the conveyance of an estate in real
49 property except those contracts to be fulfilled within
50 six months from date of execution thereof.

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1 4. "Agricultural land" means agricultural land
2 as defined in section one hundred seventy-two C point
3 one (172C.1) of the Code.

4 **NEW SECTION. MANDATORY RECORDATION OF CONVEYANCES**
5 **AND LEASES OF AGRICULTURAL LAND.** Every conveyance
6 or lease of agricultural land, except leases not to
7 exceed five years in duration with renewals,
8 conveyances or leases made by operation of law, and
9 distributions made from estates to heirs or devisees
10 shall be recorded by the grantee or lessee with the
11 county recorder not later than one hundred eighty
12 days after the date of conveyance or lease.

13 For an instrument of conveyance of agricultural
14 land deposited with an escrow agent, the fact of
15 deposit of that instrument of conveyance with the

16 escrow agent as well as the name and address of the
17 grantor and grantee shall be recorded, by a document
18 executed by the escrow agent, with the county recorder
19 not later than one hundred eighty days from the date
20 of the deposit with the escrow agent. For an instru-
21 ment of conveyance of agricultural land delivered
22 by an escrow agent, that instrument shall be recorded
23 with the county recorder not later than one hundred
24 eighty days from the date of delivery of the instrument
25 of conveyance by the escrow agent.

26 At the time of recordation of the conveyance or
27 lease of agricultural land, except a lease not
28 exceeding five years in duration with renewals,
29 conveyances or leases made by operation of law and
30 distributions made from estates of decedents to heirs
31 or devisees, to a nonresident alien as grantee or
32 lessee, such conveyance or lease shall disclose, in
33 an affidavit to be recorded therewith as a precondition
34 to recordation, the name, address, and citizenship
35 of the nonresident alien. In addition, if the nonresi-
36 dent alien is a partnership, limited partnership,
37 corporation or trust, the affidavit shall also disclose
38 the names, addresses, and citizenship of the
39 nonresident alien individuals who are the beneficial
40 owners of such entities. However, any partnership,
41 limited partnership, corporation, or trust which has
42 a class of equity securities registered with the
43 United States securities and exchange commission under
44 section twelve (12) of the Securities Exchange Act
45 of 1934 as amended to January 1, 1978, need only state
46 that fact on the affidavit.

47 Failure to record a conveyance or lease of agricul-
48 tural land required to be recorded by this section
49 by the grantee or lessee within the specified time
50 limit is punishable by a fine not to exceed one hundred

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1 dollars per day for each day of violation. The county
2 recorder shall record a conveyance or lease of
3 agricultural land presented for recording even though
4 not presented within one hundred eighty days after
5 the date of conveyance or lease. The county recorder
6 shall forward to the county attorney a copy of each
7 such conveyance or lease of agricultural land recorded
8 more than one hundred eighty days from the date of
9 conveyance. The county attorney shall initiate action
10 in the district court to enforce the provisions of
11 this section. Failure to timely record shall not
12 invalidate an otherwise valid conveyance or lease.

13 Sec. 10. Chapter five hundred sixty-seven (567),
14 Code 1977, is amended by adding the following new

15 section:

16 **NEW SECTION. DEFINITIONS.** As used in this chapter
17 unless the context otherwise requires:

18 1. "Nonresident alien" means:

19 a. An individual who is not a citizen of the
20 United States and who is not domiciled in the United
21 States.

22 b. A corporation incorporated under the law of
23 any foreign country.

24 c. A corporation organized in the United States,
25 beneficial ownership of which is held, directly or
26 indirectly, by nonresident alien individuals.

27 d. A trust organized in the United States or
28 elsewhere if beneficial ownership is held, directly
29 or indirectly, by nonresident alien individuals.

30 e. A partnership or limited partnership organized
31 in the United States or elsewhere if beneficial
32 ownership is held; directly or indirectly, by
33 nonresident alien individuals.

34 Real estate owned or controlled on July 1, 1978,
35 by a nonresident alien as defined in paragraphs c,
36 d and e of this subsection, except corporations
37 organized in the United States with fifty percent
38 or more of its stock owned or controlled by nonresident
39 aliens, shall not escheat to the state under the
40 provisions of this chapter.

41 2. The term "beneficial ownership" includes
42 interests held by a nonresident alien individual
43 directly or indirectly holding or acquiring a ten
44 percent or greater share in the partnership, limited
45 partnership, corporation or trust, or directly or
46 indirectly through two or more such entities. In
47 addition, the term beneficial ownership shall include
48 interests held by all nonresident alien individuals
49 if the nonresident alien individuals in the aggregate
50 directly or indirectly hold or acquire twenty-five

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1 percent or more of the partnership, limited
2 partnership, corporation or trust.

3 Sec. 11. The provisions of section nine (9) of
4 this Act are effective July 1, 1979, for all
5 conveyances and leases of agricultural land made on
6 or after July 1, 1979.

The motion prevailed and the House concurred in the Senate amendment H—6700.

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. 2021)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K. D.	Miller (Sergeant)	Newhard
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker (Patchett)

The nays were, 1:

Harvey

Absent or not voting, 11:

Brandstad	Brunow	Connors	Crabb
Den Herder	Gilloon	Monroe	Nielsen
Norland	Spencer	Woods	

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

MOTIONS TO RECONSIDER WITHDRAWN

Halvorson of Clayton asked and received unanimous consent to

withdraw the motion to reconsider House File 2452 filed by him on May 2, 1978.

Connors of Polk asked and received unanimous consent to withdraw the motion to reconsider House File 2452 filed by him on May 2, 1978.

The House resumed consideration of **Senate File 2200**, a bill for an act making technical changes of a corrective nature to the new criminal code, and amendment H-6075, found on pages 1590 through 1592 of the House Journal.

Gilloon of Dubuque asked and received unanimous consent to withdraw the motion to reconsider amendment H-6241 to, amendment H-6075 filed by him on May 2, 1978.

On motion by Jesse of Polk, the committee amendment H-6075 was adopted.

Newhard of Jones offered the following amendment H-6670 filed by him and Jesse of Polk and moved its adoption:

H-6670

- 1 Amend Senate File 2200 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 11, by inserting after line 34 the
- 4 following section:
- 5 "Sec. . . . Section seven hundred ten point six
- 6 (710.6), Code 1977 Supplement, is amended to read
- 7 as follows:
- 8 710.6 VIOLATING CUSTODIAL ORDER. Any relative
- 9 of a child who, acting in violation of any order of
- 10 any court which fixes, permanently or temporarily,
- 11 the custody of such child in another, takes and removes
- 12 such child and removes him or her from the state,
- 13 and conceals the child's whereabouts without the
- 14 consent of the person having lawful custody, commits
- 15 a class D felony.
- 16 Any parent of a child living apart from the other,
- 17 parent who takes and conceals that child from another
- 18 within the state in violation of a custodial order
- 19 and without the other parent's consent shall be guilty
- 20 of a serious misdemeanor.
- 21 Any parent of a child living apart from the other
- 22 parent who conceals that child in violation of a court
- 23 order granting visitation rights and without the other

- 24 parent's consent, shall be guilty of a serious
25 misdemeanor."
26 2. By renumbering sections as necessary.

Amendment H—6670 was adopted.

Jesse of Polk offered the following amendment H—6568 filed by him and moved its adoption:

H—6568

- 1 Amend Senate File 2200 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 8, by inserting after line 4 the follow-
4 ing section:
5 "Sec. . . . Section three hundred twenty-one point
6 three hundred eighty-three (321.383), subsection three
7 (3), unnumbered paragraph two (2), Code 1977, is
8 amended to read as follows:
9 Any person who violates any provision of this
10 section shall be fined not more than five dollars
11 as provided in section eight hundred five point eight
12 (805.8), subsection two (2), paragraph d, of the Code
13 Supplement."
14 2. By renumbering sections as necessary.

Amendment H—6568 was adopted.

Doyle of Woodbury offered the following amendment H—6557 filed by Brunow of Appanoose and him:

H—6557

- 1 Amend Senate File 2200 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 23, by inserting after line 19 the
4 following sections:
5 "Sec. . . . Acts of the Sixty-seventh General
6 Assembly, 1977 Session, chapter eighty-seven (87),
7 section one (1), unnumbered paragraph one (1), is
8 amended to read as follows:
9 It is the intent of this Act that there be made
10 available within the state correctional institutions
11 opportunities for employment of inmates in meaningful
12 jobs at wages commensurate with those paid persons
13 employed in similar jobs outside the correctional
14 institutions with the following objectives:
15 Sec. . . . Acts of the Sixty-seventh General
16 Assembly, 1977 Session, chapter eighty-seven (87),
17 section ten (10), subsection three (3), is amended

18 to read as follows:

19 3. Except as prohibited by applicable provisions
20 of the United States Code, inmates of adult
21 correctional institutions of this state may be employed
22 in the manufacture and processing of products for
23 introduction into interstate or intrastate commerce,
24 so long as they are paid no less than the prevailing
25 minimum wage wages commensurate with those paid persons
26 employed in similar jobs outside the correctional
27 institutions.

28 Sec. . Acts of the Sixty-seventh General
29 Assembly, 1977 Session, chapter eighty-seven (87),
30 section twelve (12), is amended to read as follows:

31 Sec. 12. Effective July 1, 1978, and
32 notwithstanding any other provisions of this Act,
33 goods made available by Iowa State Industries shall
34 be restricted to items, materials, supplies and
35 equipment which are formulated and/or manufactured
36 by Iowa State Industries and shall not include goods,
37 materials, supplies or equipment which are merely
38 purchased by Iowa State Industries for repacking or
39 resale except with approval of the state director
40 when such repacking for resale items are directly
41 related to product lines."

42 2. By renumbering as necessary.

Conlon of Muscatine rose on a point of order that amendment
H—6557 was not germane.

The Speaker ruled the point not well taken and amendment
H—6557 germane.

On motion by Doyle of Woodbury, amendment H—6557 was
adopted.

Nielsen of Polk offered the following amendment H—6702 filed
by Nielsen, Schroeder and Krause from the floor and moved its
adoption:

H—6702

1 Amend Senate File 2200, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 4 the following
4 new section:

5 "Sec. . Chapter three hundred twenty-one (321),
6 Code 1977, is amended by adding the following new
7 section:

8 NEW SECTION. VEHICLES WITHOUT IDENTIFICATION

9 NUMBERS. Any person who knowingly buys, receives,
10 disposes of, sells, offers for sale, or has in his
11 or her possession any vehicle, or any component part
12 of a vehicle, from which the vehicle identification
13 number or component part number has been removed,
14 defaced, covered, altered, or destroyed for the purpose
15 of concealing or misrepresenting the identity of the
16 vehicle or component part is guilty of a simple
17 misdemeanor."

18 2. Page 12, by inserting after line 6 the following
19 new section:

20 "Sec. . . . Section seven hundred fourteen point
21 eight (714.8), Code 1977 Supplement, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. Removes, defaces, covers, alters,
24 or destroys any component part number as defined in
25 section three hundred twenty-one point one (321.1),
26 subsection seventy-four (74), of the Code or vehicle
27 identification number as defined in section three
28 hundred twenty-one point one (321.1), subsection
29 seventy-five (75), of the Code for the purpose of
30 concealing or misrepresenting the identity of the
31 component part or vehicle."

32 3. Renumber sections and correct internal
33 references as necessary in accordance with this
34 amendment.

Amendment H—6702 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. 2200)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky

Lonerger	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Poney
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker (Patchett)			

The nays were, 1:

Gentleman

Absent or not voting, 14:

Branstad	Chiodo	Connors	Cusack
Den Herder	Egenes	Gettings	Gilloon
Harvey	Hullinger	Krause	Norland
Rinas	Spencer		

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

IMMEDIATE MESSAGE

(Senate File 2200)

Jesse of Polk asked and received unanimous consent that Senate File 2200 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Perkins of Greene called up for consideration **House File 2212**, a bill for an act relating to the authority of the Iowa natural resources council and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—6701:

H—6701

- 1 Amend House File 2212 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 22, by striking the word and
- 4 figure "one (1)".
- 5 2. By striking page 2, line 27 through page 3,
- 6 line 6.
- 7 3. By striking page 4, line 2 through page 5,
- 8 line 8.

9 4. By renumbering the sections to conform with
10 this amendment.

Speaker Cochran in the chair at 5:07 p.m.

The motion prevailed and the House concurred in the Senate amendment H—6701.

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

On the question "Shall the bill pass?" (H.F. 2212)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Daggett
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Danker Harvey

Absent or not voting, 10:

Branstad	Brockett	Brunow	Chiodo
Cusack	Den Herder	Egenes	Hullinger
Jesse	Spencer		

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

MOTION TO RECONSIDER PREVAILED
(Senate File 358)

Byerly of Polk called up for consideration the motion to reconsider Senate File 358, filed on May 8, 1978, and asked and received unanimous consent to reconsider the vote by which Senate File 358, a bill for an act relating to the licensing and practicing of veterinarians, passed the House and was placed on its last reading on May 8, 1978.

Byerly of Polk offered the following amendment H—6566 filed by Byerly, et al., and moved its adoption:

H—6566

- 1 Amend Senate File 358 as amended, reprinted,
- 2 and passed by the Senate as follows:
- 3 1. Page 8, by striking lines 11 and 12 and
- 4 inserting in lieu thereof the following sentences:
- 5 "9. Upon a two-thirds vote with the secretary
- 6 of agriculture sitting as a voting board member for
- 7 these purposes, the board may:"
- 8 2. Page 14, line 20, by striking the word
- 9 "only".

Amendment H—6566 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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 358)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton

Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Branstad	Chiodo	Den Herder	Egenes
Gilloon	Halvorson	Harbor	Harvey
Norland	Rinas	Spencer	Varley
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 358)

Hinkhouse of Cedar asked and received unanimous consent that Senate File 358 be immediately messaged to the Senate.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 2466.

House File 2466, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-6703 filed by him from the floor and moved its adoption:

H—6703

- 1 Amend House File 2466 as follows:
- 2 1. Page 3, by inserting after line 26 the follow-
- 3 ing:
- 4 "32. Decker Truck Lines, Inc.
- 5 Fort Dodge, Iowa 4458-68-25 Prorate refund 3,600.00"

Amendment H—6703 was adopted.

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?" (H.F. 2466)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poney	Rinas	Scheelhaase	Schneklloth
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were none.

Absent or not voting, 10:

Branstad	Crabb	Cusack	Den Herder
Hines	Jesse	Monroe	Norland
Spencer	Varley		

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

IMMEDIATE MESSAGE
(House File 2466)

Schroeder of Pottawattamie asked and received unanimous consent that House File 2466 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for a portion of the day on request of Speaker Cochran.

**UNANIMOUS CONSENT TO
WITHDRAW FROM SIFTING**

Fitzgerald of Webster asked and received unanimous consent to withdraw from the sifting committee and place on the sifting committee five-minute noncontroversial calendar Senate Files 217, 2196 and 44 and to place on the sifting committee fifteen-minute noncontroversial calendar Senate Files 182 and 380.

Speaker pro tempore Nielsen of Polk in the chair at 5:39 p.m.

ADOPTION OF HOUSE RESOLUTION 145

Husak of Tama offered House Resolution 145 as follows and moved its adoption:

HOUSE RESOLUTION 145

By Husak, Anderson, Arnould, Avenson,
Baker, Bennett, Bina, Binneboese, Brandt,
Branstad, Brockett, Brunow, Byerly, Chiodo,
Clark of Cerro Gordo, Clark of Lee, Cochran,
Conlon, Connors, Crabb, Crawford, Cusack,
Daggett, Danker, Davitt, Den Herder, Dieleman,
Doyle, Dunton, Dyrland, Egenes, Evans,
Fitzgerald, Garrison, Gentleman, Gettings,
Gilloon, Gilson, Griffiee, Halvorson, Hansen,
Harbor, Hargrave, Harvey, Hines, Hinkhouse,
Hoffmann, Horn, Howell, Hullinger, Jesse,
Jochum, Junker, Koogler, Krause, Krewson,
Lageschulte, Lind, Lindeen, Lipsky, Lonergan,
Menke, Middleswart, Millen, Miller of Buchanan,

Miller (Sergeant) of Calhoun, Monroe, Newhard,
Nielsen, Norland, 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 and Woods

- 1 *Whereas*, the Honorable Russell L. "Dutch" Wyckoff,
2 who has served in the Iowa House of Representatives since
3 1971 and during that time has devoted much time and
4 energy toward maintaining and improving the quality of
5 life in Iowa, has announced his intention to leave the
6 General Assembly at the end of his present term; and
7 *Whereas*, Representative Wyckoff's dedication in office
8 is perhaps best symbolized by the fact that he has been
9 recorded as voting on every roll call taken thus far dur-
10 ing the 1978 Session and on all but one of the 5,169 roll
11 calls taken during the seven previous years in which he
12 has served in the House; and

Page 2

- 1 *Whereas*, Representative Wyckoff missed that particular
2 roll call only because he had been asked to come to the
3 Governor's office to discuss another matter on the final
4 day of the 1972 Session; *Now Therefore*,
5 *Be It Resolved by the House of Representatives*, That
6 Representative Wyckoff be considered to have been re-
7 corded as voting "NAY" on the March 24, 1972 roll call on
8 a motion to withdraw the motion to reconsider the vote
9 by which House File 1272 of that Session passed the
10 House, so that he may have the opportunity to retire from
11 the General Assembly with a perfect roll call voting
12 record; and
13 *Be It Further Resolved*, That a copy of this resolution
14 be presented to Representative Wyckoff in recognition of
15 his outstanding record of attendance at all sessions of
16 the House during the Sixty-fourth, Sixty-fifth, Sixty-sixth
17 and Sixty-seventh General Assemblies.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 146

Wells of Linn offered House Resolution 146 as follows and mov-
ed its adoption:

HOUSE RESOLUTION 146

By Wells

- 1 *Be It Resolved by the House of Representatives,*
2 That the Speaker of the House of Representatives be
3 presented with a desk similar to the one now being
4 used in his official capacity, and that the custodian
5 of the state house be instructed to crate such furn-
6 iture for shipment to the home residence of the
7 Speaker of the House.
8 *Be It Further Resolved,* That the Chief Clerk of
9 the House be authorized and directed to procure a
10 suitable name plate to be properly engraved and
11 attached to the desk.

The motion prevailed and the resolution was adopted.

SPECIAL ACKNOWLEDGMENT

Bina of Scott rose on a point of personal privilege and extended thanks to the following members of the House who will be retiring at the conclusion of the Sixty-seventh General Assembly: Den Herder of Sioux, Spencer of Clay, Gilloon of Dubuque, Newhard of Jones, Lipsky of Linn, Rinas of Linn, Wyckoff of Benton, Brockett of Marshall, Miller (Sergeant) of Calhoun, Varley of Adair and Harvey of Scott.

Bina of Scott also expressed thanks to the following members who are candidates for offices other than the House and will, therefore, not be returning to the House next session: Baker of Buena Vista, Krause of Kossuth, Branstad of Winnebago, Tauke of Dubuque, Hines of Story, Fitzgerald of Webster, Junker of Woodbury, Gentleman of Polk, Small of Johnson, Hargrave of Johnson and Brunow of Appanoose.

The House rose and expressed its appreciation to all the above mentioned members.

PRESENTATION OF GIFTS

Millen of Van Buren, Fitzgerald of Webster and Speaker Cochran of Webster were invited to the Speaker's station by Connors of Polk for a special presentation.

Wells of Linn presented plaques to the three leaders on behalf of the House in appreciation of their service and dedication during the Sixty-seventh General Assembly.

Following remarks by the members, the House rose and extended its appreciation and thanks.

Connors of Polk offered the following:

If I had known what trouble you
were bearing;
What griefs were in the silence
of your face;
I would have been more gentle and
more caring,
And tried to give you gladness
for a space.
I would have brought more
warmth into the place,
If I had known.

If I had known what thoughts
despairing drew you;
(Why do we never try to
understand?)
I would have lent a little friend-
ship to you,
And slipped my hand within
your hand,
And made your stay more
pleasant in the land,
if I had known.

May the good Lord watch over
you and keep you until the next time.

On motion by Fitzgerald of Webster, the House was recessed until 7:00 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thompson of Polk for the evening session on request of Shimanek of Jones.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five 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 May 12, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2133, a bill for an act relating to the revocation of sales tax permits and changes to the sales and use tax civil and criminal penalties.

Also: That the Senate has on May 12, 1978, 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 2164, a bill for an act relating to the status and salaries of full-time or part-time county attorneys and assistant county attorneys.

Also: That the Senate has on May 12, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2273, a bill for an act amending the laws applicable to accident and health insurance policies by restricting the sale of skilled nursing care coverage.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2433, a bill for an act making technical corrections and relating to chapter ninety-five (95) of the Acts of the Sixty-seventh General Assembly, 1977.

Also: That the Senate has on May 12, 1978, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 99, a bill for an act relating to the state of the judicial department message.

KEVIN P. LIGHT, Acting Secretary

CONSIDERATION OF BILLS

Senate File 217, a bill for an act to clarify the responsibilities of parents to children, was taken up for consideration.

Newhard of Jones offered the following amendment H—6684 filed by him:

H—6684

1 Amend Senate File 217 as amended and passed by
2 the Senate as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. DEFINITIONS. As used
6 in this Act:

7 1. "Parent and child relationship" means the legal
8 relationship existing between a child and his or her
9 natural or adoptive parents incident to which the
10 law confers or imposes rights, privileges, duties,
11 and obligations. It includes the mother and child
12 relationship and the father and child relationship.

13 2. "Physician" means a person licensed by this
14 state to practice medicine and surgery, osteopathy,
15 or osteopathic medicine and surgery.

16 Sec. 2. NEW SECTION. RELATIONSHIP NOT DEPENDENT
17 ON MARRIAGE. The parent and child relationship extends
18 equally to every child and to every parent, regardless
19 of the marital status of the parents.

20 Sec. 3. NEW SECTION. HOW PARENT AND CHILD
21 RELATIONSHIP ESTABLISHED. The parent and child
22 relationship between a child and:

23 1. The natural mother may be established by proof
24 of her having given birth to the child, or under this
25 Act, under chapter two hundred fifty-two A (252A)
26 of the Code or under other proceedings available at
27 law or in equity;

28 2. The natural father may be established under
29 this Act, under chapter two hundred fifty-two A (252A)
30 of the Code or under other proceedings available at
31 law or in equity;

32 3. An adoptive parent may be established by proof
33 of adoption or under chapter six hundred (600) of
34 the Code.

35 Sec. 4. NEW SECTION. PRESUMPTION OF PATERNITY.

36 1. A man is presumed to be the natural father
37 of a child if:

38 a. He and the child's mother are or have been
39 married to each other and the child is born during
40 the marriage, or within three hundred days after the
41 marriage is terminated by death, annulment, declaration
42 of invalidity, or dissolution, or after a decree of
43 separation is entered by a court;

44 b. Before the child's birth, he and the child's
45 natural mother have attempted to marry each other
46 by a marriage solemnized in apparent compliance with
47 law, although the attempted marriage is or could be
48 declared invalid, and,

49 (1) If the attempted marriage could be declared
50 invalid only by a court, the child is born during

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1 the attempted marriage, or within three hundred days
2 after its termination by death, annulment, declaration
3 of invalidity, or dissolution; or

4 (2) If the attempted marriage is invalid without
5 a court order, the child is born within three hundred
6 days after the termination of cohabitation;

7 c. After the child's birth, he and the child's
8 natural mother have married, or attempted to marry,
9 each other by a marriage solemnized in apparent
10 compliance with law, although the attempted marriage
11 is or could be declared invalid, and

12 (1) He has acknowledged his paternity of the child
13 in writing filed with the state registrar of vital
14 statistics, or

15 (2) With his consent, he is named as the child's
16 father on the child's birth certificate, or

17 (3) He is obligated to support the child under
18 a written voluntary promise or by court order;

19 d. While the child is under the age of majority,
20 he receives the child into his home and openly holds
21 out the child as his natural child; or

22 e. He acknowledges his paternity of the child
23 in a writing filed with the state registrar of vital
24 statistics which shall promptly inform the mother
25 of the filing of the acknowledgment, and she does
26 not dispute the acknowledgment within a reasonable
27 time after being informed thereof, in a writing filed
28 with the state registrar of vital statistics. If
29 another man is presumed under this section to be the
30 child's father, acknowledgment may be effected only
31 with the written consent of the presumed father or
32 after the presumption has been rebutted.

33 2. A presumption under this section may be rebutted
34 in an appropriate action only by clear and convincing
35 evidence. If two or more presumptions arise which
36 conflict with each other, the presumption which on
37 the facts is founded on the weightier considerations
38 of policy and logic controls. The presumption is
39 rebutted by a court decree establishing paternity
40 of the child by another man.

41 **Sec. 5. NEW SECTION. ARTIFICIAL INSEMINATION.**

42 1. If, under the supervision of a physician and
43 with the consent of her husband, a wife is inseminated
44 artificially with semen donated by a man not her
45 husband, the husband is treated in law as if he were
46 the natural father of the conceived child. The
47 husband's consent must be in writing and signed by
48 him and his wife. The physician shall certify their
49 signatures and the date of the insemination, and file
50 the husband's consent with the state department of

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1 health, where, notwithstanding chapter sixty-eight
2 A (68A) of the Code, it shall be kept confidential
3 and in a sealed file. However, the physician's failure
4 to certify or file the consent does not affect the
5 father and child relationship. All papers and records
6 pertaining to the insemination, whether part of the
7 permanent record of a court or of a file held by the
8 supervising physician or elsewhere, are subject to
9 inspection only upon an order of the court for good
10 cause shown.

11 2. The donor of semen provided to a physician
12 for use in artificial insemination of a married woman
13 other than the donor's wife is treated in law as if
14 he were not the natural father of the conceived child.

15 **Sec. 6. NEW SECTION. DETERMINATION OF FATHER**
16 **AND CHILD RELATIONSHIP—WHO MAY BRING ACTION—WHEN**
17 **ACTION MAY BE BROUGHT.**

18 1. A child, the child's natural mother, or a man
19 presumed to be the child's father under section four
20 (4), subsection one (1), paragraph a, b, or c of this
21 Act may bring an action:

22 a. At any time for the purpose of declaring the
23 existence of the father and child relationship presumed
24 under section four (4), subsection one (1), paragraph
25 a, b, or c of this Act; or

26 b. For the purpose of declaring the nonexistence
27 of the father and child relationship presumed under
28 section four (4), subsection one (1), paragraph a,
29 b, or c of this Act only if the action is brought
30 within a reasonable time after obtaining knowledge
31 of relevant facts, but in no event later than five
32 years after the child's birth. After the presumption
33 has been rebutted, paternity of the child by another
34 man may be determined in the same action, if he has
35 been made a party.

36 2. Any interested party may bring an action at
37 any time for the purpose of determining the existence
38 or nonexistence of the father and child relationship
39 presumed under section four (4), subsection one (1),
40 paragraphs d or e of this Act.

41 3. An action to determine the existence of the
42 father and child relationship with respect to a child
43 who has no presumed father under section four (4)
44 of this Act may be brought by the child, the mother
45 or personal representative of the child, the department
46 of social services, the personal representative or
47 a parent of the mother if the mother has died, a man
48 alleged or alleging himself to be the father, or the
49 personal representative or a parent of the alleged
50 father if the alleged father has died or is a minor.

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1 4. Regardless of its terms, an agreement, other
2 than an agreement approved by the court in accordance
3 with section thirteen (13), subsection two (2) of
4 this Act, between an alleged or presumed father and
5 the mother or child, does not bar an action under
6 this section.

7 5. If an action under this section is brought
8 before the birth of the child, all proceedings shall
9 be stayed until after the birth, except service of
10 process and the taking of depositions to perpetuate
11 testimony.

12 Sec. 7. NEW SECTION. STATUTE OF LIMITATIONS.

13 An action to determine the existence of the father
14 and child relationship as to a child who has no
15 presumed father under section four (4) of this Act
16 may not be brought later than three years after the
17 birth of the child, or later than three years after
18 the effective date of this Act, whichever is later.
19 However, an action brought by or on behalf of a child
20 whose paternity has not been determined is not barred
21 until three years after the child reaches the age
22 of majority. Sections six (6) and seven (7) of this
23 Act do not extend the time within which a right of
24 inheritance or a right to a succession may be asserted
25 beyond the time provided by law relating to
26 distribution and closing of decedents' estates or
27 to the determination of heirship, or otherwise.

28 Sec. 8. NEW SECTION. JURISDICTION—VENUE.

29 1. Without limiting the jurisdiction of any other
30 court, the district court in the county in which the
31 alleged father, mother, or child resides or is found
32 has jurisdiction of an action brought pursuant to
33 this Act. However, if the father is deceased, an
34 action may be brought in the county in which
35 proceedings for probate of his estate have been or
36 could be commenced. The action may be joined with
37 an action for dissolution, annulment, separate
38 maintenance or support.

39 2. A person who has sexual intercourse in this
40 state submits to the jurisdiction of the courts of
41 this state as to an action brought under this Act
42 with respect to a child who may have been conceived
43 by that act of intercourse. In addition to any other
44 method provided by rule or statute, personal jur-
45 isdiction may be acquired pursuant to the procedure
46 set forth in section six hundred seventeen point three
47 (617.3) of the Code.

48 Sec. 9. NEW SECTION. PARTIES. The child shall
49 be made a party to the action. A general guardian
50 or guardian ad litem appointed by the court shall

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1 represent a child who is a minor. The child's mother
2 or father shall not represent the child as guardian
3 or otherwise. The court may appoint the department
4 of social services as guardian ad litem for the child.
5 The natural mother, each man presumed to be the father
6 under section four (4) of this Act, and each man
7 alleged to be the natural father, shall be made parties
8 or, if not subject to the jurisdiction of the court,
9 shall be given notice of the action in a manner
10 prescribed by the court and an opportunity to be
11 heard. The court may align the parties.

12 Sec. 10. NEW SECTION. PRE-TRIAL PROCEEDINGS.

13 1. As soon as practicable after an action to
14 declare the existence or nonexistence of the father
15 and child relationship has been brought, an informal
16 hearing shall be held. The court may order that the
17 hearing be held before a referee. Notwithstanding
18 chapter twenty-eight A (28A) of the Code, the public
19 shall be barred from the hearing. A record of the
20 proceeding or any portion thereof shall be kept if
21 any party requests, or the court orders. Rules of
22 evidence need not be observed.

23 2. Upon refusal of any witness, including a party,
24 to testify under oath or produce evidence, the court
25 may order the witness to testify under oath and produce
26 evidence concerning all relevant facts. If the refusal
27 is upon the ground that the testimony or evidence
28 might tend to be incriminating, the court may grant
29 the witness immunity from all criminal liability on
30 account of the testimony or evidence the witness is
31 required to produce. An order granting immunity bars
32 prosecution of the witness for any offense shown in
33 whole or in part by testimony or evidence the witness
34 is required to produce, except for perjury committed
35 in the testimony. The refusal of a witness who has
36 been granted immunity to obey an order to testify
37 or produce evidence is a civil contempt of the court.

38 3. Testimony of a physician concerning the medical
39 circumstances of the pregnancy and the condition and
40 characteristics of the child upon birth is not
41 privileged.

42 Sec. 11. NEW SECTION. BLOOD TESTS.

43 1. The court may, and upon request of a party
44 shall, require the child, mother, or alleged father
45 to submit to blood tests. The tests shall be performed
46 by an expert qualified as an examiner of blood types,
47 appointed by the court.

48 2. The court, upon reasonable request of a party,
49 shall order that independent tests be performed by
50 other experts qualified as examiner of blood types

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1 at the expense of the party requesting the duplicate
2 tests.

3 3. In all cases, the court shall determine the
4 number and qualifications of the experts.

5 Sec. 12. NEW SECTION. EVIDENCE RELATING TO
6 PATERNITY. Evidence relating to paternity may include
7 any of the following:

8 1. Evidence of sexual intercourse between the
9 mother and alleged father at any possible time of
10 conception.

11 2. An expert's opinion concerning the statistical
12 probability of the alleged father's paternity based
13 upon the duration of the mother's pregnancy.

14 3. Blood test results, weighted in accordance
15 with evidence, if available, of the statistical
16 probability of the alleged father's paternity.

17 4. Medical or anthropological evidence relating
18 to the alleged father's paternity of the child based
19 on tests performed by experts. If a man has been
20 identified as a possible father of the child, the
21 court may, and upon request of a party shall, require
22 the child, the mother, and the man to submit to
23 appropriate tests.

24 5. Other evidence relevant and material to the
25 issue of paternity of the child.

26 Sec. 13. NEW SECTION. PRE-TRIAL RECOMMENDATIONS.

27 1. On the basis of the information produced at
28 the pre-trial hearing, the judge or referee conducting
29 the hearing shall evaluate the probability of
30 determining the existence or nonexistence of the
31 father and child relationship in a trial and whether
32 a judicial declaration of the relationship would be
33 in the best interest of the child. On the basis of
34 the evaluation, an appropriate recommendation for
35 settlement shall be made to the parties, which may
36 include any of the following:

37 a. That the action be dismissed with or without
38 prejudice.

39 b. That the matter be compromised by an agreement
40 among the alleged father, the mother, and the child,
41 in which the father and child relationship is not
42 determined but in which a defined economic obligation
43 is undertaken by the alleged father in favor of the
44 child and, if appropriate, in favor of the mother,
45 subject to approval by the judge or referee conducting
46 the hearing. In reviewing the obligation undertaken
47 by the alleged father in a compromise agreement, the
48 judge or referee conducting the hearing shall consider
49 the best interest of the child, in the light of the
50 factors enumerated in section fifteen (15), subsection

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1 five (5) of this Act, discounted by the probability
2 as it appears to the court, of establishing the alleged
3 father's paternity or nonpaternity of the child in
4 a trial of the action. In the best interest of the
5 child, the court may order that the alleged father's
6 identity be kept confidential. In that case, the
7 court may designate a person or agency to receive
8 from the alleged father and disburse on behalf of
9 the child all amounts paid by the alleged father in
10 fulfillment of obligations imposed on him.

11 c. That the alleged father voluntarily acknowledge
12 his paternity of the child.

13 2. If the parties accept a recommendation made
14 in accordance with subsection one (1) of this section,
15 judgment shall be entered accordingly.

16 3. If a party refuses to accept a recommendation
17 made under subsection one (1) of this section and
18 blood tests have not been taken, the court shall
19 require the parties to submit to blood tests, if
20 practicable. Thereafter the judge or referee shall
21 make an appropriate final recommendation. If a party
22 refuses to accept the final recommendation, the action
23 shall be set for trial.

24 4. The guardian ad litem may accept or refuse
25 to accept a recommendation under this section.

26 5. The informal hearing may be terminated and
27 the action set for trial if the judge or referee
28 conducting the hearing finds it unlikely that all
29 parties would accept a recommendation he or she might
30 make under subsection one (1) or three (3) of this
31 section.

32 Sec. 14. NEW SECTION. CIVIL ACTION.

33 1. An action under this Act is a civil action
34 governed by the rules of civil procedure. If the
35 mother of the child and the alleged father are
36 competent to testify they may be compelled to testify.
37 Subsections two (2) and three (3) of section ten (10)
38 and sections eleven (11) and twelve (12) of this Act
39 apply.

40 2. Testimony relating to sexual access to the
41 mother by an unidentified man at any time or by an
42 identified man at a time other than the probable time
43 of conception of the child is inadmissible in evidence,
44 unless offered by the mother.

45 3. In an action against an alleged father, evidence
46 offered by him with respect to a man who is not subject
47 to the jurisdiction of the court concerning the man's
48 sexual intercourse with the mother at or about the
49 probable time of conception of the child is admissible
50 in evidence only if the man has undergone and made

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1 available to the court blood tests the results of
2 which do not exclude the possibility of the man's
3 paternity of the child. A man who is so identified
4 and is subject to the jurisdiction of the court shall
5 be made a defendant in the action.

6 4. The trial shall be by the court without a jury.

7 Sec. 15. NEW SECTION. JUDGMENT OR ORDER.

8 1. The judgment or order of the court determining
9 the existence or nonexistence of the parent and child
10 relationship is determinative for all purposes.

11 2. If the judgment or order of the court is at
12 variance with the child's birth certificate, the court
13 shall order that an amended birth certificate be
14 issued under section twenty-three (23) of this Act.

15 3. The judgment or order may contain any other
16 provision directed against the appropriate party to
17 the proceeding concerning the duty of support, the
18 furnishing of bond or other security for the payment
19 of the judgment, or any other matter in the best
20 interest of the child. The judgment or order may
21 direct the father to pay the reasonable expenses of
22 the mother's pregnancy and confinement.

23 4. Support judgments or orders ordinarily shall
24 be for periodic payments which may vary in amount.
25 In the best interest of the child, a lump sum payment
26 or the purchase of an annuity may be ordered in lieu
27 of periodic payments of support. The court may limit
28 the father's liability for past support of the child
29 to the proportion of the expenses already incurred
30 that the court deems just.

31 5. In determining the amount to be paid by a
32 parent for support of the child and the period during
33 which the duty of support is owed, a court enforcing
34 the obligation of support shall consider all relevant
35 facts including but not necessarily limited to:

36 a. The needs of the child.

37 b. The standard of living and circumstances of
38 the parents.

39 c. The relative financial means of the parents.

40 d. The earning ability of the parents.

41 e. The need and capacity of the child for
42 education, including higher education.

43 f. The age of the child.

44 g. The financial resources and the earning ability
45 of the child.

46 h. The responsibility of the parents for the
47 support of others.

48 i. The value of services contributed by the
49 custodial parent.

50 Sec. 16. NEW SECTION. COSTS. The court may order

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1 reasonable fees of counsel, experts, and the child's
2 guardian ad litem, and other costs of the action and
3 pre-trial proceedings, including blood tests, to be
4 paid by the parties in proportions and at times
5 determined by the court.

6 **Sec. 17. NEW SECTION. ENFORCEMENT OF JUDGMENT**
7 **OR ORDER.**

8 1. If existence of the father and child
9 relationship is declared, or paternity or a duty of
10 support has been acknowledged or adjudicated under
11 this Act or under prior law, the obligation of the
12 father may be enforced in the same or other proceedings
13 by the mother, the child, the public authority that
14 has furnished or may furnish the reasonable expenses
15 of pregnancy, confinement, education, support, or
16 funeral, or by any other person, including a private
17 agency, to the extent he or she has furnished or is
18 furnishing these expenses.

19 2. All orders or judgments providing support
20 payments shall direct the payment of such sums to
21 the clerk of court for the use of the person to whom
22 the payments have been awarded.

23 3. Willful failure to obey the judgment or order
24 of the court is a civil contempt of the court. All
25 remedies for the enforcement of judgments apply.

26 **Sec. 18. NEW SECTION. MODIFICATION OF JUDGMENT**
27 **OR ORDER.** The court has continuing jurisdiction to
28 modify or revoke a judgment or order upon a showing
29 that a change in circumstances warrants the
30 modification or revocation for the following reasons:

31 1. Future education and support; or

32 2. With respect to matters listed in section
33 fifteen (15), subsections three (3) and four (4),
34 and section seventeen (17), subsection two (2) of
35 this Act, except that a court entering a judgment
36 or order for the payment of a lump sum or the purchase
37 of an annuity under section fifteen (15), subsection
38 four (4) of this Act may specify that the judgment
39 or order may not be modified or revoked.

40 **Sec. 19. NEW SECTION. HEARINGS AND RECORDS—**
41 **CONFIDENTIALITY.** Notwithstanding chapters twenty-
42 eight A (28A) or sixty-eight A (68A) of the Code
43 concerning public meetings and records, any hearing
44 or trial held under this Act shall be held in closed
45 court without admittance of any person other than
46 those necessary to the action or proceeding. All
47 papers and records, other than the final judgment,
48 pertaining to the action or proceeding, whether part
49 of the permanent record of the court or of a file
50 in any state agency or elsewhere, are subject to

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1 inspection only upon consent of the court and all
2 interested persons, or in exceptional cases only upon
3 an order of the court for good cause shown.

4 Sec. 20. NEW SECTION. ACTION TO DECLARE MOTHER
5 AND CHILD RELATIONSHIP. Any interested party may
6 bring an action to determine the existence or
7 nonexistence of a mother and child relationship.

8 Insofar as practicable, the provisions of this Act
9 applicable to the father and child relationship apply.

10 Sec. 21. NEW SECTION. PROMISE TO RENDER SUP-
11 PORT. Any promise in writing to furnish support for
12 a child, growing out of a supposed or alleged father
13 and child relationship, does not require consideration
14 and is enforceable according to its terms, subject
15 to section six (6), subsection four (4) of this Act.

16 Sec. 22. NEW SECTION. BIRTH RECORDS.

17 1. Upon order of a court of this state or upon
18 request of a court of another state, the state
19 registrar of vital statistics shall prepare an amended
20 birth certificate consistent with the findings of
21 the court.

22 2. The fact that the father and child relationship
23 was declared after the child's birth shall not be
24 ascertainable from the amended certificate but the
25 actual place and date of birth shall be shown.

26 3. The evidence upon which the amended certificate
27 was made and the original birth certificate shall
28 be kept in a sealed and confidential file and be
29 subject to inspection only upon consent of the court
30 and all interested persons, or in exceptional cases
31 only upon an order of the court for good cause shown.

32 Sec. 23. NEW SECTION. WHEN NOTICE OF ADOPTION
33 PROCEEDING REQUIRED. If a mother relinquishes or
34 proposes to relinquish for adoption a child who has
35 either a presumed father under section four (4),
36 subsection one (1) of this Act, or a father whose
37 relationship to the child has been determined by a
38 court, or a father as to whom the child is a legitimate
39 child under prior law of this state or under the law
40 of another jurisdiction, the father shall be given
41 notice of the adoption proceeding and have the rights
42 provided under chapter six hundred (600) of the Code,
43 unless the father's relationship to the child has
44 been previously terminated or determined by a court
45 not to exist.

46 Sec. 24. NEW SECTION. PROCEEDING TO TERMINATE
47 PARENTAL RIGHTS.

48 1. If a mother relinquishes or proposes to
49 relinquish for adoption a child who does not have
50 either a presumed father under section four (4),

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1 subsection one (1) of this Act, or a father whose
2 relationship to the child has been determined by a
3 court, or a father as to whom the child is a legitimate
4 child under prior law of this state or under the law
5 of another jurisdiction, or if a child otherwise
6 becomes the subject of an adoption proceeding, a
7 petition for termination of parental rights of the
8 father shall be filed with the juvenile court pursuant
9 to section six hundred A point five (600A.5) of the
10 Code, unless the father's relationship to the child
11 has been previously terminated or determined not to
12 exist by a court.

13 2. In an effort to identify the natural father,
14 the court shall cause inquiry to be made of the mother
15 and any other appropriate person. The inquiry shall
16 include the following: whether the mother was married
17 at the time of conception of the child or at any time
18 thereafter; whether the mother was cohabiting with
19 a man at the time of conception or birth of the child;
20 whether the mother has received support payments or
21 promises of support with respect to the child or in
22 connection with her pregnancy; or whether any man
23 has formally or informally acknowledged or declared
24 his possible paternity of the child.

25 3. If, after the inquiry, the natural father is
26 identified to the satisfaction of the court, or if
27 more than one man is identified as a possible father,
28 each shall be given notice of the proceeding in
29 accordance with section six hundred A point six
30 (600A.6) of the Code. If any of them fails to appear
31 or, if appearing, fails to claim custodial rights,
32 his parental rights with reference to the child shall
33 be terminated. If the natural father or a man
34 representing himself to be the natural father, claims
35 custodial rights, the court shall proceed to determine
36 custodial rights.

37 4. If, after the inquiry, the court is unable
38 to identify the natural father or any possible natural
39 father and no person has appeared claiming to be the
40 natural father and claiming custodial rights, the
41 court shall enter an order terminating the unknown
42 natural father's parental rights with reference to
43 the child. Subject to the disposition of an appeal
44 upon the expiration of six months after an order
45 terminating parental rights is issued under this
46 subsection, the order cannot be questioned by any
47 person, in any manner, or upon any ground, including
48 fraud, misrepresentation, failure to give any required
49 notice, or lack of jurisdiction of the parties or
50 of the subject matter.

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1 5. Notice of the proceeding shall be given pursuant
2 to section six hundred A point six (600A.6) of the
3 Code.

4 Sec. 25. NEW SECTION. CUSTODY, GUARDIANSHIP AND
5 VISITATION. The custody and guardianship of the child
6 and visitation privileges with the child shall be
7 determined in a proceeding separate and apart from
8 any proceedings under this Act to determine paternity
9 of the child and support. The child shall be made
10 a party to such separate action. A general guardian
11 or guardian ad litem appointed by the court shall
12 represent a child who is minor. The child's mother
13 or father shall not represent the child as guardian
14 or otherwise. The court may appoint the department
15 of social services as guardian ad litem for the child.

16 Sec. 26. NEW SECTION. WELFARE RECIPIENT—ASSIGN-
17 MENT OF SUPPORT PAYMENTS. Persons entitled to support
18 payments pursuant to this Act who are also welfare
19 recipients shall assign their rights to the payments
20 to the department of social services, which may secure
21 payments in default. The clerk of court shall forward
22 support payments received pursuant to this Act to
23 the department of social services and shall furnish
24 the department with copies of all orders or decrees
25 awarding support to parties having custody of minor
26 children when the parties are receiving welfare
27 assistance.

28 Sec. 27. Section one hundred forty-four point
29 forty (144.40), Code 1977, is amended by striking
30 the section and inserting in lieu thereof the
31 following:

32 144.40 PATERNITY OR MATERNITY OF CHILDREN. Upon
33 order of a court of this state or upon request of
34 a court of another state, the state registrar shall
35 prepare an amended certificate of birth pursuant to
36 the provisions of section twenty-three (23) of this
37 Act.

38 Sec. 28. Section two hundred fifty-two B point
39 three (252B.3), Code 1977, is amended to read as
40 follows:

41 252B.3 DUTY OF DEPARTMENT TO ENFORCE CHILD SUPPORT.

42 Upon receipt by the department of an application for
43 public assistance on behalf of a child and
44 determination by the department that the child has
45 been abandoned by its parents or that the child and
46 one parent have been abandoned by the other parent
47 or that the parent or other person responsible for
48 the care, support or maintenance of the child has
49 failed or neglected to give proper care or support
50 to the child, the department shall take appropriate

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1 action under the provisions of this chapter or under
2 other appropriate statutes of this state including
3 but not limited to chapters 239, 252A, 598, and 675
4 this Act, to insure that the parent or other person
5 responsible for the support of the child fulfills
6 the support obligation.

7 Sec. 29. Section two hundred fifty-two B point
8 four (252B.4), Code 1977, is amended to read as
9 follows:

10 252B.4 NONASSISTANCE CASES. The child support
11 and paternity determination services established by
12 the department pursuant to this Act and other
13 appropriate services provided by law including but
14 not limited to the provisions of chapters 239, 252A,
15 598 and 675 this Act shall be made available by the
16 unit to any individual not otherwise eligible as a
17 public assistance recipient upon application by the
18 individual for the services. The application shall
19 be filed with the department. The commissioner may
20 require an application fee not to exceed twenty dollars
21 as determined by the commissioner. The commissioner
22 may require an additional fee to cover the costs
23 incurred by the department in providing the support
24 collection and paternity determination services.
25 The commissioner shall, by regulation, establish and
26 make available to all applicants for support
27 enforcement and paternity determination services a
28 fee schedule, however, the fee shall not exceed ten
29 percent of any support money recovered by department
30 action. The fee for support collection and paternity
31 determination services shall be agreed upon in writing
32 by the individual requesting the services. The
33 application fee and the additional fee for services
34 provided may be deducted from the amount of the support
35 money recovered by the department. Fees collected
36 pursuant to this section shall be remitted to the
37 treasurer of state who shall deposit them in the
38 general fund of the state. The commissioner or a
39 designee and the treasurer of state shall keep an
40 accurate record of funds so remitted and deposited.

41 Sec. 30. Section two hundred fifty-two B point
42 five (252B.5), subsection three (3), Code 1977, is
43 amended to read as follows:

44 3. Aid in enforcing through court proceedings
45 an existing court order for support issued pursuant
46 to chapters 252A, 598, and 675 this Act.

47 Sec. 31. Section six hundred A point three
48 (600A.3), Code 1977, is amended to read as follows:

49 600A.3 EXCLUSIVITY. Termination of parental
50 rights shall be accomplished only according to the

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- 1 provisions of this chapter and this Act. However,
2 termination of parental rights between an adult child
3 and the child's parents may be accomplished by a
4 decree of adoption establishing a new parent-child
5 relationship.
- 6 Sec. 32. NEW SECTION. UNIFORMITY OF APPLICATION
7 AND CONSTRUCTION. This Act shall be applied and
8 construed to effectuate its general purpose to make
9 uniform the law with respect to the subject of this
10 Act among states enacting it.
- 11 Sec. 33. NEW SECTION. SHORT TITLE. This Act
12 may be cited as the uniform parentage Act.
- 13 Sec. 34. Chapter six hundred seventy-five (675),
14 Code 1977, is repealed.
- 15 Sec. 35. This Act is effective January 1, 1979."
- 16 2. Amend the title, by striking lines 1 and 2
17 and inserting in lieu thereof the following:
18 "An Act to enact the Uniform Parentage Act providing
19 substantive equality for all children regardless of
20 the marital status of their parents and providing
21 for civil contempt."

Newhard of Jones offered the following amendment H-6704, to amendment H-6684, filed by him from the floor and moved its adoption:

H-6704

- 1 Amend the Newhard amendment, H-6684, to Senate
2 File 217 as amended and passed by the Senate as
3 follows:
4 1. Page 1, by inserting after line 6 the follow-
5 ing:
6 "1. "Child" means a person less than eighteen
7 years of age."
8 2. Page 1, line 24, by striking the word "or".
9 3. By striking page 4, line 48 through page 5,
10 line 4 and inserting in lieu thereof the following:
11 "Sec. 9. NEW SECTION. PARTIES."
12 4. By renumbering paragraphs as necessary to
13 conform with this amendment.

Amendment H-6704 was adopted.

On motion by Newhard of Jones, amendment H-6684, 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?" (S.F. 217)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneran
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Newhard	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Byerly	Chiodo	Den Herder	Egenes
Monroe	Nielsen	Patchett	Poncy
Spencer	Thompson		

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 217)

Newhard of Jones asked and received unanimous consent that Senate File 217 be immediately messaged to the Senate.

Senate File 380, a bill for an act relating to unified law enforcement, including clarification of the tax levy, election procedures, and administration of the district, 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?" (S.F. 380)

The ayes were, 73:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Connors	Crabb	Crawford
Cusack	Dieleman	Doyle	Dyrland
Evans	Fitzgerald	Garrison	Gilloon
Griffee	Halvorson	Hansen	Harbor
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Perkins
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Spear	Stromer	Svoboda
Tauke	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 18:

Conlon	Daggett	Danker	Davitt
Dunton	Gentleman	Gettings	Gilson
Harvey	Lageschulte	Lind	Lindeen
Pellett	Pelton	Schneklloth	Smalley
Stephens	Tofte		

Absent or not voting, 9:

Byerly	Chiodo	Den Herder	Egenes
Hargrave	Patchett	Poney	Spencer
Thompson			

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

The House resumed consideration of **Senate File 44**, a bill for an act to provide that certain records required to be filed in a dissolution action shall not be public records, and providing a penalty.

Doyle of Woodbury asked and received unanimous consent to withdraw amendment H—6663 filed by him and Harvey of Scott on May 11, 1978.

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. 44)

The ayes were, 90:

Anderson	Arnould	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	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Byerly	Den Herder	Egenes	Griffie
Krewson	Patchett	Poncy	Schroeder
Spencer	Thompson		

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

Senate File 182, a bill for an act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty, was taken up for consideration.

O'Halloran of Black Hawk offered amendment H—5408 filed by the committee on energy on February 22, 1978 and found on page 614 of the House Journal.

Doyle of Woodbury offered the following amendment H—5554, to the committee amendment H—5408, filed by him and Evans of Grundy and moved its adoption:

H—5554

- 1 Amend the Committee on Energy amendment, H—5408,
- 2 to Senate File 182 as follows:
- 3 1. Page 1, by inserting after line 2 the following:
- 4 " Page 1, line 4, by striking the words
- 5 "residential furnace" and inserting in lieu thereof
- 6 the words "residential or commercial furnace that
- 7 has an input capacity of not more than two hundred
- 8 thousand British thermal units per hour".
- 9 2. Page 1, line 22, by inserting after the word
- 10 "safety," the words "The provisions of this section
- 11 shall not apply to the sale and installation of a
- 12 gas appliance in a residence that does not have a
- 13 one hundred twenty volt power supply."

Amendment H—5554 was adopted.

On motion by O'Halloran of Black Hawk, the committee amendment H—5408, as amended, was adopted.

Binneboese of Plymouth offered the following amendment H—6328 filed by Binneboese, et al., and moved its adoption:

H—6328

- 1 Amend Senate File 182 as follows:
- 2 1. Page 2, line 2, by inserting after the word
- 3 "specifications," the words "In lieu of using
- 4 specifications developed under this section
- 5 specifically for this state, the commission may, if
- 6 it deems such action to be in the public interest,

- 7 adopt appropriate national specifications developed
8 by a trade association or other recognized national
9 group."

Amendment H—6328 was adopted.

Binneboese of Plymouth offered the following amendment
H—6329 filed by Binneboese, et al., and moved its adoption:

H—6329

- 1 Amend Senate File 182 as follows:
2 1. Page 2, lines 13 and 14, by striking the
3 words "distribute the seal to every manufacturer who
4 complies with this Act" and inserting in lieu thereof
5 the words "distribute the seals to every manufacturer,
6 distributor and dealer who requests them".
7 2. Page 2, line 15, by inserting after the word
8 "sold" the words "at retail".
9 3. Page 2, line 16, by inserting after the word
10 "certified." the words "In lieu of using a seal
11 developed under this section the commission may, if
12 it deems such action to be in the public interest,
13 authorize use of the seal of an appropriate trade
14 association or other recognized national group."

Amendment H—6329 was adopted.

O'Halloran of Black Hawk offered the following amendment
H—5943 filed by O'Halloran, et al. :

H—5943

- 1 Amend Senate File 182 as passed by the Senate
2 as follows:
3 1. Page 2, by inserting before line 21 the
4 following:
5 "Sec. . NEW SECTION. DECORATIVE GAS LAMPS.
6 1. Commencing January 1, 1979 a person shall not sell
7 or offer for sale in this state a decorative gas lamp
8 manufactured after December 31, 1978.
9 2. As used in this section "decorative gas lamp"
10 means a device installed for the purpose of producing
11 illumination by burning natural, mixed or liquid
12 petroleum gas and utilizing either a mantle or an
13 open flame, but does not include portable camp lanterns
14 or gas lamps.
15 3. Persons convicted of violating this section shall
16 be guilty of a simple misdemeanor."

- 17 2. Amend the title, line 1, by inserting after
 18 the word "of" the words "decorative gas lamps and".
 19 3. Amend the title, line 2, by striking the words
 20 "a penalty" and inserting in lieu thereof the word
 21 "penalties".

Conlon of Muscatine rose on a point of order that amendment H—5943 was not germane.

The Speaker ruled the point not well taken and amendment H—5943 germane.

O'Halloran of Black Hawk moved the adoption of amendment H—5943.

A non-record roll call was requested.

The ayes were 56, nays 16.

Amendment H—5943 was adopted.

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.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 182)

The ayes were, 63:

Arnould	Avenson	Bina	Binneboese
Brandt	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Connors	Cusack
Danker	Davitt	Doyle	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krause	Lind	Lindeen	Lonerger
Menke	Middleswart	Miller (Sergeant)	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pelton	Perkins	Scheelhaase	Schroeder
Small	Smalley	Spear	Stromer
Svoboda	Tofte	Varley	Welden
Wells	Woods	Mr. Speaker	

The nays were, 29:

Anderson	Baker	Bennett	Branstad
Clark, B.J.	Conlon	Crabb	Crawford
Daggett	Dieleman	Dunton	Griffie
Harvey	Horn	Hullinger	Krewson
Lageschulte	Lipsky	Millen	Miller, K.D.
Pavich	Pellett	Schnekloth	Shimanek
Stephens	Tauke	Walter	West
Wyckoff			

Absent or not voting, 8:

Den Herder	Evans	Monroe	Patchett
Poncy	Rinas	Spencer	Thompson

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello for the remainder of the day on request of Anderson of Jasper.

ADOPTION OF REPORT OF SECOND CONFERENCE COMMITTEE (Senate File 2247)

Avenson of Fayette called up for consideration the following report of the conference committee on Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 2247

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation, respectfully make the following report:

1. That the House recede from its amendment (S-5693) to Senate File 2247, as amended, passed, and reprinted by the Senate.

2. That Senate File 2247, as amended, passed, and reprinted by the Senate, be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. It is the intent of the general assembly to provide an actuarially sound method for providing some form of credit for the accrual of sick leave for employees who are not covered under a collective bargaining agreement negotiated under the provisions of chapter twenty (20) of the Code. There is appropriated from the general fund of the state to the state comptroller for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the sum of thirty-five thousand (35,000) dollars, or so much thereof as may be necessary, for the purpose of conducting an actuarial study of alternative methods to compensate employees in whole or in part for the value of accrued days of sick leave. The alternative methods shall include but not be limited to early retirement, increments of credit for accrual of sick leave, incentives for work attendance including vacation incentives, payment of insurance benefits after retirement, and annualization of sick leave costs.

The state comptroller shall report to the general assembly not later than January 15, 1979 the results of the study together, with recommendations and cost estimates.

Sec. 2. The governor is directed to issue an executive order implementing a policy which would grant additional vacation time, not to exceed one-half day, to state employees, who are not covered under a collective bargaining agreement negotiated pursuant to chapter twenty (20) of the Code, who do not use sick leave during a full month of employment. The executive order shall remain in effect until the general assembly provides a program based upon the state comptroller's study for providing credit for the accrual of sick leave. The accrual of additional vacation time by an employee for not using sick leave during a month shall be in lieu of the accrual of one and one-half days of sick leave for that month.

Sec. 3. Acts of the Sixty-seventh General Assembly, 1977 Extraordinary Session, chapter one (1), section thirty (30), amending section seventy-nine point one (79.1) of the Code, is amended to read as follows:

Sec. 30. Section seventy-nine point one (79.1), Code 1977, is amended by striking unnumbered paragraph four (4) and inserting in lieu thereof the following:

Commencing July 1, 1977, permanent full-time employees of state departments, boards, agencies, and commissions shall accrue sick leave at the rate of one and one-half days for each full month of employment. Sick leave shall not accrue during any period of absence without pay. Employees may use accrued sick leave for physical or mental personal illness, bodily injury, medically-related disabilities, including disabilities resulting from pregnancy and childbirth, or contagious disease:

1. Which require the employee's confinement,

2. Which render the employee unable to perform assigned duties, or

3. When performance of assigned duties would jeopardize the employee's health or recovery. The first ninety days (seven hundred twenty hours) of sick leave which accrue to an employee shall be placed in an active sick leave account. Any days of sick leave in excess of ninety days which accrue to an employee shall be placed in an

employee's banked sick leave account. The sick leave in an employee's banked sick leave account shall not be used by the employee until the employee no longer has any days of accrued active sick leave and shall only be used if an employee has an extended illness of at least five working days in duration.

Separation from state employment shall cancel all unused accrued sick leave. However, if an employee is laid off and the employee is reemployed by any state department, board, agency; or commission within one year of the date of the lay off, accrued sick leave of the employee shall be restored.

Sec. 4. Acts of the Sixty-seventh General Assembly, 1977 Extraordinary Session, chapter one (1), section thirty-three (33), is amended to read as follows:

SEC. 33. Chapter seventy-nine (79), Code 1977, is amended by adding the following new section:

NEW SECTION. CREDIT FOR ACCRUED SICK LEAVE. Commencing July 1, 1978 1977 when an employee who is not covered under the provisions of a collective bargaining agreement negotiated under the provisions of chapter twenty (20) of the Code retires under the provisions of a retirement system in the state maintained in whole or in part by public contributions or payments, the current value number of accrued days of active and banked sick leave of the employee shall be credited to the employee. For the purpose of this section, the "current value of accrued days of active and banked sick leave" means an amount equal to the product of the accrued days of active and banked sick leave multiplied by the bi-weekly regular salary of the employee divided by ten Until the general assembly provides a program of credit for accrued sick leave, the number of accrued days credited to an employee upon retirement shall be the same as at the time of the employee's retirement."

ON THE PART OF THE SENATE:

WILLIAM D. PALMER, Chair
LUCAS J. DeKOSTER
C. W. HUTCHINS
ALVIN V. MILLER
JOHN N. NYSTROM

ON THE PART OF THE HOUSE:

DONALD AVENSON, Chair
KEITH H. DUNTON
INGWER L. HANSEN
LaVERN R. HARVEY
ARTHUR A. SMALL, JR.

The motion prevailed and the conference committee report was adopted.

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. 2247)

The ayes were, 81:

Anderson
Bennett

Arnould
Bina

Avenson
Binneboese

Baker
Brandt

Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Hines	Hoffmann	Horn	Howell
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stromer
Tauke	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 5:

Danker	Dieleman	Hinkhouse	Stephens
Tofte			

Absent or not voting, 14:

Chiodo	Den Herder	Evans	Harvey
Hullinger	Husak	Lipsky	Monroe
Patchett	Perkins	Poncy	Spencer
Svoboda	Thompson		

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

SENATE AMENDMENTS CONSIDERED

House Refuses to Concur

Dieleman of Marion called up for consideration **House File 2133**, a bill for an act 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-6706:

H-6706

- 1 Amend House File 2133 as amended, passed and
- 2 reprinted by the House as follows:

- 3 1. Page 1, by striking lines 1 through 13.
- 4 2. Page 1, by striking line 29 through page 2,
- 5 line 1.
- 6 3. Page 4, by striking lines 3 through 34.

The motion lost and the House refuses to concur.

Baker of Buena Vista called up for consideration **House File 2273**, a bill for an act amending the laws applicable to accident and health insurance policies by restricting the sale of skilled nursing care coverage and requiring that the insured be given thirty days after delivery of the policy within which to return the policy and obtain a refund of the premium paid, amended by the Senate and moved that the House concur in the following Senate amendment **H-6705**:

H-6705

- 1 Amend House File 2273 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 12, by inserting after the period
- 4 the following: "Provided, however, that nothing
- 5 contained in this subsection shall be deemed to
- 6 prohibit the renewal of any existing insurance or
- 7 indemnity benefit contained in a policy which was
- 8 issued for delivery or delivered in this state prior
- 9 to the effective date of this Act if the benefit,
- 10 by the terms of the policy, is guaranteed by the
- 11 company to be renewable at the election of the
- 12 policyholder."
- 13 2. Page 2, by inserting after line 4 the follow-
- 14 ing new paragraph:
- 15 "Provided, however, that nothing contained in this
- 16 subsection shall be deemed to prohibit the renewal
- 17 of any existing insurance or indemnity benefit
- 18 contained in a policy which was issued for delivery
- 19 or delivered in this state prior to the effective
- 20 date of this Act if the benefit, by the terms of the
- 21 policy, is guaranteed by the company to be renewable
- 22 at the election of the policyholder."

The motion prevailed and the House concurred in the Senate amendment **H-6705**.

Baker of Buena Vista 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. 2273)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	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	Gettings
Gilloon	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Junker	Krause	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Tofte
Varley	Walter	Welden	Wells
West	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Brockett	Den Herder	Hullinger	Koogler
Krewson	Monroe	Nielsen	Patchett
Perkins	Poncy	Spencer	Thompson
Woods			

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

HOUSE FILE 417 WITHDRAWN

Krause of Kossuth asked and received unanimous consent to withdraw House File 417 from further consideration by the House.

MOTION TO RECONSIDER PREVAILED (Senate File 2184)

Miller of Buchanan moved to reconsider the vote by which

Senate File 2184, a bill for an act relating to railroads, making an appropriation and providing penalties for violations, passed the House and was placed on its last reading on May 11, 1978.

A non-record roll call was requested.

The ayes were 65, nays 13.

The motion prevailed and the House reconsidered Senate File 2184.

Krause of Kossuth asked and received unanimous consent to reconsider the vote by which amendment H—6654 was adopted by the House on May 11, 1978 and that the amendment be withdrawn.

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.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 2184)

The ayes were, 67:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, J.H.
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Horn	Howell	Husak	Jochum
Koogler	Krewson	Lageschulte	Lind
Lindeen	Menke	Middleswart	Miller, K.D.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pelton
Rinas	Scheelhaase	Schnekloth	Small
Spear	Stephens	Svoboda	Tauke
Tofte	Varley	Walter	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 24:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Daggett	Danker	Harbor

Harvey	Hinkhouse	Hoffmann	Hullinger
Junker	Krause	Loneragan	Millen
Miller (Sergeant)	Pellett	Perkins	Schroeder
Shimanek	Smalley	Welden	Wells

Absent or not voting, 9:

Den Herder	Hines	Jesse	Lipsky
Patchett	Poncy	Spencer	Stromer
Thompson			

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

IMMEDIATE MESSAGE (Senate File 2184)

Miller of Buchanan asked and received unanimous consent that Senate File 2184 be immediately messaged to the Senate.

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: I am directed to inform your honorable body that the Senate has on May 12, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2448, a bill for an act relating to property tax exemptions for property in revitalization areas of a city in which improvements have been made and authorizing cities to issue revenue bonds for revitalization areas and urban renewal areas.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT CONSIDERED

Bina of Scott called up for consideration **House File 2448**, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made and authorizing cities to issue revenue bonds for revitalization areas and urban renewal areas, amended by the Senate, and moved that the House concur in the following Senate amendment H-6707:

H—6707

- 1 Amend House File 2448 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 5, by striking lines 4 through 7 and
- 4 inserting in lieu thereof the following:
- 5 "2. All real estate, excluding land,".
- 6 2. Striking page 5, line 33 through page 6, line
- 7 2 and inserting in lieu thereof the following:
- 8 "The owners of all real estate, excluding land,
- 9 may elect to take the exemption provided in".
- 10 3. Page 6, line 20, by inserting after the word
- 11 "city" the words "and the city finds that the owner
- 12 or developer has provided for the relocation payments
- 13 and rent supplements required under section six (6)
- 14 of this Act".
- 15 4. Page 7, line 3, by inserting after the word
- 16 "city" the words "and the city finds that the owner
- 17 or developer has provided for the relocation payments
- 18 and rent supplements required under section six (6)
- 19 of this Act".
- 20 5. Page 8, lines 7 and 8, by striking the words
- 21 "Upon application to it and after verification by
- 22 it, the city" and inserting in lieu thereof the words
- 23 "The owner or developer".
- 24 6. Page 8, line 11, by inserting after the word
- 25 "made" the words "by the owner or developer".
- 26 7. Page 8, line 14, by striking the word "city"
- 27 and inserting in lieu thereof the words "owner or
- 28 developer".
- 29 8. Page 8, line 16, by inserting after the word
- 30 "made" the words "by the owner or developer".
- 31 9. Page 8, line 23, by inserting after the word
- 32 "years." the words "The city shall deny any exemption
- 33 provided in this Act for any owner or developer failing
- 34 to comply with this section."

Norland of Worth offered the following amendment H—6708, to the Senate amendment H—6707, filed by him from the floor:

H—6708

- 1 Amend the Senate amendment, H—6707, to House File
- 2 2448 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 9.

Avenson of Fayette asked and received unanimous consent to suspend Rule 2, extending session beyond the 10:00 p.m. time limit.

Roll call was requested by Bina of Scott and Dyrland of Clayton.

On the question "Shall amendment H—6708 be adopted?"

The ayes were, 48:

Anderson	Avenson	Baker	Binneboese
Brandt	Brunow	Chiодо	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffee
Hargrave	Hines	Hinkhouse	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Lonerган	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Pavich
Perkins	Scheelhaase	Small	Spear
Svoboda	Woods	Wyckoff	Mr. Speaker

The nays were, 45:

Bennett	Bina	Branstad	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Horn	Husak	Junker	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schnekloth	Schroeder	Shimaneк	Smalley
Stephens	Stromer	Tauke	Tofte
Varley	Walter	Welden	Wells
West			

Absent or not voting, 7:

Arnould	Den Herder	Patchett	Poney
Rinas	Spencer	Thompson	

Amendment H—6708 was adopted.

Bina of Scott moved that the House concur in the Senate amendment H—6707, as amended.

A non-record roll call was requested.

The ayes were 69, nays 10.

The motion prevailed and the House concurred in the Senate amendment H—6707, as amended.

Bina of Scott 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. 2448)

The ayes were, 87:

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	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Tofte	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Arnould	Brunow	Den Herder	Hargrave
Millen	Nielsen	Patchett	Poncy
Rinas	Spencer	Thompson	Varley
Walter			

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

IMMEDIATE MESSAGE (House File 2448)

Bina of Scott asked and received unanimous consent that House File 2448 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 12, 1978, adopted the second conference committee report and passed:

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 12, 1978, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2118, a bill for an act granting certain counties the authority to acquire and finance certain public improvements.

KEVIN P. LIGHT, Acting Secretary

ADOPTION OF SECOND CONFERENCE COMMITTEE REPORT (Senate File 137)

Monroe of Des Moines called up for consideration the second report of the second conference committee on Senate File 137, as follows, and moved the adoption of the conference committee report and the amendments contained therein:

SECOND REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 137

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and the House of Representatives on 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, respectfully make the following report:

1. That the Senate recede from its amendments to the House amendment S-3614 to Senate File 137 as amended and passed by the Senate.

2. That the House recede from its amendment S-3614 to Senate File 137 as amended and passed by the Senate.

3. That Senate File 137 as amended and passed by the Senate be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"DIVISION I

Section 1. Chapter five hundred thirty-three (533), Code 1977, is amended by adding sections two (2) through seventeen (17) of this Act.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Credit union" means a cooperative, nonprofit association, incorporated in accordance with the provisions of this chapter. A credit union is also a supervised financial organization as defined and used in the Iowa consumer credit code.

2. "Board" means the credit union review board, created in section four (4) of this Act.

3. "Administrator" means the administrator appointed by the governor to direct and regulate credit unions pursuant to this chapter.

4. "Account insurance plan" means a plan providing account and share insurance which is of a type authorized under section fifteen (15) of this Act.

Sec. 3. NEW SECTION. DEPARTMENT CREATED. A credit union department of state government is created which shall consist of an administrator, a seven-member board and additional officers and employees as required.

Sec. 4. NEW SECTION. CREDIT UNION REVIEW BOARD.

1. A credit union review board is created. The board shall consist of seven members, each of whom shall have been a member in good standing for at least the previous five years of an Iowa state chartered credit union or a credit union chartered under the Federal Credit Union Act. Two of the members shall not be credit union directors or employees. Each member shall serve for a term of three years except that the terms of the members first appointed after the effective date of this Act shall expire, as designated by the governor at the time of appointment as follows:

a. Two members on June 30, 1980.

b. Two members on June 30, 1981.

c. Three members expiring on June 30, 1982.

2. The members of the board shall be appointed by the governor with approval of the senate. The governor may appoint the members of the board from a list of nominees submitted to the governor by the credit unions located in the state of Iowa.

3. The board shall meet at least four times each year and shall hold special meetings at the call of the chairperson. Four members constitute a quorum.

4. Each member of the board shall receive actual and necessary expenses incurred in the discharge of official duties.

5. A member of the credit union review board shall not take part in any action or participate in any decision when the matter under consideration specifically relates to a credit union of which the board member is a member.

Sec. 5. NEW SECTION. POWERS AND DUTIES.

1. The board may adopt, amend, and repeal rules pursuant to chapter seventeen A (17A) of the Code or take other action as it deems necessary or suitable, to effect the provisions of this Act.

2. The board shall set the salary and prescribe the duties of the administrator who shall serve at the pleasure of the governor.

Sec. 6. NEW SECTION. ADMINISTRATOR.

1. The administrator shall be appointed by the governor, subject to approval by the senate, and must possess a minimum of five years credit union experience.

2. The administrator may employ special assistants, examiners, and other employees as are necessary to carry out the provisions of this Act. The administrator shall, subject to approval by the board, establish salaries for the persons employed.

3. The administrator may make further rules as necessary, subject to the prior approval of the rules by the board.

Sec. 7. NEW SECTION. DEPUTY ADMINISTRATOR.

1. The administrator shall appoint a deputy administrator who shall assist the administrator in the performance of his or her office and who shall perform the duties of the administrator as directed by him or her during the absence or inability of the administrator.

2. The deputy administrator shall serve at the pleasure of the administrator. If the office of the administrator becomes vacant, the deputy administrator shall have all powers and duties of the administrator until a new administrator is appointed by the governor in accordance with the provisions of this chapter.

3. The deputy administrator shall receive a salary to be fixed by the board.

Sec. 8. NEW SECTION. EXPENSES. The administrator, deputy administrator, assistants, examiners and other employees of the credit union department are entitled to receive reimbursement for expenses incurred in the performance of their duties subject to approval by the board. The administrator, and when specifically authorized by the administrator, the deputy administrator, assistants, examiners and other employees of the credit union department, are entitled to receive reimbursement for expenses incurred while attending conventions, meetings, conferences, schools or seminars relating to the performance of their duties.

Sec. 9. NEW SECTION. INSURANCE AND SURETY BOND. The administrator shall acquire good and sufficient bond in a company authorized to do business in this state to insure the faithful performance of the deputy administrator, assistants, examiners and all other employees of the credit union department and to insure against

any liability which may accrue in case of the loss of property of a credit union, or of a member of a credit union or of any other person, in the course of an examination, investigation, or other function required or allowed by the laws of this state. The administrator shall be bonded in accordance with the provisions of chapter sixty-four (64) of the Code, provided that such bond shall be in the amount of one hundred thousand dollars.

Sec. 10. NEW SECTION. SUBPOENA—CONTEMPT.

1. The administrator, the deputy administrator, and upon the approval of the administrator, any assistant or examiner shall have the power to subpoena witnesses, to compel their attendance, to administer oaths, to examine any person under oath and to require the production of relevant books or papers. The examination may be conducted on any subject relating to the duties imposed upon, or powers vested in, the administrator under the provisions of this chapter.

2. When a person subpoenaed pursuant to subsection one (1) of this section neglects or refuses to obey the terms of the subpoena, or to produce books or papers or to give testimony, as required, the administrator may apply to the district court of Polk county for the enforcement of the subpoena or for the issuance of an order compelling compliance as the court directs.

3. The refusal without reasonable cause of a person to obey an order of the district court, issued pursuant to subsection two (2) of this section, shall be considered contempt of court.

Sec. 11. NEW SECTION. RECORDS OF CREDIT UNION DEPARTMENT.

1. Records of the credit union department are public records subject to the provisions of chapter sixty-eight A (68A) of the Code, except that papers, documents, reports, reports of examinations and other writings relating specifically to the supervision and regulation of a specific credit union or of other persons by the administrator pursuant to the laws of this state are not public records and shall not be open for examination or copying by the public or for examination or publication by the news media.

2. The credit union review board or the administrator may notify the Iowa credit union league of the name of any credit union which the board or administrator has reasonable cause to believe may have violated any of the provisions of this chapter or may be in danger of becoming insolvent or which has been the subject of a report of examination which the board or administrator deems unsatisfactory in any respect, and thereafter the administrator may, with the written consent of the credit union, give information secured from or about that credit union to the Iowa credit union league.

3. The administrator, deputy administrator, assistants or examiners shall not be subpoenaed in any cause or proceeding to give testimony concerning information relating to the supervision and regulation of a specific credit union or persons by the administrator pursuant to the laws of this state, nor shall the records of the credit union department which relate to the supervision and regulation of a specific credit union or persons be offered in evidence in a court or subject to subpoena by a party except where relevant:

- a. In actions or proceedings brought by the administrator.
- b. In matters in which an interested and proper party seeks review of a decision of the administrator.
- c. In actions or proceedings which arise out of the criminal provisions of the laws of this state or of the United States.
- d. In actions brought as shareholder derivative suits against a credit union.
- e. In actions brought to recover moneys or to recover upon an indemnity bond for embezzlement, misappropriation or misuse of credit union funds.

Sec. 12. NEW SECTION. ANNUAL REPORT OF ADMINISTRATOR.

1. The administrator shall make a report in writing annually to the governor in the manner and within the time required by chapter seventeen (17) of the Code. A copy of the report shall be furnished by the administrator to each credit union and to the Iowa credit union league and its affiliates.

2. In addition to the matters required by chapter seventeen (17) of the Code, the annual report of the administrator shall contain:

a. A summary of applications approved or denied by the administrator pursuant to this chapter since the last previous report.

b. A summary of the assets, liabilities and capital structures of all credit unions, and a summary of the volume of consumer installment credit outstanding per credit union, as of June thirtieth of the year for which the report is made.

c. A statement of the receipts and disbursements of funds of the administrator during the calendar year ending on the preceding December thirty-first and of the funds on hand on that December thirty-first, including an estimate of the disbursements of department funds for consumer credit protection during the year for which the report is made.

d. Other information the administrator deems appropriate and advisable to fairly disclose the discharge of the duties imposed upon him or her by this chapter.

e. Information which the administrator of the Iowa consumer credit code may require to be included.

Sec. 13. NEW SECTION. EXAMINATION AND SUPERVISION FEES—PENALTIES.

1. Each credit union shall pay to the administrator an annual filing fee which shall be submitted with the annual report. The fee shall be based upon the actual operating costs of the department, exclusive of examination expenses, and shall be established and promulgated as a rule by the administrator. The administrator shall assess against a credit union the actual and necessary expenses of the agency incidental to any examination of that credit union made pursuant to the provisions of this Act or to an order of the administrator.

2. Failure of a credit union to pay an annual filing fee or examination fee shall result in a penalty of five dollars per day, or for any part of a day, during which the credit union is delinquent, and may be the grounds for revocation of the charter of the credit union which failed to make payment.

3. All expenses required in the discharge of the duties and responsibilities imposed upon the administrator and the board by the laws of this state shall be paid from funds appropriated from the general fund of the state. The administrator shall pay all fees and other money received by the administrator to the treasurer of state within the same time required by section twelve point ten (12.10) of the Code. The treasurer of state shall deposit such funds in the general fund of the state. Funds appropriated to the credit union department shall be subject at all times to the warrant of the state comptroller, drawn upon written requisition of the administrator or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the credit union department.

4. The administrator, deputy or employees of the department shall not be members of nor have any business dealings with a credit union. Credit unions shall not accept moneys for deposit and shall not have any business transaction with the administrator, deputy or an employee of the credit union department. If a person willfully receives or accepts a deposit or undertakes to establish a business dealing contrary to this section, upon conviction that person shall be guilty of a serious misdemeanor, and shall be permanently disqualified from acting as an officer, director or employee of a state chartered credit union and permanently disqualified from acting as administrator, deputy or employee of the state credit union department.

Sec. 14. NEW SECTION. FALSE STATEMENTS—PENALTIES.

1. A director, officer or employee of a credit union shall not intentionally publish, disseminate or distribute any advertising or notice containing any false, misleading or deceptive statements concerning rates, terms or conditions on which loans are made, or deposits or share installments are received, or concerning any charge which the credit union is authorized to impose pursuant to this chapter, or concerning the financial condition of the credit union. Any director, officer, or employee of a credit union who violates the provisions of this section commits fraudulent practice.

2. Any person who maliciously or with intent to deceive makes, publishes, utters, repeats, or circulates any false statement concerning any credit union which imputes or tends to impute insolvency, unsound financial condition or financial embarrassment, or which may tend to cause or provoke or aid in causing or provoking a general withdrawal of deposits from such credit union, or which may otherwise injure or tend to injure the business or good will of such credit union, shall be guilty of a simple misdemeanor.

Sec. 15. NEW SECTION. ACCOUNT INSURANCE. Every credit union organized under this chapter, as a condition of maintaining its privilege of organization after December 31, 1980, shall acquire and maintain insurance to protect each shareholder and each depositor against loss of funds held on account by the credit union. Such insurance shall be obtained from the national credit union administrator or from some

other-share guarantor or insurance plan approved by the Iowa commissioner of insurance and the administrator of the credit union department. Every credit union not so insured as of the effective date of this Act shall submit an application for share and deposit insurance not later than July 1, 1979.

The administrator may furnish to any official of an insurance plan by which the accounts of a credit union are insured, any information relating to examinations and reports of the status of that credit union for the purpose of availability of insurance to that credit union.

Sec. 16. NEW SECTION. FALSE STATEMENT FOR CREDIT. Any person who knowingly makes or causes to be made, directly or indirectly, any false statement in writing, or who procures, knowing that a false statement in writing has been made concerning the financial condition or means or ability to pay of such person or any other person in which such person is interested or for whom such person is acting with the intent that such statement shall be relied upon by a credit union for the purpose of procuring the delivery of property, the payment of cash or the receipt of credit in any form, for the benefit of such person or of any other person in which such person is interested or for whom such person is acting, shall be guilty of a fraudulent practice.

Sec. 17. NEW SECTION. CENTRAL CREDIT UNIONS. Credit unions known as "central credit unions" may exist for the purpose of serving members of dissolved credit unions, directors, officers and employees of credit unions, employee groups as defined in subsection thirteen (13) of section five hundred thirty-three point four (533.4) of the Code, and such other persons as the administrator shall approve.

Sec. 18. Section five hundred twenty-seven point two (527.2), subsection six (6), Code 1977, is amended to read as follows:

6. "Administrator" means and includes both the superintendent of banking and, the supervisor of savings and loan associations within the office of the auditor of state, and the administrator of the credit union department. However, the powers of administration and enforcement of this chapter shall be exercised only as provided in section twelve (12) of this chapter five hundred twenty-seven point three (527.3) of the Code.

Sec. 19. Section five hundred twenty-seven point three (527.3), subsection one (1), Code 1977, is amended to read as follows:

1. For purposes of this chapter the superintendent of banking only shall have the power to issue rules applicable to, to accept and approve or disapprove applications or informational statements from, to conduct hearings and revoke any approvals relating to, and to exercise all other supervisory authority created by this chapter with respect to banks and credit unions. The; the supervisor of savings and loan associations only shall have and exercise such powers and authority with respect to savings and loan associations; and the administrator of the credit union department only shall have and exercise such powers and authority with respect to credit unions.

Sec. 20. Section five hundred thirty-three point one (533.1), unnumbered paragraph two (2), Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

ADMINISTRATION. The administrator shall have the supervisory and regulatory authority of all state chartered credit unions and shall be charged with the administration and execution of the laws of this state relating to credit unions. Subject to the approval of the credit union review board, the administrator shall have power to adopt such rules as in his or her opinion are necessary to properly and effectively safeguard the interests of depositors and shareholders of credit unions, and otherwise to carry out and enforce the provisions of this chapter.

Sec. 21. Section five hundred thirty-three point one (533.1), unnumbered paragraphs three (3), four (4) and five (5), Code 1977, are amended to read as follows:

ORGANIZATION. Any seven residents of the state of Iowa may apply to the superintendent of banking administrator for permission to organize a credit union.

A credit union is organized in the following manner:

1. The applicants shall execute in duplicate articles of incorporation by the terms of which they agree to be bound. The articles shall state:

a. The name and location of the proposed credit union.

b. The names and addresses of the subscribers to the articles and the number of shares subscribed by each.

c. The par value of the shares of the credit union which shall not exceed twenty-five dollars each and shall be established by the board of directors. A credit union may have more than one class of shares.

2. Said applicants shall prepare and adopt bylaws for the general government of the credit union consistent with the provisions of this chapter, and execute the same in duplicate.

3. The articles and the bylaws, both executed in duplicate, shall be forwarded with a fee of ten dollars to the superintendent of banking administrator.

4. The superintendent administrator shall, within thirty days of the receipt of said articles and bylaws, determine whether they conform with the provisions of this chapter, and whether or not the organization of the credit union in question would benefit the its members of it and be consistent with the purposes of this chapter.

5. The superintendent administrator shall thereupon notify the applicants of his or her decision. If it the decision is favorable ~~he the administrator~~ shall issue a certificate of approval, which shall be attached to the duplicate articles of incorporation and the administrator shall return the same, together with the duplicate bylaws to the applicants.

6. The applicants shall thereupon file ~~the said this~~ duplicate of the articles of incorporation, ~~with and the attached certificate of approval attached thereto,~~ with the county recorder of the county within which the credit union is to ~~do have its principal place of business, who.~~ The county recorder shall record and index the same and return it, with his or her certificate of record attached thereto, to the said superintendent of banking administrator for permanent record.

7. The applicants shall thereupon become and be a credit union, incorporated in accordance with the provisions of this chapter.

In order to simplify the organization of credit unions, the superintendent of banking, upon the taking effect of this chapter, or as soon thereafter as sufficient fees shall have accumulated to liquidate the cost of same, administrator shall cause to be prepared an approved form of articles of incorporation and a form of bylaws, consistent with this chapter which may be used by credit union incorporators for their guidance, and on written application of any seven residents of the state, shall supply them without charge with blank articles of incorporation and a copy of said this form of suggested bylaws.

Sec. 22. Section five hundred thirty-three point two (533.2), Code 1977, is amended to read as follows:

533.2 AMENDMENTS. The articles of incorporation or the bylaws may be amended by a favorable vote of a majority of the members present at any meeting, which number must constitute a quorum provided the proposed amendment was contained in the notice of the meeting. Any and all such amendments must be approved by the superintendent of banking administrator before they become effective.

Sec. 23. Section five hundred thirty-three point four (533.4), subsection five (5), paragraph e, subsection twelve (12), subsection thirteen (13) and subsection seventeen (17), Code 1977, are amended to read as follows:

e. Purchase of notes of liquidating credit unions with the approval of the superintendent of banking administrator.

12. Apply to the administrator of the national credit union administration for credit union share account and deposit account insurance which meets the requirements of this chapter under Title II of the federal Credit Union Act as amended by Public Law 91-468 and take all actions necessary to maintain an insured status thereunder.

13. Upon the approval of the superintendent of banking administrator, serve an employee group having an insufficient number of members to form or conduct the affairs of a separate credit union. There shall be no requirement for the existence of a common bond relationship between the said small employee group and the credit union effecting such service.

17. Subject to the prior approval of the superintendent administrator, acquire and hold shares in a corporation engaged in providing and operating facilities through which a credit union and its members may engage, by means of either the direct transmission of electronic impulses to and from the credit union or the recording of electronic impulses or other indicia of a transaction for delayed transmission to the credit union, in transactions in which such credit union is otherwise permitted to engage pursuant to applicable law.

Sec. 24. Section five hundred thirty-three point four (533.4), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. Establish one or more offices other than its main office, subject to the approval and regulation of the administrator, if such offices shall be reasonably necessary to furnish service to its membership. A credit union office may furnish all credit union services ordinarily furnished to the membership at the principal place of business of the credit union which operates the office. All transactions of a credit union office shall be transmitted daily to the principal place of business of the credit union which operates the office, and no current record keeping functions shall be maintained at a credit union office except to the extent the credit union which operates the office deems it desirable to keep at the office duplicates of the records kept at the principal place of business of the credit union. The central executive and official business functions of a credit union shall be exercised only at the principal place of business.

A credit union office shall not be opened without the prior written approval of the administrator. Upon application by a credit union in the form prescribed by the administrator, the administrator shall determine, after notice and hearing, if the establishment of the credit union office is reasonably necessary for service to, and is in the best interests of, the members of the credit union.

NEW SUBSECTION. Purchase insurance or make the purchase of insurance available for members.

NEW SUBSECTION. Notwithstanding the provisions of unnumbered paragraph one (1) of subsection four (4) of section five hundred thirty-three point sixteen (533.16) of the Code, a credit union may take a second mortgage on real property to secure a loan made by the credit union, subject to rules promulgated by the administrator.

Sec. 25. Section five hundred thirty-three point four (533.4), subsection sixteen (16), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

16. Sell, participate in, or discount the obligations of its members without recourse. Purchase the obligations of Iowa credit union members, provided the obligations meet the requirements of this chapter.

Sec. 26. Section five hundred thirty-three point five (533.5), Code 1977, is amended to read as follows:

533.5 MEMBERSHIP. Credit union membership shall consist of the incorporators and such other persons as who may be elected to membership and subscribe for at least one share, and who pay the installment thereon and the entrance fee, if any. Organizations, incorporated or otherwise, composed for the most part of the same general group as the credit union membership may be members. Credit union organization shall be limited to groups having of individuals who have a common bond of occupation or association, or to groups of individuals who reside within a well defined neighborhood, community, or rural district. However, membership also may be extended to persons related to a member within the common bond by the first or second degree of consanguinity or affinity, including foster children and adopted children, and to such relatives of a deceased member. If adopted as a policy by the board of directors of a credit union, members who are no longer included in the common bond of association cease to meet the qualifications of membership may retain their credit union membership and all membership privileges.

Sec. 27. Section five hundred thirty-three point six (533.6), Code 1977, is amended to read as follows:

533.6 REPORTS—EXAMINATIONS.

1. Credit unions organized under this chapter shall report annually on or before the first day of February to the superintendent of banking annually on or before the first day of February administrator on blanks supplied by him the administrator for that purpose. Additional reports may be required. If any report remains in arrears for more than five days, a fine of five dollars for each day such report remains in arrears may be levied against such the offending credit union in addition to the fine for failure to pay the annual fee. If such report is not returned within thirty days of the due date, the superintendent of banking administrator may, after written notice to the president of such the credit union of his intention to do so, suspend or revoke the certificate of approval, take possession of the business and property of such credit union and order its dissolution.

2. The superintendent of banking administrator shall annually examine, or cause to be examined, each credit union annually. Each credit union and all of its officers and agents shall give to the representatives of said superintendent the administrator free access to all books, papers, securities, records and other sources of information under their control; and for the purposes of such examination said representatives shall have the power to subpoena witnesses, administer oaths, compel the giving of testimony, and require the submission of documents. A report of such examination shall be forwarded to the president chairperson of each credit union within thirty days after the completion of the examination. Within thirty days of the receipt of such this report, a meeting of the directors shall be called to consider matters contained in the report and the action taken shall be set forth in the minutes of the board. The superintendent may furnish to the administrator or any other official of the national credit union administration any information or report relating to examinations and reports of the status of any state credit union insured by the national credit union administration. The superintendent of banking administrator may accept, in lieu of the annual examination of a credit union, an audit report conducted by a certified public accounting firm selected from a list of firms previously approved by the superintendent of banking administrator. The cost of the audit shall be paid by the credit union.

3. The superintendent of banking administrator may require any credit union, whose records are inadequate or whose books have not been balanced as of the end of the month not less than thirty days previously or whose affairs are in an unfavorable condition, to submit to an additional examination each year.

4. Each credit union shall pay to the superintendent of banking a fee for making examinations, based on the actual cost of the operation of the credit union division of the department of banking and the proportionate share of administrative expenses in the operation of the department of banking, attributable to credit unions, to be determined by the superintendent of banking, in accordance with chapter 17A.

5 4. If it shall appear that any credit union is insolvent or that it has violated any of the provisions of this chapter, the superintendent of banking administrator may, after a hearing or giving after an opportunity for a hearing is given, order such that credit union to correct such the condition and. The administrator shall grant it the

credit union not less than sixty days within which to comply and failure so with the order. Failure to do comply shall afford the said superintendent administrator grounds to revoke the certificate of approval and shall afford the administrator the authority to apply to the district court of the district in which such this credit union is located for the appointment of a receiver for the credit union. The district court shall appoint the superintendent administrator of the credit union department as receiver unless the superintendent administrator of the credit union department has tendered the appointment to the administrator of the national credit union administration plan by which the accounts of the credit union are insured. The Either administrator as receiver shall possess the rights, powers, and privileges granted by state law to a receiver of a state credit union. Neither the superintendent nor the administrator shall be required to furnish bond as receiver of a state credit union.

5. When the administrator has reason to believe that an officer, director, or employee of a credit union has violated any law relating to a credit union or has continued an unsafe or unsound practice in conducting the business of a credit union after having been warned by the administrator to discontinue or correct such violation or unsafe or unsound practice, the administrator may cause notice to be served upon the officer, director, or employee to appear before the administrator to show cause why he or she should not be removed from office or employment. A copy of such notice shall be sent by restricted delivery mail to each director of the credit union affected. If, after granting the accused reasonable opportunity to be heard, the administrator finds that the accused has violated a law relating to a credit union or has continued an unsafe or unsound practice in conducting the business of a credit union after having been warned by the administrator, the administrator in his or her discretion may order that the accused be removed from office and from any position of employment with the credit union. A copy of the order shall be served upon the accused and upon the credit union affected, at which time the accused shall cease to be an officer, director, or employee of the credit union.

Sec. 28. Section five hundred thirty-three point eight (533.8), Code 1977, is amended to read as follows:

533.8 ELECTIONS. At the organization meeting there shall be elected a board of directors of not less than nine members to hold office for such terms as the bylaws provide and until successors are elected and qualify. At each annual meeting there shall be elected one member to fill each position vacated by reason of expiring terms or other causes. A record of the names and addresses of the directors, officers and committee persons shall be filed with the superintendent of banking administrator within ten days following each election.

Sec. 29. Section five hundred thirty-three point sixteen (533.16), Code 1977, is amended to read as follows:

533.16 LOANS.

1. A credit union may loan to members. Loans must be a member for a provident or productive purpose and are made. Loans shall be subject to the conditions contained in this section and in the bylaws. A borrower may repay his loan A loan may be repaid by the borrower, in whole or in part, any day the office of the credit union is open for business. Every loan shall be pursuant to an application with supportive

credit information. Any credit or financial information which is required shall be updated by the credit union or by the member not less frequently than every eighteen months for re-financed loans or for periodic advances made under an open-end credit plan.

2. A credit union shall not lend in the aggregate to any one member more than one hundred dollars or ten percent of its capital, whichever is greater.

3. A director of a credit union may borrow from that credit union under the provisions of this chapter, but the loan shall not be made on terms more favorable than those extended to other members. A director of a credit union may borrow from that credit union to the extent and in the amount of such director's holdings in the credit union in shares and deposits. A director desiring to borrow from the credit union an amount in excess of the director's holdings in shares and deposits shall first submit application for approval by the board of directors at a regular or special meeting. The director making application for the loan shall not be in attendance at the time the board of directors considers the application and shall not take part in the consideration. Prior to consideration of such loan, the director must have submitted to the board a detailed current financial statement. The aggregate amount of director loans shall not exceed twenty percent of the assets of the credit union.

4. Loans secured by a mortgage or deed of trust upon real property may be made only on unencumbered property located in Iowa and in bordering counties of adjacent states and every such loan shall comply with one of the following conditions:

1 a. If the terms of the instrument securing such loan call for payment at maturity the loan shall not be for a period in excess of five years and the amount loaned shall not exceed fifty percent of the appraised value of the property given as security.

2 b. If the terms of the instrument securing such loan call for installment payments which are sufficient to retire at least forty percent of the principal of the loan within ten years the amount loaned shall not exceed sixty percent of the appraised value of the property given as security and shall not be for a period in excess of ten years.

3 c. If the terms of the instrument securing such loan call for monthly installment payments, including principal and interest, at least equal to one percent of the principal of the loan, the amount loaned shall not exceed eighty percent of the appraised value of the property given as security.

The foregoing restrictions or limitations shall not prevent the renewal or extension of loans and shall not apply to loans which are secured under the provisions of the national housing Act, as amended, or to loans made to families of low or moderate income as a part of programs authorized in sections 220.1 to 220.36 and approved by the Iowa housing finance authority. The board of directors of a credit union possessing assets of at least five hundred thousand dollars may set maturity schedules for real property loans not to exceed twenty-five years. The value of the property given as security must be determined by an independent appraiser and the maximum loan must not exceed ninety percent of the appraised value. However, the maximum real property loan balances of this type in the credit union shall not exceed fifteen percent of the aggregate total of the member share and deposit accounts.

d. The board of directors of a credit union possessing assets of at least five hundred thousand dollars may set maturity schedules for real property loans not to exceed thirty years, if the terms of the instrument securing such loans require substantially equal payments of principal or of principal and interest at successive intervals of not more than one year. The value of the property given as security must be determined by an independent appraiser and the maximum loan must not exceed ninety percent of the appraised value. However, the maximum real property loan balances of this type in the credit union shall be established by rule by the administrator.

5. Loans which are not secured by real property shall be subject to the following conditions:

a. Loans to any one member which in the aggregate exceed the unsecured loan limit established by the board of directors of a credit union shall be secured by one or more cosigners or guarantors, or, by a first lien on collateral having a value which is approximately equal to the amount in excess of such unsecured loan limit. Every cosigner or guarantor shall furnish the credit union with evidence of financial responsibility.

b. Nothing contained in this subsection shall be deemed to preclude a credit committee or loan officer from requiring security for any loan.

c. A credit union may make loans insured under the provisions of Title twenty (XX), United States Code, section one thousand seventy-one (1071) through section one thousand eighty-seven (1087) or similar state programs, loans insured by the federal housing administration under Title twelve (XII), United States Code, section one thousand seven hundred three (1703), and loans to families of low or moderate income as a part of programs authorized in sections two hundred twenty point one (220.1) to two hundred twenty point thirty-six (220.36) of the Code.

d. The restrictions and limitations contained in this subsection shall not apply to loans made to a member credit union by a corporate central credit union.

6. Nothing contained in this section shall prevent the renewal or extension of loans.

7. The administrator may impose a penalty on a credit union for each loan made in violation of this section. If a credit union, after notice in writing, and opportunity for hearing, fails to satisfactorily resolve the matter within sixty days from receipt of such notice, the administrator may impose a fine against such credit union in an amount not to exceed one hundred dollars per day per violation for each day the violation remains unresolved.

8. No credit union shall loan to any one member more than one hundred dollars or ten percent of its total assets whichever is greater. The provisions of the Iowa consumer credit code shall apply to consumer loans made by a credit union, and a provision of that code shall supersede any conflicting provision of this chapter with respect to a consumer loan.

Sec. 30. Section five hundred thirty-three point seventeen (533.17), subsection one (1), paragraph b, and subsection three (3), Code 1977, are amended to read as follows:

b. Five percent of gross income until the legal reserve equals ten percent of the total of outstanding loans and risk assets.

Whenever the legal reserve falls below ten percent or seven and one-half percent of the total of outstanding loans and risk assets, as the case may be, the difference shall be replaced by regular contributions in order to maintain the seven and one-half percent or ten percent reserve. Any entrance fees, charges and transfer fees shall, after payment of organization expenses, be added to the legal reserve. The legal reserve shall belong to the credit union and shall be used to meet losses except those resulting from an excess of expenses over income. The reserve shall not be distributed except on liquidation of the credit union or in accordance with a plan approved by the superintendent of banking administrator.

3. The superintendent of banking administrator may require a credit union to set aside additional amounts as a special reserve if an examination of its assets should disclose that its legal reserve is inadequate.

Sec. 31. Section five hundred thirty-three point twenty (533.20), Code 1977, is amended to read as follows:

533.20 VOLUNTARY DISSOLUTION. The process of voluntary dissolution shall be as follows:

1. At a special meeting called for the that purpose, notice of which purpose must be contained in the call, a credit union may dissolve upon the affirmative vote of a majority of its members eligible to vote at the special meeting. Notice of the meeting's purpose shall be contained in the meeting's notice. Any member eligible to vote and not present at the meeting may, within twenty days after the date on which the meeting was held, vote in favor of dissolution by signing a statement in the form approved by the superintendent of banking and the administrator. This vote shall have the same force and effect as if cast at the meeting.

2. The credit union shall cease to do business except for the purposes of liquidation immediately upon the giving of notice of the special meeting of the called for the members to vote on dissolution and the. The board of directors shall immediately notify the superintendent of banking administrator of the intention of the credit union to dissolve. The credit union shall not resume its regular business unless the dissolution fails to receive the required vote of the members or unless the members shall have revoked prior affirmative action to dissolve as provided for in subsection 4 of this section.

3. The board of directors shall have power to terminate and settle the affairs of a credit union in voluntary dissolution. The credit union shall continue in existence for the purpose of discharging its liabilities, collecting and distributing its assets, and doing all acts required in order to terminate its affairs. The credit union may sue and be sued for the purpose of enforcing such liabilities and for the purpose of collecting its assets until its affairs are fully settled. During the course of dissolution proceedings, the credit union shall make such reports and shall be subject to such examinations as the superintendent of banking administrator may require. If at any time, after the affirmative vote of a majority of the members of a credit union to dissolve the credit union, the superintendent of banking administrator finds that the credit union is not

making reasonable progress toward terminating its affairs or finds that the credit union is insolvent, he the administrator may apply to the district court for a appointment of a receiver to be appointed to terminate the affairs of the credit union.

4. A credit union may, at At any time prior to any distribution of its assets, a credit union may revoke the voluntary dissolution proceedings upon by the affirmative vote of a majority of its members eligible to vote. This vote, if taken, shall be at a special meeting called for that purpose in the manner prescribed by the bylaws. The board of directors shall immediately notify the superintendent of banking administrator of any such action to revoke voluntary dissolution proceedings.

5. Upon such proof as is satisfactory to the superintendent of banking administrator that all assets have been liquidated from which there is a reasonable expectation of realization, that the liabilities of the credit union have been discharged and distribution made to its members, and that the liquidation has been completed, the superintendent of banking administrator shall issue a certificate of dissolution, which certificate shall be filed and recorded in the county in which the credit union has its principal place of business and in the county in which its original articles of incorporation were filed and recorded. Upon the issuance of a certificate of dissolution, the existence of the credit union shall cease.

6. The board of directors may appoint by resolution any responsible person as defined in section four point one (4.1) of the Code, whose appointment has been approved by the administrator, to exercise its powers to terminate and settle the affairs of the credit union pursuant to this section. The administrator is authorized to promulgate rules pursuant to chapter seventeen A (17A) of the Code establishing the qualifications which must be met by such appointees, including but not limited to filing a surety bond with the administrator.

Sec. 32. Section five hundred thirty-three point twenty-one (533.21), subsections one (1) through three (3), Code 1977, are amended to read as follows:

1. In all situations in which the superintendent administrator has been appointed as receiver as provided in section 533.6 and section 533.20 he this chapter, the administrator shall make a diligent effort to collect and realize on the assets of the credit union, and shall make distribution of the proceeds from time to time to those entitled thereto in the order provided for by law. The superintendent administrator may execute as receiver, or after the receivership has terminated, assignments, releases, and satisfactions to effectuate sales and transfers as receiver or after the receivership has terminated. Upon the order of the court in which the receivership is pending, the superintendent administrator may sell or compound all bad or doubtful debts; and, on a like order, Upon the order of the court in which the receivership is pending, the administrator may sell all the real and personal property of the credit union, on such terms as the court shall direct.

2. All expenses of the receivership and dissolution shall be fixed determined by the superintendent administrator, subject to the approval of the district court, and shall be paid out of the assets of the credit union.

3. At the termination of the receivership, the superintendent administrator shall file his a final report containing which shall contain the details of his or her actions therein, together with and such additional facts as the court may require.

Sec. 33. Section five hundred thirty-three point twenty-two (533.22), subsection three (3), Code 1977, is amended to read as follows:

3. The superintendent of banking administrator shall assume custody of the records of a credit union dissolved pursuant to this chapter and shall retain ~~them~~ these records in accordance with the provisions of section 533.26. The superintendent administrator may cause film, photographic, photostatic, or other copies of such ~~these~~ records to be made and the administrator shall retain ~~such~~ these copies in lieu of the original records.

Sec. 34. Section five hundred thirty-three point twenty-three (533.23), Code 1977, is amended to read as follows:

533.23 CHANGE IN PLACE OF BUSINESS. A credit union may change its place of business on written notice to the superintendent of banking administrator.

Sec. 35. Section five hundred thirty-three point twenty-seven (533.27), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

For the purpose of assisting credit unions in the retention of only necessary records and files, or for the destruction of those which are obsolete or unnecessary, credit unions are authorized to destroy such records and files or classes thereof within the period of limitation of actions upon the joint recommendation of the superintendent of banking administrator and a credit union review board relating to records consisting of the directors of the Iowa credit union league.

Sec. 36. Section five hundred thirty-three point thirty (533.30), subsections one (1), three (3), and four (4), Code 1977, are amended to read as follows:

1. A credit union may, with the approval of the superintendent of banking, merge with another credit union under the existing organization of the other credit union if the merger receives approval of the administrator and if the merger is pursuant to a plan agreed upon by the majority of the board of directors of each credit union joining in the merger and which plan is approved by the affirmative vote of a majority of the members of the merging credit unions.

3. The certificate and a copy of the agreed plan or merger agreed upon shall be forwarded to the superintendent of banking administrator, certified by him or her, and returned to both credit unions within thirty days of the date of receipt by the administrator.

4. Upon return of the certificates from the superintendent of banking administrator, all property, property rights, and members' interest of the merged credit union shall vest in the surviving credit union without deed, endorsement the legal need for deeds, endorsements or other instrument instruments of transfer, and all debts, obligations and liabilities of the merged credit union are shall be assumed by the surviving credit union under whose charter the merger was effected. The rights and privileges of the members of the merged credit union shall remain intact. Credit union membership in the surviving credit union shall be available to persons within the field of membership of the merged credit union.

Sec. 37. Section five hundred thirty-three point thirty-three (533.33), Code 1977, is amended to read as follows:

533.33 ADMINISTRATION OF NATIONAL UNION ADMINISTRATOR OF ACCOUNT INSURANCE PLAN AS RECEIVER.

1. The superintendent administrator of the credit union department may tender to the administrator of the national credit union administration an account insurance plan approved under this chapter the appointment as receiver for an insured credit union. If the insurance plan administrator accepts the appointment as receiver, the rights of the members and other creditors of the insured credit union shall be determined in accordance with the laws of this state.

2. The administrator of the national credit union administration an account insurance plan as receiver shall possess the powers, rights, and privileges given to the superintendent administrator of the credit union department as provided by law.

3. If the administrator of the national credit union administration an account insurance plan pays or makes available for payment the insured liabilities of a state credit union, he or she shall be subrogated by operation of law to all rights of the members against the insured credit union in the same manner and to the same extent as the subrogation of the administrator of the national credit union administration is provided for in applicable laws of the United States in the case of a closed federal credit union or closed state credit union.

Sec. 38. Section five hundred thirty-three point thirty-four (533.34), Code 1977, is amended to read as follows:

533.34 CONVERSION OF STATE CREDIT UNION INTO FEDERAL CREDIT UNION.

1. A state credit union may convert into a federal credit union upon with the approval of the administrator of the national credit union administration and by the affirmative vote of a majority of its the credit union's members eligible to vote. This vote, if taken, shall be at a special meeting called for that purpose and shall be in the manner prescribed by the bylaws and with the approval of the administrator of the national credit union administration. Any member eligible to vote and not present at the meeting may, within twenty days after the date on which the meeting was held, vote in favor of conversion by signing a statement in a form satisfactory to the superintendent of banking and the administrator of the credit union department. This vote shall have the same force and effect as if cast at the meeting.

2. The board of directors of the state credit union shall notify the superintendent of banking administrator of the credit union department of any proposed conversion and of any abandonment or disapproval of the conversion by the members or by the administrator of the national credit union administration. The board of directors of the state credit union shall file with the superintendent administrator of the credit union department appropriate evidence of approval of the conversion by the administrator of the national credit union administration and shall notify the superintendent administrator of the credit union department of the date on which the conversion is to be effective.

3. Upon receipt of satisfactory proof that the state credit union has complied with all applicable laws of this state and of the United States, the superintendent administrator of the credit union department shall issue a certificate of conversion which shall be filed and recorded in the county in which the state credit union has its prin-

principal place of business and in the county in which its original articles of incorporation were filed and recorded.

Sec. 39. Section five hundred thirty-three point thirty-five (533.35), subsection one (1) and two (2), Code 1977, are amended to read as follows:

1. A federal credit union may convert into a state credit union upon by compliance with the laws of the United States and upon the approval by of the superintendent of banking administrator of the credit union department. Application for approval of the conversion to a state credit union shall be submitted to the superintendent administrator of the credit union department in the form prescribed by the superintendent administrator, together with the articles of incorporation and bylaws as required by section 533.1. The superintendent of banking administrator of the credit union department may cause an examination to be made of any converting federal credit union and the. The credit union shall pay to the superintendent administrator the same examination fee as paid for examinations of state credit unions.

2. If the ~~superintendent shall administrator of the credit union department should~~ approve the application of a federal credit union for conversion to a state credit union, he or she shall cause the articles of incorporation of the resulting state credit union to be filed and recorded in the county in which the credit union has its principal place of business and he or she shall issue a certificate of authority to do business under the laws of this state to the resulting state credit union to do business under the laws of this state. The credit union shall then become a state credit union subject to the laws of this state. The superintendent administrator of the credit union department shall furnish a copy of the certificate to the administrator of the national credit union administration.

Sec. 40. Section five hundred thirty-three point thirty-six (533.36), Code 1977, is amended by striking the section.

Sec. 41. Section five hundred thirty-three point thirty-seven (533.37), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

533.37 ENFORCEMENT OF IOWA CONSUMER CREDIT CODE.

1. The administrator of the credit union department shall enforce the Iowa consumer credit code with respect to credit unions, as provided in sections five hundred thirty-seven point two thousand three hundred three (537.2303), five hundred thirty-seven point two thousand three hundred five (537.2305) and five hundred thirty-seven point six thousand one hundred five (537.6105) of the Code.

2. The administrator of the credit union department shall cooperate with the administrator of the Iowa consumer credit code as designated in section five hundred thirty-seven point six thousand one hundred three (537.6103) of the Code, and shall assist that administrator whenever necessary to provide for the discharge of the duties of that administrator.

3. Notwithstanding other provisions of this chapter to the contrary, the administrator of the credit union department shall authorize to be furnished to the administrator of the Iowa consumer credit code, access to or copies of records in the custody of the credit union department which relate to a credit union, when necessary,

to enable the administrator of the Iowa consumer credit code to enforce chapter five hundred thirty-seven (537) of the Code.

Sec. 42. Section five hundred thirty-three point thirty-eight (533.38), subsection two (2), Code 1977, is amended to read as follows:

2. It may buy or sell investment securities and corporate bonds which are evidences of indebtedness. However, the buying and selling of such investment securities and corporate bonds shall be limited to buying and selling without recourse to marketable obligations evidencing indebtedness of any corporation or state or federal agency, under further definitions of the term "investment securities" as prescribed by the superintendent administrator. The total amount of the investment securities of any one obligor or maker held by the credit union shall at no time exceed five percent of the shares, undivided earnings and reserves of the credit union except that this limit shall not apply to obligations of the federal government. The aggregate total of the investment securities held by the credit union shall not exceed fifteen percent of the shares, undivided earning and reserves of said credit union.

Sec. 43. Effective January 1, 1979, all of the jurisdiction, authorities, powers, records, duties and reserves conferred and imposed upon the superintendent of banking by the laws of this state which are in existence as of December 31, 1978, and which pertain to credit unions shall be transferred to the credit union department. All funds held in the general fund as of January 1, 1979 for the use of the superintendent of banking which pertain to credit union supervision and examination fees shall be transferred to the credit union department effective January 1, 1979.

All department of banking personnel who are assigned to the credit union division may transfer to the credit union department created by section three (3) of this Act effective January 1, 1979. However, no person shall be transferred in a supervisory capacity. Supervisory personnel shall be appointed at the discretion of the administrator.

Sec. 44. This Act shall take effect January 1, 1979."

4. Amend the title by striking lines 1 through 3 and inserting in lieu thereof the following: "An act relating to the operation and regulation of credit unions, and providing penalties."

ON THE PART OF THE SENATE:

TOM SLATER, Chair
BOB CARR
LOWELL L. JUNKINS
ROGER J. SHAFF
FORREST F. ASHCRAFT

ON THE PART OF THE HOUSE:

W. R. MONROE, Chair
JACK E. WOODS
ALBERT L. GARRISON
ROGER A. HALVORSON

The motion prevailed and the report 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. 137)

The ayes were, 80:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Schneklloth	Shimanek
Small	Smalley	Spear	Stromer
Svoboda	Tauke	Varley	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 8:

Bennett	Crabb	Daggett	Danker
Evans	Stephens	Tofte	Welden

Absent or not voting, 12:

Clark, J.H.	Den Herder	Gilloon	Jesse
Patchett	Poncy	Rinas	Scheelhaase
Schroeder	Spencer	Thompson	Walter

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

ADOPTION OF CONFERENCE COMMITTEE REPORT (House File 2423)

Wyckoff of Benton offered the following report of the conference committee on House File 2423 and moved the adoption of the conference committee report and the amendments contained therein.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2423

To the Speaker of the House of Representatives and President of the Senate:

We, the undersigned members of the first conference committee appointed to consider the differences between the House of Representatives and the Senate on House File 2423, a bill for an act making appropriations to the department of general services for designated capital improvements and expenses, respectfully make the following report:

1. That the House recede from its amendment S—5814 to Senate amendment H—6461 to House File 2423 as amended, passed and reprinted by the House.

2. That the Senate amendment H—6461 to House File 2423 as amended, passed, and reprinted be amended as follows:

1. Page 1, line 6, by inserting after the figure "3" the words "It is the intent of the general assembly that the parking facility created by the closing of Locust Street be retained as a parking facility until additional parking can be provided elsewhere on the capital complex for those parking spaces that will not be available because of a change in the present parking area. The capitol planning commission shall recommend, by January 1, 1980, whether Locust Street be reopened, a pedestrian mall be established, or another suitable approach to the capitol building be provided for, including alternative recommendations.

ON THE PART OF THE HOUSE:

RUSSELL L. WYCKOFF, Chair
JAMES D. WELLS
NORMAN G. JESSE
WILLIAM H. HARBOR
GLENN F. BROCKETT

ON THE PART OF THE SENATE:

JAMES M. REDMOND, Chair
JAMES V. GALLAGHER
EARL M. WILLITS
JOHN S. MURRAY
RAY TAYLOR

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?" (H.F. 2423)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum

Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	Oxley
Pavich	Pellet	Pelton	Perkins
Scheelhaase	Schneklath	Schroeder	Shimaneck
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Tofte
Varley	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 5:

Dyrland	Gilloon	Hinkhouse	Jesse
O'Halloran			

Absent or not voting, 12:

Brunow	Den Herder	Egenes	Junker
Millen	Monroe	Patchett	Poney
Rinas	Spencer	Thompson	Walter

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.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 69 was invoked. The vote revealed seventy-three members present, twenty-seven absent.

The House resumed consideration of **Senate File 2187**, a bill for an act relating to transportation providing for licensing authorized vehicle recyclers, modification of temporary drivers permit provisions, the issuance of restricted certificate of title, junking certificate and salvage certificate of title, the inspections of vehicles and component parts, requirements for perfecting state liens on motor vehicles, elimination of the listing of "occupation" on motor vehicle licenses, the prohibition of eluding or attempting to elude a marked police vehicle, appropriations for notice of suspensions and revocations, the elimination of inspection requirements for pollution

control equipment and for vehicles for which the certificate of title must be surrendered, definitions for illuminated signals on official traffic control signals and the duties for stopping before yield signs, stop signs and railroad crossings, the reporting of property damage accidents, the placement of stop signs on highways, the promulgation of motor vehicle noise and exhaust requirements, the prohibitions of removing certain motor vehicle identification numbers, elimination of certain financial responsibility requirements, the movement of oversized loads of hay, straw or stover, a ten dollar fee for car lots, providing for penalties and repeal of certain sections, and the point of order by Nielsen of Polk questioning the germaneness of amendment H—6636, found on pages 2596 through 2622 of the House Journal.

The Speaker ruled the point well taken and amendment H—6636 not germane.

Brunow of Appanoose offered the following amendment H—6709 filed by Brunow, Krause, Davitt, Schroeder and Doyle from the floor:

H—6709

1 Amend Senate File 2187 as amended, passed and re-
2 printed 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 Code editor, in codifying the
6 provisions of this Act, is directed to codify sections
7 two (2) through eight (8) of this Act as a new chapter.

8 Sec. 2. NEW SECTION. ADMINISTRATION. The
9 administration of this chapter shall be vested in
10 the director of the state department of transportation.
11 The department may employ such employees as are
12 necessary for the administration of this chapter,
13 within applicable budget limitations.

14 Sec. 3. NEW SECTION. DEFINITIONS. As used in
15 this chapter and unless a different meaning appears
16 from the context:

17 1. "Person" includes any individual, firm,
18 corporation, copartnership, joint adventure, or
19 association, and the plural as well as the singular
20 number.

21 2. "Department" means the state department of
22 transportation.

23 3. "Selling" includes bartering, exchanging, or
24 otherwise dealing in.

25 4. "Vehicle" means any vehicle as defined in
26 chapter three hundred twenty-one (321) of the Code.

27 5. "Vehicle rebuilder" means a person engaged
28 in the business of rebuilding or restoring to operating
29 condition vehicles subject to registration under
30 chapter three hundred twenty-one (321) of the Code,
31 which have been damaged or wrecked.

32 6. "Used vehicle parts dealer" means a person
33 engaged in the business of selling bodies, parts of
34 bodies, frames or component parts of used vehicles
35 subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 7. "Vehicle salvager" means a person engaged in
38 the business of scrapping vehicles, dismantling or
39 storing wrecked or damaged vehicles or selling resuable
40 parts of vehicles or storing vehicles not currently
41 registered which vehicles are subject to registration
42 under chapter three hundred twenty-one (321) of the
43 Code.

44 8. "Authorized vehicle recycler" means a person
45 licensed to operate as a vehicle rebuilder, used
46 vehicle parts dealer or vehicle salvager.

47 9. "Wrecked or salvage vehicle" means a damaged
48 vehicle for which the cost of repair exceeds fifty
49 percent of the fair market value of the vehicle before
50 it became damaged.

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1 10. "Extension" means a place of business of an
2 authorized vehicle recycler other than the principal
3 place of business within the county of the principal
4 place of business.

5 Sec. 4. NEW SECTION. PROHIBITIONS. Except for
6 educational institutions, people licensed as new or
7 used vehicle dealers under chapter three hundred
8 twenty-two (322) of the Code, people engaged in a
9 hobby not for profit, people engaged in the busi-
10 ness of purchasing bodies, parts of bodies, frames
11 or component parts of vehicles only for sale as scrap
12 metal or a person licensed under the provisions of
13 this chapter as an authorized vehicle recycler, a
14 person in this state shall not engage in the business
15 of:

16 1. Selling used bodies, parts of bodies, frames
17 or component parts of more than six used vehicles
18 subject to registration under chapter three hundred
19 twenty-one (321) of the Code in a calendar year; or

20 2. Wrecking or dismantling in a calendar year
21 more than six vehicles or the parts of more than six

22 vehicles subject to registration under chapter three
23 hundred twenty-one (321) of the Code for resale; or
24 3. Rebuilding or restoring for sale six or more
25 wrecked or salvage vehicles subject to registration
26 under chapter three hundred twenty-one (321) of the
27 Code in a calendar year; or

28 4. Storing vehicles not currently registered or
29 storing damaged vehicles except where such storing
30 or damaged vehicles is incidental to the primary
31 purpose of the repair of motor vehicles for others,
32 scrapping, disposing, salvaging or recycling more
33 than six vehicles or parts of more than six vehicles
34 subject to registration under chapter three hundred
35 twenty-one (321) of the Code in a calendar year.

36 Sec. 5. NEW SECTION. LICENSE APPLICATION AND
37 FEES.

38 1. Upon application and payment of a thirty-five
39 dollar fee, a person may apply for a license to operate
40 as an authorized vehicle recycler to engage in the
41 business as one or more of the following:

- 42 a. A vehicle rebuilder; or
- 43 b. A used vehicle parts dealer; or
- 44 c. A vehicle salvager.

45 2. Application for a license as an authorized
46 vehicle recycler shall be made to the department on
47 forms provided by the department. The application
48 shall be accompanied by the fee. The license shall
49 be approved or disapproved within thirty days after
50 application for the license. Each license shall

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1 expire, unless revoked or suspended by the department,
2 on December thirty-first of the calendar year for
3 which the license was granted. A separate license
4 shall be obtained for each county in which an applicant
5 conducts operations.

6 3. Each licensee shall file with the department
7 a supplemental statement form when the licensee's
8 principal place of business, an extension or the
9 operation of business in the county is changed to
10 differ from the information contained on the initial
11 license application form within fifteen days after
12 each operational change. The department shall notify
13 each licensee of the approval of a change in license
14 status. If a change in license status is approved
15 by the department the licensee shall surrender the
16 old license to the department together with a thirty-
17 five dollar fee. The department shall issue a new
18 license modified to reflect the principal place of
19 business, each extension and the operations of the
20 licensee.

21 Sec. 6. NEW SECTION. DISPLAY OF LICENSE. A

22 license issued under the provisions of this chapter
23 shall specify the location of the principal place
24 of business, each extension within the county of the
25 principal place of business and the license shall
26 be conspicuously displayed at the principal place
27 of business except during periods when the license
28 is surrendered for modifications.

29 Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR
30 REVOCATION OF LICENSE. The license of a person issued
31 under the provisions of this chapter may be denied,
32 revoked or suspended if the department finds that
33 the licensee has:

34 1. Violated any provisions of this chapter; or

35 2. Made any material misrepresentation to the
36 department in connection with an application for a
37 license, junking certificate, salvage certificate,
38 certificate of title or registration of a vehicle;
39 or

40 3. Been convicted of a fraudulent practice in
41 connection with selling or offering for sale vehicles
42 or parts of vehicles subject to registration under
43 chapter three hundred twenty-one (321) of the Code;
44 or

45 4. Failed to maintain an established principal
46 place of business in the county without notification
47 to the department; or

48 5. Had a license issued under the provisions of
49 this chapter denied, suspended or revoked within the
50 previous three years; or

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1 6. Been convicted of violation of any of sections
2 three hundred twenty-one point fifty-two (321.52),
3 three hundred twenty-one point seventy-one (321.71),
4 three hundred twenty-one point seventy-eight (321.78),
5 three hundred twenty-one point ninety-two (321.92),
6 three hundred twenty-one point ninety-seven (321.97),
7 three hundred twenty-one point ninety-eight (321.98),
8 three hundred twenty-one point ninety-nine (321.99),
9 three hundred twenty-one point one hundred (321.100),
10 or seven hundred thirteen point twenty-four (713.24)
11 of the Code.

12 Sec. 8. NEW SECTION. FEES. All fees of whatever
13 character accruing from the administration of this
14 chapter shall be accounted for and paid by the
15 department into the state treasury monthly and shall
16 be credited to the road use tax fund.

17 Sec. 9 Section three hundred twenty-one point
18 one (321.1), Code 1977 Supplement, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. "Vehicle rebuilder" means a person
21 engaged in the business of rebuilding or restoring
22 to operating condition vehicles subject to registration
23 under chapter three hundred twenty-one (321) of the
24 Code, which have been damaged or wrecked.

25 NEW SUBSECTION. "Used vehicle parts dealer" means
26 a person engaged in the business of selling bodies,
27 parts of bodies, frames or component parts of used
28 vehicles subject to registration under chapter three
29 hundred twenty-one (321) of the Code.

30 NEW SUBSECTION. "Vehicle salvager" means a person
31 engaged in the business of scrapping vehicles,
32 dismantling or storing wrecked or damaged vehicles
33 or selling reusable parts of vehicles or storing
34 vehicles not currently registered which vehicles
35 are subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 Sec. 10. Section three hundred twenty-one point
38 thirty (321.30), Code 1977, is amended by adding the
39 following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. The treasurer shall
41 also refuse registration of any vehicle if the
42 applicant for registration of such vehicle has failed
43 to pay the required registration fees of any vehicle
44 owned or previously owned when the registration fee
45 was required to be paid by the applicant and for which
46 vehicle the registration was suspended or revoked
47 under the provisions of section three hundred twenty-
48 one point one hundred one (321.101), subsection four
49 (4), of the Code, until such fees are paid together
50 with any accrued penalties.

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1 Sec. 11. Section three hundred twenty-one point
2 forty-nine (321.49), subsection one (1), Code 1977
3 as amended by Acts of the Sixty-seventh General
4 Assembly, 1977 Session, chapter one hundred three
5 (103), section nineteen (19), is amended to read as
6 follows:

7 1. If Except as provided in section three hundred
8 twenty-one point fifty-two (321.52) of the Code, if
9 an application for transfer of registration and
10 certificate of title is not submitted to the county
11 treasurer of the residence of the transferee within
12 seven days of the date of assignment or transfer of
13 title, a penalty of five dollars shall accrue against
14 said vehicle, and no registration card or certificate
15 of title shall thereafter be issued until penalty
16 is paid.

17 Sec. 12. Section three hundred twenty-one point
18 fifty-one (321.51), subsection four (4), Code 1977,

19 as amended by Acts of the Sixty-seventh General
20 Assembly, 1977 Session, chapter one hundred three
21 (103), section twenty-two (22) is amended to read
22 as follows:

23 4. The Except as provided in section three hundred
24 twenty-one point fifty-two (321.52) of the Code, the
25 county treasurer of the county of residence of the
26 transferee upon receipt of the application for a new
27 certificate of title, the appropriate fee therefor,
28 and the affidavit as provided in subsection 2 of this
29 section, and when satisfied as to the genuineness
30 and regularity thereof of the application, shall issue
31 a restricted certificate of title to the applicant
32 but shall not issue registration plates or a
33 registration card. A restricted certificate of title
34 shall be red in color and shall have conspicuously
35 imprinted thereon in bold print, in a manner prescribed
36 by the department, the words "RESTRICTED CERTIFICATE
37 OF TITLE—CANNOT BE REGISTERED AND OPERATED ON THE
38 HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF
39 INSPECTION EXCEPT AS PROVIDED IN SECTION three hundred
40 twenty-one point fifty-one (321.51) of the Code."
41 At such time as the transferee surrenders a valid
42 approved certificate of inspection and the restricted
43 certificate of title to the county treasurer of the
44 county of residence, the county treasurer, upon payment
45 of the appropriate fees, shall issue a certificate
46 of title that is not restricted for the vehicle and
47 shall also issue a registration card and registration
48 plates to the applicant if the applicant is not in
49 possession of registration plates which may be attached
50 to the vehicle, however, if the registration fee for

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1 the vehicle has been paid for the current year, the
2 county treasurer shall issue a registration card and
3 registration plates to the applicant if the applicant
4 is not in possession of registration plates which
5 may be attached to the vehicle upon payment of an
6 additional registration fee of five dollars. A vehicle
7 with a restricted certificate of title shall not have
8 a registration plate attached to the vehicle.

9 Sec. 13. Section three hundred twenty-one point
10 fifty-one (321.51), subsection seven (7), Code 1977,
11 as amended by Acts of the Sixty-seventh General
12 Assembly, 1977 Session, chapter one hundred three
13 (103), section twenty-two (22), is amended by striking
14 the subsection.

15 Sec. 14. Section three hundred twenty-one point
16 fifty-two (321.52), subsection one (1), Code 1977,
17 as amended by Acts of the Sixty-seventh General

18 Assembly, 1977 Session, chapter one hundred three
19 (103), section twenty-three (23), is amended by
20 striking the subsection.

21 Sec. 15. Section three hundred twenty-one point
22 fifty-two (321.52), Code 1977, as amended by Acts
23 of the Sixty-seventh General Assembly, 1977 Session,
24 chapter one hundred three (103), section twenty-three
25 (23), is amended by adding the following new
26 subsections:

27 **NEW SUBSECTION.** The purchaser or transferee of
28 a motor vehicle for which a certificate of title is
29 issued which is sold for scrap or junk shall surrender
30 the certificate of title and registration receipt
31 to the county treasurer of the county of residence
32 of the transferee within fifteen days after assignment
33 of the certificate of title. The county treasurer
34 shall issue to such person without fee a junking
35 certificate. A junking certificate shall authorize
36 the holder to possess, transport or transfer by
37 endorsement the ownership of the junked vehicle.
38 A certificate of title shall not again be issued for
39 the vehicle subsequent to the issuance of a junking
40 certificate. The county treasurer shall cancel the
41 record of the vehicle and forward the certificate
42 of title to the department. The junking certificate
43 shall be of a form to allow for the assignment of
44 ownership of the vehicle. The junking certificate
45 shall provide a space for the notation of the
46 transferee of the component parts of the vehicle
47 transferred by the owner of the vehicle.

48 **NEW SUBSECTION.** When a vehicle for which a
49 certificate of title is issued is junked or dismantled
50 by the owner, the owner shall detach the registration

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1 plates and surrender the plates to the county
2 treasurer, unless the plates are properly assigned
3 to another vehicle. The owner shall also surrender
4 the registration receipt and certificate of title
5 to the county treasurer. Upon surrendering the
6 certificate of title, the county treasurer shall issue
7 to such person, without fee, a junking certificate,
8 which shall authorize the holder to possess, transport
9 or transfer ownership of the junked vehicle by
10 endorsement of the junking certificate. A certificate
11 of title shall not again be issued for the junked
12 vehicle for which a junking certificate is issued.
13 The county treasurer shall cancel the record of the
14 vehicle and forward the certificate of title to the
15 department.

16 NEW SUBSECTION. A vehicle rebuilder or a motor
17 vehicle dealer licensed under chapter three hundred
18 twenty-two (322) of the Code, upon acquisition of
19 a wrecked or salvage vehicle, shall surrender the
20 certificate of title and registration receipt or
21 manufacturer's or importer's statement of origin
22 properly assigned, together with an application for
23 a salvage certificate of title to the county treasurer
24 of the county of residence of the purchaser or
25 transferee within fourteen days after the date of
26 assignment of the certificate of title for the wrecked
27 or salvage motor vehicle. The provisions of this
28 subsection shall apply only to vehicles with a fair
29 market value of five hundred dollars or more, based
30 on the value before the vehicle became wrecked or
31 salvage. Upon payment of a fee of two dollars, the
32 county treasurer shall issue a salvage certificate
33 of title which shall be of a distinctive color and
34 bear the words "SALVAGE CERTIFICATE OF TITLE". A
35 salvage certificate of title may be assigned to any
36 person. Notwithstanding any other provisions in this
37 section a vehicle on which ownership has transferred
38 to an insurer of such vehicle, as a result of a
39 settlement with the owner of the vehicle arising out
40 of damage to, or unrecovered theft of the vehicle,
41 shall be deemed to be a wrecked or salvage vehicle
42 and the insurer shall comply with the provisions of
43 this subsection to obtain a salvage certificate of
44 title within fourteen days after the date of assignment
45 of the certificate of title of the vehicle. Any
46 owner, except an insurer of vehicles, who transfers
47 a wrecked or salvage vehicle with a fair market value
48 less than five hundred dollars, based on the value
49 before it became wrecked or salvage, shall comply
50 with the provisions of section three hundred twenty-

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1 one point fifty-one (321.51) of the Code.
2 When a wrecked or salvage vehicle has been repaired
3 or rebuilt, that person shall make application for
4 a certificate of title to the county treasurer of
5 the county of residence of the owner, and shall
6 surrender the salvage certificate of title issued
7 for the vehicle. A verification of the vehicle
8 identification number of the vehicle shall be made
9 by a peace officer of the state department of
10 transportation, the department of public safety,
11 county sheriff or police department of cities with
12 a population exceeding five thousand persons or a
13 person designated by the commissioner of public safety

14 or the director. The verification shall be made on
15 forms provided by the department and signed by the
16 peace officer or the appropriately designated person
17 and the verification form shall be surrendered by
18 the owner to the county treasurer at the time
19 application is made for a certificate of title. Upon
20 payment of the appropriate fees and surrender of the
21 appropriate documents the county treasurer shall issue
22 a certificate of title to the person making
23 application.

24 For purposes of this subsection a "wrecked or
25 salvage vehicle" means a damaged vehicle for which
26 the cost of repair exceeds fifty percent of the fair
27 market value of the vehicle before it became damaged.

28 Sec. 16. Section three hundred twenty-one point
29 ninety-five (321.95), Code 1977, is amended to read
30 as follows:

31 321.95 RIGHT OF INSPECTION. Peace officers or
32 examiners employed in the department shall have the
33 authority to inspect any vehicle or component part
34 in possession of a ~~demolisher~~ vehicle rebuilder,
35 vehicle salvager, used vehicle parts dealer or any
36 person licensed under chapter three hundred twenty-
37 two (322) of the Code, or found upon the public highway
38 or in any public garage or, enclosure or property
39 in which vehicles or component parts are kept for
40 sale, storage, hire or repair and for that purpose
41 may enter any such public garage or, enclosure or
42 property. Every person doing business as a ~~demolisher~~
43 vehicle rebuilder, vehicle salvager, used vehicle
44 parts dealer, or any person licensed under chapter
45 three hundred twenty-two (322) of the Code, or a
46 person having used engines or transmissions which
47 are component parts for sale shall keep an accurate
48 and complete record of all vehicles demolished and
49 of such component parts purchased or received for
50 resale as component parts in the course of business.

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1 These records shall contain the name and address
2 of the person from whom each such vehicle or component
3 part was purchased or received and the date when the
4 purchase or receipt occurred or the junking certificate
5 if required for the vehicle. These records shall
6 be open for inspection by any ~~police authority~~ peace
7 officer at any time during normal business hours.
8 Records required by this section shall be kept for
9 at least three years after the transaction which they
10 record.

11 Sec. 17. Section three hundred twenty-one point -

12 one hundred (321.100), Code 1977 Supplement, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. To transfer in any manner or to
15 offer to transfer in any manner a certificate of
16 title, manufacturer's or importer's certificate to
17 any vehicle on which a salvage certificate of title
18 or junking certificate is required under section three
19 hundred twenty-one point fifty-two (321.52) of the
20 Code, with knowledge or reason to believe that the
21 certificate will be used for a vehicle other than
22 the vehicle for which the certificate is issued.
23 "Transfer" for the purposes of this subsection means
24 to sell, exchange, change possession or ownership
25 or convey in any manner.

26 Sec. 18. Section three hundred twenty-one point
27 one hundred one (321.101), Code 1977, is amended by
28 adding the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. If a vehicle, for which
30 the registration has been suspended or revoked pursuant
31 to subsection four (4) of this section, is transferred
32 to a bona fide purchaser for value without actual
33 knowledge of such suspension or revocation then the
34 vehicle shall be deemed to be registered and the
35 provisions of sections three hundred twenty-one point
36 twenty-eight (321.28) and three hundred twenty-one
37 point thirty (321.30), subsections four (4) and five
38 (5), of the Code shall not be applicable to such
39 vehicle for the failure of the previous owner to pay
40 the required fees.

41 Sec. 19. Section three hundred twenty-one point
42 one hundred thirty-one (321.131), Code 1977, is amended
43 to read as follows:

44 321.131 LIEN OF FEE. All registration or other
45 fees provided for in this chapter shall be and continue
46 a lien against the vehicle for which said fees are
47 payable unless otherwise provided in this section
48 until such time as they are paid as provided by law,
49 with any accrued penalties. The county treasurer
50 may perfect a security interest in a vehicle for the

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1 amount of such fees by noting the lien upon the
2 certificate of title for the vehicle as provided in
3 section three hundred twenty-one point fifty (321.50)
4 of the Code. If the lien is not perfected as provided
5 in this section, the lien shall not be valid against
6 a bona fide purchaser of the vehicle without actual
7 notice to the purchaser.

8 Sec. 20. Section three hundred twenty-one point
9 one hundred eighty (321.180), Code 1977, is amended

10 by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. A permittee shall not
12 be penalized for failing to have his or her permit
13 in immediate possession if the permittee produces
14 in court, within a reasonable time, an instruction
15 permit issued to him or her and valid at the time
16 of the permittee's arrest.

17 Sec. 21. Section three hundred twenty-one point
18 one hundred eighty-one (321.181), Code 1977, is amended
19 by striking unnumbered paragraphs two (2), three (3),
20 four (4), and five (5).

21 Sec. 22. Section three hundred twenty-one point
22 one hundred eighty-three (321.183), Code 1977, is
23 amended to read as follows:

24 321.183 CONTENTS OF APPLICATION. Every said
25 application shall state the full name, date of birth,
26 ~~occupation~~, sex, and residence address of the
27 applicant, and briefly describe the applicant, and
28 shall state whether the applicant has theretofore
29 been licensed as an operator or chauffeur, and if
30 so, when and by what state or country, and whether
31 any such license has ever been suspended or revoked,
32 or whether an application has been refused, and, if
33 so, the date of and reason for such suspension,
34 revocation, or refusal.

35 Sec. 23. Section three hundred twenty-one point
36 one hundred eighty-nine (321.189), subsection one
37 (1), Code 1977, as amended by Acts of the Sixty-seventh
38 General Assembly, 1977 Session, chapter one hundred
39 three (103), section forty-one (41), is amended to
40 read as follows:

41 1. MOTOR VEHICLE LICENSE. Upon the payment of
42 the required fee, the department shall issue to every
43 qualifying applicant an operator's license, motorized
44 bicycle license, or chauffeur's license, as applied
45 for. Appearing on this license shall be a
46 distinguishing number assigned to the licensee; the
47 licensee's full name, date of birth, ~~occupation~~, sex,
48 residence address; a colored photograph; a brief
49 description of the licensee; and the usual signature
50 of the licensee. If prior to the renewal date, a

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1 person desires to obtain an operator's or chauffeur's
2 license in the form authorized by this section, such
3 license may be issued as a voluntary replacement upon
4 payment of the required fee. The number of places
5 where licenses are available shall not be reduced
6 because of procedures or equipment required in placing
7 colored photographs on licenses or permits. The

8 department shall provide a space on every license
9 where the licensee may affix a decal or sticker
10 indicating that the licensee is a donor under the
11 Uniform Anatomical Gift Act and shall provide a space
12 where the licensee may affix a symbol indicating the
13 presence of a medical condition. The license may
14 contain such other information as the department may
15 by rule require. No license shall be valid unless
16 it bears the usual signature of the licensee. The
17 department shall advise an applicant that he or she
18 may request a number other than a social security
19 number as the motor vehicle license number. The
20 department shall not retain a positive or negative
21 photograph of the licensee. The licensee may affix
22 a decal or sticker on the license in the space provided
23 which indicates that the licensee in the space provided
24 which indicates that the licensee is a donor under
25 the Uniform Anatomical Gift Act. The decal shall
26 not be larger than one-half inch in diameter. The
27 use of the decal or sticker on the license shall be
28 authorized only if the licensee has complied with
29 the provisions for making a gift under the Uniform
30 Anatomical Gift Act and shall be effective only if
31 the licensee carries on or about the licensee's person
32 a duly signed and executed donor card as authorized
33 by the Uniform Anatomical Gift Act.

34 Sec. 24. Section three hundred twenty-one point
35 one hundred eighty-nine (321.189), subsection three
36 (3), Code 1977, is amended to read as follows:

37 3. CARRIED AND EXHIBITED. Every licensee shall
38 have his or her operator's or chauffeur's, or motorized
39 bicycle license or instruction permit in his immediate
40 possession at all times when operating a motor vehicle
41 and shall display the same, upon demand of a judicial
42 magistrate or district associate judge, a peace
43 officer, or a field deputy or examiner of the
44 department. However, no person charged with violating
45 this section shall be convicted if he or she produces
46 in court, within a reasonable time, an operator's
47 or chauffeur's or motorized bicycle license or
48 instruction permit issued to him or her and valid
49 at the time of his the person's arrest.

50 Sec. 25. Section three hundred twenty-one point

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1 two hundred ten (321.210), unnumbered paragraph five
2 (5), Code 1977, is amended to read as follows:

3 If the department assesses any points against an
4 operator or chauffeur of a motor vehicle under any
5 point system devised by the department for the purpose
6 of suspending operators' or chauffeurs' licenses,

7 the department must notify the licensee by ordinary
8 mail that such points have been assessed and the
9 reason therefor. Such notice shall also contain a
10 reference to all code sections under which the person's
11 motor vehicle license may be suspended, revoked,
12 canceled or denied. Provided that no license shall
13 be suspended on the basis of any point system devised
14 by the department without notice of proposed suspension
15 to the licensee and a reasonable opportunity for a
16 preliminary hearing before a member of the department
17 who shall have authority in meritorious cases to
18 revoke the suspension.

19 Sec. 26. Section three hundred twenty-one point
20 two hundred ten (321.210), Code 1977, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 8. Has eluded or attempted to
23 elude a pursuing police vehicle pursuant to section
24 thirty-four (34) of this Act.

25 Sec. 27. Section three hundred twenty-one point
26 two hundred eleven (321.211), Code 1977, is amended
27 to read as follows:

28 321.211 NOTICE AND HEARING. Upon suspending the
29 license of any person as hereinbefore authorized the
30 department shall immediately notify the licensee in
31 writing and upon his or her request shall afford him
32 or her an opportunity for a hearing before the director
33 of his or her duly authorized agent as early as
34 practical within not to exceed thirty days after
35 receipt of such request in the county wherein the
36 licensee resides unless the department and the licensee
37 agree that such hearing may be held in some other
38 county. Upon such hearing the director or his or
39 her duly authorized agent may administer oaths and
40 may issue subpoenas for the attendance of witnesses
41 and the production of relevant books and papers and
42 may require a re-examination of the licensee. Upon
43 such hearing the department shall either rescind its
44 order of suspension or for good cause may extend the
45 suspension of such license or revoke such license.
46 There is hereby appropriated each year from the general
47 fund of the state to the department one hundred five
48 thousand dollars or so much thereof as may be necessary
49 to be used to pay the cost of notice and personal
50 delivery of service, if necessary to meet the notice

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1 requirement of this section. The department shall
2 promulgate rules governing the payment of the cost
3 of personal delivery of service. The reinstatement
4 fees collected under section three hundred twenty-

5 one point one hundred ninety-one (321.191) of the
6 Code shall be deposited in the general fund of the
7 state in a manner provided in section three hundred
8 twenty-one point one hundred ninety-two (321.192)
9 of the Code, as reimbursement for the costs of notice
10 under this section.

11 A peace officer stopping a person for whom a notice
12 of a suspension or revocation has been issued or to
13 whom a notice of a hearing has been sent under the
14 provisions of this section may personally serve such
15 notice upon forms approved by the department to satisfy
16 the notice requirements of this section. The peace
17 officer may confiscate the motor vehicle license of
18 such person if the license has been revoked or has
19 been suspended subsequent to a hearing and the person
20 has not forwarded the motor vehicle license to the
21 department as required.

22 Sec. 28. Section three hundred twenty-one point
23 two hundred thirty-eight (321.238), subsection ten
24 (10), unnumbered paragraph one (1), Code 1977, is
25 amended to read as follows:

26 In making a vehicle inspection, the inspection
27 station shall inspect such of the following equipment
28 as is applicable to the vehicle: Brakes, lights,
29 turning signals, steering, sound devices, glass,
30 mirrors, exhaust system, windshield wipers, seat
31 belts, tires and such other safety equipment as may
32 be prescribed for inspection under rules adopted by
33 the director. The inspection station shall also
34 inspect each motor vehicle to ascertain that none
35 of the factory installed emission control devices
36 have been removed or rendered inoperable.

37 Sec. 29. Section three hundred twenty-one point
38 two hundred thirty-eight (321.238), subsection twelve
39 (12), Code 1977, is amended to read as follows:

40 12. Every motor vehicle subject to registration
41 under the laws of this state, except motor vehicles
42 registered under section 321.115, and motorized
43 bicycles, motor vehicles transferred under the
44 provisions of sections three hundred twenty-one point
45 fifty-one (321.51) and three hundred twenty-one point
46 fifty-two (321.52) of the Code when first registered
47 in this state, other than a registration to a dealer
48 licensed under chapter 322, and each time when
49 transferred for use within this state or when
50 registration is changed from a registration as provided

1 in section 321.115 to a regular registration, other
2 than transfers to a dealer licensed under chapter
3 322, shall be inspected at an authorized inspection

4 station, unless there is affixed to the motor vehicle
5 a valid certificate of inspection which was issued
6 for the motor vehicle not more than sixty days prior
7 to the date on which the vehicle was transferred and
8 the vehicle has not been transferred during the sixty-
9 day period, provided that during a one-year period
10 the vehicle may be transferred between parents and
11 their children or between spouses without another
12 inspection. A vehicle inspection is not required
13 when the transfer of a vehicle or an interest in the
14 vehicle is between spouses or when required pursuant
15 to a decree for dissolution of marriage between former
16 spouses. However, the certificate of inspection for
17 a new motor vehicle which has not previously been
18 sold at retail and which is not sold within sixty
19 days after the date the inspection was performed may
20 be revalidated by the inspection station without
21 another inspection provided the motor vehicle has
22 not been driven more than one hundred miles since
23 the inspection was performed. If the motor vehicle
24 is subject to inspection, the authorized inspection
25 station shall issue and affix a valid certificate
26 of inspection or certificate of rejection, as the
27 case may be, in accordance with the results of the
28 inspection. If an inspection is required, an applicant
29 shall file with an application for title to the vehicle
30 or for registration thereof under the provisions of
31 section 321.23, subsection 2 or 3, with the county
32 treasurer of the county of his or her residence, a
33 statement on a form provided by the director, signed
34 by an authorized inspection station certifying the
35 date that a certificate of inspection was issued for
36 and affixed to the vehicle. If an inspection is
37 required the county treasurer shall not issue a title
38 to the vehicle to the applicant or register the vehicle
39 unless such statement is filed with the application
40 showing that the inspection of the vehicle was made
41 not more than sixty days prior to the date of sale
42 or transfer, or unless the vehicle was purchased out
43 of this state by a resident of this state who resides
44 outside of this state, but desires to maintain his
45 or her Iowa residency and he or she executes a
46 statement to that effect in form and content as
47 prescribed by the director. The county treasurer
48 shall stamp the registration card for such vehicle
49 with the words "NOT INSPECTED." A vehicle so
50 registered shall be inspected at an authorized

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1 inspection station within fifteen days after being
2 brought into this state. The county treasurer shall

3 mail the statement of inspection or statement of out-
4 of-state residence to the department at the time of
5 mailing copies of the registration receipt. The
6 department may destroy any forms, certificates or
7 statements after one year from the date they are filed
8 unless they relate to pending appeals. The provisions
9 of this subsection shall not be applicable to the
10 transfer of a motor vehicle to the insurer of such
11 vehicle who obtains ownership of such vehicle as a
12 result of a settlement with the owner thereof arising
13 out of damage to such vehicle and written proof thereof
14 is submitted to the county treasurer on forms
15 prescribed by the department.

16 Sec. 30. Section three hundred twenty-one point
17 two hundred fifty-six (321.256), Code 1977, is amended
18 to read as follows:

19 321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL
20 DEVICES. No driver of a vehicle or motorman of a
21 streetcar shall disobey the instructions of any
22 official traffic-control device placed in accordance
23 with the provisions of this chapter, unless at the
24 time otherwise directed by a police peace officer
25 subject to the exceptions granted the driver of an
26 authorized emergency vehicle.

27 Sec. 31. Section three hundred twenty-one point
28 two hundred fifty-seven (321.257), Code 1977, is
29 amended by striking the section and inserting in lieu
30 thereof the following:

31 321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.

32 1. For the purposes of this section "stop at the
33 official traffic control signal" means stopping at
34 the first opportunity at either the clearly marked
35 stop line or before entering the crosswalk or before
36 entering the intersection.

37 2. Official traffic control signals consisting
38 of colored lights or colored lighted arrows shall
39 regulate vehicle and pedestrian traffic in the
40 following manner:

41 a. A "steady circular red" light means vehicular
42 traffic shall stop. Vehicular traffic shall remain
43 standing until a signal to proceed is shown or
44 vehicular traffic, unless prohibited by a sign, may
45 cautiously enter the intersection to make a right
46 turn from the right lane of traffic or a left turn
47 from a one-way street to a one-way street from the
48 left lane of traffic on a one-way street onto the
49 left most lane of traffic on a one-way street. Turns
50 made under this paragraph shall be made in a manner

2 pedestrian traffic lawfully using the intersection.
3 Pedestrian traffic facing a steady circular red light
4 shall not enter the roadway unless the pedestrian
5 can safely cross the roadway without interfering with
6 any vehicular traffic.

7 b. A "steady circular yellow" or a "steady yellow
8 arrow" light means vehicular traffic is warned that
9 the related green movement is being terminated and
10 vehicular traffic shall no longer proceed into the
11 intersection and shall stop. If the stop cannot be
12 made in safety, a vehicle may be driven cautiously
13 through the intersection. Pedestrian traffic is
14 warned that there is insufficient time to cross the
15 intersection and any pedestrian starting to cross
16 the roadway shall yield the right-of-way to all
17 vehicles.

18 c. A "steady circular green" light means vehicular
19 traffic may proceed straight, turn right or turn left
20 through the intersection unless otherwise specifically
21 prohibited. Vehicular traffic shall yield the right-
22 of-way to other vehicular and pedestrian traffic
23 lawfully within the intersection.

24 d. A "steady green arrow" light shown alone or
25 with another official traffic control signal means
26 vehicular traffic may cautiously enter the intersection
27 and proceed in the direction indicated by the arrow.
28 Vehicular traffic shall yield the right-of-way to
29 other vehicles and pedestrians lawfully within the
30 intersection.

31 e. A "flashing circular red" light means vehicular
32 traffic shall stop and after stopping may proceed
33 cautiously through the intersection yielding to all
34 vehicles not required to stop or yield which are
35 within the intersection or approaching so closely
36 as to constitute a hazard, but then may proceed.

37 f. A "flashing yellow" light means vehicular
38 traffic shall proceed through the intersection or
39 past such signal with caution.

40 g. A "don't walk" light is a pedestrian signal
41 which means that pedestrian traffic facing the
42 illuminated pedestrian signal shall not start to cross
43 the roadway in the direction of the pedestrian signal,
44 and pedestrian traffic in the crossing shall proceed
45 to a safety zone.

46 h. A "walk" light is a pedestrian signal which
47 means that pedestrian traffic facing the illuminated
48 pedestrian signal may proceed to cross the roadway
49 in the direction of the pedestrian signal and shall
50 be given the right-of-way by drivers of all vehicles.

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1 Sec. 32. Section three hundred twenty-one point
2 two hundred fifty-eight (321.258), Code 1977, is
3 amended by striking the section and inserting in lieu
4 thereof the following:
5 321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC
6 CONTROL SIGNALS.

7 1. Colored lights placed on a vertical official
8 traffic control signal face shall be arranged from
9 the top to the bottom in the following order when
10 used: Circular red, circular yellow, circular green,
11 straight through yellow arrow, straight through green
12 arrow, left turn yellow arrow, left turn green arrow,
13 right turn yellow arrow, and right turn green arrow.

14 2. Colored lights placed on a horizontal official
15 traffic control signal face shall be arranged from
16 the left to the right in the following order when
17 used: Circular red, circular yellow, left turn yellow
18 arrow, left turn green arrow, circular green, straight
19 through yellow arrow, straight through green arrow,
20 right turn yellow arrow, and right turn green arrow.

21 Sec. 33. Section three hundred twenty-one point
22 two hundred sixty-five (321.265), Code 1977, is amended
23 to read as follows:

24 321.265 STRIKING FIXTURES UPON A HIGHWAY. The
25 driver of any vehicle involved in an accident resulting
26 only in damage to property legally upon or adjacent
27 to a highway shall take reasonable steps to locate
28 and notify the owner, a peace officer or person in
29 charge of such property of such fact and of his or
30 her name and address and of the registration number
31 of the vehicle he is driving causing the damage and
32 shall upon request and if available exhibit his or
33 her operator's or chauffeur's license and shall make
34 report of such accident when and as required in section
35 321.266.

36 Sec. 34. Section three hundred twenty-one point
37 three hundred twenty-two (321.322), Code 1977, is
38 amended by striking the section and inserting in lieu
39 thereof the following:

40 321.322 VEHICLES ENTERING STOP OR YIELD
41 INTERSECTION.

42 1. The driver of a vehicle approaching a stop
43 intersection indicated by stop sign shall stop at
44 the first opportunity at either the clearly marked
45 stop line or before entering the crosswalk or before
46 entering the intersection or at the point nearest
47 the intersecting roadway where the driver has a view
48 of approaching traffic on the intersecting roadway
49 before entering the intersection. Before proceeding,
50 the driver shall yield the right-of-way to any vehicle

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1 on the intersecting roadway which has entered the
2 intersection or which is approaching so closely as
3 to constitute an immediate hazard during the time
4 the driver is moving across or within the intersection.

5 2. The driver of a vehicle approaching a yield
6 sign shall slow to a speed reasonable for the existing
7 conditions and, if required for safety, shall stop
8 at the first opportunity at either the clearly marked
9 stop line or before entering the crosswalk or before
10 entering the intersection or at the point nearest
11 the intersecting roadway where the driver has a view
12 of approaching traffic on the intersecting roadway.
13 After slowing or stopping, the driver shall yield
14 the right-of-way to any vehicle on the intersecting
15 roadway which has entered the intersection or which
16 is approaching so closely as to constitute an immediate
17 hazard during the time the driver is moving across
18 or within the intersection.

19 Sec. 35. Section three hundred twenty-one point
20 three hundred forty-two (321.342), unnumbered paragraph
21 one (1), Code 1977, as amended by Acts of the Sixty-
22 seventh General Assembly, 1977 Session, chapter one
23 hundred three (103), section forty-seven (47), is
24 amended by striking the paragraph and inserting in
25 lieu thereof the following:

26 The driver of any vehicle approaching a railroad
27 grade crossing across which traffic is regulated by
28 a stop sign, a railroad sign directing traffic to
29 stop or an official traffic control signal displaying
30 a flashing red or steady circular red colored light
31 shall stop prior to crossing the railroad at the first
32 opportunity at either the clearly marked stop line
33 or at a point near the crossing where the driver has
34 a clear view of the approaching railroad traffic.

35 Sec. 36. Section three hundred twenty-one point
36 three hundred forty-five (321.345), Code 1977, is
37 amended to read as follows:

38 321.345 STOP OR YIELD AT ~~THROUGH~~ HIGHWAYS. The
39 department, based on an engineering study, with
40 reference to primary highways, and local authorities
41 with reference to other highways under their
42 jurisdiction may designate through highways and erect
43 stop signs or yield signs, in accordance with
44 specifications established by the department at
45 specified entrances ~~thereto~~ to the highway or may
46 designate any intersection as a stop intersection
47 or as a yield intersection and erect like signs at
48 one or more entrances to such intersection.

49 Every said sign shall bear the word "Stop" or
50 "Yield" in letters not less than six inches in height.

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1 Every stop or yield sign shall be located as near
2 as practical at the property line of the highway at
3 the entrance to which the stop or yield must be made,
4 or at the nearest line of the crosswalk thereat, or,
5 if none, at the nearest line of the roadway.

6 Every driver of a vehicle and every motorman of
7 a streetcar shall stop or yield at such sign or at
8 a clearly marked stop line before entering an
9 intersection except when directed to proceed by a
10 police officer or traffic control signal.

11 Sec. 37. Section three hundred twenty-one point
12 three hundred ninety-three (321.393), unnumbered
13 paragraph one (1), Code 1977, is amended to read as
14 follows:

15 No lighting device or reflector, when mounted on
16 or near the front of any motor truck or trailer,
17 except school buses shall display any other color
18 than white, yellow, or amber; provided that
19 installations heretofore in place and otherwise
20 complying with the law may display a green light until
21 replacements are made, however, such green light shall
22 be replaced with the appropriate color when replacement
23 is made or prior to January 1, 1980, whichever is
24 earlier.

25 Sec. 38. Section three hundred twenty-one point
26 four hundred thirty-seven (321.437), Code 1977, is
27 amended to read as follows:

28 321.437 MIRRORS. Every motor vehicle shall be
29 equipped with a mirror so located as to reflect to
30 the driver a view of the highway for a distance of
31 at least two hundred feet to the rear of such vehicle.
32 Any motor vehicle so loaded, or towing another vehicle
33 in such manner, as to obstruct the view in a rear
34 view mirror located in the driver's compartment shall
35 be equipped with a side mirror so located that the
36 view to the rear will not be obstructed however when
37 such vehicle is not loaded or towing another vehicle
38 the side mirrors shall be retracted or removed. All
39 van or van type motor vehicles shall be equipped with
40 outside mirrors of unit magnification, each with not
41 less than nineteen point five square inches of
42 reflective surface, installed with stable supports
43 on both sides of the vehicle, located so as to provide
44 the driver a view to the rear along both sides of
45 the vehicle, and adjustable in both the horizontal
46 and vertical directions to view the rearward scene.

47 Sec. 39. Chapter three hundred twenty-one (321),
48 Code 177, is amended by adding the following new
49 section:

50 NEW SECTION. ELUDING OR ATTEMPTING TO ELUDE A

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1 PURSUING POLICE VEHICLE. The driver of a motor vehicle
2 commits a serious misdemeanor if the driver willfully
3 fails to bring his or her vehicle to a stop or
4 otherwise eludes or attempts to elude a pursuing
5 police vehicle by exceeding the posted speed limit
6 by an amount in excess of twenty miles per hour after
7 being given a signal by red light and siren to bring
8 the vehicle to a stop. The peace officer giving the
9 signal shall be in a vehicle which shall be marked
10 showing it to be an official police vehicle.

11 Sec. 40. Chapter three hundred twenty-one (321),
12 Code 1977, is amended by adding the following new
13 section:

14 NEW SECTION.

15 1. Upon conviction and the suspension or revoca-
16 tion of a person's motor vehicle license under sections
17 three hundred twenty-one point two hundred nine
18 (321.209), subsections six (6) and seven (7), three
19 hundred twenty-one point two hundred ten (321.210)
20 or three hundred twenty-one point five hundred fifty-
21 five (321.555), subsection two (2), of the Code, and
22 upon the denial by the director of an application
23 for a temporary restricted license, a person may apply
24 to the district court having jurisdiction for the
25 residence of the person for a temporary restricted
26 permit to operate a motor vehicle to and from work.
27 The application may be granted only if all the
28 following criteria is satisfied:

29 a. The restricted temporary permit is requested
30 only for a case of extreme hardship where alternative
31 means of transportation does not exist.

32 b. The permit applicant has not made an application
33 for such a permit in any other district court in the
34 state which was denied or revoked.

35 c. The permit is restricted for travel to and
36 from work at times specified in the permit.

37 d. Proof of financial responsibility is established
38 as defined in chapter three hundred twenty-one A
39 (321A) of the Code.

40 2. The district court shall forward a record of
41 each application for such temporary restricted permit
42 to the department, together with the results of the
43 disposition of the request by the court.

44 3. A temporary restricted permit shall be valid
45 only if the department is in receipt of records
46 required by this section. The permit shall be canceled
47 upon conviction of a moving traffic violation as
48 defined in section three hundred twenty-one point
49 one hundred eighty-one (321.181) of the Code, or upon
50 any violation of the terms of the permit.

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3 Sec. 41. Section three hundred twenty-one A point
2 seventeen (321A.17), Code 1977, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. An individual applying for a motor
5 vehicle license following a period of suspension or
6 revocation under the provisions of section three
7 hundred twenty-one point two hundred sixteen (321.216)
8 of the Code Supplement shall not be required to
9 maintain proof of financial responsibility under the
10 provisions of this section.

11 Sec. 42. Acts of the Sixty-seventh General
12 Assembly, 1977 Session, chapter one hundred three
13 (103), section fifty-four (54), the first new section
14 added to chapter three hundred twenty-one E (321E),
15 Code 1977, is amended to read as follows:

16 NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS.

17 Vehicles or a combination of vehicles with divisible
18 loads may be moved on the highways of this state
19 pursuant to a special permit issued for special or
20 emergency situations by the department or local
21 authorities subject to the discretion and judgment
22 provided for in section three hundred twenty-one E
23 point one (321E.1) of the Code. The combined gross
24 weight or gross weight on any one axle or group of
25 axles may exceed the limits established in section
26 three hundred twenty-one point four hundred sixty-
27 three (321.463) of the Code, subject to the limits
28 and routes established by the issuing authority.
29 However movement of hay, straw or stover may be allowed
30 in the absence of special or emergency situations,
31 however such movement shall be consistent with the
32 other requirements for movement of oversize divisible
33 loads.

34 Sec. 43. Section three hundred twenty-two point
35 two (322.2), subsection seven (7), Code 1977, is
36 amended to read as follows:

37 7. "Motor vehicle" means any self-propelled vehicle
38 subject to registration under the laws of this state.

39 Sec. 44. Section three hundred twenty-two point
40 five (322.5), Code 1977, is amended to read as follows:

41 322.5 LICENSE FEE. The license fee for a motor
42 vehicle dealer for each calendar year or part thereof
43 shall be the sum of thirty-five dollars for the
44 licensee's principal place of business in each city
45 or township and an additional five ten dollars for
46 each used ear car lot which is in the city or township
47 wherein said in which the principal place of business
48 is located and which is not adjacent to such place,
49 to be paid to the department at the time a license
50 is applied for. In case the application is denied,

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1 the department shall refund the amount of such fee
2 to the applicant.

3 A motor vehicle dealer may display new motor
4 vehicles at fairs, vehicle shows and vehicle
5 exhibitions. Motor vehicle dealers, in addition to
6 selling vehicles at their principal place of business
7 and car lots, may, upon receipt of a temporary permit
8 approved by the department, display and offer new
9 motor vehicles for sale and negotiate sales of new
10 motor vehicles only at county fairs, as defined in
11 chapter one hundred seventy-four (174) of the Code,
12 vehicle shows and vehicle exhibitions which fairs,
13 shows and exhibitions are approved by the department
14 and are held in the county of the motor vehicle
15 dealer's principal place of business. Application
16 for temporary permits shall be made upon forms provided
17 by the department and shall be accompanied by a ten
18 dollar permit fee. Permits shall be issued for periods
19 of not to exceed fourteen days. No sale of a motor
20 vehicle by a motor vehicle dealer shall be completed
21 nor any sales agreement signed at any such fair, show
22 or exhibition. All such sales shall be consummated
23 at the motor vehicle dealer's principal place of
24 business.

25 Sec. 45. Section eight hundred five point eight
26 (805.8), subsection two (2), paragraph b, Code 1977
27 Supplement, is amended to read as follows:

28 b. For registration violations under sections
29 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and
30 ~~321.190~~ section three hundred twenty-one point thirty-
31 two (321.32) and section three hundred twenty-one
32 point one hundred eighty-nine (321.89) of the Code,
33 the scheduled fine is five dollars. For violations
34 of ~~section 321.190~~ sections three hundred twenty-
35 one point thirty-two (321.32) and three hundred twenty-
36 one point one hundred eighty-nine (321.189), subsection
37 three (3), of the Code, the case shall be dismissed
38 without imposition of fine or costs if a license or
39 registration valid at the time of the issuance of
40 the citation is presented by the defendant to the
41 magistrate or scheduled violations office.

42 Sec. 46. Section eight hundred five point eight
43 (805.8), subsection two (2), paragraph c, Code 1977
44 Supplement, is amended to read as follows:

45 c. For improperly used or nonused, or defective
46 or improper equipment, other than brakes, driving
47 lights and brakelights, under sections 321.317,
48 321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
49 three hundred twenty-one point three hundred ninety-
50 three (321.393) of the Code, 321.399, 321.422, 321.432,

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1 321.435, 321.436, 321.437, 321.438, 321.439, 321.440,
2 321.441, 321.442, 321.444, 321.445, and 321.447 the
3 scheduled fine is ten dollars.

4 Sec. 47. The state department of transportation
5 shall promulgate rules to provide for the placement
6 of motor vehicle registration validation stickers
7 on all registration plates issued for the motor vehicle
8 when such validation stickers are issued in lieu of
9 issuing new registration plates under the provisions
10 of section three hundred twenty-one point thirty-four
11 (321.34) of the Code.

12 Sec. 48. Sections three hundred twenty-one point
13 one hundred twenty-four (321.124) and three hundred
14 twenty-one point four hundred thirty-five (321.435),
15 Code 1977, are repealed.

16 Sec. 49. Sections one (1) through eighteen (18),
17 twenty (20), twenty-three (23), twenty-seven (27),
18 thirty-one (31) and thirty-five (35) of this Act shall
19 become effective January 1, 1979."

20 2. Renumber as necessary in conformance with this
21 amendment.

Husak of Tama offered the following amendment H-6713, to
amendment H-6709, filed by Husak, Wyckoff, Harbor, Crabb,
Hansen, Hinkhouse, West and Baker from the floor and moved its
adoption:

H-6713

1 Amend amendment H-6709, to Senate File 2187, as
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 10, by inserting after line 7, the follow-
4 ing:

5 "Sec. . Section three hundred twenty-one point
6 one hundred sixty-six (321.166), Code 1977, as amended
7 by Acts of the Sixty-seventh General Assembly, 1977
8 Session, chapter one hundred three (103), section
9 thirty-four (34), is amended by adding the following
10 new subsection:

11 NEW SUBSECTION. 6. Registration plates issued
12 a disabled veteran under the provisions of section
13 three hundred twenty-one point one hundred five
14 (321.105) of the Code, shall display the word
15 "DISABLED VET" and shall display the alphabetical
16 characters "DV", which shall be of the same size as
17 the characters in the registration plate number and
18 shall precede the registration plate number."

19 2. Renumber as necessary in conformance with this
20 amendment.

Amendment H—6713 was adopted.

Brunow of Appanoose offered the following amendment H—6712, to amendment H—6709, filed by him from the floor and moved its adoption:

H—6712

- 1 Amend amendment H—6709, to Senate File 2187 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 12, by striking lines 19 through 24.
- 4 2. Page 19, by striking lines 47 through 50.
- 5 3. Page 20, by striking lines 1 through 10.

Amendment H—6712 was adopted.

On motion by Brunow of Appanoose, amendment H—6709, as amended, was adopted placing out of order the following amendments:

H—5957, to page 23, filed by Miller of Buchanan on April 10, 1978.

H—5959, to page 24, filed by Miller of Buchanan on April 10, 1978.

H—5962, to page 23, filed by Baker of Buena Vista on April 10, 1978.

H—6237, to page 24, filed by Miller, et al., on April 24, 1978.

H—6410, to page 12, filed by Husak, et al., on April 28, 1978.

H—6434, to page 24, filed by Krause, et al., on May 1, 1978.

H—6438, to page 5, filed by Krause, et al., on May 1, 1978.

H—6479, to page 4, filed by Horn of Linn on May 3, 1978.

H—6487, to page 18, filed by Horn of Linn on May 3, 1978.

H—6488, to page 22, filed by Miller of Buchanan, et al., on May 3, 1978.

H—6489, to page 11, filed by Nielsen, et al., on May 3, 1978.

H—6490, to page 3, filed by Brunow, et al., on May 3, 1978.

H—6500, to page 11, filed by Pelton of Clinton on May 3, 1978.

H—6501, to page 24, filed by Miller of Buchanan, et al., on May 3, 1978.

H—6502, to page 23, filed by Wyckoff of Benton on May 3, 1978.

H—6503, to amendment H—6489, filed by Schneklath of Scott on May 3, 1978.

H—6504, to amendment H—6434, filed by Krause of Kossuth on May 3, 1978.

H—6513, to page 2, filed by Monroe of Des Moines on May 3, 1978.

H—6514, to page 20, filed by Lageschulte of Bremer on May 3, 1978.

H—6515, to amendment H—6490, filed by Miller of Buchanan and Norland of Worth on May 3, 1978.

H—6516, to page 4, filed by Horn of Linn on May 4, 1978.

H—6517, to page 11, filed by Harvey of Scott and Schroeder of Pottawattamie on May 4, 1978.

H—6524, to page 24, filed by Krause, et al., on May 4, 1978.

H—6525, to page 24, filed by Norland of Worth and West of Marshall on May 4, 1978.

H—6526, to amendment H—6490, filed by Gentleman, et al., on May 4, 1978.

H—6527, to page 22, filed by Lipsky of Linn on May 4, 1978.

H—6528, to amendment H—6490, filed by Doyle of Woodbury on May 4, 1978.

H—6530, to page 2, filed by Monroe of Des Moines and Lind of Black Hawk on May 4, 1978.

H—6538, to page 11, filed by Nielsen of Polk on May 4, 1978.

H—6542, to page 22, filed by Miller of Buchanan on May 5, 1978.

H—6543, to amendment H—6538, filed by Krause of Kossuth on May 5, 1978.

H—6544, to page 5, filed by Tofte of Winneshiek on May 5, 1978.

H—6545, to amendment H—6538, filed by Garrison, et al., on May 5, 1978.

H—6546, to amendment H—6538, filed by Wyckoff, et al., on May 5, 1978.

H—6547, to amendment H—6538, filed by Krause of Kossuth on May 5, 1978.

H—6548, to amendment H—6538, filed by Krause of Kossuth on May 5, 1978.

H—6549, to page 5, filed by Doyle of Woodbury on May 5, 1978.

H—6550, to amendment H—6538, filed by Krause of Kossuth on May 5, 1978.

H—6571, to amendment H—6538, filed by Woods of Polk on May 8, 1978.

H—6573, to page 24, filed by Miller of Buchanan on May 8, 1978.

H—6594, to amendment H—6544, filed by Dyrlund of Clayton on May 9, 1978.

H—6596, to amendment H—6490, filed by Dyrlund of Clayton on May 9, 1978.

H—6598, to amendment H—6538, filed by Schnekloth of Scott on May 9, 1978.

H—6600, to amendment H—6489, filed by Schnekloth of Scott on May 9, 1978.

H—6601, to amendment H—6538, filed by Schnekloth of Scott on May 9, 1978.

H—6645, to amendment H—6636, filed by Pelton of Clinton on May 11, 1978.

H—6648, to amendment H—6636, filed by Small of Johnson on May 11, 1978.

H—6649, to amendment H—6636, filed by Lipsky of Linn on May 11, 1978.

H—6667, to amendment H—6637, filed by Woods of Polk on May 11, 1978.

H—6672, to amendment H—6637, filed by Schnekloth of Scott on May 11, 1978.

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. 2187)

The ayes were, 78:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gettings
Gilson	Griffie	Halvorson	Harbor
Hines	Hinkhouse	Hoffmann	Howell
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pelton	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stromer
Svoboda	Tauke	Tofte	Varley
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 13:

Crabb

Daggett

Dunton

Garrison

Hansen
Hullinger
Welden

Hargrave
Loneragan

Harvey
Pellett

Horn
Stephens

Absent or not voting, 9:

Avenson
Patchett
Thompson

Den Herder
Perkins

Gilloon
Poncy

Monroe
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 12, 1978, receded from its amendment to, and passed the following bill:

House File 232, a bill for an act prohibiting the Iowa commerce commission from approving certain charges by telephone companies for telephone directory assistance.

Also: That the Senate has on May 12, 1978, refused to concur in the House amendment to the Senate amendment to the following bill:

House File 2448, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made and authorizing cities to issue revenue bonds for revitalization areas and urban renewal areas.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2466, a bill for an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa.

Also: That the Senate has on May 12, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 358, a bill for an act relating to the licensing and practicing of veterinarians.

Also: That the Senate has on May 12, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2200, a bill for an act making technical changes of a corrective nature to the new criminal code.

Also: That the Senate has on May 12, 1978, 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 2201, a bill for an act requiring public officials and candidates to publicly disclose financial interest.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT CONSIDERED

Monroe of Des Moines called up for consideration **Senate File 2201**, a bill for an act requiring public officials and candidates to publicly disclose financial interests, prohibiting receipt of certain gifts, requiring a report of receipt of certain gifts, relating to conflicts of interest, and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6711 to the House amendment:

H—6711

- 1 Amend the House amendment, S—5915, to Senate File
- 2 2201 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 32, by striking the word "more;"
- 5 and inserting in lieu thereof the words "more. Gift
- 6 also means a gratuity given on a single occasion from
- 7 one source in the form of goods, services, loans,
- 8 entertainment, hospitality, promise, membership,
- 9 subscription, transportation, lodging, meals, or any
- 10 other thing of value which has a value or aggregate
- 11 value of fifteen dollars or more;"
- 12 2. Page 1, by striking lines 40 through 49.
- 13 3. Page 2, line 8, by striking the words "A person
- 14 covered by the".
- 15 4. Page 2, by striking lines 9 and 10.
- 16 5. Page 4, by inserting after line 5, the follow-
- 17 ing new section:
- 18 "Sec. . This Act, being deemed of immediate
- 19 importance, shall take effect and be in force from
- 20 and after its publication in The Titonka Topic, a
- 21 newspaper published in Titonka, Iowa, and in The
- 22 Bancroft Register, a newspaper published in Bancroft,
- 23 Iowa."
- 24 6. Renumbering and relettering as necessary.

Roll call was requested by Dyrland of Clayton and Hines of Story.

On the question "Shall the motion to concur prevail?"

The ayes were, 69:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Branstad	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Davitt
Dieleman	Egenes	Evans	Garrison
Gettings	Gilloon	Griffie	Halvorson
Hansen	Hargrave	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lind
Lindeen	Lipsky	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Schnekloth	Shimanek	Small	Smalley
Stephens	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 23:

Bennett	Bina	Clark, B.J.	Cusack
Danker	Doyle	Dunton	Dyrland
Gentleman	Gilson	Harbor	Harvey
Hines	Hinkhouse	Hullinger	Lageschulte
Lonergan	Menke	Millen	Rinas
Scheelhaase	Schroeder	Spear	

Absent or not voting, 8:

Brockett	Brunow	Den Herder	Fitzgerald
Jesse	Poncy	Spencer	Thompson

The motion prevailed and the House concurred in the Senate amendment H—6711.

Monroe of Des Moines 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. 2201)

The ayes were, 54:

Anderson	Baker	Binneboese	Brandt
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Branstad	Byerly	Chiodo	Connors
Crabb	Daggett	Davitt	Dieleman
Garrison	Gentleman	Gettings	Griffiee
Halvorson	Harbor	Hargrave	Horn
Howell	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lind
Lindeen	Loneragan	Middleswart	Millen
Miller, K. D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Pellett	Perkins	Small
Smalley	Stephens	Stromer	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 40:

Arnould	Avenson	Bennett	Bina
Brunow	Clark, B.J.	Clark, J. H.	Conlon
Crawford	Cusack	Danker	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gilloon	Gilson	Hansen
Harvey	Hines	Hinkhouse	Hoffmann
Hullinger	Husak	Lageschulte	Lipsky
Menke	O'Halloran	Pelton	Rinas
Scheelhaase	Schnekloth	Shimaneck	Spear
Svoboda	Tauke	Tofte	Varley

Absent or not voting, 6:

Brockett	Den Herder	Poncy	Schroeder
Spencer	Thompson		

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

HOUSE RECEDES (House File 2448)

Bina of Scott called up for consideration **House File 2448**, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made and authorizing cities to issue revenue bonds for revitalization areas and urban renewal areas, and moved that the House recede from its amendment to the Senate amendment.

Speaker pro tempore Nielsen of Polk in the chair at 12:50 a.m.

Roll call was requested by Gilloon of Dubuque and Hargrave of Johnson.

Rules 69 and 70 were invoked.

On the question "Shall the motion to recede prevail?"

The ayes, 48:

Bennett	Bina	Branstad	Byerly
Clark, J. H.	Cochran	Conlon	Crabb
Crawford	Daggett	Danker	Dieleman
Egenes	Evans	Fitzgerald	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Horn	Husak	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Norland
Pavich	Pellett	Relton	Rinas
Schnekloth	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Tauke	Tofte
Varley	Walter	Welden	West

The nays were, 47:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Connors	Cusack	Davitt
Doyle	Dunton	Dyrland	Garrison
Gettings	Gilloon	Gilson	Griffee
Hargrave	Hines	Hinkhouse	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Loneragan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	O'Halloran
Oxley	Patchett	Perkins	Scheelhaase
Small	Spear	Svoboda	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

Absent or not voting, 5:

Brockett	Den Herder	Poncy	Spencer
Thompson			

The motion prevailed and the House receded from its amendment to the Senate amendment.

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.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 2448)

The ayes were, 48:

Bennett	Bina	Branstad	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Fitzgerald
Gentleman	Halvorson	Hansen	Harbor
Hoffmann	Horn	Husak	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Norland
Pavich	Pellett	Pelton	Rinas
Schneklloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Tofte
Varley	Walter	Weiden	West

The nays were, 47:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Chiodo	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Garrison	Gettings
Gilloon	Gilson	Griffiee	Hargrave
Harvey	Hines	Hinkhouse	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Loneragan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	O'Halloran
Oxley	Patchett	Perkins	Scheelhaase
Small	Spear	Svoboda	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

Absent or not voting, 5:

Brockett	Den Herder	Poncy	Spencer
Thompson			

The bill having failed to receive a constitutional majority was declared to have failed to pass 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 12, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2440, a bill for an act providing an appropriation for designated health programs including substance abuse, mental health and continuing education for health practitioners.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT CONSIDERED

Husak of Tama called up for consideration **House File 2440**, a bill for an act relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome, amended by the Senate amendment H—6710 as follows:

H—6710

1 Amend House File 2440 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, lines 3 and 4, by striking the word
4 and figures "December 31, 1978" and inserting in lieu
5 thereof the word and figures "June 30, 1979".

6 2. Page 1, line 4, by striking the words and
7 figure "six hundred seventy-two thousand (672,000)"
8 and inserting in lieu thereof the words and figure
9 "one million five hundred sixty-two thousand two
10 hundred fifty-eight (1,562,258)".

11 3. Page 1, line 6, by inserting after the word
12 "grants." the following: "Funds appropriated by this
13 section shall be reduced by the amount of funds
14 distributed to the department pursuant to subsection
15 one (1) of section six (6) of this Act. The amount
16 of funds by which the appropriation is reduced shall
17 be deposited in the general fund of the state."

18 4. Page 7, by striking lines 31 through 35 and
19 inserting in lieu thereof the following:
20 "Sec. 16.

21 1. There is established a state mental health
22 advisory council consisting of eleven members appointed
23 by the governor, who".

24 5. Page 8, line 1, by inserting after the word
25 "designate" the words ", subject to Senate
26 confirmation,".

27 6. Page 8, line 1, by striking the word "three"
28 and inserting in lieu thereof the word "four".

29 7. Page 8, line 2, by striking the word "two"
30 and inserting in lieu thereof the word "four".

31 8. Page 8, line 3, by striking the word "two"
32 and inserting in lieu thereof the word "three".

33 9. Page 8, by striking lines 4 through 13 and
34 inserting in lieu thereof the words "June 30, 1979.
35 Successors to the initial appointees under this
36 section".

37 10. Page 8, by striking lines 23 and 24 and
38 inserting in lieu thereof the words "The governor
39 shall make".

Monroe of Des Moines offered the following amendment H—6715, to the Senate amendment H—6710, filed by Monroe, Dyrland and Davitt from the floor and moved its adoption:

H—6715

1 Amend the Senate amendment, H—6710, to House File
2 2440, as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 1, line 5, by striking the word and figures
5 "June 30, 1979" and inserting in lieu thereof the
6 word and figures "September 30, 1978".

7 2. Page 1, by striking lines 9 and 10 and insert-
8 ing in lieu thereof the words and figure "three hundred
9 thirty-six thousand (336,000)".

10 3. Page 1, by inserting after line 17 the
11 following:

12 " By striking page 6, line 31 through page
13 7, line 1, and inserting in lieu thereof the following:
14 "be effective October 1, 1978, and on that date the
15 treasurer of state shall allocate the moneys credited
16 to the substance abuse rehabilitation and prevention
17 fund during the fiscal period beginning July 1, 1978
18 and ending September 30, 1978 to the Iowa department
19 of substance abuse and the counties of the state as
20 provided in section six (6) of this Act. However,
21 if sufficient funds have not been collected from the
22 taxes imposed by this Act to carry out the purposes
23 specified in section seven (7) of this Act by September
24 30, 1978, the governor may, by executive order, delay
25 the effective date of section six (6) of this Act
26 until April 1, 1979. If the effective date of section
27 six (6) of this Act is delayed by executive order,
28 there is appropriated from the general fund of the
29 state to the Iowa department of substance abuse for
30 the fiscal period commencing October 1, 1978 and
31 ending March 31, 1979 the additional sum of six hundred
32 seventy-two thousand (672,000) dollars or so much
33 thereof as may be necessary to fund substance abuse
34 treatment grants." "

35 4. By numbering sections to conform to this
36 amendment.

Roll call was requested by Gilson of Guthrie and Husak of Tama.

Rule 70 was invoked.

On the question "Shall amendment H—6715 be adopted?"

The ayes were, 43:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Byerly
Connors	Davitt	Doyle	Dyrland
Garrison	Gettings	Gilloon	Gilson
Griffie	Hargrave	Hines	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Lageschulte	Loneragan	Middleswart
Miller (Sergeant)	Monroe	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Scheelhaase	Small	Spear	Svoboda
Walter	Wells	Mr. Speaker (Nielsen)	

The nays were, 46:

Bennett	Branstad	Brunow	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Dieleman
Dunton	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Horn	Husak
Krewson	Lind	Lindeen	Lipsky
Menke	Millen	Miller, K.D.	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Tofte	Varley	Welden	West
Woods	Wyckoff		

Absent or not voting, 11:

Brockett	Chiodo	Cochran	Den Herder
Fitzgerald	Junker	Newhard	Poncy
Rinas	Spencer	Thompson	

Amendment H—6715 lost.

On motion by Husak of Tama, the House concurred in the Senate amendment H—6710.

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. 2440)

The ayes were, 69:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Halvorson	Hansen	Harbor
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Husak	Jesse	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Newhard	Norland
O'Halloran	Oxley	Patchett	Pellett
Pelton	Perkins	Rinas	Schneklloth
Shimanek	Smalley	Stephens	Stromer
Svoboda	Tauke	Tofte	Varley
Welden	Wells	West	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, 22:

Arnould	Binneboese	Brunow	Davitt
Dieleman	Doyle	Dyrland	Gilloon
Gilson	Griffee	Hargrave	Howell
Hullinger	Jochum	Koogler	Loneragan
Monroe	Pavich	Scheelhaase	Spear
Walter	Woods		

Absent or not voting, 9:

Brockett	Chiodo	Den Herder	Krause
Poney	Schroeder	Small	Spencer
Thompson			

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 on request of Evans of Grundy; Crabb of Crawford on request of Husak of Tama, both for the remainder of the day.

Speaker Cochran in the chair at 2:07 a.m.

ADOPTION OF REPORT OF CONFERENCE COMMITTEE (House File 248)

Jesse of Polk offered the following report of the conference committee on House File 248 and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 248

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 248 as amended, passed and reprinted by the House, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties, respectfully make the following report:

1. That the House recede from its amendment S-5370 to Senate amendment H-5335 to House File 248 as amended, passed and reprinted by the House.

2. That the Senate amendment H-5335 to House File 248 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, line 26, by inserting after the word "suffered" the words "or is imminently likely to suffer".

2. Page 2, by striking lines 16 through 31.

3. Page 2, by striking lines 36 through 40.

4. Page 3, by striking lines 36 through 39 and inserting in lieu thereof the following:

"____. Page 10, by striking line 15 and inserting in lieu thereof the following: "six (106), one hundred six A (106A), one hundred nine (109), one hundred ten (110), one hundred ten A (110A), one hundred ten B (110B), one hundred eleven (111), three hundred"."

5. Page 3, by striking lines 40 and 41 and inserting in lieu thereof the following:

"____. Page 10, by inserting after line 23 the following: "The court may advise appropriate juvenile authorities and may refer violations of chapter one hundred twenty-three (123) of the Code to the juvenile court when there is reason to believe that the child regularly abuses alcohol and may be in need of treatment." "

6. Page 4, by inserting after line 8 the following:

"____. Page 11, by inserting after line 24 the following new section:

"Sec. ____ NEW SECTION. MOTION FOR CHANGE OF JUDGE. Prior to a hearing pursuant to sections twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-nine (29) or thirty-three (33) of this Act, the child may file a motion with the district court for the appointment of a new judge. The chief judge of the district court for cause shown shall appoint a new judge." "

7. Page 4, by striking lines 22 through 24 and inserting in lieu thereof the following:

" ____ . Page 12, by striking lines 34 and 35 and inserting in lieu thereof the following: "one (1) of this section shall not be waived by the child without the written consent of the child's parent, guardian or custodian." "

8. By striking page 4, line 39 through page 6, line 11 and inserting in lieu thereof the following:

" ____ . By striking page 14, line 14 through page 18, line 2 and inserting in lieu thereof the following new sections:

"Sec. 9. NEW SECTION. TAKING A CHILD INTO CUSTODY.

1. A child may be taken into custody:

a. By order of the court.

b. For a delinquent act pursuant to the laws relating to arrest.

c. By a peace officer for the purpose of reuniting a child with the child's family or removing the child to a shelter care facility when the peace officer has reasonable grounds to believe the child has run away from his or her parents, guardian, or custodian.

d. By a peace officer, juvenile probation officer, or juvenile parole officer when the officer has reasonable grounds to believe the child has committed a material violation of a dispositional order.

2. When a child is taken into custody as provided in subsection one (1) of this section the person taking the child into custody shall notify the child's parent, guardian or custodian as soon as possible and shall not place bodily restraints, such as handcuffs, on the child unless the child physically resists or threatens physical violence when being taken into custody. Unless the child is placed in shelter care or detention in accordance with the provisions of sections eleven (11) or twelve (12) of this Act, the child shall be released to the child's parent, guardian, custodian, responsible adult relative, or other adult approved by the court upon the promise of such person to produce the child in court at such time as the court may direct.

Sec. 10. NEW SECTION. ADMISSION OF CHILD TO SHELTER CARE OR DETENTION.

1. If a child is taken into custody and not released as provided in section nine (9), subsection two (2), of this Act, the child shall immediately be taken to a detention or shelter care facility as specified in sections eleven (11) or twelve (12) of this Act.

2. When a child is admitted to a detention or shelter care facility the person in charge of the facility or his or her designated representative shall notify the court, the child's attorney, and the child's parent, guardian, or custodian as soon as possible of the admission and the reasons for that admission.

Sec. 11. NEW SECTION. PLACEMENT IN SHELTER CARE.

1. No child shall be placed in shelter care unless one of the following circumstances applies:

a. The child has no parent, guardian, custodian, responsible adult relative or other adult approved by the court who will provide proper shelter, care and supervision.

b. The child desires to be placed in shelter care.

c. It is necessary to hold the child until his or her parent, guardian, or custodian has been contacted and has taken custody of the child.

d. It is necessary to hold the child for transfer to another jurisdiction.

e. The child is being placed pursuant to an order of the court.

2. A child may be placed in shelter care as provided in this section only in one of the following facilities:

a. A juvenile shelter care home.

b. A licensed foster home.

c. An institution or other facility operated by the department of social services, or one which is licensed or otherwise authorized by law to receive and provide care for the child.

d. Any other suitable place designated by the court provided that no place used for the detention of a child may be so designated.

3. When there is reason to believe that a child placed in shelter care pursuant to section nine (9), subsection one (1), paragraph c of this Act would not voluntarily remain in the shelter care facility, the shelter care facility shall impose reasonable restrictions necessary to insure the child's continued custody.

4. A child placed in a shelter care facility under this section shall not be held for a period in excess of forty-eight hours without a court order authorizing such shelter care. A child placed in shelter care pursuant to section nine (9), subsection one (1), paragraph c of this Act shall not be held in excess of seventy-two hours in any event.

5. If no satisfactory provision is made for uniting a child placed in shelter care pursuant to section nine (9), subsection one (1), paragraph c of this Act with his or her family, a child in need of assistance complaint may be filed pursuant to section forty-one (41) of this Act. Nothing in this subsection shall limit the right of a child to file a family in need of assistance petition under section sixty-nine (69) of this Act.

Sec. 12. NEW SECTION. PLACEMENT IN DETENTION.

1. No child shall be placed in detention unless:

- a. The child is being held under warrant for another jurisdiction; or
- b. The child is an escapee from a juvenile correctional or penal institution; or
- c. There is probable cause to believe that the child has violated conditions of release imposed under section thirty-three (33) of this Act and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance; or
- d. There is probable cause to believe the child has committed a delinquent act, and:

(1) There is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance; or

(2) There is a serious risk that the child if released may commit an act which would inflict serious bodily harm on the child or on another; or

(3) There is a serious risk that the child if released may commit serious damage to the property of others.

2. A child may be placed in detention as provided in this section only in one of the following facilities:

- a. A juvenile detention home.
- b. Any other suitable place designated by the court.
- c. A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act, and if:

(1) The child is at least fourteen years of age; and

(2) The child has shown by his or her conduct, habits, or condition that he or she constitutes an immediate and serious danger to himself or herself or to another, or to the property of another and a facility or place enumerated in paragraph a or b of this subsection is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility; and

(3) The facility has an adequate staff to supervise and monitor the child's activities at all times; and

(4) The child is confined in a room entirely separated from adults.

d. A place used for the detention of children prior to an adjudicatory hearing may also be used for the detention of a child awaiting disposition to a placement under section thirty-one (31), subsection two (2), paragraph e of this Act while the adjudicated child is awaiting transfer to the disposition placement.

3. No child shall be held in a facility under paragraphs a and b of subsection two (2) of this section for a period in excess of twenty-four hours without a court order authorizing such detention.

4. No child shall be detained in a facility under paragraph c of subsection two (2) of this section for a period in excess of twelve hours without the written order of a judge or a magistrate authorizing such detention." "

9. Page 6, line 32, by striking the words "is a delinquent" and inserting in lieu thereof the words "has committed a delinquent act".

10. Page 6, by striking lines 47 through 50.

11. Page 7, by striking lines 45 through 48.

12. Page 8, by inserting after line 6, the following:

" ____ . Page 26, line 4, by inserting after the word "petition" the word "the"."

13. Page 8, line 40, by striking the figures "31." and inserting in lieu thereof the words and figures "31, and inserting in lieu thereof the following:

"9. If the court waives jurisdiction, statements made by the child after being taken into custody and prior to intake are admissible as evidence in chief against the child in subsequent criminal proceedings provided that the statements were made with the advice of the child's counsel or after waiver of the child's right to counsel and provided that the court finds the child had voluntarily waived the right to remain silent. Other statements made by a child are admissible as evidence in chief provided that the court finds the statements were voluntary. In making its determination, the court may consider any factors it finds relevant and shall consider the following factors:

a. Opportunity for the child to consult with a parent, guardian, custodian, lawyer or other adult.

b. The age of the child.

c. The child's level of education.

d. The child's level of intelligence.

e. Whether the child was advised of his or her constitutional rights.

f. Length of time the child was held in shelter care or detention before making the statement in question.

g. The nature of the questioning which elicited the statement.

h. Whether physical punishment such as deprivation of food or sleep was used upon the child during the shelter care, detention, or questioning.

Statements made by the child during intake or at a waiver hearing held pursuant to this section are not admissible as evidence in chief against the child in subsequent criminal proceedings over the child's objection in any event." "

14. Page 12, by striking lines 12 through 14.

15. Page 12, by striking line 18 and inserting in lieu thereof the following: "one (31), subsection two (2), paragraph e".

16. Page 13, by inserting after line 4 the following:

" _____. Page 44, line 4, by striking the word "pendancy" and inserting in lieu thereof the word "pendency"."

17. Page 13, by striking lines 14 through 33.

18. Page 15, by inserting after line 17 the following:

" _____. Page 59, by inserting after line 11 the following new section:

"Sec. NEW SECTION. RIGHT TO AND APPOINTMENT OF COUNSEL.

1. Upon the filing of a petition the parent identified in the petition shall have the right to counsel in connection with all subsequent hearings and proceedings. If the parent desires but is financially unable to employ counsel, the court shall appoint counsel.

2. Upon the filing of a petition the court shall appoint counsel for the child identified in the petition as a party to the proceedings. The same person may serve both as the child's counsel as guardian ad litem." "

19. Page 15, by inserting after line 19 the following:

" _____. Page 61, by inserting after line 2 the following new paragraph:

"e. That the absence of a parent is due to the parent's admission or commitment to any institution, hospital or health facility or due to active service in the state or federal armed forces."

20. Page 16, line 5 by striking the word "records" and inserting in lieu thereof the words "records, subject to sealing under section seventy-eight (78) of this Act."

21. By striking page 16, line 37 through page 17, line 41.

22. By renumbering sections, subsections and paragraphs as necessary to conform with this amendment.

ON THE PART OF THE SENATE:

LOWELL L. JUNKINS, Chair
MINNETTE F. DODERER
PHILIP B. HILL
RICHARD R. RAMSEY

ON THE PART OF THE HOUSE:

NORMAN G. JESSE, Chair
ROBERT T. ANDERSON
THOMAS J. JOCHUM
JULIA B. GENTLEMAN
TERRY E. BRANSTAD

The motion prevailed and the report 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?" (H.F. 248)

The ayes were, 92:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Danker

Absent or not voting, 7:

Brockett	Crabb	Den Herder	Junker
Poncy	Spencer	Thompson	

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.

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, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 557, a bill for an act relating to a community development program and making an appropriation.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2462, a bill for an act correcting and relating to erroneous and obsolete sections of the Code.

Also: That the Senate has on May 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2464, a bill for an act to legalize proceedings of the Black Hawk county board of supervisors relating to the purchase of land.

Also: That the Senate has on May 12, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was 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 May 12, 1978, 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 2184, a bill for an act to impose a tax upon freight line and equipment car companies and providing penalties for violations.

Also: That the Senate has on May 12, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2187, a bill for an act relating to transportation and providing for licensing of authorized vehicles.

Also: That the Senate has, on May 12, 1978, adopted the conference committee report and passed:

Senate File 2267, a bill for an act appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

Also: That the Senate has on May 12, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 136, creating a standing committee for the purpose of studying the statutory limitations upon procedures for establishing interest rates and finance charges and providing for a recess of the General Assembly.

KEVIN P. LIGHT, Acting Secretary

ADOPTION OF CONFERENCE COMMITTEE REPORT (Senate File 2267)

Perkins of Greene called up for consideration the following report of the conference committee on Senate File 2267 and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2267

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 2267, a bill for an act relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources, respectfully make the following report:

1. That the House recede from its amendment S-5868 to Senate File 2267 as amended, passed and reprinted by the Senate.

2. That Senate File 2267 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 2, line 19, by striking the figure "60,000" and inserting in lieu thereof the figure "50,000".

2. Page 2, line 26, by inserting after the word "supply," the words "past and future environmental effects,".

3. Page 2, line 32, by striking the word "permanent".

4. Page 3, line 6, by striking the word "Two" and inserting in lieu thereof the word "One".

5. Page 3, line 7, by striking the words "permanent positions are" and inserting in lieu thereof the words "position is".

6. Page 3, line 9, by striking the figure "60,000" and inserting in lieu thereof the figure "50,000".

7. Page 4, by striking lines 12 through page 5, line 1 and inserting in lieu thereof the following:

"For contracting for research to perfect the design and commercial use of coal gasification and refining in Iowa \$100,000"

ON THE PART OF THE SENATE:

WILLIAM D. PALMER, Chair
ROBERT M. CARR
ROLF V. CRAFT
FRED W. NOLTING
FORREST V. SCHWENGELS

ON THE PART OF THE HOUSE:

CARROLL T. PERKINS, Chair
COOPER EVANS
ARLO HULLINGER
FRED KOGLER
ANDREW VARLEY

The motion prevailed and the 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. 2267)

The ayes were, 81:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Duntun	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Scheelhaase	Schneklath	Shimanek
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Varley	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 5:

Harvey
Small

Howell

Lind

Miller, K.D.

Absent or not voting, 14:

Binneboese	Brockett	Crabb	Den Herder
Horn	Junker	Patchett	Poncy
Rinas	Schroeder	Spencer	Thompson
Tofte	Welden		

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

SENATE AMENDMENT CONSIDERED

Newhard of Jones called up for consideration **Senate File 2066**, a bill for an act to exempt the gross receipts from the rental of prosthetic, orthotic and orthopedic devices from the sales and use tax, amended by the House and further amended by the Senate amendment H—6619, found on pages 2457 and 2458 of the House Journal.

Perkins of Greene asked for unanimous consent to defer action on Senate File 2066.

Objection was raised.

Newhard of Jones moved that the House concur in the Senate amendment H—6619, to the House amendment.

Roll call was requested by Bina of Scott and Koogler of Mahaska.

On the question "Shall the motion to concur prevail?"

The ayes were, 48:

Bennett	Binneboese	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crawford
Daggett	Danker	Dieleman	Dyrland
Egenes	Evans	Fitzgerald	Griffee
Halvorson	Harbor	Hines	Hinkhouse
Hoffmann	Krewson	Lageschulte	Lindeen
Lonergan	Middleswart	Millen	Miller (Sergeant)
Newhard	Oxley	Pavich	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Tofte	Varley
Walter	Wells	West	Wyckoff

The nays were, 33:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Connors
Cusack	Davitt	Doyle	Dunton
Garrison	Gettings	Gilloon	Hargrave
Harvey	Howell	Hullinger	Husak
Jochum	Koogler	Krause	Lind
Lipsky	Menke	Miller, K.D.	Nielsen
Norland	O'Halloran	Perkins	Small
Mr. Speaker			

Absent or not voting, 19:

Brockett	Chiodo	Crabb	Den Herder
Gentleman	Gilson	Hansen	Horn
Jesse	Junker	Monroe	Patchett
Poncy	Rinas	Scheelhaase	Spencer
Thompson	Welden	Woods	

The motion prevailed and the House concurred in the Senate amendment H—6619 to the House amendment.

Newhard of Jones 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.

Rule 70 was invoked.

On the question "Shall the bill pass?" (S.F. 2066)

The ayes were, 54:

Avenson	Bennett	Binneboese	Branstad
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crawford	Daggett	Danker	Dieleman
Egenes	Evans	Fitzgerald	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hines	Hinkhouse	Hoffmann
Horn	Husak	Jesse	Krause
Lageschulte	Lindeen	Loneragan	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Oxley	Pavich	Pellett	Pelton
Rinas	Schnekloth	Schroeder	Shimanek
Spear	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Wells
West	Wyckoff		

The nays were, 37:

Anderson	Arnould	Baker	Bina
Brandt	Brunow	Chiodo	Connors
Cusack	Davitt	Doyle	Dunton
Dyrland	Garrison	Gentleman	Gilloon
Hargrave	Harvey	Howell	Hullinger
Jochum	Koogler	Krewson	Lind
Lipsky	Menke	Monroe	Nielsen
Norland	O'Halloran	Perkins	Scheelhaase
Small	Smalley	Stephens	Woods
Mr. Speaker			

Absent or not voting, 9:

Brockett	Crabb	Den Herder	Junker
Patchett	Poncy	Spencer	Thompson
Welden			

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 House Concurrent Resolution 146 and House Resolution 147.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 146

Cusack of Scott offered the following House Concurrent Resolution 146 filed by the committee on budget and moved its adoption:

HOUSE CONCURRENT RESOLUTION 146

By Committee on Budget

- 1 *Whereas*, a joint interim subcommittee of the senate
- 2 and house standing committees on human resources,
- 3 as successor to a bipartisan joint select committee
- 4 established for the first session of the Sixty-seventh
- 5 General Assembly, oversaw and received progress reports
- 6 from a study of administrative, coordination and
- 7 planning strengths and weaknesses of agencies
- 8 delivering mental health services in Iowa, conducted
- 9 during the 1977 legislative interim; and
- 10 *Whereas*, that study culminated in January 1978
- 11 in the presentation of a draft final report including
- 12 a number of specific recommendations for improvements
- 13 in Iowa's system for delivery of mental health

14 services; and

15 *Whereas*, the governor has appointed a task force
16 on mental health, including representatives of state
17 and local agencies responsible for the delivery of
18 mental health services, interested consumers, mental
19 health practitioners and interested citizens, which
20 has submitted its report to the governor; and

21 *Whereas*, the Committee on Sifting has recommended
22 to the House for passage House File 2453, a bill which
23 will begin adoption of recommendations from the 1977
24 interim consultant's study by establishing a state
25 mental health advisory council, providing for
26 preadmission screening of state mental health institute
27 patients by community mental health centers, and
28 mandating combination of the functions of the existing
29 Iowa Mental Health Authority and of the Division of
30 Mental Health of the Department of Social Services

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1 in a unified state mental health agency; *Now Therefore*,
2 *Be It Resolved by the House of Representatives*,
3 *the Senate Concurring*, That the Legislative Council
4 is respectfully urged to authorize establishment by
5 the standing Committees on Human Resources of the
6 Senate and the House of a joint interim subcommittee
7 on mental health, composed of not less than five
8 senators and five representatives, to develop, review,
9 revise and prepare for submission to the first session
10 of the Sixty-eighth General Assembly, not later than
11 January 15, 1979, proposals for further implementation
12 of the recommendations of the mental health study
13 conducted for the General Assembly in 1977; and

14 *Be It Further Resolved*, That tentative proposals
15 initially developed by the joint subcommittee, and
16 the recommendations of the 1977 mental health study
17 conducted for the general assembly, shall be presented
18 by the joint subcommittee at public hearings held
19 widely throughout the state, and the state advisory
20 council on mental health shall be invited to review
21 and comment from time to time on the proposals
22 developed by the joint interim subcommittee on the
23 basis of its hearings and deliberations; and

24 *Be It Further Resolved*, That the proposals developed
25 by the joint interim subcommittee may address, but
26 need not be limited to, the following matters:

27 1. The question whether it is most desirable that
28 the unified state mental health agency mandated by
29 House File 2453 be permanently structured as:

30 a. A division of the department of social services;

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- 1 or
- 2 b. A new division of the state department of
- 3 health; or
- 4 c. A new state department of mental health; or
- 5 d. An agency structured in some other manner
- 6 recommended by the subcommittee.
- 7 2. Incorporation of the provisions of section
- 8 three (3), subsections one (1), two (2) and three
- 9 (3), and sections four (4) through seven (7) of House
- 10 File 2453, or substantially similar provisions.
- 11 3. Funding arrangements to support necessary
- 12 planning activities and implementation of the objective
- 13 expressed in section one (1) of House File 2453.
- 14 4. Formation of multi-county regional mental
- 15 health consortia.
- 16 5. Establishment of a state mental health planning
- 17 procedure.
- 18 6. Maintenance of high standards of quality in
- 19 state and local mental health programs, residential
- 20 facilities and county care facilities.
- 21 7. Assurance of continuity of care for clients
- 22 entering and leaving the mental health system.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 147

Rinas of Linn offered the following House Resolution 147 and moved its adoption:

HOUSE RESOLUTION 147

By Rinas and Tauke

- 1 *Whereas*, each house of the general assembly exercises
- 2 the lawmaking function of the state of Iowa pursuant to
- 3 article III of the Constitution of the state of Iowa; and
- 4 *Whereas*, inherent in that lawmaking power is the
- 5 power to oversee executive agencies and conduct investi-
- 6 gations, including the powers to subpoena witnesses, and
- 7 documents, put witnesses under oath and to punish for
- 8 contempt; and
- 9 *Whereas*, the organization and procedures of the Iowa
- 10 national guard have been called into question; and
- 11 *Whereas*, serious questions have arisen as to use of
- 12 state funds appropriated by the general assembly to the
- 13 Iowa national guard; and
- 14 *Whereas*, serious questions have also arisen with
- 15 respect to the liability of the state for the alleged

16 improper expenditures of federal funds by the Iowa national
17 guard; and

18 *Whereas*, the general assembly is charged in article III
19 of the Constitution with the expenditure of these funds; and

20 *Whereas*, the house of representatives deems it necessary,
21 appropriate and advisable to investigate the foregoing
22 actions of the Iowa national guard so that the general
23 assembly can determine more accurately any future appropria-
24 tion levels, or need for legislation; *Now Therefore*,

25 *Be It Resolved by the House of Representatives*,

26 1. That there is established a committee of the house
27 of representatives. The committee shall be called the govern-
28 ment operations committee. The committee shall be composed
29 of seven members appointed from the house.

30 2. The members from the house shall be appointed by

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1 the speaker of the house. Not more than four members
2 shall be appointed from the same political
3 party.

4 3. That the committee shall continue in existence
5 from the date of appointment to January 8, 1979.

6 4. That the committee is authorized and empowered to
7 exercise all of the inherent and statutory investigative
8 powers of the general assembly, including the power to sub-
9 poena documents and witnesses, put witnesses under oath and
10 punish for contempt within the authorized scope of its
11 investigations.

12 5. That the committee shall select from its membership
13 a chairperson and vice-chairperson. The committee shall
14 adopt rules of procedure governing its proceedings. The
15 chairperson or the vice-chairperson in the chairperson's
16 absence shall preside over the committee. Vacancies in
17 the membership shall be filled in the same manner as the
18 original appointment and shall not affect the authority of
19 the remaining members to execute the functions with which
20 the committee is empowered.

21 6. That a majority of the members of the committee
22 shall constitute a quorum for the transaction of business,
23 but the committee may fix a lesser number as a quorum for
24 the purpose of taking testimony or taking depositions.

25 7. That the house of representatives expressly authorizes
26 and directs the committee to make a complete investigation
27 and study of all activities of any and all persons or
28 groups of persons or organizations of any kind (including
29 governmental agencies) which investigation may reveal the
30 full facts in respect to the following matters or questions:

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1 a. The misappropriation of state funds, materials and

- 2 supplies for personal use.
3 b. The misuse of federal equipment and funds for
4 personal use for which the state may be required to
5 reimburse the federal government.
6 c. The misuse of federal equipment for unauthorized
7 use for which the state may be required to reimburse the
8 federal government.
9 d. The filing of duplicate claims for travel reimburse-
10 ment with both federal and state authorities.
11 e. The use of non-appropriated state funds.
12 f. Enlistment practices.
13 g. The use of training time of guard personnel for
14 personal purposes.
15 h. The expenditures by the national guard of all moneys
16 appropriated to the body by the state of Iowa, or by the
17 federal government.
18 i. The accounting procedures of the guard.
19 j. All other matters which affect or relate to the above.
20 8. That the house of representatives hereby empowers
21 and directs the speaker of the house
22 pursuant to section two point twelve
23 (2.12) of the Code to employ and fix the compensation of
24 such clerical, investigative, legal, technical and other
25 assistants as the council deems necessary and appropriate
26 to the committee's investigation.
27 9. That, with respect to the investigation by the
28 government operations committee authorized by this
29 resolution, the committee shall exercise all
30 these powers and duties not otherwise inconsistent

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- 1 with this resolution, which powers and duties the
2 committee is authorized pursuant to chapter two (2)
3 of the Code.
4 10. That the committee as an agency of the general
5 assembly and with the approval of the speaker of the
6 house is hereby empowered and directed:
7 a. To sit and act at any time or place during sessions,
8 recesses, and interims between sessions of the general
9 assembly.
10 b. To hold hearings and take testimony under oath or
11 to receive documentary or physical evidence relating to
12 the matters and questions it is authorized to investigate.
13 c. To require by subpoena or otherwise the attendance
14 of witnesses who the committee believes has knowledge or
15 information concerning any matters or questions it is
16 authorized to investigate and study.
17 d. To require by subpoena or order any departments,
18 agency, officer, or employee of the executive branch of the
19 state, or any private person, firm, or corporation, or any

20 officers thereof to produce for the committees considera-
21 tion—evidence, books, records, recordings, tapes, or
22 material in obedience to any subpoena or order.

23 e. To take depositions and other testimony under oath
24 within this state.

25 f. To obtain the temporary or intermittent services
26 of individual consultants subject to approval of the legis-
27 lative council.

28 g. To hold hearings and conduct other committee action
29 in closed session when the witness requests and when the
30 committee determines that in the interest of justice

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1 such meetings should be closed.

2 h. To have access, through the agency of any member of
3 the committee, counsel of the committee, or any other person
4 upon written authorization of the committee chair, to any
5 data, evidence, information, reports, documents or analysis
6 of the matters or questions which it is authorized and
7 directed to investigate and study in the custody or under
8 the control of any department agency, officer, or employee
9 of the executive branch having the power under the laws of
10 this state to investigate alleged criminal activities or to
11 prosecute persons charged with crimes against the state
12 which will aid the committee to prepare for or conduct the
13 investigation and study authorized and directed by this
14 resolution unless such information is prohibited to it
15 pursuant to law.

16 i. Subpoenas may be issued by the committee acting
17 through the chairperson or any other member designated by
18 the chair and may be served as provided for subpoenas in
19 civil actions in the district court. The chairperson or
20 any member authorized by such person is hereby authorized
21 to administer oaths to any witnesses appearing before the
22 committee.

23 11. That the committee shall recommend to the general
24 assembly any legislation which the investigation reveals
25 is necessary or desirable.

The motion prevailed and the resolution was adopted.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of **Senate File 2270**, a bill for an act providing for procedures to recover payments of unemployment compensation in order 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.

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. 2270)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneran	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Pavich	Pellett	Pelton	Scheelhaase
Schneklloth	Schroeder	Shimanek	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Tofte	Varley	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Brockett	Clark, J.H.	Crabb	Den Herder
Hines	Junker	Norland	Patchett
Perkins	Poncy	Rinas	Small
Spencer	Thompson	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 WITHDRAWN (Senate File 2163)

Hargrave of Johnson asked and received unanimous consent to withdraw the motion to reconsider Senate File 2163 filed by him on April 26, 1978.

SENATE AMENDMENT CONSIDERED

Norland of Worth called up for consideration **Senate File 2184**, a bill for an act to impose a tax upon freight line and equipment car companies, making an appropriation and providing penalties for violations, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6714 to the House amendment:

H—6714

- 1 Amend the House amendment S—5924, to Senate
- 2 File 2184 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking lines 3 through 6.

The motion prevailed and the House concurred in the Senate amendment H—6714, to the House amendment.

Norland of Worth 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. 2184)

The ayes were, 74:

Arnould	Baker	Bina	Binneboese
Brandt	Branstad	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Stromer	Svoboda	Tauke
Varley	Walter	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 14:

Anderson	Avenson	Bennett	Cusack
Harvey	Koogler	Krause	Krewson
Miller, K.D.	Small	Spear	Stephens
Tofte	Wells		

Absent or not voting, 12:

Brockett	Crabb	Den Herder	Gentleman
Hullinger	Junker	Patchett	Poncy
Rinas	Spencer	Thompson	Welden

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 2176, a bill for an act relating to the probing of grain for foreign material content, was taken up for consideration.

Byerly of Polk asked and received unanimous consent to withdraw amendment H-6445 filed by Byerly, et al., on May 2, 1978, placing out of order the following amendments to amendment H-6445:

H-6558 filed by Middleswart of Warren and Davitt of Warren on May 5, 1978.

H-6561 filed by Gilson of Guthrie on May 5, 1978.

H-6597 filed by Howell of Floyd on May 9, 1978.

H-6602 filed by Middleswart of Warren and Davitt of Warren on May 9, 1978.

H-6627 filed by Gilson of Guthrie on May 10, 1978.

H-6628 filed by Dunton of Keokuk on May 10, 1978.

H-6635 filed by Dieleman of Marion on May 10, 1978.

H-6682 filed by Wyckoff of Benton on May 11, 1978.

H-6683 filed by Harbor of Mills on May 11, 1978.

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 69 was invoked.

On the question "Shall the bill pass?" (S.F. 2176)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Koogler	Krewson	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	O'Halloran	Oxley	Pavich
Pelton	Perkins	Rinas	Scheelhaase
Shimanek	Small	Spear	Stephens
Stromer	Svoboda	Tauke	Tofte
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 3:

Pellett	Schneklath	Schroeder
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Absent or not voting, 19:

Brockett	Crabb	Den Herder	Dunton
Gentleman	Harbor	Jochum	Junker
Krause	Lipsky	Nielsen	Norland
Patchett	Poncy	Smalley	Spencer
Thompson	Varley	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.

QUORUM CALL

Roll call was requested by Byerly of Polk and Woods of Polk to determine that a quorum was present.

Present: 83

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Daggett	Danker	Davitt
Dieleman	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Koogler
Krause	Krewson	Lind	Lindeen
Lipsky	Lonerger	Menke	Middleswart
Millen	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Perkins	Pinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Tofte
Varley	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent: 17

Brockett	Crabb	Cusack	Den Herder
Dunton	Harvey	Hullinger	Jochum
Junker	Lageschulte	Miller, K.D.	Patchett
Pelton	Poncy	Spencer	Thompson
Welden			

ADOPTION OF SENATE CONCURRENT RESOLUTION 136

Fitzgerald of Webster asked for unanimous consent for the immediate consideration of Senate Concurrent Resolution 136 as follows:

SENATE CONCURRENT RESOLUTION 136
By Committee on Rules and Administration

- 1 A concurrent resolution creating a standing
- 2 committee for the purpose of studying the statutory
- 3 limitations upon and the procedures for establishing
- 4 interest rates and finance charges, providing for
- 5 a recess of the general assembly, and providing that
- 6 the standing committee shall carry out its study
- 7 during the interim between dates of the recess.
- 8 *Whereas*, the rate of interest and finance charges
- 9 which may be charged within the state of Iowa is of

10 concern to the members of the general assembly because
11 of the impact of such rates upon the economy of the
12 state; and

13 *Whereas*, economic conditions existing in the state
14 appear to indicate a need for an investigation and
15 review of present statutory interest rates and finance
16 charges and their effect upon the economy of the
17 state; and

18 *Whereas*, any changes in statutory interest rates
19 and finance charges should not be made without
20 obtaining complete and accurate information in regard
21 to the existing economic conditions in the state and
22 the impact that changes in rates, charges, or
23 procedures for setting rates of interest and finance
24 charges will have; and

25 *Whereas*, there does not exist sufficient time to
26 obtain the information required to determine the
27 impact of interest rates and finance charges and their
28 effect upon the economy and to evaluate any proposed
29 changes in such rates and charges, and adjourn sine
30 die within the immediate future; *Now Therefore*,

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1 *Be It Resolved by the Senate, the House Concurring,*

2 1. That a joint study committee on interest rates
3 is created, which shall be a joint standing committee
4 of the general assembly for the purposes of carrying
5 out the study required by this resolution and which
6 shall be composed of the following:

7 a. The senate majority leader and minority leader
8 or their designees, the chairperson and a minority
9 member of the committee on commerce appointed by the
10 majority leader after consultation with the leadership
11 of the minority political party, and a member of the
12 majority party appointed by the senate majority
13 leadership;

14 b. The speaker of the house and the house minority
15 leader or their designees, the chairperson and a
16 minority member of the committee on commerce appointed
17 by the speaker of the house after consultation with
18 the leadership of the minority political party, and
19 a member of the majority party appointed by the
20 majority leadership of the house; and

21 c. Nonvoting advisory members representing the
22 department of banking, the office of the state
23 comptroller, the office of the governor, and the
24 office of the auditor of state.

25 2. That the joint standing committee shall
26 investigate and review the impact on the Iowa economy
27 of existing statutory provisions which establish
28 interest rates or finance charges and the methods

29 and procedures for determining those interest rates
30 or finance charges, and that the joint standing

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1 committee shall investigate the impact on the Iowa
2 economy of proposed changes in those statutory
3 provisions, and that the joint standing committee
4 may investigate such other impacts or effects of
5 interest rates or finance charges as the committee
6 in its discretion may select.
7 3. That the joint standing committee on interest
8 rates shall have the powers, duties, and authority
9 of standing committees as provided in the Constitution
10 of Iowa, the rules of the general assembly, and chapter
11 two (2) of the Code.
12 4. That the costs of the joint standing committee
13 on interest rates shall be paid from funds available
14 under section two point twelve (2.12) of the Code,
15 which costs shall include, but are not limited to,
16 salaries, travel, and expenses provided for in
17 subsection six (6) of section two point ten (2.10)
18 of the Code; the costs for the employment of necessary
19 staff and experts; witness fees; and such other costs
20 and expenses as are provided for in section two point
21 twelve (2.12) of the Code or are otherwise necessary.
22 5. That the general assembly shall recess on
23 Saturday, May 13, 1978 and reconvene on Friday, June
24 30, 1978 at 10:00 a.m., and that between the date
25 on which the general assembly recesses and the date
26 it reconvenes the joint standing committee shall carry
27 out its duties as provided in this resolution and
28 provided by chapter two (2) of the Code and make a
29 report of its findings to the governor and members
30 of the general assembly not later than June 30, 1978

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1 containing such recommendations as the committee shall
2 approve.
3 6. That when the general assembly is not in session
4 during the interim between the date of the recess
5 and the date of reconvening provided for in this
6 resolution, the secretary of the senate and chief
7 clerk of the house of representatives shall enroll
8 bills passed by the general assembly prior to the
9 recess and present them to the governor as soon as
10 enrollment is complete.
11 7. That the lieutenant governor and the secretary
12 of the senate and the speaker and chief clerk of the
13 house are directed neither to authorize nor sign
14 warrants for expenses of office or travel for members

15 of the senate and house of representatives pursuant
16 to subsection one (1) of section two point ten (2.10)
17 of the Code for the interim from the day after the
18 recess on May 13, 1978 through June 29, 1978. Nothing
19 in this resolution shall preclude the payment of per
20 diem, expenses, and travel pursuant to subsections
21 two (2) through six (6) of section two point ten
22 (2.10) or section two point forty-four (2.44) of the
23 Code during the interim between the dates of the recess.
24 8. That salaries of employees of the general
25 assembly shall be paid only for those persons who
26 are authorized to be employed by the chief clerk of
27 the house and the secretary of the senate and then
28 only pursuant to vouchers signed by the president
29 and secretary of the senate or the speaker and chief
30 clerk of the house.

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1 9. That during the interim between the date of
2 the recess and the date of reconvening the secretary
3 of the senate and chief clerk of the house shall only
4 receive messages from the other body and messages
5 from the governor. Bills, amendments and messages
6 from sources other than the other body or the governor
7 shall be refused.
8 10. That when the general assembly reconvenes
9 it shall only be for the purpose of considering
10 legislation relating to interest rates and finance
11 charges submitted by the appropriate standing committee
12 and to carry out necessary administrative procedures
13 required for orderly adjournment of the general
14 assembly, unless the general assembly shall approve
15 a concurrent resolution providing for the consideration
16 of other subject matters.

Objection was raised.

Fitzgerald of Webster moved to suspend the rules for the immediate consideration of Senate Concurrent Resolution 136.

Roll call was requested by Tauke of Dubuque and Harvey of Scott.

On the question "Shall the rules be suspended to consider Senate Concurrent Resolution 136?"

The ayes were, 61:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Crawford
Davitt	Dieleman	Doyle	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Horn	Howell	Husak
Jesse	Koogler	Lind	Lindeen
Loneragan	Menke	Middleswart	Millen
Miller (Sergeant)	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Rinas
Scheelhaase	Schroeder	Smalley	Spear
Stephens	Stromer	Varley	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 20:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Daggett	Danker	Dyrland
Gentleman	Harvey	Hoffmann	Krewson
Lipsky	Pellett	Schneklath	Shimanek
Small	Svoboda	Tauke	Tofte

Absent or not voting, 19:

Brockett	Crabb	Cusack	Den Herder
Dunton	Hullinger	Jochum	Junker
Krause	Lageschulte	Miller, K.D.	Monroe
Patchett	Pelton	Perkins	Poncy
Spencer	Thompson	Weiden	

The motion prevailed and the rules were suspended to consider Senate Concurrent Resolution 136.

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

The House resumed session, and consideration of Senate Concurrent Resolution 136, Speaker Cochran in the chair.

Small of Johnson offered the following amendment H-6723 filed by him from the floor and moved its adoption:

H-6723

1 Amend Senate Concurrent Resolution 136

2 as follows:

3 1. Page 1, by inserting after line 24,
4 the following:

5 *Whereas*, recent opinions of the attorney
6 general have resulted in instability in the
7 home mortgage loan market in Iowa; and

Amendment H—6723 lost.

Fitzgerald of Webster moved the adoption of Senate Concurrent Resolution 136.

Roll call was requested by Pelton of Clinton and Harvey of Scott.

Rule 70 was invoked.

On the question "Shall the resolution be adopted?"

The ayes were, 51:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffie	Hargrave	Hines
Hinkhouse	Howell	Husak	Jesse
Jochum	Krause	Lonergan	Middleswart
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Pavich
Perkins	Rinas	Scheelhaase	Small
Spear	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker	

The nays were, 34:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Krewson	Lind	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Tofte
Varley	West		

Absent or not voting, 15:

Brockett	Byerly	Crabb	Den Herder
Horn	Hullinger	Junker	Koogler
Lageschulte	Miller, K.D.	Patchett	Poncy
Spencer	Thompson	Welden	

The motion prevailed and the resolution was adopted.

MOTIONS TO RECONSIDER
(House File 2448)

I move to reconsider the vote by which House File 2448 failed to pass the House on May 12, 1978.

AVENSON of Fayette

(House File 2448)

I move to reconsider the vote by which House File 2448 failed to pass the House on May 12, 1978.

HARVEY of Scott

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, 1978, adopted the conference committee report and passed:

House File 248, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Also: That the Senate has on May 10, 1978, 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 2359, a bill for an act relating to the reorganization procedures for school districts.

Also: That the Senate has on May 12, 1978, adopted the conference committee report and passed:

House File 2423, a bill for an act making appropriations to the department of general services for designated capital improvements and expenses.

KEVIN P. LIGHT, Acting Secretary

GOVERNOR'S VETO MESSAGE (House File 593)

May 12, 1978

The Honorable Dale M. Cochran
Speaker of the House of Representatives
67th General Assembly
State Capitol Building
L O C A L

Dear Mr. Speaker:

House File 593, an act relating to procedures for nominations of candidates and for preparing for, conducting and canvassing elections, to registration of voters, to the Campaign Disclosure—Income Tax Checkoff Act, and to other Iowa election laws and certain related sections of the Code, and prescribing penalties, is hereby disapproved and returned to the House of Representatives in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 593 is a substantial revision of Iowa's election laws affecting in some fashion many of the procedures we use in our election system. The debate on this bill was often acrimonious indicating deep division over the merits of this bill. The issue which generated the most debate was Section 12 of this bill which would permit political parties and qualified candidates to receive lists of registered voters from the State. In 1976 legislation was adopted which involved the State for the first time in the maintenance of voter registration lists. That 1976 legislation provided for the State to make available to the two major political parties free voter lists. The U.S. District Court has since struck down that provision and has enjoined the State from giving the free lists to any party unless they are available to all parties.

If the State is going to be in the business of voter registration, it should make voter lists available to political parties and candidates. The taxpayers cannot be expected to foot the bill for any and all requests of any nature. The minimum costs should be borne by those who request the information. Others not benefiting should not be required to bear the expense. Voter registration information available through the State is a convenience for candidates and parties but like other information available through government records, those who desire to have a printout of that which is available, they should not expect others to pay for it. If each party or candidate paid for what each requested, then the district court findings and rulings should be satisfied.

This bill provides that the political parties and candidates may ask for the registration lists in the "order and form requested". This means that the state data processing division could be called upon to provide complicated lists of voters by precinct, by party or even by street. Such requests could be time consuming, costly and virtually impossible to achieve when made unreasonably or at an inopportune time. Obviously if requests such as these are made, an inordinately heavy demand could be placed on the state data processing division. As important as being of service to the political parties and candidates is, the state data processing division has a primary responsibility to the state agencies of government which rely extensively on

its services. To make government work and to be accountable and responsible to the citizens of this state we have an obligation to make sure that this capability is not diverted toward an added task of providing registration lists in any requested form at any time to political organizations.

If the political parties or candidates want basic voter registration lists, they are available and can be purchased now at actual cost. This is an important and valuable service. If they want more complex and specialized information, they can make arrangements in many ways through the private sector.

In addition, this office has heard from about one-third of the county auditors representing both political parties asking that I veto this bill for other reasons. We think their concerns have merit.

They have grave reservations about the new provisions in this act which would permit changes in registration on election day when a voter has moved within a county or from one county to another. We see value in this provision. However, we understand the auditor's fear that these provisions may cause long lines of waiting at the election polls and confusion on election day. As one county auditor noted, "With this bill, the election boards must deal with voting machine balloting, handicapped balloting, challenge balloting, absentee balloting, and special balloting. All five must be handled in a different way with each having certificates which must be prepared at the polls and marked in special ways in the voter registration register." This particular section of the law to which this auditor refers would become effective upon publication of this bill. This means that our auditors and precinct election officials would have to contend with this situation at our upcoming primary election less than one month away.

The Iowa State Association of Auditors in a recent meeting officially took the position requesting a veto of this bill. In mentioning their concerns about this matter, they wrote, "our membership deems this legislation as controversial with potential to disrupt the orderly operation at the polls..." Also many of the auditors wrote individually asking for a veto of this measure, but not one auditor contacted me in support of it.

Amendments were offered in the House that would have alleviated some of these concerns, but because of parliamentary maneuvering, they never had a chance to be debated. Normally, I wouldn't get involved in legislative procedures, but I believe this bill could have been improved if a full and open debate had been permitted so that the points raised by the auditors could have been addressed.

This bill does contain several desirable provisions. The income tax checkoff for political contributions would be expanded so that independents could contribute a dollar with the receipts to be divided equally among the two major parties. The new bribery statute would be clarified to insure that campaign contributions could not be construed as bribes. In addition several sections of the bill would clarify and improve current provisions of election law.

However, the objections to this bill are substantial. Even though some aspects of it would be desirable, we see no provisions that are essential to the operations of this year's election. It has become a recurring practice that in every election year the Iowa

legislature revises the election laws much to the consternation of those who are responsible for implementing them. As the county auditors point out, it would be nice to get through one election year without an abrupt change in our election laws.

For the reasons I have outlined above, I hereby respectfully disapprove of this House File 593.

Sincerely,
ROBERT D. RAY
Governor

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 12, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 187, an act relating to the control of litter, by regulating the sale and use of certain beverage containers; striking a provision relating to the responsibility for discarding litter from a motor vehicle; and providing a penalty for violations.

House File 606, an act relating to the standards for protective clothing and equipment used by fire fighters.

House File 2023, an act relating to the denominations in which bonds of local governmental units may be issued.

House File 2128, an act relating to the publication requirements for an additional public hearing required under local budget law.

House File 2170, an act making appropriations to the Department of General Services for operating purposes.

House File 2174, an act making appropriations to the Department of Justice.

Senate File 2043, an act relating to the payment of special assessments.

Senate File 2076, an act relating to the training and certification of and the services performed by advanced emergency medical technicians and paramedics.

Senate File 2189, an act relating to the excise tax on egg sales.

Senate Concurrent Resolution 121, a concurrent resolution authorizing the construction of an addition to the general hospital of the State University of Iowa.

HOUSE CONCURRENT RESOLUTION 143

By Pellett and Hinkhouse

- 1 Whereas, the United States environmental protection
- 2 agency and the Iowa department of environmental quality
- 3 have proposed different sets of rules for air and water
- 4 quality in Iowa; and

5 *Whereas*, this has created problems of compliance
6 for Iowa agriculture, businesses and local govern-
7 ments; *Now Therefore*,
8 *Be It Resolved by the House of Representatives, the*
9 *Senate Concurring*, That the Legislative Council is
10 requested to appoint an interim study committee com-
11 posed of members of the Senate and House standing
12 committees on agriculture to examine the differences
13 between state and federal air and water quality rules,
14 the economic impacts of such rules on Iowa agriculture,
15 business and local governments and ways to coordinate
16 state and federal rules in this area. The study commit-
17 tee shall submit a report of its findings and recommenda-
18 tions, including the necessary bill drafts to the Legis-
19 lative Council and the members of the Sixty-eighth
20 General Assembly meeting in 1979.

Referred to committee on agriculture.

HOUSE CONCURRENT RESOLUTION 144
By Koogler, Millen, Lonergan and Stromer

1 *Whereas*, proposed legislation suggests the need for
2 remedial action respecting civil liability for losses
3 caused by products; and
4 *Whereas*, consideration should be given to the
5 effects of and any deficiencies in the insurance laws
6 of this state as they relate to the availability and
7 cost of product liability insurance; and
8 *Whereas*, consideration should be given to the
9 effects of and any deficiencies in the tort and con-
10 tract laws and the settlement and litigation processes
11 of this state which are applicable to civil claims
12 based upon losses caused by products; and
13 *Whereas*, consideration should be given to the com-
14 bined effects of those insurance, tort and contract
15 laws, and settlement and litigation processes upon the
16 manufacturer or sale or both of products in this state;
17 and
18 *Whereas*, consideration should be given to recently
19 published findings and conclusions of agencies of the
20 federal government which have investigated the subject of
21 product liability; and
22 *Whereas*, remedial action may require legislation
23 which encompasses a broad range of subject matters;
24 *Now Therefore*,

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1 *Be It Resolved by the House of Representatives, the Senate Concurring,*
2 That the Legislative council be authorized to create a

3 joint subcommittee composed of members of the House
4 Standing Committees on Judiciary and Law Enforcement,
5 Labor and Industrial Relations and Commerce, and the Senate
6 Standing Committees of Judiciary, Labor and Industrial
7 Relations and Commerce, to investigate during the 1978-
8 1979 legislative interim the need for legislation relat-
9 ing to civil liability for the manufacture, distribution
10 and sale of products; and
11 *Be It Further Resolved*, That any interim committee so
12 appointed shall submit its findings and conclusions to the
13 legislative council and to the general assembly convening
14 in January of 1979, together with bill drafts containing
15 any recommended legislation.

Referred to committee on commerce.

HOUSE CONCURRENT RESOLUTION 145

By Krause, Davitt and Schroeder

1 *Whereas*, the Committee on Transportation of the House
2 has had under consideration a number of subjects affecting
3 the transportation industry; and
4 *Whereas*, there is not sufficient time during the
5 present session of the general assembly to collect neces-
6 sary information and draft legislation to carry out recom-
7 mendations of the committee on Transportation of the
8 House; and
9 *Whereas*, in order to prepare for the 1979 Session of
10 the General Assembly the Committees on Transportation
11 must be given adequate time to research subject matter
12 affecting the transportation industry; *Now Therefore*,
13 *Be It Resolved by the House of Representatives, the*
14 *Senate Concurring*, That the Legislative Council is
15 requested to create a study committee consisting of
16 members of the Committees on transportation representing
17 both houses and political parties of the General Assembly;
18 and
19 *Be It Further Resolved*, That the committee shall make
20 periodic reports to the Legislative council and a final
21 report to the members of the General Assembly containing
22 recommendations relating to future and present problems
23 of the railroad industry including industry capabilities
24 for long range capital project planning, tariffs, mergers,
25 and taxation; state air traffic systems, barge tariff rates,
26 automobile inspection, liability insurance or the posting
27 of a bond prior to registering automobiles; design of road
28 construction and its inspection; and a revision of chapter
29 three hundred twenty-one (321) of the Code including the
30 incorporation of provisions of the uniform vehicle code.

Referred to committee on transportation.

HOUSE CONCURRENT RESOLUTION 147

By O'Halloran, Howell, Svoboda, Hullinger,
Norland, Pelton, Varley and Evans

1 *Whereas*, the Legislative Council appointed a sub-
2 committee during the 1977 interim to examine proposed
3 legislation and issues relating to the future of nuclear
4 power in Iowa; and

5 *Whereas*, this subcommittee, composed of members of the
6 House and Senate Standing Committees on Energy, held one
7 meeting during the 1977 interim as was authorized by the
8 Legislative Council; and

9 *Whereas*, that one meeting did afford the subcommittee
10 sufficient time to identify areas of concern relating to
11 nuclear power that the subcommittee recommended be pur-
12 sued; specifically:

13 1. Should some portion of Iowa be a depository or
14 storage site for high level radioactive material? Who
15 would pay the cost of storing Iowa waste at some out-of-
16 state location? Can the state prohibit disposal or
17 storage by the federal government on federally-owned land
18 in Iowa?

19 2. Should legislation be developed to restrict the
20 interstate and intrastate movement of nuclear wastes?
21 If yes, who should be responsible for the safe transporta-
22 tion of such wastes?

23 3. Who should bear transportation and disposal costs
24 of Iowa generated wastes?

25 4. Should the concepts contained in House Files 523
26 and 551 introduced during the 1977 Session of the Sixty-
27 seventh General Assembly be pursued?

28 5. Should additional nuclear power facilities be
29 constructed in Iowa? and,

30 *Whereas*, these questions identified by the 1977 interim

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1 subcommittee have not been addressed and serious doubts
2 continue to arise concerning the viability of nuclear
3 power as a means of supplying our future energy needs;
4 *Now Therefore,*

5 *Be It Resolved by the House of Representatives, the*
6 *Senate Concurring*, That the Legislative Council is requested
7 to establish an interim subcommittee composed of members
8 of the Standing Committees on Energy of the House and
9 Senate to pursue those questions regarding nuclear
10 power that were raised by the 1977 interim subcommittee
11 and are identified in this resolution and to examine
12 in-depth the effects of a policy of continued and increased
13 reliance on nuclear power in Iowa including economic impacts,
14 transportation safeguards and waste disposal problems.
15 The subcommittee shall submit a report of its findings,

- 16 including legislative recommendations to the Legislative
17 Council and the members of the Sixty-eighth General
18 Assembly meeting in 1979.

Referred to committee on energy.

HOUSE RESOLUTION 148

By Dyrland

- 1 *Whereas*, pursuant to section sixty-eight B point
2 ten (68B.10) of the Code the ethics committee of the
3 House of Representatives has the power and duty to
4 recommend legislation relating to legislative ethics
5 and lobbying activities; and
6 *Whereas*, on May 12, 1978 the General Assembly
7 passed Senate File 2201, a bill which regulates the
8 receipt of gifts by an official; and
9 *Whereas*, it is important that the contents of the
10 bill be thoroughly understood and the ramifications
11 of the bill be carefully considered; *Now Therefore*,
12 *Be It Resolved by the House of Representatives*,
13 That the legislative council is requested to establish
14 an interim study committee composed of the members of
15 the House standing committee on ethics to conduct dur-
16 ing the 1978 interim a study of Senate File 2201 in
17 terms of what it prohibits, what it allows, and what
18 its impact is likely to be on officials and state
19 and local governments in general; and
20 *Be It Further Resolved*, That the committee shall
21 report its findings with appropriate recommended
22 legislation to the legislative council and to the
23 members of the 1979 Session of the General Assembly.

Referred to committee on ethics.

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 12th day of May, 1978: House Files 351, 2277, 2284, 2289 and 2310.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

Because I was hospitalized and recovering from a serious illness, I was necessarily absent from the House chamber on the following days. Had I been present I would have voted as follows:

Monday, April 24, 1978, "aye" on House Files 127, 211, 356, 433, 2098, motion to reconsider amendment H-6176, amendment H-6246 and Senate File 2066; "nay" on motions to suspend the rules for amendments H-6221, H-6235, H-6242, amendments H-6218 and H-6222A.

Tuesday, April 25, 1978, "aye" on House File 2356 and Senate File 2127.

Thursday, April 27, 1978, "aye" on House Files 593, 2074, 2407, 2423, 2442, amendments H-6296, H-6334, H-6353, Senate Files 264, 2043, 2173 and 2233; "nay" on motion to suspend rules on amendment H-6345 and motion to reconsider amendment H-6353.

Friday, April 28, 1978, "aye" on House Files 545, 2040, 2152, 2189, 2316, 2421, 2432, Senate Files 121, 221, 2022, 2100, amendment H-6388; "nay" on House File 2389 and amendments H-6395, H-6396 and H-6398.

Monday, May 1, 1978, "aye" on House Files 304, 2035, 2053, 2147, 2210, 2244, 2285, 2322, 2364, 2367, 2368, 2392, 2406, 2435, 2441, amendment H-6413, motion to concur in H-6360, Senate Files 2076, 2202, 2230 and 2246; "nay" on motion to refer to committee on Senate File 2202.

Tuesday, May 2, 1978, "aye" on House Files 2101, 2452; Senate Files 2111, 2131, 2158, 2180, 2200, amendments H-5879 and H-6241; "nay" on motion to suspend rules for amendment H-6443.

Wednesday, May 3, 1978, "aye" on House Files 2010, 2162, 2284, 2404, Senate Files 264, 2233 and House Concurrent Resolution 125; "nay" on amendment H-6140.

Thursday, May 4, 1978, "aye" on House File 2223 and Senate File 2181.

Wednesday, May 10, 1978, "aye" on House Files 2361 and 2449.

O'HALLORAN of Black Hawk

SUBCOMMITTEE ASSIGNMENT

Senate File 2258

Budget: Brunow, Chair; Harvey, O'Halloran, Jesse and West.

PRESENTATION OF VISITORS

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

Eighty students from West Liberty Middle School, West Liberty, Iowa, accompanied by Karen Nortman. By Hoffmann of Muscatine.

Thirty sixth grade students from Orient-Macksburg Community School, Orient, Iowa, accompanied by Bill Shallenberger. By Davitt of Warren and Hullinger of Decatur.

Thirty-five sixth grade students from Dunlap Elementary School, Des Moines, Iowa, accompanied by Max L. Means. By Chiodo of Polk and Thompson of Polk.

Twenty-five students from Ballard Community School, Cambridge, Iowa, accompanied by Marjorie Griffith. By Crawford of Story.

Twenty FHA members from Corwith High School, Corwith, Iowa, accompanied by DeAnna Nervig. By Stromer of Hancock.

Twenty-five fifth grade students from Centerville Elementary School, Centerville, Iowa, accompanied by Mrs. Schick. By Brunow of Appanoose.

REPORT OF COMMITTEE MEETING

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

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 11:10 p.m., May 12, 1978

Convened: 11:10 p.m.

Adjourned: 11:25 p.m.

Present: Cusack, chair; Welden, ranking member; Avenson, Harvey, Jesse, Koogler, Norland, Stromer, Varley, Wells and West.

Absent: O'Halloran

Senate File 2258, a bill for an act providing procedures for setting salaries by establishing salary ranges for designated nonelected officials and methods for the payment of salaries.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Welden, Avenson, Norland, Stromer, Varley, Wells and West.

Nay: Dunton, Harvey and Koogler.

Absent or not voting: Jesse and O'Halloran.

House Concurrent Resolution 146, a concurrent resolution urging the legislative council to authorize a joint interim subcommittee on mental health.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Welden, Avenson, Harvey, Jesse, Koogler, Norland, Stromer, Varley, Wells and West.

Nay: None.

Absent or not voting: None.

Pursuant to Senate Concurrent Resolution 136, duly adopted, the House was recessed at 7:43 a.m., Saturday, May 13, 1978, until 10:00 a.m., Friday, June 30, 1978.

JOURNAL OF THE HOUSE

One Hundred Seventy-third Calendar Day — Eightieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, June 30 and Saturday, July 1, 1978

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 Friday, May 12, 1978 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Lind of Black Hawk from six residents of Black Hawk County expressing concern over the lack of mortgage money available in their area.

By Brandt of Black Hawk from two hundred eighty-eight citizens favoring emergency legislation authorizing share drafts.

APPOINTMENT OF MEMBERS OF THE INTEREST RATES JOINT STANDING COMMITTEE

The Speaker appointed the following Representatives as members of the Interest Rates Joint Standing Committee: Monroe of Des Moines, Chair; Brockett of Marshall, Chiodo of Polk, Evans of Grundy and Small of Johnson.

APPOINTMENT OF OFFICIAL DELEGATION

The Speaker appointed the following Representatives as the official delegation to the June 5th funeral services of the Honorable Elmer Den Herder, Representative from Sioux County: Baker of Buena Vista, Cochran of Webster, Crabb of Crawford, Doyle of Woodbury, Dunton of Keokuk, Hansen of O'Brien, Harbor of Mills, Menke of O'Brien, Middleswart of Warren and Millen of Van Buren.

INTRODUCTION OF BILL

House File 2467, by joint standing committee on interest rates, a bill for an act which is an emergency and temporary act and shall be in effect until July 1, 1979, and which relates to transactions which involve the payment of interest pursuant to agreement of the parties.

Read first time and placed on the calendar.

FINAL REPORT

JOINT STANDING COMMITTEE ON INTEREST RATES

June 30, 1978

The Joint Standing Committee on Interest Rates was created by Senate Concurrent Resolution 136, adopted during the 1978 legislative session. That Resolution provided for a recess of the General Assembly from May 13, 1978 to June 30, 1978. During that recess the Joint Standing Committee was charged with the duty to

"investigate and review the impact on the Iowa economy of existing statutory provisions which establish interest rates or finance charges and the methods and procedures for determining those interest rates or finance charges..."

Pursuant to section five (5) of that Resolution the Committee submits this report of its findings and recommendations.

The committee initially was composed of the following legislative members:

Senator Fred W. Nolting, Co-chair
Representative W. R. Monroe, Jr., Co-chair
Senator Warren E. Curtis
Senator Eugene M. Hill
Senator Edgar H. Holden
Senator William D. Palmer
Representative Glenn F. Brockett
Representative Ned F. Chiodo
Representative Cooper Evans
Representative Arthur A. Small, Jr.

Because of health problems, Senator Warren E. Curtis resigned from the Committee and Senator Irvin L. Bergman was appointed to membership on the Committee.

The following advisory Committee members were provided for, or were appointed by officers of the executive branch, pursuant to S.C.R. 136:

Mr. Thomas H. Huston, Superintendent of Banking

Mr. Howard Hall, Deputy Superintendent of Banking
Mr. Ron Sagraves, Office for Planning and Programming
Mr. Richard G. Sheppard, Supervisor of Savings and Loan Associations
Mr. Ken Wilson, Supervisor of Industrial Loan Licensees
Dr. Gerry Barnard, representing the State Comptroller

The Committee held a series of meetings, during which commentary was received from various invited guests. The Committee also held a public hearing at which comments were received from twelve persons. The Committee also submitted written questionnaires to the 656 banks and 78 savings and loan associations doing business in this state. The Committee also received a written study prepared by a professor of economics at Drake University.

The greatest amount of the commentary which was received dealt with the effects of Iowa's nine percent usury limit on the home construction and finance industries. Representatives of home builders, institutional lenders, realtors and a mortgage banking company agreed in general that the existing usury limit is having, or soon will have a detrimental effect on the availability of housing in this state because the prevailing interest rates in the national mortgage market exceed nine percent. Commentary also was received which indicated that the availability of loans to finance agricultural endeavors is being adversely affected by the Iowa usury law. In addition to comments directed at the Iowa usury law, other comments were received which dealt with matters related to mortgage lending, including the practice of charging points and red lining, and other matters relating to interest rates, including the statutory minimum interest rate applicable to open accounts and interest paid by regulated financial institutions. Copies of the written commentary received by the Committee are on file with the Legislative Service Bureau for reference.

The Committee considered approximately twelve legislative proposals which were offered by legislative members of the Committee and which were determined to be within the scope of the Committee's authority. Considerable difference of opinion existed among the members of the Committee respecting the nature and extent of the problems attributable to Iowa laws relating to interest rates and affiliated matters. A bill draft ultimately evolved after a lengthy process of amendment and revision. The draft failed to receive the necessary affirmative votes on final passage, however, and the Committee appeared to have reached a deadlock.

Following several attempts to break the stalemate, the Committee agreed to submit to the House of Representatives a bill providing for continuation of the legislative study of interest rates, plus three amendments to that bill. The subject matters contained in those three amendments were, generally, as follows: (1) amendments to the Iowa usury law and closely related matters; (2) amendments to the open-end credit finance charge provisions; and (3) other statutory changes affecting or affected by statutory interest rate provisions and the transactions to which they relate. The motion finally adopted by the Committee also provided that the title of the bill and the various provisions contained in the amendments would limit the effect of the proposed legislation to a period of time ending July 1, 1979.

Pursuant to Senate Concurrent Resolution 136 the Committee submits as attachments to this Report the bill proposal and amendments passed by the Committee. The bill and the amendments are submitted without recommendation.

Respectfully submitted,

FRED W. NOLTING, Co-chair
W. R. MONROE, JR., Co-chair

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following reports:

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 30th day of May, 1978: House Files 207, 2035, 2116, 2219, 2383, 2403, 2435 and 2464.

Also: 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 1st day of June, 1978: House Files 28, 2074, 2162, 2246, 2315, 2316 and 2450.

Also: 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 2nd day of June, 1978: House Files 2040, 2189, 2190, 2377, 2407, 2432 and 2454.

Also: 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 8th Day of June, 1978: House Files 566, 2212, 2368 and 2433.

Also: 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 9th day of June, 1978: House Files 463, 2273, 2285, 2440 and 2466.

Also: 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 12th day of June, 1978: House Files 2010, 2223, 2296, 2359 and 2382.

Also: That the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16th day of June, 1978: House Files 2164, 2420 and 2463.

Also: 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 19th day of June, 1978: House Files 545, 602, 2175 and 2361.

Also: That the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 20th day of June, 1978: House Files 356, 2330, 2404 and 2438.

Also: That the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of June, 1978: House Files 544, 2135, 2216, 2290 and 2423.

Also: That the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of June, 1978: House Files 491, 557, 2021, 2244 and 2426.

Also: 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 June, 1978: House Files 112, 232, 2098, 2390 and 2462.

Also: 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 27th day of June, 1978: House File 2449.

Also: 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 29th day of June, 1978: House File 248.

DAVID L. WRAY
Chief Clerk of the House

Reports adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 15, 1978, he approved and transmitted to the Secretary of State the following bills:

Senate File 2131, an act to consolidate the licensing of funeral directors and embalmers.

Senate File 2180, an act to establish standards for the production and processing of cottage cheese dry curd, cottage cheese, and low fat cottage cheese.

Senate File 2233, an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the Commissioner of Labor.

Also: That on May 16, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 351, an act to clarify and further define "licensed premises" or "premises".

House File 2277, an act relating to the sale by area schools of student-constructed buildings and certain property.

House File 2284, an act relating to the trapping of fur-bearing animals including the checking of traps and stamping of pelts.

House File 2289, an act transferring the responsibilities to administer the interstate fuel use tax law from the Department of Revenue to the State Department of Transportation.

House File 2310, an act relating to the legalization and validation of the Lost Island Sanitary District and the procedures of the Board of Supervisors and the County Auditor of Palo Alto County in connection with the creation and organization of the Lost Island Sanitary District.

Senate File 2103, an act permitting an inmate to be placed on work release for longer than six months in any twelve-month period.

Senate File 2158, an act relating to the food stamp program, vesting the authority to administer the program in the Department of Social Services, and prescribing penalties for violations.

Also: That on May 25, 1978, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2263, an act for the legalization of the sale of \$390,000 general obligation corporate purpose bonds dated April 1, 1978, and \$320,000 water revenue bonds dated April 1, 1978, of the City of Grimes, Polk County, Iowa.

Also: That on June 2, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 207, an act creating a Citizens Privacy Task Force, prescribing its powers and duties and making an appropriation.

House File 2035, an act relating to the taxation of property used for agricultural and horticultural purposes and located within the corporate limits of a city and making the provisions of this act retroactive.

House File 2116, an act exempting certain married persons from the requirement that certain information be given prior to a name change.

House File 2219, an act relating to the investment of police and fire retirement system funds.

House File 2383, an act to legalize and validate the procedures whereby the Fremont-Mills Community School District in the counties of Fremont and Mills contracted for the sale of tracts of real estate and the contracts entered into with respective purchasers.

House File 2403, an act to legalize proceedings taken by the county Board of Supervisors of Clinton County relating to the remodeling, expansion and repair of the Clinton County Care Facility.

House File 2435, an act relating to providing additional funding for the second injury fund under workers' compensation.

House File 2464, an act to legalize proceedings of the Black Hawk County Board of Supervisors relating to the purchase of land.

Senate File 44, an act to provide that certain records required to be filed in a dissolution action shall not be public records, and providing a penalty.

Senate File 72, an act relating to the inclusion of fine arts projects in state building construction projects in cooperation with the Iowa State Arts Council.

Senate File 2107, an act relating to contract and bidding procedures for the repair or construction of county buildings.

Senate File 2176, an act relating to the probing of grain for foreign material content.

Senate File 2202, an act specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence and providing for consecutive sentences.

Senate File 2208, an act relating to the composition of the Iowa Crime Commission.

Also: That on June 5, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 28, 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.

House File 2040, an act to provide a paid leave of absence to compete in olympic competition.

House File 2074, an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute, and providing remedies and damages.

House File 2162, an act relating to the hours during which alcoholic beverages and beer may be sold on a Sunday when the following Monday is New Year's Day by liquor control licensees and beer permittees.

House File 2189, an act making appropriations to miscellaneous state and local government agencies including regulatory agencies and boards and local and state government administrative agencies.

House File 2190, an act relating to valuation of property.

House File 2246, an act extending liability and errors and omissions insurance to appointed county officers, township trustees, and employees of the township.

House File 2315, an act to legalize proceedings taken by the Board of Supervisors of Cerro Gordo County relating to the sale of certain properties.

House File 2316, an act to legalize proceedings taken by the City of Kensett relating to the letting of certain contracts.

House File 2377, an act to legalize proceedings taken by the Van Buren County Board of Supervisors relating to sale of certain real estate belonging to the Van Buren County Conservation Board subject to certain conditions and easements.

House File 2407, an act authorizing memorial hospitals established pursuant to Chapter Thirty-seven (37) of the Code to issue tax anticipatory warrants.

House File 2432, an act relating to the employment and payment by the State Board of Regents of attorneys and counselors for the purpose of acting as an employer under the provisions of Chapter Twenty (20) of the Code.

House File 2450, an act appropriating funds from the general fund of the State to the State Educational Radio and Television Facility Board for its general operations.

House File 2454, an act to legalize proceedings taken by the Board of Supervisors of Chickasaw County, relating to the sale of certain properties.

Senate File 106, an act relating to filing multiple counts in a single information, indictment, or complaint charging false use of a financial instrument.

Senate File 149, an act relating to mandatory wage assignment in child support orders.

Senate File 2008, an act to provide a salary increase for shorthand reporters.

Senate File 2104, an act relating to the Iowa Probate Code.

Senate File 2127, an act making appropriations to various executive and legislative departments and other councils and commissions.

Senate File 2128, an act making an appropriation to the Office of Governor including funds for the administration and management of the Terrace Hill Governor's Mansion.

Senate File 2133, an act to limit claims of inmates injured while working to workers' compensation.

Senate File 2181, an act providing for the destruction of certain court records.

Senate File 2198, an act repealing the prohibition against allowing minors in a billiard hall where beer is sold.

Senate File 2205, an act amending the criminal code revision to prohibit a person from photographing a child involved in certain prohibited sexual acts, and providing a penalty.

Senate File 2215, an act relating to motor vehicle transportation regulation.

Senate File 2221, an act relating to city development.

Senate File 2253, an act to legalize proceedings taken by the City of Charter Oak relating to the letting of certain contracts.

Senate File 2260, an act legalizing the proceedings of the City Council of Polk City, Iowa in connection with the making of a contract for the construction of water main improvements.

Also: That on June 12, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 566, an act relating to the issuance and expiration of waterworks or waste waterworks operators' certificates.

House File 2212, an act relating to the authority of the Iowa Natural Resources Council and providing a penalty.

House File 2368, an act to repeal the authority of the Special Education Division of the Department of Public Instruction to provide standards and certification for special education teachers.

House File 2433, an act making technical corrections and relating to Chapter Ninety-five (95) of the Acts of the Sixty-seventh General Assembly, 1977 Session.

Senate File 99, an act relating to a State of the Judicial Department Message.

Senate File 158, an act to amend or revise certain Code sections affected by the repeal of former Chapter Two Hundred Fifty-four (254) of the Code.

Senate File 2115, an act authorizing the temporary transfer of money from the general fund of the county to the county conservation fund to match federal funds.

Senate File 2118, an act granting counties the authority to acquire and finance certain public improvements.

Senate File 2190, an act creating in the Department of Social Services the right of subrogation to recover payments made under the medical assistance program.

Senate File 2268, an act appropriating funds to the Department of Public Instruction for salary adjustments and fringe benefits for radio station employees of merged Area XII.

Also: That on June 13, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 463, an act relating to education by revising the board membership of area schools and area education agencies, and by revising the financing and operation of area education agencies and special education programs, and to make an appropriation.

House File 2273, an act amending the laws applicable to accident and health insurance policies.

House File 2285, an act to create an Iowa Boundary Commission.

House File 2466, an act to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the State of Iowa.

Senate File 380, an act relating to unified law enforcement.

Senate File 2054, an act relating to the deposit of school district income surtax moneys.

Senate File 2200, an act making technical changes of a corrective nature to the new criminal code.

Senate File 2247, an act relating to credit for accrued sick leave and providing an appropriation.

Senate File 2267, an act relating to and appropriating funds for capital improvements and studies of agencies and departments with responsibilities in natural resources.

Also: That on June 14, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 2010, an act removing the limit on fees certain cities may establish for inspection of multiple dwellings.

House File 2223, an act to provide that a separate termination of parental rights proceeding shall not be required in cases of stepparent adoptions.

House File 2296, an act relating to the payment for the operation and maintenance of freeway lighting systems in cities.

House File 2359, an act relating to reorganization procedures for school districts.

House File 2382, an act relating to flight from the state to avoid prosecution and providing a penalty.

Senate File 336, an act relating to the imposition of a hotel and motel tax by a city or county and providing a penalty.

Senate File 2209, an act relating to energy resources by encouraging the develop-

ment and use of solar energy and by providing property tax exemptions for coal held in inventory, solar energy systems, and methane gas production systems.

Senate File 2270, an act providing for procedures to recover payments of unemployment compensation in order 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.

Also: That on June 20, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 2164, an act relating to the status and salaries of full-time or part-time county attorneys and assistant county attorneys.

House File 2420, an act relating to the transfer of funds between state departments, institutions and agencies.

House File 2463, an act relating to the inventory taking of motor fuel and special fuel gallonage to be sold or dispensed at tax rates established by House File Four Hundred Ninety-one (491), Acts of the Sixty-seventh General Assembly, 1978 Session.

Senate File 2228, an act providing for a guaranteed student loan program.

Senate File 2239, an act appropriating funds for certain legal fees.

Also: That on June 22, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 545, an act relating to the management of loss and loss exposures of government.

House File 602, 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.

House File 2175, an act relating to the state military code.

House File 2361, an act relating to education providing for a tax and an appropriation.

Senate File 221, an act relating to the examination, certification, appointment, and duties of assessors.

Senate File 2213, an act amending the weapons chapter of the criminal code revision to authorize a peace officer to go armed anywhere in the state at all times when he or she obtains a professional permit to carry weapons.

Also: That on June 23, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 356, an act relating to the administration of hunting, fishing and recreation programs and subjecting violators to penalties.

House File 2330, an act redefining the term "governing body" as used in Chapter Five Hundred Nine A (509A) of the Code, relating to insurance plans for public employees.

House File 2404, an act relating to child abuse.

House File 2438, an act to provide reimbursement for special assessments, for property taxes paid, and for rent constituting property taxes paid for persons sixty-five years of age or older, a surviving spouse fifty-five years of age or older, or totally disabled.

Senate File 264, an act relating to benefits and services provided to armed forces veterans by creating the Iowa Department of Veterans Affairs.

Senate File 321, an act relating to bonded agricultural warehouses.

Senate File 389, an act relating to persons who engage in the business of buying or selling grain, or who participate in the buying or selling of grain as a bargaining agent for the benefit of others, and providing a penalty.

Senate File 2187, an act relating to transportation.

Also: That on June 26, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 544, an act relating to snowmobiles.

House File 2135, an act to establish a mobile home parks residential landlord and tenant act and providing civil penalties.

House File 2216, an act relating to railroad laws.

House File 2423, an act making appropriations to the Department of General Services for designated capital improvements and expenses.

Senate File 164, 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.

Senate File 356, an act relating to city development.

Senate File 2066, an act to exempt from the sales and use tax admission fees to amusements, fairs, and athletic events of elementary and secondary schools.

Also: That on June 27, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 491, an act relating to transportation providing for an expression of the legislative intent concerning diagonal roads.

House File 557, an act relating to a community development program and making an appropriation.

House File 2021, an act relating to definitions and reports pertaining to corporate farming.

House File 2244, an act to adopt the uniform landlord tenant act as modified and providing penalties.

House File 2426, an act relating to certain public retirement systems and making an appropriation.

Senate File 182, an act relating to the sale in this state of decorative gas lamps and gas appliances equipped with a pilot light and providing penalties.

Senate File 244, an act relating to procedures for approving and publishing administrative rules and the Code of Iowa.

Senate File 2068, an act relating to transfer of rights-of-way between the state and political subdivisions of the state.

Also: That on June 29, 1978, the Governor approved and transmitted to the Secretary of State the following bills:

House File 112, an act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at nineteen years of age.

House File 232, an act prohibiting the Iowa Commerce Commission from approving certain charges by telephone companies for telephone directory assistance.

House File 2098, an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research.

House File 2390, an act amending the Iowa civil rights law.

House File 2462, an act correcting and relating to erroneous and obsolete sections of the Code.

Senate File 358, an act relating to the licensing and practicing of veterinarians.

GOVERNOR'S ITEM VETO MESSAGES
(House File 2440)

June 13, 1978

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit to you House File 2440, an act relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome.

House File 2440 is approved June 13, 1978, with the following exceptions which I hereby disapprove.

I am unable to approve Item 3 designated as Section 3 in the Act which reads as follows:

Sec. 3. NEW SECTION. SUBSTANCE ABUSE REHABILITATION AND PREVENTION FUND CREATED. There is established in the office of the treasurer of state a fund to be known as the substance abuse rehabilitation and prevention fund. The substance abuse rehabilitation and prevention fund shall consist of revenues derived from substance abuse rehabilitation and prevention taxes imposed by sections four (4) and five (5) of this Act and any other moneys appropriated to the fund.

I am unable to approve Item 4 designated as Section 4 in the Act which reads as follows:

Sec. 4. NEW SECTION. BARREL TAX ON BEER. There shall be levied and collected from class "A" beer permittees a substance abuse rehabilitation and prevention tax on all beer manufactured for sale and sold in the state at wholesale and on all imported beer sold at wholesale in this state at the rate of one dollar for every barrel containing thirty-one gallons, and at the same rate for any other quantity or for the fractional part of a barrel. A tax shall not be levied or collected on beer shipped outside this state by a class "A" permittee or sold by one class "A" permittee to another class "A" permittee. All of the provisions of chapter one hundred twenty-three (123) of the Code relating to the administration of the barrel tax on beer shall apply to the tax imposed by this section, except that the taxes collected pursuant to this section shall be remitted to the treasurer of state and shall be deposited in the substance abuse rehabilitation and prevention fund, and except that the barrel tax rebate shall not apply to the substance abuse rehabilitation and prevention tax. The tax imposed by this section shall be in addition to any other taxes imposed by law.

I am unable to approve Item 5 designated as Section 5 in the Act which reads as follows:

Sec. 5. NEW SECTION. LIQUOR TAX.

1. There is imposed upon the purchase of alcoholic beverages in this state a tax at the rate of two percent of the purchase price of such alcoholic beverages. The tax shall be collected from persons purchasing alcoholic beverages at the time of purchase of alcoholic beverages from the state. The tax imposed by this section shall be in addition to any other taxes imposed by law.

2. Notwithstanding any provision of chapter one hundred twenty-three (123) of the Code, all revenues derived from the tax imposed by this section shall be remitted monthly by the Iowa beer and liquor control department to the treasurer of state and shall be deposited in the substance abuse rehabilitation and prevention fund.

I am unable to approve Item 6 designated as Section 6 in the Act which reads as follows:

Sec. 6. NEW SECTION. ALLOCATION OF REVENUE.

1. The treasurer of state shall distribute quarterly one-half of the revenues derived pursuant to sections four (4) and five (5) of this Act to the Iowa department of substance abuse.

2. a. The treasurer of state shall allocate one-half of the revenues derived pursuant to sections four (4) and five (5) of this Act to each county treasurer in an amount determined by dividing the total population of each county by the total population of the state according to the latest certified census.

b. The board of supervisors of each county shall certify to the treasurer of state a claim for that county's allocated funds. The claim shall be based upon actual payments for substance abuse care, maintenance, and treatment made by the county to any facility as defined in section one hundred twenty-five point two (125.2) of the Code.

c. If at the end of the third quarter of each fiscal year a county does not spend all of its allocation, the balance of that allocation shall be reallocated by the treasurer of state in accordance with paragraph a of this subsection.

d. At the end of the fourth quarter of each fiscal year all moneys remaining in the substance abuse rehabilitation and prevention fund shall be reverted to the general fund of the state.

3. Any other moneys deposited in the substance abuse rehabilitation and prevention fund shall be allocated equally as provided in subsections one (1) and two (2) of this section.

4. Warrants for the payment of funds pursuant to this section shall be issued by the state comptroller upon certification of the treasurer of state.

I am unable to approve Item 7 designated as Section 7 in the Act which reads as follows:

Sec. 7. NEW SECTION. USE OF REVENUE.

1. Revenues distributed pursuant to the provisions of section six (6), subsection one (1), of this Act shall be used, subject to the limitation contained in subsection two (2) of this section, for the following purposes:

a. The administrative expenses, excluding salaries, of the Iowa department of substance abuse.

b. Any program or service authorized under chapter one hundred twenty-five (125) of the Code.

c. The implementation of new substance abuser treatment procedures and services.

d. The matching of any other county expenses for the care, maintenance and rehabilitation of substance abusers by the Iowa department of substance abuse.

2. Moneys contained in the fund created by section three (3) of this Act except those moneys specified in section six (6), subsection two (2), of this Act, shall not be distributed or allocated for rehabilitative and preventive services or treatment, care and maintenance for substance abuse rendered by the mental health institutes under the control of the department of social services. All billings to counties from mental health institutes for such treatment, care, and maintenance shall specify the exact amount billed for substance abuse treatment, prevention and detoxification.

I am unable to approve Item 13 designated as Section 13 in the Act which reads as follows:

Sec. 13. EFFECTIVE DATES.

1. The provisions of this Act, except section six (6) of this Act, shall be effective July 1, 1978.

2. The provisions of section six (6) of this Act shall be effective January 1, 1979, and on that date the treasurer of state shall allocate the moneys credited to the substance abuse rehabilitation and prevention fund during the fiscal period beginning July 1, 1978 and ending December 31, 1978 to the Iowa department of substance abuse and the counties of the state as provided in section six (6) of this Act.

On July 13, 1977, I vetoed Senate File 31 of the 67th General Assembly. This bill established an earmarked liquor tax as its primary provision, a tax which I could not approve for reasons listed in that message. Certain provisions of House File 2440 establish such a tax again, and again I disapprove it. This should be no surprise to anyone inasmuch as I stated repeatedly during the legislative session that I did not approve of this approach.

From the very beginning of our administration we have supported alcoholism and drug abuse treatment, prevention and educational programs. During my administration, we created a Drug Abuse Authority and originated the first state-supported, statewide treatment program for alcoholism. Just recently the Division on Alcoholism and the Iowa Drug Abuse Authority were merged to form the Iowa Department of Substance Abuse. Under the auspices of this new agency, we have moved to meet the needs created by substance abuse. Our budget recommendations for the next year, which were adopted by the legislature, will fund existing alcoholism and drug abuse treatment programs and allow cost-of-living increases.

There are major reasons for disapproving the earmarked tax contained in House File 2440. If this bill became law, both the Governor and the General Assembly would be precluded from budget oversight of substance abuse programs. The moneys derived from the additional tax would bypass normal channels and go directly to the Department of Substance Abuse for distribution. I believe tax funds collected by the state should be part of budget procedures. If they are not, the elected representatives of the people lose their ability to direct and contain the size of government and to maintain a watchful eye on the quality and fiscal soundness and performance of its activities.

The half of the proposed tax which would be distributed to the counties would be sent out on an arbitrary per capita basis regardless of need and prior to any budgetary planning.

This approach would create a tremendous increase in spending much of which might easily be misdirected and not be responsive to demonstrated local needs. In our most heavily-populated county, Polk, the proceeds of the tax would only cover a fraction of current spending, while other counties which are currently spending nothing or very little would receive thousands of dollars more than current expenditures—without sufficient plans to use wisely the new tax money.

The new Department of Substance Abuse is in the process of establishing quality and cost controls. I believe that these controls ought to be in place and that the information they provide should be analyzed and understood before decisions are made on major changes in funding mechanisms.

The merger of the Division on Alcoholism and the Iowa Drug Abuse Authority has resulted in more efficiency and some immediate economies, with a total of ten slots being removed from the tables of organization. The quality and cost controls which are being formulated, several of which are already operational, will add to the decision-making capacity of the Department and the executive and legislative branches of government. Major elements of the fiscal controls include line item budgeting, estimates of income, monthly expenditure reports and public hearings.

Quality controls being established by the Department which include licensing standards for each program, pre-license inspections of each program and review inspections will determine whether programs are assisting clients in abstaining from alcohol and drugs, what the goals and objectives of the programs are, and the success rates in achieving them.

Thus, to get a handle on how much needs to be spent in the future, several new sources of information will be available which we have never had before:

- Program line item budgets
- Income projections
- Client information and service system
- Program goals and objectives

Estimates of future needs and expenditures, then, will be made on a history of proven needs, income, and ability to meet goals and objectives. As the quality and cost data are assembled, we will continue to respond to the needs that the data indicate.

This is a far more useful and responsible way to determine spending for substance abuse programs than an earmarked tax which would distribute funds on an arbitrary basis and would not respond to thoughtful planning and programming.

The proposed tax increase was touted as offering property tax relief since it would pay for treatment programs currently funded partially from local sources. This is a misleading argument. There is nothing in this bill which requires a reduction in the property tax. The county officers who discussed this matter with my office indicated that there were no plans to reduce property taxes upon receipt of the earmarked funds. They instead would use the increased funds for either expanded substance abuse programs or for other local expenditures.

Finally, there are possibilities of new funds for substance abuse programs, including a three-year project under which Blue Cross/Blue Shield will offer coverage for substance abusers, coverage for local treatment for eligible veterans, funds which are available to programs from Sunday beer licensee fees and the new returnable beverage container bill, and a client fee schedule.

If a new source of funds is needed in the future, there should be a mechanism to take into account the individuality of each program, the need for state funds to be appropriated through regular budget procedures, and the necessity for accountability and constraint in the use of public funds.

For the above reasons, I hereby disapprove the aforementioned six 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 2440 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

(Senate File 2163)

June 22, 1978

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit to you Senate File 2163, an act relating to the administration and financing of current programs under the jurisdiction of the Department of Social Services.

Senate File 2163 is approved June 22, 1978, with the following exception which I hereby disapprove.

I am unable to approve that item of the bill designated as subparagraph "a" of Subsection 13 of Section 16 which reads as follows:

a. It is the intent of the general assembly that the department of social services shall submit a budget for the fiscal year 1979-1980 as outlined in the department's management control report, which is developed by organizational structure or areas of responsibility, and accordingly indicates projected program activities, personnel status and budgeted expenditures, and then compared to actual outputs on a monthly basis for purposes of analysis and accountability. This report shall be distributed to members of the general assembly for their review on a periodic basis or upon request to the department.

I am pleased to discover that the new control procedures instituted at the Department of Social Services have, in fact, captured both the interest and confidence of the legislature. Documents such as the "Management Control Report" are examples of the

application of innovative and proven management techniques to a difficult to manage area...the delivery of human services to our needy. That report has been made available to the legislature, even as it was being developed. While the legislature's effort in subparagraph "a" of Subsection 13 of Section 16 of Senate File 2163 is clearly an attempt to expand on a useful tool, it is subject to varying interpretations in its awkward phrasing. A budget for 1979-1980, as called for in this bill, even for Social Services, cannot be prepared until an aggregate budget is prepared by the Executive Branch. Preparing one at this time would be premature and inappropriate.

There is another problem—that of a biennial budget. Subparagraph "a" is unclear as to when this special budget shall be submitted by the Department of Social Services. In fact, it cannot be finalized until determined by the General Assembly.

Long-standing state law has provided that departments submit biennial budget requests to the Governor, who in turn reviews them and submits his biennial budget recommendations to the General Assembly. This is a most important aspect for the Governor in his responsibility to supervise and coordinate the fiscal matters of state departments.

This administration has and will continue to encourage departments to do careful planning when comparing their expenditures with their achievement of goals. That information has and will continue to be available to our legislators. We invite the General Assembly's interest and support of sound management practices such as those referred to in subparagraph "a", and we are eager to share our working tools with them.

Accordingly, Chapter 8 of the Code of Iowa establishes an executive-initiated budget which should not be circumvented through somewhat unclear requests. If this provision were allowed to stand, we would experience a fragmented approach to the state budget especially when applied to a single department. Requiring, as this would, the expensive process of preparing two separate budgets, without correlation to the procedure followed for other departments, could be substantially disruptive.

For the above reasons, I hereby disapprove the aforementioned item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2163 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

(House File 2290)

June 26, 1978

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2290, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

House File 2290 is approved June 26, 1978, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Subsection 6 of Section 6 which reads as follows:

6. It is the intent of the general assembly that prior to the expenditure of funds by the department for the purpose of organizing or providing continuous support of an internal affairs division within the department of public safety, the department shall adopt rules pursuant to chapter seventeen A (17A) of the Code providing for the method and procedures to be followed in an internal affairs investigation.

I am unable to approve the item designated in the Act as Section 34 which reads as follows:

Sec. 34. It is the intent of the general assembly that if Senate File two thousand one hundred eighty-four (2184) is enacted by the Sixty-seventh General Assembly, 1978 Session, and becomes law, the funds appropriated to the railroad assistance fund pursuant to section seven (7), subsection three (3) of this Act shall not be transferred to the state department of transportation from the general fund of the state and the appropriation made pursuant to section seven (7), subsection three (3) of this Act is void.

Subsection 6 of Section 6 requires the Department of Public Safety to adopt rules pursuant to the Administrative Procedures Act regarding the method and procedures to be followed in an internal affairs investigation prior to the use of the appropriation to support the Internal Affairs Division of the Department.

The Internal Affairs Division has been in existence since August, 1976. It is designed to handle the especially sensitive area of investigating complaints and suggestions of alleged wrongdoing by law enforcement officers and members of the Department of Public Safety.

Public Safety has not adopted rules for internal affairs investigations pursuant to the Administrative Procedures Act because the Administrative Procedures Act was not intended for such a purpose. The Administrative Procedures Act was passed to protect the general public from arbitrary actions of state agencies and provide adequate notice to the public of intended actions or procedural changes of the agency. The Administrative Procedures Act was not intended to hamstring or tie down the management of a state agency when it comes to the agency's internal operations which do not directly affect the rights of the public. Specifically to that point, 17A.2(7) (a) of the Administrative Procedures Act exempts from the definition of "rule":

A statement concerning only the internal management of an agency and which does not substantially affect the legal rights of, or procedures available to, the public or any segment thereof.

While no agency is required to adopt rules pursuant to the Administrative Procedures Act for its internal operations, the officers and members of the Department of Public Safety have a legitimate right to know how investigations of alleged complaints against them will be handled. To that end, the Department of Public Safety two years ago adopted peace officer personnel rules which outline the department's disciplinary procedures including how complaints against officers are to be handled. These rules, based on the model rules proposed by the International Association of Chiefs of Police, have been widely publicized among the personnel of the Department of Public Safety and are available to anyone on demand. Every procedure of an internal investigation is not spelled out to the last detail since there must be some discretion left to supervisors to handle the merits of each case as it arises.

It should be noted that the Commissioner of Public Safety intends to file rules relating to the procedure for the filing of a complaint against a peace officer by a member of the general public. The rules will specify how a complaint may be filed, what information should be provided and how notice will be provided to the complainant when final action on the complaint has been taken.

These new rules are appropriate because they advise the public of how complaints will be accepted and processed. This format for these rules is also appropriate. Attempting to use the Administrative Procedures Act for the internal operations of an agency is inappropriate.

Section 34, which controls the funding of the branch line revitalization program in Subsection 3 of Section 7 was inserted into House File 2290 because of the uncertain legislative fate of Senate File 2184 to which it is tied. I have vetoed the provision of Senate File 2184 which would have provided an alternative source of funds for the branch line program. To keep the remaining branch line revitalization appropriation contained in House 2290 alive, this provision should be deleted. Therefore, it is.

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 2290 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

(Senate File 137)

June 26, 1978

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 137, an act relating to the operation and regulation of credit unions, and providing penalties.

Senate File 137 is approved June 26, 1978, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the Act as Subsection 2 of Section 5 which reads as follows:

2. The board shall set the salary and prescribe the duties of the administrator who shall serve at the pleasure of the governor.

This provision authorizes the Credit Union Review Board to set the salary of the administrator of the Credit Union Department and to prescribe the duties of the administrator. This provision runs counter to the concept of effective executive management.

Our department heads carry out the policies of the executive branch of government. The Iowa Constitution establishes the Governor to be the chief executive to whom our department heads are accountable. Their accountability to the people is through the Governor. Therefore, it is logical that not only should the Governor appoint a director, but also the salary and duties should be prescribed as well.

The Governor sets the salaries of other department heads, including the Superintendent of Banking who currently regulates credit unions. The new Credit Union Department will be a regular, full-fledged state agency and should be governed by the same basic rules.

Since Section 43 specifically directs the transfer of funds earlier appropriated to the Banking Department to the new Credit Union Department on January 1, 1979, this bill is, therefore, an appropriation bill subject to the item veto.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 137 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

(Senate File 2184)

June 26, 1978

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2184, an act relating to railroads, making an appropriation and providing penalties for violations.

Senate File 2184 is approved June 26, 1978, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 8 which reads as follows:

Sec. 8. NEW SECTION. DEPOSIT OF FUNDS. All revenues collected from the tax imposed under this Act shall be credited to the railroad assistance fund established pursuant to section three hundred twenty-seven H point eighteen (327H.18) of the Code. All taxes paid after the due date, including penalty and interest shall also be credited to the railroad assistance fund except as otherwise provided in this section. All moneys refunded under the provisions of this Act shall be paid from the railroad assistance fund. There is appropriated from the general fund of the state to the railroad assistance fund for the fiscal year beginning July 1, 1978 and for each succeeding fiscal year the sum of one million seven hundred thousand (1,700,000) dollars. If the revenues collected, including interest and penalties, less any refunds made for taxes payable on or before the first Monday of June of the preceding fiscal year exceed eight hundred thousand (800,000) dollars such excess, not to exceed the amount of the appropriation made under this section, shall be transferred to the general fund of the state.

This section endeavors to earmark yet another portion of state revenues for a particular program—the very successful railroad branch line revitalization program. The language, in effect, guarantees that each year \$1.7 million from the general fund will be available for branch line renovations plus another \$800,000 from the receipts of the equipment car tax.

As I have previously stated, earmarking tax funds for a specific program in most cases is poor public policy. The recipient government program is removed from the regular budget process. Accountability in government, which taxpayers expect and deserve, is based in great part on the scrutiny the executive and legislative branches employ during the budget process. When blanket future approval is given to the funding of a program, the careful and thorough review of its cost-effectiveness and worthiness is not maintained. Since future funding is guaranteed, the program directors can easily forget that they have a primary responsibility to the public and its elected representatives.

It puzzles me that some legislators would want to earmark tax receipts for the branch line program. They are often the same legislators who insist on closer scrutiny of state expenditures and programs. The advocates of performance auditing should find earmarked taxes repugnant.

Furthermore, the railroad branch line revitalization program does not need to be dependent upon the crutch of an earmarked tax. The branch line revitalization program has been one of the most successful initiatives launched by state government.

When we proposed the branch line program in 1974, there were some legislators who fought it. However, I believe that most have since come to recognize the revitalization program as an outstanding success and one emulated across the nation. My support for our branch line initiative remains steadfast as we see the positive results of how government can stimulate cooperation among and with private enterprise without having to run the program itself. I don't believe there is much danger of this program losing its support in the legislature so long as it continues to produce effective results.

It should be noted that another bill, House File 2290, does contain the appropriation of \$1.7 million we recommended for the branch line revitalization program in FY 1979. That appropriation has been approved by me today and will be added to the other funds available for the continuation of the program during the upcoming year.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2184 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

GOVERNOR'S VETO MESSAGE

(Senate File 2201)

A copy of the following communication from the Governor was received and placed on file.

June 26, 1978

The Honorable Arthur A. Neu
Lieutenant Governor of Iowa
Senate
L O C A L

Dear Governor Neu:

I am returning herewith Senate File 2201, an act requiring public officials and candidates to publicly disclose financial interests, prohibiting receipt of certain gifts, requiring a report of receipt of certain gifts, relating to conflicts of interest, and providing penalties, disapproved to the Senate in accordance with Article III, Section 16 of the Constitution of the State of Iowa.

Senate File 2201, as amended, rewrites the prohibitory language of existing Code Section 68B.5 concerning acceptance of gifts by public officials and amends the penalty provisions now contained in Section 68B.8. In addition, it amends the two bribery provisions of the criminal code revision by removing the "intent" standard and substituting a provision requiring the existence of an understanding that acceptance of the proffered benefit will influence the recipient's official action.

The legislative history of Senate File 2201 offers a revealing glimpse of the nature of the bill's content. A fairly comprehensive bill regarding the ethics and conduct of public officials, which was offered by the Senate Judiciary Committee last March with considerable fanfare, was gutted when it was sent to the House. The replacement, which is basically the present Senate File 2201, is a watered-down version of the original bill. To some observers' surprise, the House version was accepted by the Senate with only minor changes.

As concerned Iowans have pointed out to me, Senate File 2201 has a number of defects in its final version. Regrettably the authors of Senate File 2201 virtually ignored the advice of the Governor's Task Force on Ethics which would have helped them avoid the substantive defects. These include the failure to address financial disclosure, the failure to address conflict of interest situations, and the inclusion of restrictions on the acceptance of gifts that are ambiguous and difficult to define, interpret and enforce. Perhaps the most glaring error on the handling of gifts is the decision to define a gift as a gratuity which is "motivated" because of the receiving person's official capacity or employment. Since the only person who knows or can prove the "motivation" of the donor is the donor himself, this exception creates a loophole anyone could use simply by declaring their motivation to be one of friendship, rather than influence. The practical effect of this subjective language is that it would not necessarily follow that any gift would be prohibited, and gift reporting would depend entirely upon the discretion of the individual recipient and his or her personal sense of propriety. This ambiguity creates a paradoxical situation where the public official, who has ready access to the legal standards, is almost at the same disadvantage as the general public in trying to determine what is acceptable ethical conduct concerning the acceptance of gifts.

Some legislators have indicated it would be preferable to sign Senate File 2201 because it revises the bribery statute. The new criminal code so radically departed from the traditional definition of bribery that currently even the most miniscule gesture might be construed as offering something with the intent to influence and, therefore, subject to severe criminal penalties. Senate File 2201 does correct this imbalance. A concomitant concern is that of campaign contributions. Senate File 2201 would resolve very clearly that campaign contributions are legal and not to be confused as bribes.

Despite these incentives, Senate File 2201 is not that attractive of a bill. There is a strong possibility that once it is signed, there would be a quick diminution of incentives to improve our ethics statutes. The public and public officials might be left with this imperfect legislation for many years to come.

Last September I appointed the Iowa Task Force on Government Ethics which was comprised of ten distinguished Iowans. The Ethics Task Force completed a comprehensive review of the statutes and rules regarding the ethical conduct of public officials and employees. This February the task force submitted to me and the General Assembly a detailed set of recommendations covering the broad scope of appropriate conduct for public officers.

While the work of the Ethics Task Force was all too quickly shoved aside by most of our legislators, their study was a particularly wise and helpful document. The task force endeavored to draw standards to prevent conflict between the public interest and the personal economic interest of those individuals in government charged with performing a public service. This was necessary to help guarantee the public's right of equal access to government, an equal right to be heard, and the consequent right to expect decisions based solely upon the merits of the subject matter involved. The task force recognized that it was essential to strike a careful balance between the public's rights to know and the right of public servants to be protected from unwarranted invasions of privacy. Furthermore, they urged that public servants at all levels of government be fully informed of the ethical standards expected of them.

The main features of the Ethics Task Force recommendations were:

- Disclosure of personal financial interest which could be affected by the official actions of a public servant.
- A prohibition against participation in nonlegislative decisions where the personal financial interest of a public servant is or may be affected by his or her participation.
- A prohibition against acceptance of gifts from any person who might be affected by the official actions of a public official.
- A prohibition against the use of confidential information by public servants for private financial gain.
- A prohibition against appointments to decision-making positions in regulatory agencies of individuals who have investments in or who come from the ranks of regulated industry.
- The use of civil rather than criminal penalties to make the proposal more enforceable.

Unfortunately, these recommendations were never carefully reviewed by the legislators who instead settled for an unacceptable version of an ethics bill.

The public's right to have confidence in its government officials and employees needs to be underscored. As Governor I cannot rewrite this legislation, but by not signing it we can have an opportunity to have a better law in 1979.

The Attorney General has indicated that legal campaign contributions should not be considered subject to the bribery statute. Because of the acceptability of that opinion, campaigns up to this date have not been hampered, nor do I believe they will be handicapped during the remainder of this year. Hopefully our prosecutors will use careful and restrained judgment when considering possible legal action to enforce a bribery statute that goes beyond what was intended.

The upcoming interim provides the opportunity for the legislature to reevaluate their approach and for both the legislature and the executive branch to consider the implementation of the recommendations.

This is a better approach than accepting Senate File 2201.

Sincerely,
ROBERT D. RAY
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE

May 19, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2245, was published in The Waterloo Courier, Waterloo, Iowa on May 4, 1978, and in The Belle Plaine Union, Belle Plaine, Iowa on May 3, 1978.

I further certify that House File 2329, was published in the Manly Signal, Manly, Iowa on May 4, 1978, and in the Dallas County News, Adel, Iowa on May 3, 1978.

I further certify that Senate File 2056, was published in the Dallas County News, Adel, Iowa on May 3, 1978, and in the Cherokee Daily Times, Cherokee, Iowa on May 3, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

May 22, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 141, was published in the Adair County Free Press, Greenfield, Iowa on May 3, 1978, and in the Storm Lake Pilot-Tribune, Storm Lake, Iowa on May 3, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

May 31, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2128, was published in the Quad-City Times, Davenport, Iowa on May 17, 1978, and in the Globe-Gazette, Mason City, Iowa on May 19, 1978.

I further certify that House File 2335, was published in The Record-Herald and Indianola Tribune, Indianola, Iowa on May 15, 1978, and in The Sioux City Journal, Sioux City, Iowa on May 15, 1978.

I further certify that Senate File 2194, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa on May 17, 1978, and in the Mitchell County Press-News, Osage, Iowa on May 24, 1978.

173rd Day

FRIDAY, JUNE 30, 1978

2805

I further certify that Senate File 2210, was published in The Waterloo Courier, Waterloo, Iowa on May 19, 1978, and in the Fayette County Union, West Union, Iowa on May 18, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 8, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 630, was published in The Waterloo Courier, Waterloo, Iowa on May 12, 1978, and in the Tama News-Herald, Tama, Iowa on May 18, 1978.

I further certify that Senate File 2233, was published in the Ankeny Press-Citizen, Ankeny, Iowa on May 25, 1978, and in The Cedar Valley Daily Times, Vinton, Iowa on May 23, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 19, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2403, was published in The Clinton Herald, Clinton, Iowa on June 7, 1978, and in The DeWitt Observer, DeWitt, Iowa on June 8, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

June 28, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2354, was published in The Record, Cedar Falls, Iowa on May 13, 1978, and in The Sioux City Journal, Sioux City, Iowa on June 8, 1978.

I further certify that House File 2382, was published in the Telegraph Herald, Dubuque, Iowa on June 19, 1978, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on June 21, 1978.

I further certify that Senate File 2115, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa on June 19, 1978, and in the Evening Democrat, Fort Madison, Iowa on June 19, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

COMMUNICATION FROM STATE OF OKLAHOMA

A copy of House Joint Resolution 1049 of the State of Oklahoma, calling for a constitutional convention to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year, has been received and placed on file in the office of the Chief Clerk.

COMMUNICATION FROM STATE OF TEXAS

A copy of House Concurrent Resolution 31 of the State of Texas, calling for a constitutional convention to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year, has been received and placed on file in the office of the Chief Clerk.

COMMUNICATION FROM THE DEPARTMENT OF PUBLIC SAFETY

Pursuant to Section 692.15, Code 1977, the Uniform Crime Report Comparison for the First Quarter of 1978 has been received from the Department of Public Safety and placed on file in the office of the Chief Clerk.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on

administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Assistant	Debra K. Rex	13-5 to	P-FT	5/26/78
Finance Clerk		13-6		

WELLS of Linn, Chair

QUORUM CALL

Roll call was requested by Anderson of Jasper and Dyrland of Clayton to determine that a quorum was present.

Rule 70 was invoked.

Present: 83

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Schneklath	Schroeder	Shimanek	Small
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent: 16

Brandt	Branstad	Byerly	Crawford
Egenes	Gilloon	Hargrave	Hines
Hullinger	Jesse	Nielsen	O'Halloran
Patchett	Scheelhaase	Smalley	Svoboda

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2467.

On motion by Fitzgerald of Webster, the House was recessed until 1:00 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 fifty-one members present, forty-eight absent.

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

The House reconvened, Speaker Cochran in the chair.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

Hansen of O'Brien offered the following House Memorial Resolution 108 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 108

Whereas, The Honorable Elmer H. Den Herder of Sioux County, who was a member of the Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-seventh Extra sessions of the General Assembly, passed away on June 2, 1978, 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: Hansen of O'Brien, Menke of O'Brien and Millen of Van Buren.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 109

Stephens of Plymouth offered the following House Memorial Resolution 109 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 109

Whereas, The Honorable A. Gordon Stokes of Plymouth County, who was a member of the Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, and Sixty-fourth sessions of the General Assembly, passed away on May 28, 1978, 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: Stephens of Plymouth, Menke of O'Brien and Junker of Woodbury.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 110

Hinkhouse of Cedar offered the following House Memorial Resolution 110 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 110

Whereas, The Honorable Howard A. Hamilton of Cedar, County, who was member of the Sixty-third and Sixty-fourth sessions of the General Assembly passed away on May 17, 1978; 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, Newhard of Jones and Husak of Tama.

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

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Arnould of Scott and Dyrland of Clinton to determine that a quorum was present.

Present: 90

Anderson	Arnould	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	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent: 9

Dieleman	Gilloon	Lipsky	Nielsen
Oxley	Rinas	Scheelhaase	Stromer
Svoboda			

CONSIDERATION OF BILLS

House File 2467, a bill for an act which is an emergency and temporary act and shall be in effect until July 1, 1979, and which relates to transactions which involve the payment of interest pursuant to agreement of the parties, was taken up for consideration.

Small of Johnson offered the following amendment H-6728 filed by the committee on interest rates from the floor:

H-6728

- 1 Amend House File 2467 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing:
- 4 "Section 1. Chapter five hundred thirty-five (535),
- 5 Code 1977, is temporarily amended, commencing on the
- 6 effective date of this Act and until July 1, 1979, by
- 7 adding the following new section:

8 NEW SECTION. PREPAYMENT PENALTIES PROHIBITED.

9 1. As used in this section:

10 a. "loan" means money loaned to a borrower who has
11 furnished, as security for all or any part of the
12 loan, a mortgage on real property which is a single-
13 family or a two-family dwelling occupied or to be oc-
14 cupied by the borrower. The term "loan" does not in-
15 clude any loan which is a consumer loan as defined
16 in chapter five hundred thirty-seven (537) of the
17 Code.

18 b. "Lender" means any state or federally chartered
19 bank, savings and loan association or credit union,
20 any industrial loan company, any insurance company,
21 or any other person or entity which makes a loan, as
22 defined in this section.

23 2. Whenever a borrower under a loan as defined in
24 this section repays the full amount of the loan in
25 connection with a transfer of ownership of the real
26 property given as security for that loan the lender
27 shall not receive an amount in payment of interest
28 which is greater than the amount determined by ap-
29 plying the rate of interest agreed upon by the lender
30 and the borrower to the unpaid balance of the loan
31 for the period of time during which the borrower
32 had the use of the money loaned; and the lender shall
33 not impose any penalty or other charge in addition to
34 the amount of interest due as a result of the repay-
35 ment of that loan at a date earlier than is required
36 by the terms of the loan agreement. A lender may,
37 however, require advance notice of not more than
38 thirty days of a borrower's intent to repay the full
39 amount of a loan at a date earlier than is required
40 by the terms of the loan agreement.

41 3. If any lender receives an amount of interest
42 greater than permitted by subsection two (2) of this
43 section, or imposes any penalty or other charge pro-
44 hibited by subsection two (2) of this section, the
45 borrower shall have the right to recover all amounts
46 paid the lender which are in excess of the amounts
47 permitted by subsection two (2) of this section, plus
48 attorney's fees and court costs incurred in any ac-
49 tion necessary to effect such recovery.

50 4. This section is repealed effective July 1,

Page 2

1 1979.

2 Sec. 2. Section five hundred twenty-four point
3 nine hundred five (524.905), Code 1977, is temporarily
4 amended commencing on the effective date of this Act
5 and until July 1, 1979, by adding the following new
6 subsection:

7 NEW SUBSECTION. If a customer elects to repay a
8 loan secured by a mortgage or deed of trust upon real
9 property which is a single-family or two-family
10 dwelling at a date earlier than is required by the
11 terms of the loan, the state bank shall be governed by
12 section one (1) of this Act.

13 Sec. 3. Section five hundred thirty-three point
14 sixteen (533.16), Code 1977, is temporarily amended
15 commencing on the effective date of this Act and un-
16 til July 1, 1979, by adding the following new unnum-
17 bered paragraph:

18 NEW UNNUMBERED PARAGRAPH. If a member elects to re-
19 pay a loan secured by a mortgage or deed of trust upon
20 real property which is a single-family or a two-family
21 dwelling at a date earlier than is required by the
22 terms of the loan, the credit union shall be governed
23 by section one (1) of this Act.

24 Sec. 4. Section five hundred thirty-four point
25 twenty-one (534.21), subsection ten (10), Code 1977,
26 as amended by Acts of the Sixty-seventh General Assem-
27 bly, 1977 Session, chapter one hundred thirty-three
28 (133), section seven (7), is temporarily amended,
29 commencing on the effective date of this Act and un-
30 til July 1, 1979, to read as follows:

31 10. ADVANCE INTEREST ON PREPAYMENTS. Real estate
32 loans on a single-family or a two-family dwelling may
33 be repaid in part or in full at any time, subject to
34 the provisions of section one (1) of this Act. Real
35 estate loans on one to three and four family dwellings
36 may be repaid in part or in full at any time, excepting
37 that the association may charge not to exceed six
38 months advance interest on that part of the aggregate
39 amount of all prepayments made on such loan in any
40 twelve-month period which exceeds twenty percent of
41 the original principal amount of the loan; and may
42 charge any negotiated rate on other loans, except real
43 estate loans on single-family and two-family dwellings.

44 Sec. 5. Section five hundred thirty-six A point
45 twenty-three (536A.23), subsection one (1), Code 1977,
46 is temporarily amended, commencing on the effective
47 date of this Act and until July 1, 1979, by adding
48 the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. If a customer elects to
50 repay a loan secured by a mortgage or deed of trust

Page 3

1 upon real property which is a single-family or two-
2 family dwelling at a date earlier than is required by
3 the terms of the loan, the licensee shall be governed
4 by section one (1) of this Act.

5 Sec. 6. Chapter five hundred thirty-five (535),

6 Code 1977, is temporarily amended, commencing on the
7 effective date of this Act and until July 1, 1979, by
8 adding the following new section:

9 **NEW SECTION. VARIABLE RATE MORTGAGES PROHIBITED.**

10 1. As used in this section, the term "loan" means
11 any money loaned to a borrower who furnishes, as
12 security for all or part of the loan, a mortgage on
13 real property which is a single-family or a two-family
14 dwelling occupied or to be occupied by the borrower.

15 2. A lender shall not use any form of an agreement
16 for the repayment of money in connection with a loan
17 as defined in this section which authorizes the parties,
18 whether mutually or unilaterally, to adjust the rate
19 of interest at any time during the term of the loan
20 either above or below that rate of interest which
21 initially is applicable to the money loaned. In the
22 event of a loan agreement in which any scheduled pay-
23 ment is substantially greater than the average of
24 earlier payments, the borrower shall have the right
25 to refinance the amount of that payment, any provision
26 of the agreement to the contrary notwithstanding. The
27 rate of interest which shall be applicable to the
28 amount refinanced shall be the prevailing market rate
29 for loans of similar terms at the time of the refi-
30 nancing; provided, however, that if the loan agreement
31 expressly provides for refinancing of the balance
32 owed at the rate of interest specified in the loan
33 agreement, then the rate of interest which shall be
34 applicable to the amount refinanced shall be the
35 rate of interest specified in the agreement.

36 3. Any provision of a loan agreement which is pro-
37 hibited by subsection two (2) of this section shall
38 be void insofar as it purports to permit adjustment
39 of the interest rate. In the event that a borrower
40 pays to a lender as a result of the use of an agree-
41 ment prohibited by subsection two (2) of this section
42 a greater rate of interest than is permitted under
43 that subsection, the borrower shall have the right
44 to commence an action to recover the excess interest
45 paid, and shall be entitled to a reasonable attorney
46 fee and costs of any action brought to recover such
47 excess interest.

48 4. This section shall not apply to any loan
49 agreement executed prior to the effective date of
50 this Act.

Page 4

1 5. This section is repealed effective July 1,
2 1979.

3 Sec. 7. Chapter five hundred thirty-five (535),

4 Code 1977, is temporarily amended, commencing on the
5 effective date of this Act and until July 1, 1979, by
6 adding the following new section:
7 NEW SECTION. No bank, savings and loan association,
8 or other lender requiring a borrower to give a mort-
9 gage on real estate as security for a loan or on
10 existing indebtedness shall designate the attorney to
11 represent the mortgagor's interest in connection with
12 the giving of the mortgage when the mortgagor has em-
13 ployed or desires to employ his or her own attorney
14 for that purpose.

15 This section is repealed effective July 1, 1979.

16 Sec. 8. Section five hundred thirty-four point
17 nineteen (534.19), subsection six (6), Code 1977, is
18 temporarily amended, commencing on the effective date
19 of this Act and until July 1, 1979, to read as follows:

20 6. PROPERTY IMPROVEMENT LOANS. To make loans for
21 maintenance, repair, landscaping, modernization,
22 furniture and fixtures, improvement and equipment,
23 with or without security provided that no such loan
24 without security shall exceed ten thousand dollars,
25 and provided further that not in excess of twenty per-
26 cent of the assets of the association shall be so in-
27 vested, said twenty percent to be exclusive of the
28 forty percent of assets power set out in section
29 534.21 hereof. Such loans, other than consumer loans
30 as defined in the Iowa consumer credit code, shall be
31 amortized to mature in not to exceed eight years.
32 The provisions of the Iowa consumer credit code shall
33 apply to consumer loans made by a savings and loan
34 association and a provision of that code shall super-
35 sede any conflicting provision of this chapter with
36 respect to a consumer loan. Loans made pursuant to
37 this subsection shall be for terms not exceeding fif-
38 teen years and shall not be made at interest rates in
39 excess of rates allowed for consumer loans.

40 Sec. 9. Section five hundred thirty-six point one
41 (536.1), Code 1977, is temporarily amended, commencing
42 on January 1, 1979 and until July 1, 1979, to read as
43 follows:

44 536.1 LICENSE AND RIGHTS THEREUNDER—FACE-TO-FACE
45 SOLICITATION. With respect to a loan other than a
46 consumer loan, no person, copartnership, association,
47 or corporation shall engage in the business of making
48 loans of money, credit, goods, or things in action in
49 the amount or of the value of one two thousand dol-
50 lars or less and charge, contract for, or receive on

Page 5

1 any such loan a greater rate of interest or considera-
2 tion therefor than the lender would be permitted by

3 law to charge if he or she were not a licensee here-
4 under except as authorized by this chapter and without
5 first obtaining a license from the superintendent of
6 banking, hereinafter called the superintendent. With
7 respect to a consumer loan, a person required by sec-
8 tion 537.2301 to have a license shall not engage in
9 the business of making loans of money, credit, goods
10 or things in action in the amount or value of one two
11 thousand dollars or less and charge, contract for, or
12 receive on any such loan a greater rate of interest
13 or consideration therefor than the lender would be
14 permitted by law to charge if he or she were not a
15 licensee hereunder, except as authorized by this chap-
16 ter and without first obtaining a license from the
17 superintendent. A person who enters into less than
18 ten supervised loans per year in this state and who
19 neither has an office physically located in this
20 state nor engages in face-to-face solicitation in this
21 state may contract for and receive the rate of in-
22 terest permitted in this chapter for licensees here-
23 under. A "consumer loan" shall be as defined in sec-
24 tion 537.1301.

25 Sec. 10. Section five hundred thirty-six point
26 thirteen (536.13), subsection five (5), Code 1977, is
27 temporarily amended, commencing on January 1, 1979,
28 and until July 1, 1979, to read as follows:

29 5. Every licensee hereunder may lend any sum of
30 money not exceeding one two thousand dollars in amount
31 and may charge, contract for, and receive thereon in-
32 terest or charges at a rate not exceeding the maximum
33 rate of interest or charges determined and fixed by
34 the board under authority of this section or by the
35 provisions of the preceding subsection 4.

36 Sec. 11. Section five hundred thirty-six point
37 fifteen (536.15), Code 1977, is temporarily amended,
38 commencing on January 1, 1979, and until July 1, 1979,
39 to read as follows:

40 536.15 USURY—LIMITATION ON PRINCIPAL LOAN. No
41 licensee shall directly or indirectly charge, contract
42 for, or receive any interest or consideration greater
43 than the lender would be permitted by law to charge
44 if he or she were not a licensee hereunder upon the
45 loan, use, or forbearance of money, goods, or things
46 in action, or upon the loan, use, or sale of credit,
47 of the amount or value of more than one two thousand
48 dollars. The foregoing prohibition shall also apply
49 to any licensee who permits any person, as borrower
50 or as endorser, guarantor, or surety for any borrower,

2 to the licensee at any time the sum of more than ~~one~~
3 two thousand dollars for principal.

4 Sec. 12. Sections nine (9), ten (10) and eleven
5 (11) of this Act shall take effect January 1, 1979.

6 Sec. 13. It is the intent of the general assembly
7 in enacting this Act that the law contained in this
8 Act shall be of temporary effect only, and that each
9 provision of the law of this state as it existed
10 prior to amendment by this Act shall be the law of
11 this state on and after July 1, 1979."

12 By renumbering sections and correcting internal
13 references as necessary.

Harbor of Mills rose on a point of order that House File 2467 was not in order.

The Speaker ruled the point not well taken and House File 2467 within the scope of Senate Concurrent Resolution 136 duly adopted.

Schroeder of Pottawattamie offered the following amendment H—6740, to amendment H—6728, filed by Schroeder, Hoffmann, West, Brockett, Lind, Evans, Menke, Danker and Thompson from the floor:

H—6740

1 Amend amendment H—6728 to House File 2467 as
2 follows:

3 1. Page 1, line 6 by striking the following:
4 "and until July 1, 1979,".

5 2. Page 1 by striking line 50.

6 3. Page 2 by striking line 1.

7 4. Page 2, line 5 by striking the following:
8 "and until July 1, 1979,".

9 5. Page 2 by striking lines 15 and 16 and
10 inserting in lieu thereof the following:
11 "commencing on the effective date of this Act by
12 adding the following new unnum-".

13 6. Page 2, by striking lines 29 and 30 and
14 inserting in lieu thereof the following: "commencing
15 on the effective date of this Act to read as follows:".

16 7. Page 2, line 47 by striking the following:
17 "and until July 1, 1979,".

18 8. Page 3, line 7 by striking the following:
19 "and until July 1, 1979,".

20 9. Page 4, line 5 by striking the following:
21 "and until July 1, 1979,".

22 10. Page 4, line 19 by striking the following:
23 "and until July 1, 1979,".

- 24 11. Page 4, line 42 by striking the following:
 25 "and until July 1, 1979,".
 26 12. Page 5, line 28 by striking the following:
 27 "and until July 1, 1979,".
 28 13. Page 5, line 38 by striking the following:
 29 "and until July 1, 1979,".
 30 14. Page 6 by striking lines 6 through 11.

By unanimous consent the rules were suspended and the following amendment H—6746, to amendment H—6740 (to amendment H—6728) filed by Schroeder of Pottawattamie from the floor was adopted:

H—6746

- 1 Amend amendment H—6740 to amendment H—6728, to
 2 House File 2467 as follows:
 3 1. Page 1, by inserting after line 19 the fol-
 4 lowing:
 5 " . Page 4, by striking lines 1 and 2."
 6 2. Page 1, by inserting after line 21 the fol-
 7 lowing:
 8 " . Page 4, by striking line 15."

Schroeder of Pottawattamie moved the adoption of amendment H—6740, as amended, to amendment H—6728.

Roll call was requested by Anderson of Jasper and Hargrave of Johnson.

On the question "Shall amendment H—6740 be adopted?"

The ayes were, 41:

Baker	Bennett	Brandt	Branstad
Brockett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West			

The nays were, 53:

Anderson	Arnould	Avenson	Bina
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Binneboese	Byerly	Chiodo	Connors
Cusack	Davitt	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gettings
Gilhoon	Gilson	Griffiee	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 5:

Brunow	Dieleman	Egenes	Nielsen
Norland			

Amendment H—6740, as amended, lost.

Evans of Grundy offered the following amendment H—6734, to amendment H—6728, filed by him from the floor and moved its adoption:

H—6734

- 1 Amend amendment H—6728 to House File 2467 as
- 2 follows:
- 3 1. Page 1, line 24, by inserting after the word
- 4 "section" the words ", and under a loan agreement made
- 5 subsequent to August 1, 1978,".

Amendment H—6734 was adopted.

Smalley of Polk offered the following amendment H—6741, to amendment H—6728, filed by him from the floor and moved its adoption:

H—6741

- 1 Amend amendment H—6728 to House File 2467 as
- 2 follows:
- 3 1. Page 2, by inserting after line 12 the
- 4 following new subsection:
- 5 "NEW SUBSECTION. If a customer elects to
- 6 assign a loan secured by a mortgage or deed of trust
- 7 upon real property which is a single-family or two-
- 8 family dwelling the lender shall not charge more than

- 9 the assumption fee allowable for F.H.A. insured or
10 V.A. guaranteed loans."

Amendment H—6741 was adopted.

Evans of Grundy offered the following amendment H—6733, to amendment H—6728, filed by him from the floor and moved its adoption:

H—6733

- 1 Amend amendment H—6728 to House File 2467 as
2 follows:
3 1. Page 3, line 9, by striking the words
4 "VARIABLE RATE MORTGAGES PROHIBITED" and inserting
5 in lieu thereof the words "REFINANCING OF HOME
6 MORTGAGES".
7 2. Page 3, by striking lines 15 through 21 and
8 inserting in lieu thereof the following: "2. In
9 the".
10 3. Page 3, by striking lines 36 through 39 and
11 inserting in lieu thereof the following: "3. In
12 the event that a borrower".

A non-record roll call was requested.

The ayes were 50, nays 43.

Amendment H—6733 was adopted.

On motion by Small of Johnson, amendment H—6728, as amended, was adopted.

Chiodo of Polk offered the following amendment H—6729 filed by the committee on interest rates from the floor:

H-6729

- 1 Amend House File 2467 as follows:
2 1. Page 1, by inserting before line 1 the following:
3 "Section 1. Section five hundred thirty-seven
4 point two thousand two hundred two (537.2202),
5 subsection three (3), Code 1977, is temporarily
6 amended, commencing January 1, 1979, and until
7 July 1, 1979, to read as follows:
8 3. If the billing cycle is monthly, the charge
9 may not exceed an amount equal to one and one-half

10 one-fourth percent of that part of the maximum
11 amount pursuant to subsection 2 which is five
12 hundred dollars or less and one ~~and one-fourth~~
13 percent of that part of the maximum amount which
14 is more than five hundred dollars; provided,
15 however, that a creditor directly or indirectly
16 operating not more than one retail business with
17 not more than two locations in this state which
18 employs ten or fewer full-time employees may
19 impose, for consumer credit sales originating in
20 connection with the operation of that retail
21 business, a charge which does not exceed an amount
22 equal to one and one-half percent of that part of
23 the maximum amount pursuant to subsection two (2)
24 of this section which is five hundred dollars or
25 less and one and one-fourth percent of that part
26 of the maximum amount which is more than five
27 hundred dollars. If the billing cycle is not
28 monthly, the maximum charge for the billing cycle
29 shall bear the same relation to the applicable
30 monthly maximum charge as the number of days in
31 the billing cycle bears to three hundred sixty-
32 five divided by twelve. A billing cycle is monthly
33 if the closing date of the cycle is the same date
34 each month or does not vary by more than four
35 days from the regular date.

36 Sec. 2. Section five hundred thirty-seven
37 point two thousand four hundred two (537.2402),
38 subsection three (3), Code 1977, is temporarily
39 amended, commencing January 1, 1979, and until
40 July 1, 1979, to read as follows:

41 3. If the billing cycle is monthly, the charge
42 may not exceed an amount equal to one and one-half
43 one-fourth percent of that part of the maximum
44 amount pursuant to subsection 2 which is five
45 hundred dollars or less and one ~~and one-fourth~~
46 percent of that part of the maximum amount which
47 is more than five hundred dollars. If the billing
48 cycle is not monthly, the maximum charge for the
49 billing cycle shall bear the same relation to the
50 applicable monthly maximum charge as the number

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1 of days in the billing cycle bears to three hundred
2 sixty-five divided by twelve. A billing cycle is
3 monthly if the closing date of the cycle is the
4 same date each month or does not vary by more than
5 four days from the regular date.

6 Sec. 3. Chapter five hundred thirty-seven (537),
7 article two (2), part one (1), Code 1977, is tem-

8 porarily amended, commencing January 1, 1979, and
9 until July 1, 1979, by adding the following new
10 sections as sections five hundred thirty-seven
11 point two thousand one hundred three (537.2103)
12 and five hundred thirty-seven point two thousand
13 one hundred four (537.2104), respectively:

14 NEW SECTION. 537.2103 APPLICABILITY. The
15 limitations on a finance charge which are imposed
16 by sections five hundred thirty-seven point two
17 thousand two hundred two (537.2202) and five
18 hundred thirty-seven point two thousand four
19 hundred two (537.2402) of the Code shall apply
20 irrespective of the domicile of the creditor or
21 lender if the following conditions apply:

22 1. The extension of credit to the buyer, lessor
23 or debtor is pursuant to a seller credit card or
24 a lender credit card;

25 2. The cardholder was a resident of this state
26 at the time the credit card was issued for his or
27 her use; or the cardholder has become a resident
28 of this state since the credit card was issued
29 and has given notice thereof to the card issuer,
30 and the card issuer has not discontinued the
31 credit arrangement which permits the use of the
32 credit card; and

33 3. The card issuer authorizes one or more
34 sellers or lessors engaged in business in this
35 state, whether or not affiliated with the card
36 issuer, to accept credit cards issued by the
37 card issuer as tender of payment for property
38 or services provided by the seller or lessor
39 to holders of those credit cards.

40 4. This section is repealed effective July 1,
41 1979.

42 NEW SECTION. 537.2104 ACCEPTANCE OF CERTAIN
43 CREDIT CARDS PROHIBITED.

44 1. A person engaged in the business of selling
45 or leasing property or services or both in this
46 state shall not agree with any credit card issuer
47 to accept, or accept from any cardholder, or
48 advertise or otherwise communicate to any card-
49 holder that he or she accepts, any seller credit
50 card or lender credit card as tender of payment

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1 for property or services sold or leased if the
2 person knows or has reason to know that the
3 card issuer imposes upon cardholders who are
4 residents of this state a finance charge with respect
5 to the credit card account which exceeds the amount

6 permitted under this article.

7 2. The prohibition contained in subsection one
8 (1) of this section shall apply whether or not the
9 card issuer has or claims to have any right or
10 privilege under the laws of the United States or
11 any other state to impose a finance charges in
12 excess of that permitted under this article.

13 3. In the event of a violation of subsection one
14 (1) of this section, a consumer has a cause of action
15 against the violator to recover actual damages in-
16 curred as a result of the violation, if any, and to
17 recover a penalty in an amount determined by the
18 court of not less than one hundred dollars nor more
19 than one thousand dollars, plus costs of the action,
20 plus reasonable attorney fees as determined
21 according to the provisions of subsection eight (8)
22 of section five hundred thirty-seven point five
23 thousand two hundred one (537.5201) of the Code.

24 4. In the event the administrator of chapter
25 five hundred thirty-seven (537) of the Code
26 determines that a lender or seller whose credit
27 cards are issued to cardholders in this state
28 imposes a finance charge with respect to credit
29 card accounts in excess of that permitted under
30 this article, the administrator may give notice
31 thereof in writing by certified mail to any
32 seller or lessor who is subject to the provisions
33 of subsection one (1) of this section. Upon
34 receipt of the notice the seller or lessor shall
35 be deemed to have reason to know that the card
36 issuer identified in the notice imposes upon
37 cardholders who are residents of this state
38 a finance charge with respect to the credit
39 card accounts which exceeds the amount permitted
40 under this article.

41 5. This section is repealed effective July 1,
42 1979.

43 Sec. 4. Sections one (1), two (2) and three
44 (3) of this Act shall take effect January 1, 1979.
45 The provisions of sections one (1) and two (2)
46 of this Act shall apply with respect to that
47 part of a credit balance which exists on or
48 after January 1, 1979, as a result of consumer
49 credit transactions occurring on or after
50 January 1, 1979 but before July 1, 1979.

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1 Sec. 5. It is the intent of the general
2 assembly in enacting this Act that the law
3 contained in this Act shall be of temporary

4 effect only, and that each provision of the
5 law of this state as it existed prior to amend-
6 ment by this Act shall be the law of this state
7 on and after July 1, 1979."

8 2. By renumbering sections and correcting
9 internal references as necessary.

Schroeder of Pottawattamie offered the following amendment H-6737, to amendment H-6729, filed by Schroeder, West, Hoffmann, Halvorson, Brockett, Lind, Harbor, Evans, Menke, Danker and Thompson from the floor and moved its adoption:

H-6737

1 Amend amendment H-6729 to House File 2467 as
2 follows:

3 1. Page 1, by striking lines 6 and 7 and
4 inserting in lieu thereof the following:

5 "amended, commencing January 1, 1979, to
6 read as follows:"

7 2. Page 1, by striking lines 39 and 40 and
8 inserting in lieu thereof the following:

9 "amended, commencing January 1, 1979, to
10 read as follows:"

11 3. Page 2, by striking lines 8 and 9 and
12 inserting in lieu thereof the following:

13 "porarily amended, commencing January 1, 1979,
14 by adding the following new".

15 4. Page 2, by striking lines 40 and 41.

16 5. Page 3, by striking lines 41 and 42.

17 6. Page 3, by striking line 50 and inserting
18 in lieu thereof the following:

19 "January 1, 1979."

20 7. Page 4, by striking lines 1 through 7.

A non-record roll call was requested.

The ayes were 42, nays 47.

Amendment H-6737 lost.

Chiodo of Polk offered the following amendment H-6745, to amendment H-6729, filed by Chiodo, Middleswart, Hullinger, Garrison and Gilson from the floor and moved its adoption:

H-6745

1 Amend the amendment, H-6729, to House File 2467,

2 as follows:

- 3 1. Page 1, by striking lines 9 through 13 and
 4 inserting in lieu thereof the following: "may not
 5 exceed an amount equal to one and one-half percent
 6 of that part of the maximum amount pursuant to sub-
 7 section 2 which is five one hundred dollars or less,
 8 and one and one-fourth percent of that part of the
 9 maximum amount which is more than one hundred dollars
 10 but not more than five hundred dollars, and one percent
 11 of that part of the maximum amount which".
 12 2. Page 1, by striking lines 42 through 45 and
 13 inserting in lieu thereof the following: "may not
 14 exceed an amount equal to one and one-half percent
 15 of that part of the maximum amount pursuant to sub-
 16 section 2 which is five one hundred dollars or less,
 17 and one and one-fourth percent of that part of the
 18 maximum amount which is more than one hundred dollars
 19 but not more than five hundred dollars, and one".

Roll call was requested by Schroeder of Pottawattamie and Crabb of Crawford.

On the question "Shall amendment H—6745 be adopted?"

The ayes were, 62:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Connors	Cusack
Daggett	Danker	Davitt	Doyle
Dyrland	Egenes	Evans	Garrison
Gettings	Gilloon	Gilson	Griffee
Hargrave	Hines	Hinkhouse	Horn
Hullinger	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lindeen
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	O'Halloran	Oxley
Pavich	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Smalley	Spear
Spencer	Stephens	Walter	Welden
West	Mr. Speaker		

The nays were, 30:

Bennett	Conlon	Crabb	Crawford
Dunton	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Howell
Husak	Lageschulte	Lind	Lipsky
Menke	Pellett	Schnekloth	Schroeder

Shimanek
Tauke
Woods

Small
Thompson
Wyckoff

Stromer
Tofte

Svoboda
Wells

Absent or not voting, 7:

Dieleman
Norland

Fitzgerald
Patchett

Millen
Varley

Nielsen

Amendment H—6745 was adopted.

Halvorson of Clayton offered the following amendment H—6739, to amendment H—6729, filed by Halvorson, Brockett and Lageschulte from the floor and moved its adoption:

H—6739

- 1 Amend amendment H—6729, to House File 2467, as
- 2 follows:
- 3 1. Page 3, by inserting after line 42 the
- 4 following section:
- 5 "Sec. Chapter five hundred thirty-seven
- 6 (537), Code 1977, Article 2, is amended by adding
- 7 the following new section:
- 8 NEW SECTION. With respect to the sale of an
- 9 item which could be a consumer credit sale pursuant
- 10 to open end credit, if the consumer pays cash the
- 11 business shall discount the purchase price of that
- 12 item in an amount at least equal to the dealer
- 13 charge which could be charged if the consumer
- 14 chooses to make it a consumer credit sale."

Roll call was requested by Lageschulte of Bremer and Brockett of Marshall.

On the question "Shall amendment H—6739 be adopted?"

The ayes were, 71:

Anderson
Bennett
Brockett
Conlon
Cusack
Doyle
Gettings
Harbor
Horn
Kogler

Arnould
Bina
Byerly
Connors
Daggett
Dyrland
Gilson
Hines
Husak
Krause

Avenson
Binneboese
Chiodo
Crabb
Danker
Evans
Halvorson
Hinkhouse
Jochum
Lageschulte

Baker
Brandt
Clark, B.J.
Crawford
Dieleman
Garrison
Hansen
Hoffmann
Junker
Lindeen

Menke	Miller, K.D.	Miller (Sergeant)	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 23:

Branstad	Brunow	Clark, J.H.	Davitt
Dunton	Egenes	Fitzgerald	Gentleman
Gilloon	Griffie	Hargrave	Harvey
Howell	Hullinger	Jesse	Krewson
Lind	Lipsky	Loneragan	Middleswart
Monroe	Newhard	Welden	

Absent or not voting, 5:

Millen	Nielsen	Norland	Perkins
Varley			

Amendment H—6739 was adopted.

Small of Johnson moved to reconsider the vote by which amendment H—6739, to amendment H—6729, was adopted by the House on June 30, 1978.

Roll call was requested by Perkins of Greene and Gilson of Guthrie.

On the question "Shall the vote by which amendment H—6739 was adopted be reconsidered?"

The ayes were, 68:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Egenes
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffie	Hargrave
Harvey	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Krause	Krewson	Lind
Loneragan	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen

Norland	O'Halloran	Patchett	Pavich
Perkins	Poncy	Scheelhaase	Schroeder
Small	Smalley	Spear	Spencer
Svoboda	Thompson	Tofte	Walter
Wells	West	Woods	Mr. Speaker

The nays were, 29:

Bennett	Brockett	Conlon	Crabb
Crawford	Daggett	Danker	Dyrland
Evans	Halvorson	Hansen	Harbor
Hoffmann	Junker	Lageschulte	Lindeen
Lipsky	Menke	Pellett	Pelton
Rinas	Schnekloth	Shimanek	Stephens
Stromer	Tauke	Varley	Welden
Wyckoff			

Absent or not voting, 2:

Koogler Oxley

The motion prevailed and the House reconsidered amendment H—6739.

Speaker pro tempore Nielsen of Polk in the chair at 4:32 p.m.

Halvorson of Clayton moved the adoption of amendment H—6739, to amendment H-6729.

Amendment H—6739 lost.

Chiodo of Polk offered the following amendment H—6749, to amendment H—6729, filed by him from the floor and moved its adoption:

H—6749

- 1 Amend amendment H—6729 to House File 2467 as
- 2 follows:
- 3 1. Page 2, by striking lines 6 through 50.
- 4 2. Page 3, by striking lines 1 through 42.
- 5 3. Page 3, by striking lines 43 and 44 and insert-
- 6 ing in lieu thereof the following:
- 7 "Sec. . Sections one (1) and two (2) of this
- 8 Act shall take effect January 1, 1979."

A non-record roll call was requested.

The ayes were 46, nays 45.

Amendment H—6749 was adopted.

(House File 2467 and amendment H—6729, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 7:00 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

REPORT OF COMMITTEE MEETING

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

DAVID L. WRAY
Chief Clerk of the House

HOUSE ADMINISTRATION COMMITTEE

Scheduled: 9:00 a.m., Friday, June 30, 1978

Convened: 9:00 a.m.

Adjourned: 9:50 a.m.

Present: Wells, Chair; Bina, Connors, Daggett, Doyle, Griffie, Millen, Perkins, and Thompson.

Discussed salary increases, P.I.O. Intern, H.E.W. Intern, House renovation project and "Temporary Upgrade" handbook change.*

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at

the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>		<u>Eff. Date</u>	
Chief Clerk	David L. Wray	\$23,892.00 to 25,090.00	6/23/78	
Aide to Public Information Office		2.54 to 2.69	6/23/78	
<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Caucus Staff Director	Joseph J. O'Hern	30-5 to 30-6	P-FT	6/09/78
Research Analyst	Richard Norland	23-1 to 23-2	P-FT	7/07/78
Research Analyst	Timothy N. Hyde	23-1 to 23-2	P-FT	6/09/78
Clerk I	N. Kay Markell	13-4 to 13-5	P-FT	7/07/78
Research Analyst	Merlie Howell	23-1	P-FT	6/19/78
Leader's Administrative Assistant	Mark W. Brandsgard	26-2 to 26-3	P-FT	9/15/78
Leader's Administrative Assistant	Brad Kading	26-1	P-FT	7/03/78
Assistant Journal Editor	Francis Stefani	18-3 to 18-4	P-FT	4/28/78
Compositor	Vivian Anders	16-3 to 16-4	P-FT	8/18/78
Clerk to Chief Clerk	Lessa Oldenburger	14-1 to 14-2	I-FT	7/07/78
Aide to Public Information Office	Meredith H. Myers	\$2.69 per hr	P-PT	6/30/78

WELLS of Linn, Chair

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago for a portion of the evening session on request of Clark of Cerro Gordo.

QUORUM CALL

Roll call was requested by Krause of Kossuth and Arnould of Scott to determine that a quorum was present. Rule 69 was invoked.

Present: 86

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Chiodo	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Middleewart	Millen	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent: 13

Branstad	Byerly	Clark, J.H.	Connors
Danker	Jesse	Menke	Miller, K.D.
O'Halloran	Rinas	Stephens	Tofte
Varley			

BUSINESS PENDING

The House resumed consideration of **House File 2467**, a bill for an act which is an emergency and temporary act and shall be in effect until July 1, 1979, and which relates to transactions which in-

volve the payment of interest pursuant to agreement of the parties, and amendment H—6729, as amended.

Chiodo of Polk moved to reconsider the vote by which amendment H—6749, to amendment H—6729, was adopted by the House on June 30, 1979.

A non-record roll call was requested.

The ayes were 53, nays 28.

The motion prevailed and the House reconsidered amendment H—6749.

Chiodo of Polk asked for unanimous consent to withdraw amendment H—6749.

Objection was raised.

Chiodo of Polk moved that amendment H—6749 be withdrawn.

Speaker pro tempore Nielsen of Polk in the chair at 7:48 p.m.

On the motion to withdraw amendment H—6749, roll call was requested by Schroeder of Pottawattamie and Bennett of Ida.

On the question "Shall amendment H—6749 be withdrawn?"

The ayes were, 61:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Cochran	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffiee	Hargrave	Harvey	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Lonerган	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, 37:

Bennett	Brockett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Evans	Gentleman	Halvorson
Hansen	Harbor	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West			

Absent or not voting, 1:

Branstad

The motion prevailed and amendment H—6749 was withdrawn.

Chiodo of Polk offered the following amendment H—6753, to amendment H—6729, filed by Chiodo, Doyle, Monroe and Nielsen from the floor and moved its adoption:

H—6753

- 1 Amend the amendment H—6729 to House File 2467
- 2 as follows:
- 3 1. Page 2, by striking lines 42 through 50.
- 4 2. Page 3, by striking lines 1 through 40 and
- 5 inserting in lieu thereof the following:
- 6 "NEW SECTION. 537.2104 REMEDIES.
- 7 1. The provisions of section five hundred thirty-
- 8 seven point two thousand one hundred three (537.2103)
- 9 of the Code shall apply whether or not the card
- 10 issuer has or claims to have any right or privilege
- 11 under the laws of the United States or any other state
- 12 to impose a finance charge in excess of that permitted
- 13 under this article.
- 14 2. In the event that a creditor or lender
- 15 domiciled outside of this state fails to comply with
- 16 the limitations contained in sections five hundred
- 17 thirty-seven point two thousand two hundred two
- 18 (537.2202) or five hundred thirty-seven point two
- 19 thousand four hundred two (537.2402) of the Code,
- 20 and that limitation is applicable to that creditor
- 21 or lender pursuant to section five hundred thirty-
- 22 seven point two thousand one hundred three (537.2103)
- 23 of the Code, the administrator may commence a class
- 24 action in the district court of the state of Iowa in
- 25 the name of the state on behalf of all Iowa residents

26 who are damaged by the failure of the creditor or
27 lender to comply with those limitations. In any
28 such action the administrator may seek judicial
29 order to:

30 a. Prevent or restrain conduct prohibited under
31 this section and remove the conduct's effect by
32 injunction, divestiture of right to do business in
33 this state, or granting other equitable relief. The
34 state may bring suit under this subsection without
35 posting bond.

36 b. Recover actual damages to members of the
37 class resulting from conduct prohibited under this
38 chapter.

39 c. Recover the necessary costs of bringing suit,
40 including a reasonable attorney fee.

41 3. Any creditor or lender who issues a seller
42 credit card or a lender credit card to one or more
43 residents of this state and who authorizes one or
44 more seller or lessors engaged in business in this
45 state, whether or not affiliated with the card
46 issuer, to accept credit cards issued by the card
47 issuer as tender of payment for property or services
48 provided by the seller or lessor to holders of those
49 credit cards shall thereby consent to the jurisdiction
50 of the district court of this state for purposes of

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1 any action commenced under subsection two (2) of this
2 section."

3 2. By renumbering sections or subsections and
4 correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 51, nays 37.

Amendment H—6753 was adopted.

Small of Johnson asked for unanimous consent to reconsider the vote by which amendment H—6737, to amendment H—6729, failed to be adopted by the House.

Objection was raised.

Small of Johnson moved to reconsider the vote by which amendment H—6737, to amendment H—6729, failed to be adopted by the House.

Schroeder of Pottawattamie moved that the motion to reconsider amendment H—6737 be tabled.

Roll call was requested by Small of Johnson and Junker of Woodbury.

On the question "Shall the motion to table prevail?"

The ayes were, 34:

Bennett	Brockett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Evans	Gentleman	Halvorson
Hansen	Harbor	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stromer	Tauke	Thompson
Welden	West		

The nays were, 61:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Cochran	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffee	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Stephens	Svoboda
Varley	Walter	Wells	Wyckoff
Mr. Speaker (Nielsen)			

Absent or not voting, 4:

Branstad	Harvey	Tofte	Woods
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The motion lost.

On the motion to reconsider amendment H—6737, a non-record roll call was requested.

The ayes were 50, nays 40.

The motion prevailed and the House reconsidered amendment H—6737.

Schroeder of Pottawattamie moved the adoption of amendment H—6737.

Roll call was requested by Small of Johnson and Dyrland of Clayton.

On the question "Shall amendment H—6737 be adopted?"

The ayes were, 56:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Cochran	Connors
Cusack	Davitt	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffee
Hargrave	Hines	Horn	Howell
Hullinger	Jesse	Jochum	Koogler
Krause	Lonerger	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 42:

Bennett	Brockett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Dieleman	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Husak	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Perkins	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West		

Absent or not voting, 1:

Branstad

Amendment H—6737 was adopted.

Conlon of Muscatine rose on a point of order that amendment H—6729, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H—6729, as amended, germane.

Chiodo of Polk moved the adoption of amendment H—6729, as amended.

Roll call was requested by Welden of Hardin and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Husak of Tama refrained from voting.

On the question "Shall amendment H—6729, as amended, be adopted?"

The ayes were, 53:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doyle	Dyrland
Egenes	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffiee	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Jesse	Jochum	Krause
Loneragan	Middleswart	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
Mr. Speaker (Nielsen)			

The nays were, 44:

Baker	Bennett	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Dunton	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
Pellett	Pelton	Perkins	Schneklath

Schroeder
Stromer
Varley

Shimanek
Tauke
Welden

Smalley
Thompson
West

Stephens
Tofte
Wyckoff

Absent or not voting, 2:

Branstad

Husak

Amendment H—6729, as amended, was adopted.

Small of Johnson offered the following amendment H—6730 filed by the committee on interest rates from the floor:

H—6730

1 Amend House File 2467 as follows:

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

4 "Section 1. Chapter five hundred thirty-five
5 (535), Code 1977, is amended by adding the following
6 temporary new section:

7 NEW SECTION.

8 1. a. Notwithstanding the maximum rate of inter-
9 est specified in section five hundred thirty-five
10 point two (535.2) of the Code, the maximum lawful rate
11 of interest which may be provided for in any of the
12 following agreements entered into on or after the
13 effective date of this Act and before August 1, 1978,
14 shall be ten cents on the hundred by the year; and
15 in those entered into during any calendar month on
16 or after August 1, 1978, and before July 1, 1979,
17 shall be two percentage points above the monthly average
18 ten-year constant maturity interest rate of United
19 States government notes and bonds as published by the
20 board of governors of the federal reserve system for
21 the calendar month second preceding the month during
22 which the agreement is executed, rounded to the near-
23 est one-fourth of one percent per year:

24 (1) Any written agreement for the payment of in-
25 terest.

26 (2) Any written agreement by a lender to lend
27 money in the future at a specified interest rate,
28 either to the other party to the agreement, or to a
29 third party beneficiary whether or not named. The
30 rate of interest specified in any such agreement shall
31 be the lawful rate of interest with respect to any
32 subsequent agreement between the lender and the third
33 party beneficiary pursuant to the original commitment,
34 whether the subsequent agreement is executed before,
35 on or after July 1, 1979.

36 On or before the twentieth day of each month the
37 superintendent of banking shall determine, based on
38 available statistics, the monthly average ten-year
39 constant maturity interest rate of United States
40 government notes and bonds for the preceding month,
41 and the maximum lawful rate of interest for the fol-
42 lowing calendar month as prescribed herein, and shall
43 cause such rate to be published, as a notice in the
44 Iowa administrative bulletin or as a legal notice in
45 a newspaper of general circulation published in Polk
46 county, prior to the first day of the following calen-
47 dar month. Such maximum lawful rate of interest shall
48 be effective on the first day of the calendar month
49 following publication.
50 b. Any rate of interest specified in any written

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1 agreement providing for the payment of interest shall,
2 if such rate was lawful at the time the agreement was
3 made, remain lawful during the entire term of the
4 agreement, including any extensions or renewals thereof,
5 for all money due or to become due thereunder including
6 future advances, if any.
7 c. Any contract, note or other written agreement
8 providing for the payment of a rate of interest permitted
9 by this subsection which contains any provision providing
10 for an increase in the rate of interest prescribed
11 therein shall, if such increase could be to a rate which
12 would have been unlawful at the time the agreement was
13 made, also provide for a reduction in the rate of in-
14 terest prescribed therein, to be determined in the same
15 manner and with the same frequency as any increase so
16 provided for.
17 2. Notwithstanding the provisions of subsection one
18 (1) of this section, with respect to any agreement which
19 was executed prior to August 1, 1978, and which contained
20 a provision for the adjustment of the rate of interest
21 specified in that agreement, the maximum lawful rate
22 of interest which may be imposed under that agreement
23 shall be nine cents on the hundred by the year, and any
24 excess charge shall be a violation of section five hun-
25 dred thirty-five point four (535.4) of the Code.
26 3. The limitations contained in subsections one (1)
27 and two (2) of this section shall not apply to any loan
28 which is subject to the provisions of section six hun-
29 dred eighty-two point forty-six (682.46) of the Code.
30 4. Nothing contained in this section shall apply to
31 any transaction which is exempt from the maximum rate
32 specified in subsection one (1) of section five hundred
33 thirty-five point two (535.2) of the Code by virtue of
34 subsection two (2) of that section.

35 Sec. 2. Chapter five hundred thirty-five (535),
36 Code 1977, is amended by adding the following temporary
37 new section:

38 NEW SECTION. *

39 1. As used in this section, the term "loan" means
40 any money loaned to a borrower who furnishes, as security
41 for all or part of the loan, a mortgage on real property
42 which is a single-family or a two-family dwelling occu-
43 pied or to be occupied by the borrower.

44 2. The assessment and collection in connection with
45 a loan of a loan origination fee, closing fee, commit-
46 ment fee or similar charge which exceeds one percent of
47 the amount loaned in the case of a construction loan or
48 a combined construction and permanent loan or one per-
49 cent of the amount loaned in the case of all other loans
50 subject to this section is prohibited. If any lender

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1 receives any amount as a loan origination fee, closing
2 fee, commitment fee or similar charge, or any combina-
3 tion thereof, which exceeds the amount permitted by
4 this section, the borrower shall have the right to
5 recover that charge, plus attorney fees and court
6 costs incurred in any action necessary to effect such
7 recovery.

8 Any additional costs charged to a buyer, associated
9 with the purchase of a house and mortgage shall not
10 exceed actual costs which shall be listed and include:

- 11 a. Credit reports.
- 12 b. Appraisal fees.
- 13 c. Attorney's opinions.
- 14 d. Abstracting.
- 15 e. County recorder's fees.
- 16 f. Inspections fees.
- 17 g. P.M.I. prepayment or reinsurance charge.
- 18 h. Surveying of property.
- 19 i. Termite inspection.

20 These cost limits shall not include revenue stamps or
21 real estate commissions which are paid by the seller.

22 The provisions of this subsection shall not apply to
23 any loan which is subject to the provisions of section
24 six hundred eighty-two point forty-six (682.46) of the
25 Code.

26 2. A lender shall not, as a condition of making a
27 loan as defined in this section, require the borrower to
28 place money, or to place property other than that which
29 is given as security for the loan, on deposit with or in
30 the possession or control of the lender or some other
31 person if the effect is to increase the yield to the
32 lender with respect to that loan.

33 3. If any lender receives interest either in a man-
34 ner or in an amount which is prohibited by subsection
35 one (1) or subsection two (2) of this section, the
36 borrower shall have the right to recover all amounts
37 collected or earned by the lender, whether or not from
38 the borrower, in violation of this section, plus at-
39 torney's fees, plus court costs incurred in any action
40 necessary to effect such recovery.

41 4. This section is repealed effective July 1, 1979.

42 Sec. 3. Section five hundred thirty-six A point
43 twenty-three (536A.23), subsection one (1), Code 1977,
44 is temporarily amended, commencing on the effective
45 date of this Act and until July 1, 1979, to read as
46 follows:

47 1. Charge, receive or collect interest at a rate
48 ~~greater than that authorized by section 535.2 exceed-~~
49 ~~ing nine cents on the hundred by the year~~, except that
50 the interest may be computed when the note is made on

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1 the full amount of the cash advanced on the loan from
2 the date of the note to the date of the final install-
3 ment thereof, and the interest so computed may be in-
4 cluded in the note, notwithstanding any agreement to
5 pay the entire amount in installments; or the interest
6 may be computed on the amount of the note and dis-
7 counted or collected in advance when the loan is
8 made, notwithstanding any agreement to pay the entire
9 amount in installments. If the note is repayable in
10 other than equal monthly installments, the interest
11 may be an amount computed on the basis of the effec-
12 tive rates permitted as provided above; provided, how-
13 ever there shall be no compounding of interest and
14 when an interest rate as authorized herein is adver-
15 tised, or negotiated for with a prospective borrower,
16 with intent that it be computed by either of the two
17 methods authorized herein, they being the "add on"
18 method or the "discount" method, in such case such
19 rate shall be further described as to the method of
20 computation to be used, but interest computed by either
21 method shall be stated to the borrower as provided in
22 section 537.3210.

23 The limitation on interest rate which is contained
24 in this subsection shall not apply to any loan in which
25 the borrower is a corporation or investment trust or
26 any other person who is referred to in subsection two
27 (2) of section five hundred thirty-five point two (535.2)
28 of the Code.

29 Sec. 4. Section five hundred thirty-seven point one
30 thousand three hundred one (537.1303), subsection fif-
31 teen (15), paragraph b, subparagraph two (2), Code

32 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, to read as follows:

35 (2) A loan secured by an interest in land if the security interest is bona fide and not for the purpose of circumvention or evasion of this chapter and the finance charge does not exceed twelve percent per year, calculated according to the actuarial method on the assumption that the debt will be paid according to the agreed terms and will not be paid before the end of the agreed term, does not exceed the rate of finance charge permitted under chapter five hundred thirty-five (535) of the Code.

45 Sec. 5. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection twenty (20), paragraph a, subparagraph one (1), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, to read as follows:

50 (1) Interest or any amount payable under a point,

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1 discount or other system of charges, however denominated, except that, with respect to a consumer loan secured by a first lien on a dwelling of the debtor given to finance the acquisition of that dwelling, points, consisting of a charge paid in cash at the time of commitment or closing of a loan transaction or, with respect to a consumer credit sale of goods or services, a cash discount of five percent or less of the stated price of goods or services which is offered to the consumer for payment by cash, check or the like either immediately or within a period of time, shall not be part of the finance charge for the purpose of determining maximum charges pursuant to section 537.2401 and chapters 524, 534 and 535. A cash discount permitted by this subparagraph shall not be considered part of the finance charge for the purpose of determining compliance with Truth in Lending pursuant to section 537.3201 if it is properly disclosed as required by the Truth in Lending Act as amended to and including October 28, 1975 and regulations issued pursuant to that Act as so amended prior to October 28, 1975.

23 Sec. 6. With respect to any loan secured by a first lien on a dwelling of a natural person given to finance the acquisition of that dwelling and executed on or after July 1, 1974, but before the effective date of this Act, the assessment and collection pursuant to that loan transaction of points, consisting of a charge paid in cash at the time of

30 commitment or closing of the transaction, shall not
31 be considered as part of the contractual interest
32 rate for the purpose of determining whether or not
33 the interest rate agreed to exceeded the rate per-
34 mitted by section five hundred thirty-five point
35 two (535.2) of the Code as it existed during that
36 period of time. The provisions of this section are
37 retroactive to July 1, 1974, to the extent necessary
38 to effect its purpose.

39 Sec. 7. It is the intent of the general assembly
40 in enacting this Act that the law contained in this
41 Act shall be of temporary effect only, and that each
42 provision of the law of this state as it existed
43 prior to amendment by this Act shall be the law of
44 this state on and after July 1, 1979."

45 2. By renumbering sections and correcting internal
46 references as necessary.

Egenes of Story offered the following amendment H-6748, to amendment H-6730, filed by her from the floor and moved its adoption:

H-6748

1 Amend the committee amendment H-6730 to House File
2 2467 as follows:

3 1. Page 1, by striking lines 11 through 49 and
4 inserting in lieu thereof the words: "of interest
5 which may be provided for in any written agreement for
6 the payment of interest shall be ten cents on the hundred
7 by the year for any written agreement entered into on
8 or after the effective date of this Act and before
9 March 1, 1979; and the maximum lawful rate of interest
10 for any written agreement entered into on or after
11 March 1, 1979, shall be the sum of four percent plus
12 the maximum simple interest rate payable on savings
13 deposits in regular accounts in savings and loan associa-
14 tions insured by the federal savings and loan insurance
15 corporation, as established by the federal home loan
16 bank board and in effect on March 1, 1979."

A non-record roll call was requested.

The ayes were 10, nays 52.

Amendment H-6748 lost.

Schroeder of Pottawattamie offered the following amendment H-6738, to amendment H-6730, filed by Schroeder, Hoffmann, West, Brockett, Lind, Harbor, Evans, Menke and Danker from the floor and moved its adoption:

H-6738

- 1 Amend amendment H-6730 to House File 2467 as
- 2 follows:
- 3 1. Page 1, line 16 by striking the following:
- 4 "and before July 1, 1979,".
- 5 2. Page 3 by striking line 41.
- 6 3. Page 3, line 45 by striking the following:
- 7 "and until July 1, 1979,".
- 8 4. Page 4, line 33 by striking the following:
- 9 "and until July 1, 1979,".
- 10 5. Page 4, line 49 by striking the following:
- 11 "and until July 1, 1979,".
- 12 6. Page 5, by striking line 39 through line 44.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 35, nays 46.

Amendment H-6738 lost.

Schroeder of Pottawattamie offered the following amendment H-6750, to amendment H-6730, filed by him from the floor and moved its adoption:

H-6750

- 1 Amend House amendment H-6730 to House File 2467
- 2 as follows:
- 3 1. Page 1, by striking lines 26 through 35
- 4 and inserting in lieu thereof the following:
- 5 " Any written agreement for the payment
- 6 of interest made pursuant to a prior written agree-
- 7 ment by a lender to lend money in the future, either
- 8 to the other party to such prior written agreement
- 9 or a third party beneficiary to such prior agree-
- 10 ment, may provide for payment of interest at the
- 11 lawful rate of interest at the time of the execu-
- 12 tion of the prior agreement, regardless of whether
- 13 the subsequent agreement is executed before, on or
- 14 after July 1, 1979."

Amendment H-6750 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-6747, to amendment H-6730, filed by him from the floor.

Evans of Grundy offered the following amendment H—6732, to amendment H—6730, filed by him from the floor and moved its adoption:

H—6732

- 1 Amend amendment H—6730 to House File 2467 as
- 2 follows:
- 3 1. Page 1, line 47, by inserting after the
- 4 word "month" the words "and ten thousand (10,000)
- 5 dollars is appropriated from the general fund to the
- 6 department of banking for that purpose".

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 35, nays 48:

Amendment H—6732 lost.

Miller of Buchanan offered the following amendment H—6752, to amendment H—6730, filed by him from the floor and moved its adoption:

H—6752

- 1 Amend amendment H—6730 to House File 2467 as
- 2 follows:
- 3 1. Page 2, line 43, by inserting after the
- 4 word "borrower" the words ", or a mobile home used
- 5 as a single-family or a two-family dwelling occupied
- 6 or to be occupied by the borrower".

Roll call was requested by Conlon of Muscatine and Perkins of Greene.

On the question "Shall amendment H—6752 be adopted?"

The ayes were, 50:

Baker
Byerly
Crabb
Doyle
Garrison
Hargrave

Bennett
Clark, B.J.
Crawford
Dunton
Halvorson
Hines

Binneboese
Clark, J.H.
Daggett
Dyrland
Hansen
Hoffmann

Brockett
Conlon
Danker
Evans
Harbor
Horn

Junker	Koogler	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Miller (Sergeant)	Pellett	Pelton
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	West
Woods	Wyckoff		

The nays were, 48:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Chiodo	Cochran
Connors	Cusack	Davitt	Dieleman
Egenes	Fitzgerald	Gentleman	Gettings
Gilloon	Gilson	Griffee	Harvey
Hinkhouse	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Krewson
Loneragan	Middleswart	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Small
Spear	Spencer	Svoboda	Varley
Walter	Welden	Wells	Mr. Speaker (Nielsen)

Absent or not voting, 1:

Branstad

Amendment H—6752 was adopted.

Brunow of Appanoose in the chair at 9:46 p.m.

Thompson of Polk offered the following amendment H—6742, to amendment H—6730, filed by her from the floor and moved its adoption:

H—6742

- 1 Amend the Committee Amendment, H—6730, to House
- 2 File 2467 as follows:
- 3 1. Page 2, line 46, by striking the word "one"
- 4 and inserting in lieu thereof the word "two".

Amendment H—6742 lost.

Spear of Lee offered the following amendment H—6756, to amendment H—6730, filed by him from the floor and moved its adoption:

H—6756

1 Amend amendment H—6730, to House File 2467, as
2 follows:

3 1. Page 2, line 47, by inserting after the word
4 "or" the words "two percent in the case of".

Amendment H—6756 lost.

Speaker Cochran in the chair at 9:57 p.m.

Evans of Grundy offered the following amendment H—6731, to amendment H—6730, filed by him from the floor:

H—6731

1 Amend amendment H—6730 to House File 2467 as
2 follows:

3 1. Page 3, line 25, by inserting after the
4 word "Code" the words ", nor shall it apply to
5 origination fees, administrative fees, commitment fees
6 or similar charges paid by one lender to another
7 lender if these fees are not ultimately paid by the
8 borrower who occupies or will occupy the dwelling".

Fitzgerald of Webster asked and received unanimous consent to suspend Rule 2 to continue debate beyond the 10:00 p.m. time limit.

Evans of Grundy moved the adoption of amendment H—6731, to amendment H—6730.

Amendment H—6731 was adopted.

Small of Johnson moved the adoption of amendment H—6730, as amended.

Amendment H—6730, as amended, was adopted.

Garrison of Black Hawk offered the following amendment H—6736 filed by him and Woods of Polk from the floor and moved its adoption:

H—6736

1 Amend House File 2467 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing:

- 4 "Sec. . . . Section five hundred thirty-three point
 5 four (533.4), Code 1977, as amended by Senate File one
 6 hundred thirty-seven (137), section twenty-four (24),
 7 is amended by adding the following new subsection:
 8 NEW SUBSECTION. Offer to their members third party
 9 demand type accounts that may pay interest, which
 10 accounts may be assessed by drawing upon either a
 11 share or deposit account the member holds in the credit
 12 union. Reserves if required by the administrator, shall
 13 be held where possible in an account established for
 14 that purpose in the corporate central credit union."

Roll call was requested by Gettings of Wapello and Patchett of Johnson.

On the question "Shall amendment H—6736 be adopted?"

The ayes were, 54:

Arnould	Baker	Bina	Binneboese
Brandt	Byerly	Clark, B.J.	Conlon
Connors	Crawford	Cusack	Daggett
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilson	Griffiee
Halvorson	Hansen	Hines	Horn
Howell	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Menke
Millen	Miller, K.D.	Monroe	O'Halloran
Oxley	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Small	Smalley	Spear	Spencer
Svoboda	Tauke	Walter	Wells
Woods	Mr. Speaker		

The nays were, 38:

Anderson	Avenson	Bennett	Brockett
Brunow	Chiodo	Clark, J.H.	Crabb
Danker	Davitt	Dieleman	Evans
Gilloon	Harbor	Hinkhouse	Hoffmann
Hullinger	Husak	Koogler	Lindeen
Lipsky	Lonergan	Middleswart	Miller (Sergeant)
Newhard	Norland	Pellett	Pelton
Perkins	Shimanek	Stephens	Stromer
Thompson	Tofte	Varley	Welden
West	Wyckoff		

Absent or not voting, 7:

Branstad	Egenes	Gentleman	Hargrave
Harvey	Lind	Nielsen	

Amendment H—6736 was adopted.

Krewson of Polk offered the following amendment H—6744 filed by Krewson, Pelton, Rinas, Walter, Krause, Bina and West from the floor and asked and received unanimous consent it be withdrawn:

H—6744

1 Amend House File 2467 as follows:

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

3 "Section 1. NEW SECTION. DEFINITIONS. For
4 purposes of this Act, unless the context otherwise
5 requires:

6 1. "Red-lining" means the practice by which a
7 financial institution may designate certain areas
8 as unsuitable for the making of mortgage loans and
9 reject applications for mortgage loans upon property
10 within that area because of the prevailing income,
11 racial or ethnic characteristics of the area, or
12 because of the age of the structures in the area.

13 2. "Mortgage loan" means a loan for the purchase,
14 construction, improvement or rehabilitation of
15 residential property in which the property is used
16 as security for the loan.

17 3. "Financial institution" means any bank,
18 credit union, insurance company, mortgage banking
19 company or savings and loan association, small loan
20 company, industrial loan company, or like institution
21 which operates or has a place of business in this
22 state.

23 4. "Reporting financial institution" means a
24 financial institution with an excess of ten million
25 dollars in assets accepting mortgage loan applications
26 in any city with a population in excess of ten
27 thousand as determined in the most recent regular census
28 or in any standard metropolitan statistical area.

29 5. "Varying the terms of a mortgage loan"
30 includes, but is not limited to the following:

31 a. Requiring a greater than average down payment
32 than is usual for the particular type of mortgage
33 loan involved.

34 b. Requiring a shorter period of amortization
35 than is usual for the particular type of mortgage loan
36 involved.

37 c. Charging a higher interest rate than is usual
38 for the particular type of mortgage loan involved.

39 d. An unreasonable underappraisal of real estate
40 or item of property offered as security.

41 Sec. 2. NEW SECTION. DISCRIMINATORY—REAL ESTATE
42 MORTGAGES. It is a discriminatory practice for any

43 financial institution accepting mortgage loan applications
44 to engage in the practice of red-lining as defined in
45 section one (1) of this Act.

46 Sec. 3. NEW SECTION. DISCRIMINATORY LENDING
47 PRACTICE. Subject to section four (4) of this Act, a
48 financial institution in contemplation of any mortgage
49 loan to any person shall not:

50 1. Deny any person any of the services normally

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1 offered by such an institution, or provide any person
2 with any service which is different from or provided
3 to other persons similarly situated.

4 2. Deny or vary the terms of a mortgage loan
5 without having considered all of the regular and
6 dependable income of each person who will be liable
7 for the repayment of the mortgage loan. Agencies
8 administering this Act shall promulgate rules as to
9 what constitutes regular and dependable income.

10 3. Deny or vary the terms of a mortgage loan
11 without considering without prejudice the combined
12 income of both husband and wife for the purpose of
13 extending mortgage credit to a married couple or
14 either member of the marriage if both persons are
15 liable for repayment of the mortgage loan.

16 4. Deny or vary the terms of a mortgage loan
17 on the sole basis of the childbearing capacity of
18 an applicant or applicant's spouse.

19 5. Utilize lending qualifications or standards
20 that have no demonstrable economic basis and which
21 are discriminatory in effect. For the purpose of
22 this subsection, a policy providing for a minimum
23 mortgage loan amount shall be suspect.

24 6. Deny an individual the opportunity to submit
25 a written loan application.

26 Sec. 4. NEW SECTION. DISCRETION OF FINANCIAL
27 INSTITUTION. Nothing contained in this Act shall
28 preclude a financial institution from applying
29 economically sound underwriting practices in con-
30 templation of any mortgage loan to any person. Such
31 practices shall include but are not limited to the
32 following:

33 1. The willingness and the financial ability
34 of the borrower to repay the mortgage loan.

35 2. The appraised value of any real estate or
36 other item of property proposed as security for any
37 mortgage loan.

38 3. Diversification of the financial institution's
39 investment portfolio.

40 Sec. 5. NEW SECTION. DISCLOSURE. Each reporting
41 financial institution accepting an application for a

42 mortgage loan shall:

43 1. Maintain a record of mortgage loan applications
44 by zip code.

45 2. Annually make a report based on the mortgage
46 loan application records which shall:

47 a. State the total number of mortgage loan
48 applications filed by zip code.

49 b. Clearly show the total number of mortgage
50 loans which were approved and which were not approved

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1 by zip code.

2 3. The report required by this section shall be
3 placed on file with the Iowa housing finance
4 authority and shall be available to the public.

5 4. In accordance with subsections one (1),
6 two (2) and three (3) of this section, the superintendent
7 of banking, the auditor of state and the commissioner
8 of insurance shall establish rules for the enforcement
9 of the provisions of this section. Rules established
10 pursuant to this Act may permit federal reporting
11 forms to be used as state reporting forms to the
12 extent that the federal reporting forms are in
13 compliance with the provisions of this section.

14 Reporting periods shall be established by rule
15 and shall be uniform for all financial institutions.
16 Rules may also specify separate treatment of oral
17 and written mortgage loan applications. However,
18 records shall be kept on both.

19 The director of the Iowa housing finance authority
20 or the director's designee shall advise and assist the
21 superintendent of banking, the commissioner of
22 insurance, and the auditor of state on the establishment
23 of rules for the enforcement of this section and shall
24 encourage uniformity among the administrator's rule
25 promulgation to the maximum extent practical.

26 **Sec. 6. NEW SECTION. AGENCY TO ADMINISTER.**
27 Sections two (2), three (3), and five (5) of this Act
28 shall be administered and enforced by the following
29 agencies:

30 1. The superintendent of banking or the super-
31 intendent's designee shall be responsible for
32 enforcing the provisions of this Act in regard to
33 all banks, credit unions, and persons licensed under
34 chapter five hundred thirty-six (536) of the Code,
35 and shall be responsible for enforcing the provisions
36 of this Act in regard to mortgage banking companies.

37 2. The auditor of state or a designee shall be
38 responsible for enforcing the provisions of this Act
39 in regard to all savings and loan associations pursuant
40 to chapter five hundred thirty-four (534) of the Code

41 and all persons licensed under chapter five hundred
42 thirty-six A (536A) of the Code.

43 3. The commissioner of insurance or the commiss-
44 ioner's designee shall be responsible for enforcing
45 the provisions of this Act pursuant to chapter five
46 hundred five (505) of the Code in regard to all
47 insurance companies.

48 Sec. 7. NEW SECTION. AGGRIEVED PARTY.

49 Any person who has been aggrieved as a result of a
50 violation of this Act may bring an action in the

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1 district court of the county in which the violation
2 occurred or in the county where the financial
3 institution involved is located.

4 Upon a finding that a financial institution has
5 committed a violation of either section two (2),
6 three (3), or five (5) of this Act, the court may
7 award actual damages and court costs.

8 Sec. 8. NEW SECTION. CRIMINAL PENALTY.

9 Any person who knowingly engages in a practice which
10 violates the provisions of section two (2), three
11 (3), or five (5) of this Act is guilty of a serious
12 misdemeanor.

13 Sec. 9. NEW SECTION. CIVIL PENALTY.

14 Any person who in bad faith fails to comply with the
15 provisions of this Act, is subject to punitive
16 damages not to exceed one thousand dollars in
17 addition to actual damages.

18 Sec. 10. The Code editor is directed to incor-
19 porate sections one (1) through nine (9) of this
20 Act as a separate chapter of the Code.

21 Sec. 11. The director of the Iowa housing
22 authority shall report to the Iowa general assembly
23 in February of 1980, an analysis of the nature and
24 status of the disclosure reports filed with the
25 authority by the superintendent of banking, the comm-
26 issioner of insurance and the auditor of state in
27 accordance with section five (5) of this Act.

28 The director's report shall also include but is
29 not limited to an analysis of the financial needs
30 of economically depressed urban residential areas,
31 and recommendations for future action to insure the
32 economic health of urban residential areas.

33 Sec. 12. This Act is effective January 1, 1979."

Anderson of Jasper offered the following amendment H-6751
filed by him from the floor and moved its adoption:

H—6751

- 1 Amend House File 2467 as follows:
- 2 1. Page 1, by striking lines 1 through 12 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. There is created a joint standing
- 5 committee on interest rates. The committee shall
- 6 consist of five members from each house of the
- 7 general assembly to be appointed by the legislative
- 8 council on or before August 15, 1978. The committee
- 9 shall hold its first meeting on or before August 30,
- 10 1978 upon the call of the chairperson of the council.
- 11 All meetings thereafter shall be at the call of the
- 12 co-chairpersons of the committee or as the committee
- 13 otherwise provides. The committee shall continue
- 14 the investigation and review of the matters author-
- 15 ized by Senate Concurrent Resolution one hundred
- 16 thirty-six. All of the rights, powers, duties and
- 17 privileges granted to the joint standing committee
- 18 on interest rates by that resolution shall continue
- 19 in the newly appointed committee during the 1978-
- 20 1979 interim."

Roll call was requested by Pelton of Clinton and Bennett of Ida.

On the question "Shall amendment H—6751 be adopted?"

The ayes were, 46:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffee	Hargrave	Horn	Howell
Jesse	Jochum	Krause	Loneragan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Wells	Mr. Speaker		

The nays were, 45:

Baker	Bennett	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Dieleman	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Husak	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen

Pellett	Pelton	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Wyckoff			

Absent or not voting, 8:

Branstad	Egenes	Evans	Hines
Hullinger	Oxley	Patchett	Woods

Amendment H—6751 was adopted.

Svoboda of Iowa offered the following amendment H—6755 filed by Svoboda, Lageschulte, Krause and Halvorson from the floor and moved its adoption:

H—6755

- 1 Amend House File 2467 as follows:
- 2 1. Page 1, by inserting after line 12 the
- 3 following:
- 4 "The committee in its investigation and review
- 5 shall also consider methods of requiring cash dis-
- 6 counts to consumers who pay cash for purchases as
- 7 opposed to purchasing on credit."

Amendment H—6755 was adopted.

Schroeder of Pottawattamie offered the following amendment H—6735 filed by Schroeder, Harbor and Halvorson from the floor and moved its adoption:

H—6735

- 1 Amend House File 2467 as follows:
- 2 1. Page 1, by inserting after line 16 the fol-
- 3 lowing section:
- 4 "Sec. . Members of the general assembly and the
- 5 lieutenant governor shall be reimbursed for necessary
- 6 travel and actual expenses incurred in attending
- 7 meetings authorized by law for members of the general
- 8 assembly who serve on statutory boards, commissions,
- 9 or councils, and for standing or subcommittee meetings
- 10 or when on authorized legislative business during the
- 11 period of May 14, 1978 through June 29, 1978, section
- 12 two point ten (2.10) of the Code notwithstanding.
- 13 Such expenses for members of the general assembly
- 14 shall be paid from funds available under section two

15 point twelve (2.12) of the Code, and for the lieutenant governor from the funds appropriated to the office of lieutenant governor by the general assembly."

A non-record roll call was requested.

The ayes were 27, nays 46.

Amendment H—6735 lost,

Miller of Buchanan offered the following amendment H—6743 filed by him from the floor and moved its adoption:

H—6743

1 Amend House File 2467 as follows:

2 1. Page 1, by inserting after line 16 the following:

3
4 "Sec. Chapter five hundred thirty-five (535),
5 Code 1977, is amended by adding the following new
6 section:

7 NEW SECTION.

8 1. Any bank, savings and loan association, or
9 credit union, which receives money in this state on
10 deposit in an interest bearing deposit or share account, or in an account evidenced by a certificate
11 of deposit, shall be subject to the provisions of
12 this section.

13
14 2. As a condition of charging any rate of interest
15 in excess of nine cents on the hundred by the year in
16 any transaction which is subject to the interest rate
17 limitation provided in chapter five hundred thirty-five
18 (535) of the Code, a bank, savings and loan association,
19 or credit union which is subject to the provisions of
20 this section shall comply with subsection three (3) of
21 this section.

22 3. In consideration of the receipt of any deposit
23 to an account referred to in subsection one (1) of
24 this section, a depository institution which is subject
25 to the provisions of this section shall pay to the depositor at the time the deposit is made an amount in
26 cash equal to the product of the total amount deposited
27 multiplied by a point factor equal to either (a), one-half of the difference between the usury rate as
28 specified in chapter five hundred thirty-five (535)
29 of the Code and in effect on the day on which the deposit is made and nine cents on the hundred by the
30 year, or (b), one-half of the difference between nine
31 cents on the hundred by the year and the average of
32 the contract interest rates payable on loans which

36 were secured by mortgages or deeds of trust on single
37 or two-family dwellings to be occupied by the borrower
38 and which were made by the depository institution dur-
39 ing the preceding calendar month, whichever factor is
40 smaller.

41 4. A depositor who accepts the cash consideration
42 required by subsection three (3) of this section shall
43 be deemed to have agreed that in the event the depositor
44 withdraws the amount deposited at a time earlier than
45 was agreed to at the time the deposit was made, the
46 depository institution shall be entitled to recover
47 the cash consideration paid by deducting that amount
48 from the amount otherwise payable to the depositor at
49 the time of withdrawal.

50 5. Any depository institution which is subject to

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1 the provisions of this Act and which fails to pay the
2 cash consideration required by subsection three (3)
3 of this section shall be liable to the depositor in
4 a civil action commenced for that purpose for the
5 amount of cash consideration required to be paid,
6 plus statutory damages in the amount of one hundred
7 dollars, plus court costs and a reasonable attorneys
8 fee."

9 2. By renumbering sections and correcting internal
10 references as necessary.

Amendment H—6743 lost.

Small of Johnson offered the following amendment H—6754 fil-
ed by him from the floor and moved its adoption:

H—6754

1 Amend House File 2467 as follows:
2 1. Page 1, by inserting after line 16 the
3 following section:
4 "Sec. . . If any provision of this Act or the
5 application thereof to any person or circumstance
6 is held invalid, the invalidity does not affect other
7 provisions or applications of the Act which can be
8 given effect without the invalid provision or
9 application, and to this end the provisions of this
10 Act are severable."

A non-record roll call was requested.

The ayes were 53, nays 19.

Amendment H—6754 was adopted.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H—6736 was adopted by the House on June 30, 1978.

Roll call was requested by Spencer of Clay and Garrison of Black Hawk.

Rules 69 and 70 were invoked.

On the question "Shall the motion to reconsider amendment H—6736 prevail?"

The ayes were, 52:

Anderson	Avenson	Bennett	Brockett
Brunow	Chiodo	Clark, J.H.	Crabb
Daggett	Danker	Davitt	Dieleman
Egenes	Evans	Gentleman	Gilloon
Gilson	Griffiee	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Koogler	Lind
Lindeen	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
Pellett	Pelton	Perkins	Scheelhaase
Schroeder	Shimanek	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wyckoff	Mr. Speaker

The nays were, 44:

Arnould	Baker	Bina	Binneboese
Brandt	Byerly	Clark, B.J.	Conlon
Connors	Crawford	Cusack	Doyle
Dunton	Dyrland	Garrison	Gettings
Halvorson	Hines	Horn	Jesse
Jochum	Junker	Krause	Krewson
Lageschulte	Lipsky	Menke	Millen
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Schneklath
Small	Smalley	Spear	Spencer
Svoboda	Walter	Wells	Woods

Absent or not voting, 3:

Branstad	Fitzgerald	Hargrave
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The motion prevailed and amendment H—6736 was reconsidered.

Perkins of Greene rose on a point of order that amendment H-6736 was not germane.

The Speaker ruled the point well taken and amendment H-6736 not germane.

Krause of Kossuth offered the following amendment H-6757 filed by him from the floor:

H-6757

1 Amend House File 2467 as follows:

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

3 "Section 1, NEW SECTION. DEFINITIONS. For
4 purposes of this Act, unless the context otherwise
5 requires:

6 1. "Red-lining" means the practice by which a
7 financial institution may designate certain areas
8 as unsuitable for the making of mortgage loans and
9 reject applications for mortgage loans upon property
10 within that area because of the prevailing income,
11 racial or ethnic characteristics of the area, or
12 because of the age of the structures in the area.

13 2. "Mortgage loan" means a loan for the purchase,
14 construction, improvement or rehabilitation of
15 residential property in which the property is used
16 as security for the loan.

17 3. "Financial institution" means any bank,
18 credit union, insurance company, mortgage banking
19 company or savings and loan association, small loan
20 company, industrial loan company, or like institution
21 which operates or has a place of business in this
22 state.

23 4. "Reporting financial institution" means a
24 financial institution with an excess of ten million
25 dollars in assets accepting mortgage loan applications
26 in any city with a population in excess of ten
27 thousand as determined in the most recent regular census
28 or in any standard metropolitan statistical area.

29 5. "Varying the terms of a mortgage loan"
30 includes, but is not limited to the following:

31 a. Requiring a greater than average down payment
32 than is usual for the particular type of mortgage
33 loan involved.

34 b. Requiring a shorter period of amortization
35 than is usual for the particular type of mortgage loan
36 involved.

37 c. Charging a higher interest rate than is usual
38 for the particular type of mortgage loan involved.

39 d. An unreasonable underappraisal of real estate

40 or item of property offered as security.

41 Sec. 2. NEW SECTION. DISCRIMINATORY — REAL ESTATE
42 MORTGAGES. It is a discriminatory practice for any
43 financial institution accepting mortgage loan applications
44 to engage in the practice of red-lining as defined in
45 section one (1) of this Act.

46 Sec. 3. NEW SECTION. DISCRIMINATORY LENDING
47 PRACTICE. Subject to section four (4) of this Act, a
48 financial institution in contemplation of any mortgage
49 loan to any person shall not:

50 1. Deny any person any of the services normally

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1 offered by such an institution, or provide any person
2 with any service which is different from or provided
3 to other persons similarly situated.

4 2. Deny or vary the terms of a mortgage loan
5 without having considered all of the regular and
6 dependable income of each person who will be liable
7 for the repayment of the mortgage loan. Agencies
8 administering this Act shall promulgate rules as to
9 what constitutes regular and dependable income.

10 3. Deny or vary the terms of a mortgage loan
11 without considering without prejudice the combined
12 income of both husband and wife for the purpose of
13 extending mortgage credit to a married couple or
14 either member of the marriage if both persons are
15 liable for repayment of the mortgage loan.

16 4. Deny or vary the terms of a mortgage loan
17 on the sole basis of the childbearing capacity of
18 an applicant or applicant's spouse.

19 5. Utilize lending qualifications or standards
20 that have no demonstrable economic basis and which
21 are discriminatory in effect. For the purpose of
22 this subsection, a policy providing for a minimum
23 mortgage loan amount shall be suspect.

24 6. Deny an individual the opportunity to submit
25 a written loan application.

26 Sec. 4. NEW SECTION. DISCRETION OF FINANCIAL
27 INSTITUTION. Nothing contained in this Act shall
28 preclude a financial institution from applying
29 economically sound underwriting practices in con-
30 templation of any mortgage loan to any person. Such
31 practices shall include but are not limited to the
32 following:

33 1. The willingness and the financial ability
34 of the borrower to repay the mortgage loan.

35 2. The appraised value of any real estate or
36 other item of property proposed as security for any
37 mortgage loan.

38 3. Diversification of the financial institution's

39 investment portfolio.

40 Sec. 5. NEW SECTION. DISCLOSURE. Each reporting
41 financial institution accepting an application for a
42 mortgage loan shall:

43 1. Maintain a record of mortgage loan applications
44 by census tract.

45 2. Annually make a report based on the mortgage
46 loan application records which shall:

47 a. State the total number of mortgage loan
48 applications filed by census tract.

49 b. Clearly show the total number of mortgage
50 loans which were approved and which were not approved

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1 by census tract.

2 c. State the number and total dollar amount of
3 savings accounts and time deposits itemized by census
4 tract.

5 3. The report required by this section shall be
6 placed on file with the Iowa housing finance
7 authority and shall be available to the public.

8 4. In accordance with subsections one (1),
9 two (2) and three (3) of this section, the superintendent
10 of banking, the auditor of state and the commissioner
11 of insurance shall establish rules for the enforcement
12 of the provisions of this section. Rules established
13 pursuant to this Act may permit federal reporting
14 forms to be used as state reporting forms to the
15 extent that the federal reporting forms are in
16 compliance with the provisions of this section.

17 Reporting periods shall be established by rule
18 and shall be uniform for all financial institutions.
19 Rules may also specify separate treatment of oral
20 and written mortgage loan applications. However,
21 records shall be kept on both.

22 The director of the Iowa housing finance authority
23 or the director's designee shall advise and assist the
24 superintendent of banking, the commissioner of
25 insurance, and the auditor of state on the establishment
26 of rules for the enforcement of this section and shall
27 encourage uniformity among the administrator's rule
28 promulgation to the maximum extent practical.

29 Sec. 6. NEW SECTION. AGENCY TO ADMINISTER.
30 Sections two (2), three (3), and five (5) of this Act
31 shall be administered and enforced by the following
32 agencies:

33 1. The superintendent of banking or the super-
34 intendent's designee shall be responsible for
35 enforcing the provisions of this Act in regard to
36 all banks, credit unions, and persons licensed under

37 chapter five hundred thirty-six (536) of the Code,
38 and shall be responsible for enforcing the provisions
39 of this Act in regard to mortgage banking companies.

40 2. The auditor of state or a designee shall be
41 responsible for enforcing the provisions of this Act
42 in regard to all savings and loan associations pursuant
43 to chapter five hundred thirty-four (534) of the Code
44 and all persons licensed under chapter five hundred
45 thirty-six A (536A) of the Code.

46 3. The commissioner of insurance or the commiss-
47 ioner's designee shall be responsible for enforcing
48 the provisions of this Act pursuant to chapter five
49 hundred five (505) of the Code in regard to all
50 insurance companies.

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1 **Sec. 7. NEW SECTION. AGGRIEVED PARTY.**

2 Any person who has been aggrieved as a result of a
3 violation of this Act may bring an action in the
4 district court of the county in which the violation
5 occurred or in the county where the financial
6 institution involved is located.

7 Upon a finding that a financial institution has
8 committed a violation of either section two (2),
9 three (3), or five (5) of this Act, the court may
10 award actual damages and court costs.

11 **Sec. 8. NEW SECTION. CRIMINAL PENALTY.**

12 Any person who knowingly engages in a practice which
13 violates the provisions of section two (2), three
14 (3), or five (5) of this Act is guilty of a serious
15 misdemeanor.

16 **Sec. 9. NEW SECTION. CIVIL PENALTY.**

17 Any person who in bad faith fails to comply with the
18 provisions of this Act, is subject to punitive
19 damages not to exceed one thousand dollars in
20 addition to actual damages.

21 **Sec. 10.** The Code editor is directed to incor-
22 porate sections one (1) through nine (9) of this
23 Act as a separate chapter of the Code.

24 **Sec. 11.** The director of the Iowa housing
25 authority shall report to the Iowa general assembly
26 in February of 1980, an analysis of the nature and
27 status of the disclosure reports filed with the
28 authority by the superintendent of banking, the comm-
29 issioner of insurance and the auditor of state in
30 accordance with section five (5) of this Act.

31 The director's report shall also include but is
32 not limited to an analysis of the financial needs
33 of economically depressed urban residential areas,
34 and recommendations for future action to insure the
35 economic health of urban residential areas.

36 **Sec. 12.** This Act is effective January 1, 1979."

Perkins of Greene rose on a point of order that amendment H-6757 was not germane.

The Speaker ruled the point well taken and amendment H-6757 not germane.

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

The House resumed session, Speaker Cochran in the chair.

Monroe of Des Moines asked and received unanimous consent to suspend the rules and direct the Chief Clerk to correct amendments H-6728 and H-6730 to insure that amendment H-6729 be of a permanent nature and to accordingly adopt the following amendments filed by Monroe of Des Moines from the floor:

H-6758

- 1 Amend amendment H-6728 to House File 2467 as
- 2 follows:
- 3 1. Page 6, line 8, by inserting after the
- 4 word "Act" the words "except the provisions of
- 5 amendment H-6729 as amended".

H-6759

- 1 Amend amendment H-6730 to House File 2467 as
- 2 follows:
- 3 1. Page 5, by striking lines 39 through 44.

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

The House resumed session, Speaker Cochran in the chair at 12:20 a.m., Saturday, July 1, 1978.

By unanimous consent the following amendment H-6760 filed by Monroe of Des Moines from the floor was adopted:

H-6760

- 1 Amend House File 2467 as follows:
- 2 1. Amend the title by striking lines 1 and 2
- 3 and inserting in lieu thereof the words "An Act
- 4 which relates to".

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.

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (H.F. 2467)

The ayes were, 65:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Connors	Crawford	Cusack
Davitt	Dieleman	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffee	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Howell	Hullinger	Husak	Junker
Koogler	Krause	Krewson	Lind
Lindeen	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pelton	Perkins	Shimanek	Small
Smalley	Spear	Spencer	Svoboda
Tauke	Thompson	Walter	Wells
Mr. Speaker			

The nays were, 34:

Bennett	Brockett	Conlon	Crabb
Daggett	Danker	Doyle	Dunton
Gentleman	Halvorson	Harbor	Hoffmann
Horn	Jesse	Jochum	Lageschulte
Lipsky	Menke	Millen	Oxley
Pellett	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Stephens	Stromer
Tofte	Varley	Welden	West
Woods	Wyckoff		

Absent or not voting, none.

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

SENATE FILE 2258

Schroeder of Pottawattamie called up for consideration Senate File 2258.

The Speaker ruled consideration of Senate File 2258 not in order pursuant to Senate Concurrent Resolution 136, duly adopted.

REMARKS BY SPEAKER COCHRAN

Speaker Cochran made the following remarks:

Ladies and Gentleman of the House:

Just very briefly before we leave this chamber for the last time as members convened in the Sixty-seventh General Assembly, I want us to remember that we are the last Legislature of the decade of the seventies. The next — the Sixty-eighth — General Assembly will usher in a brand new decade in its second session.

When you and I assess our service and record in this legislative body, it will be useful if we relate our work here to the context in which it was carried out.

Our work was performed in the context nationally of the decade of energy crises and awareness of dwindling resources; of oil embargoes and transportation problems; of a rising consciousness of women's rights and of human rights and of increasingly complex social and human relationships; of an increased questioning and vigorous challenge of American social and governmental institutions that was sometimes healthy — and sometimes destructive. There was "consumer awareness," and distressed cities, and farmers on strike. There were grain scandals, the tuition crunch, inflation, recession and the end of the postwar baby boom was felt in the shrinking numbers of students in our schools which were built for the fifties and sixties.

And what of Iowa in the 1970's? In Iowa, we began to look at our surroundings with renewed appreciation for our land, our economy, our relatively uncrowded and manageable surroundings, in the Iowa Legislature, the message was heard — **respond** to unique needs of the seventies. Preserve and maintain all that is best about Iowa. Look to our future.

As members of the Sixty-seventh General Assembly — when we look back — you and I **will** be able to say, I believe, that we did respond. We did preserve and maintain, and we did look to the future.

We will be able to say we helped establish the first state policy that recognized the potential of solar energy; and we encouraged the use of Iowa's own natural fossil fuels. We said that as a state we would encourage development of renewable energy resources. We were the ones, we'll say, that gave recycling and conservation the strength of laws to start the habit of conservation — we passed the bottle deposit bill.

We began to address the problems associated with moving people and goods about and supported mass transit and began to make better use of the public's vast system of school buses by inviting people of all ages to their use; we funded railroad upgrading and took care to preserve rail corridors for the future.

We passed a state equal rights amendment and, it will be said, it was in the 1970's that the Legislature de-sexed the Iowa Code.

We said that government institutions belong to the people and should therefore make their policy in the open; we tightened Iowa's open meetings law; we trusted the people to decide the futures of their county governments when we gave them a resolu-

tion which would extend home rule to counties — as our predecessors in the decade had done with extension of home rule to cities.

And in that line, we attempted to open the election process to more Iowans of all political persuasions through an elections bill that among other things would have encouraged financial commitments to the process and made registration and voting easier.

Just before midnight on May 12, we learned that the Governor had vetoed that measure. I thought to myself — surely God will react to this situation. Almost instantly the window shattered behind this chamber, causing me concern over his aim.

This is not only a house of laws and great issues — it is also a house of people.

We have our spats, sometimes hard feelings and always deeply held opinions about the questions facing our state. But despite those instances that divided us there were frequent opportunities for us to come together.

The death of our good friend and colleague, Elmer Den Herder, united us in a demonstration of sadness and affection.

We felt with pride the appointment of Representative Higgins to his new post and the impending federal appointment of Representative O'Halloran.

We rejoiced with the news of several marriages — Representative Opal Miller and Charlie Sergeant, Representative John Patchett and Michelle Wray and Caucus Staff Director Joe O'Hern and Lynn Johnson. They have our congratulations and best wishes.

While we have our arguments and our game plans, these events remind us that we are just people dealing with people.

A measure of our eagerness to be a part of this family was brought to light by Vern Schroeder's barricade-busting entrance to the parking lot early in the year in order to make the session on time.

I think it is a tribute to this body — as it would be to any family — that its members respect each other as people, while sometimes objecting to what those people do.

Those are some of the endings to the stories of the future that will begin, "When I was in the Sixty-seventh General Assembly in 1977 and 1978 . . ."

In closing I want to read from a newspaper story that expresses what we infrequently say about the Iowa Legislature, lest we appear to be lacking in humility. At this late hour, maybe we'll be forgiven for a momentary lapse. These lines are excerpts and are the words of James Flansburg in a January 8, 1978, Sunday Des Moines Register column:

"The cheering here is for the men and women who have the courage and desire to want to set the policy guidelines for the State of Iowa . . ."

The same essay closes this way:

"... the general public view rarely gives a legislator proper credit for the work and sacrifice — political, personal, financial — and the pain suffered because of those decisions.

"In fact the public view almost always sees it as no work and all pleasant play for substantial personal, financial and political gain. The view's wrong, that's all there is to it."

I didn't read those words so much from a desire to indulge in a last-minute accolade — as from a wish to reaffirm, as we part today, the high calling that public service truly is — and in particular, the privileged calling it has been for all of us who have served in the Iowa House of Representatives.

No doubt this will be the last moment we will ever be together as a body. We have become very close friends. We are almost like a family and we will always cherish the associations we have had among our fellow legislators, pages, doorkeepers and staff.

This parting could be a sad occasion but rather the fond associations make this a very memorable and happy parting.

I have truly enjoyed the challenge of serving as your presiding officer. I commend you people for being most cooperative and helping to make my job easier. The honor of being the Speaker is something I will always cherish.

We'll all remember what we did here. We'll each have to decide for ourselves whether our own service made a positive difference to Iowa. But above all, we'll remember that we were elected to serve in the finest Legislature in the country. For that, we thank the people of Iowa, and leave them saying, we did our best to serve you well in the time we had here.

Thank you very, very much.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 148

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 148 as follows and moved its adoption:

HOUSE CONCURRENT RESOLUTION 148

By Fitzgerald

- 1 *Be it Resolved by the House of Representatives,*
- 2 *the Senate concurring, That the adjournment*
- 3 *Saturday, July 1, 1978, shall constitute the*
- 4 *sine die adjournment of the Sixty-seventh*
- 5 *General Assembly.*

Roll call was requested by Millen of Van Buren and Bennett of Ida.

Rule 70 was invoked.

On the question "Shall the resolution be adopted?"

The ayes were, 56:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffiee	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Loneragan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Pavich
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 40:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West

Absent or not voting, 3:

Baker	Patchett	Perkins
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The motion prevailed and the resolution was adopted.

With the adoption by the House of House Concurrent Resolution 148, the House adjourned at 1:01 a.m., Saturday, July 1, 1978.

JOURNAL OF THE HOUSE

One Hundred Eightieth Calendar Day—Eighty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, July 7, 1978

Pursuant to the Constitution of the State of Iowa, Article III, Section 14, the House met in regular session at 10:00 a.m., Speaker pro tempore Nielsen of Polk in the chair.

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

The House resumed session, Speaker pro tempore Nielsen of Polk in the chair.

The Journal of Friday, June 30, 1978 and Saturday, July 1, 1978 was approved.

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 Saturday, July 1, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 150, providing for adjournment of the General Assembly on July 1, 1978 and reconvenement on July 7, 1978.

KEVIN P. LIGHT, Acting Secretary

SENATE CONCURRENT RESOLUTION 150 By Committee on Rules and Administration

- 1 *Be It Resolved by the Senate, the House of*
- 2 *Representatives Concurring,* That the adjournment of the
- 3 General Assembly on Saturday, July 1, 1978 shall be for
- 4 the purpose of reconvening on Friday, July 7, 1978 at
- 5 10:00 a.m.

Laid over under Rule 25.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on June 30, 1978, he approved and transmitted to the Secretary of State the following bill:

Senate File 333, 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 to the procedure for involuntary commitment of persons found to be substance abusers.

Also: That on July 3, 1978, the Governor approved and transmitted to the Secretary of State the following bill:

House File 248, an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

**GOVERNOR'S VETO MESSAGE
(House File 2449)**

June 30, 1978

The Honorable Dale M. Cochran
Speaker of the House of Representatives
Iowa House of Representatives
L O C A L

Dear Mr. Speaker:

House File 2449, an act appropriating funds to the legislature oversight bureau, is hereby disapproved and returned to the House of Representatives in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

The appropriation contained in this bill implements the Legislative Oversight Bureau created by House File 246 which became law earlier this year. We understand that the \$150,000 in this bill is intended for the hiring of a director at a salary of approximately \$40,000, a staff of four full-time individuals, the hiring of consultants, and overhead costs. Furthermore, the \$150,000 is not a true reflection of the annual costs of the Legislative Oversight Bureau's operations since the office will not be geared up until some time into the next fiscal year. The purported purpose of the Legislative Oversight Bureau is to help legislators determine if state government is running according to their intent.

One of the most essential components of good government is finding and keeping talented managers to administer the programs and policies of state agencies. Contrary

to other employees in government and out of government, our state department heads have received limited salary increases in the past three years — in most cases not even the equivalent to the increase in the cost of living. This year the legislature failed to provide even a cost-of-living salary increase for our department heads when Senate File 2258 was not brought up for consideration in the House after being passed in the Senate by a vote of 35 to 7. This unfair treatment of these key decision-makers and administrators comes at a time when the annual rate of inflation is running at 8 to 10 percent.

The legislature is willing to equip its Legislative Oversight Bureau in more than an adequate fashion. Yet it refuses to provide so much as a minimum cost-of-living increase to our department heads. It is not only unfair, it is inconceivable that the legislature would penalize the managers of state government while at the same time hire a high-priced individual and a whole new staff to oversee and rate the performance of the men and women who are responsible for making government work. To illustrate the point, it is incongruous that the legislature would limit the pay for the chief financial manager of the executive branch of state government, the Comptroller, to \$34,500 while at the same time pay their new director of the Legislative Oversight Bureau \$40,000 when that individual's duties pale in comparison with those of the Comptroller.

Even though I had serious reservations about the intent of legislators when they passed House File 246, the bill establishing the Legislative Oversight Bureau, I signed it in good faith making every attempt to be cooperative with the legislature. At that time, it was well known that I considered it essential that the department heads in the executive branch be treated fairly. Their actions, or rather their inactions, fail to convince me of good faith on their part.

Earlier I had some hope that the legislature might still complete passage of the salary bill when it reconvened today. At this moment, I have no indication they will take this action, and since they insisted that this bill be delivered to my office when it was, I now have no more time to wait and see. Therefore, I am compelled to veto this bill.

For the reasons I have outlined above, I hereby respectfully disapprove of this House File 2449.

Sincerely,
ROBERT D. RAY
Governor

COMMUNICATION FROM THE SECRETARY OF STATE

June 30, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2189, was published in The Red Oak Express, Red Oak, Iowa on June 12, 1978, and in The Sioux County Index-Reporter, Hull, Iowa on June 15, 1978.

I further certify that House File 2377, was published in the Van Buren County Register, Keosauqua, Iowa on June 15, 1978, and in The Van Buren County Leader, Farmington, Iowa on June 15, 1978.

I further certify that House File 2463, was published in the Globe-Gazette, Mason City, Iowa on June 26, 1978, and in the Marshalltown Times-Republican, Marshalltown, Iowa on June 23, 1978.

I further certify that Senate File 2260, was published in the Ankeny Press-Citizen, Ankeny, Iowa on June 15, 1978, and in The Marion Sentinel, Marion, Iowa on June 15, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

COMMUNICATION FROM STATE OF NEBRASKA

A copy of engrossed Legislative Resolution No. 23 adopted by the Nebraska Unicameral on June 29, 1978, urging the Congress of the United States to adopt a Constitutional Amendment to assure a predictable and reasonable limitation on the growth of spending by the Federal Government, has been received and placed on file in the office of the Chief Clerk.

COMMUNICATION FROM THE OFFICE OF THE COURT ADMINISTRATOR

Pursuant to the provisions of Section 685.8, Code 1977, a copy of the 1977 Annual Statistical Report to the Supreme Court of Iowa by the Court Administrator of the Judicial Department, has been received and placed on file in the Office of the Chief Clerk.

On motion by Fitzgerald of Webster the House adjourned at 10:17 a.m., until 10:00 a.m., Tuesday, July 11, 1978.

JOURNAL OF THE HOUSE

One Hundred Eighty-fourth Calendar Day — Eighty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, July 11, 1978

The House met pursuant to adjournment, Anderson of Jasper in the chair.

The Journal of Friday, July 7, 1978 was approved.

COMMUNICATION FROM THE SECRETARY OF STATE

July 7, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2361, was published in The Sun & The Hawkeye Record-Herald, Mount Vernon, Iowa on June 28, 1978, and in the Adams County Free Press, Corning, Iowa on July 6, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

COMMUNICATION FROM STATE OF LOUISIANA

A copy of Senate Concurrent Resolution No. 73, adopted by the State of Louisiana, petitioning the Congress of the United States to call a convention to consider amending the Constitution to prohibit the incurrence of national debt except in a state of emergency as declared by a three-fourths vote of both houses of Congress, has been received and placed on file in the office of the Chief Clerk.

On motion by Connors of Polk the House adjourned at 10:01 a.m. until 10:00 a.m., Friday, July 14, 1978.

JOURNAL OF THE HOUSE

One Hundred Eighty-seventh Calendar Day — Eighty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, July 14, 1978

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

Prayer was offered by the Honorable James Middleswart, State Representative from Warren County.

The Journal of Tuesday, July 11, 1978 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 July 13, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2467, a bill for an act relating to transactions which involve the payment of interest pursuant to agreement of the parties.

KEVIN P. LIGHT, Acting Secretary

QUORUM CALL

Roll call was requested by Bina of Scott and Junker of Woodbury to determine that a quorum was present.

Rules 69 and 70 were invoked.

Present: 84

Anderson
Bennett
Chiodo
Crabb

Arnould
Bina
Clark, B.J.
Crawford

Avenson
Binneboese
Conlon
Cusack

Baker
Brunow
Connors
Daggett

Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent: 15

Brandt	Branstad	Brockett	Byerly
Clark, J.H.	Gilloon	Hines	Jesse
Loneragan	Newhard	Patchett	Pelton
Perkins	Tauke	Walter	

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

The House resumed session, Speaker Cochran in the chair.

On motion by Anderson of Jasper 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:

Brockett of Marshall on request of Evans of Grundy.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Pellett of Cass to determine that a quorum was present.

Present: 77

Anderson	Arnould	Baker	Bennett
Binneboese	Brandt	Branstad	Brunow
Chiodo	Conlon	Crabb	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gettings	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tofte	Walter
Welden	Wells	West	Wyckoff
Mr. Speaker			

Absent: 22

Avenson	Bina	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Connors	Crawford
Egenes	Gentleman	Gilloon	Hoffmann
Krewson	Lipsky	O'Halloran	Oxley
Patchett	Shimanek	Tauce	Thompson
Varley	Woods		

SENATE AMENDMENT CONSIDERED

Monroe of Des Moines called up for consideration **House File 2467**, a bill for an act which relates to transactions which involve the payment of interest pursuant to agreement of the parties, amended by the Senate amendment H—6761 as follows:

H—6761

- 1 Amend House File 2467 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Title page, by striking lines 1 and 2 and
- 4 inserting in lieu thereof the following: "An Act
- 5 relating to charges which lawfully may be imposed
- 6 in connection with transactions which are subject
- 7 to the provisions of section five hundred thirty-five
- 8 point two (535.2) of the Code."
- 9 2. By striking everything after the enacting
- 10 clause and inserting in lieu thereof the following:

11 "Section 1. NEW SECTION. DEFINITIONS. For pur-
12 poses of this Act, unless the context otherwise
13 requires:

14 1. "Red-lining" means the practice by which a
15 financial institution may designate certain areas
16 as unsuitable for the making of mortgage loans and
17 reject applications for mortgage loans or vary the
18 terms of a mortgage loan upon property within that
19 area because of the prevailing income, racial or
20 ethnic characteristics of the area, or because of
21 the age of the structures in the area.

22 2. "Mortgage loan" means a loan for the purchase,
23 construction, improvement or rehabilitation of
24 residential property containing or to contain four
25 or fewer family dwelling units in which the property
26 is used as security for the loan.

27 3. "Financial institution" means any bank, credit
28 union, insurance company, mortgage banking company
29 or savings and loan association, industrial loan
30 company, or like institution which operates or has
31 a place of business in this state.

32 4. "Reporting financial institution" means a
33 financial institution with an excess of ten million
34 dollars in assets which during a reporting period
35 accepts mortgage loan applications from persons in
36 any Iowa city with a population in excess of fifty
37 thousand as determined in the most recent regular
38 census or in any standard metropolitan statistical
39 area.

40 5. "Vary the terms of a mortgage loan" includes,
41 but is not limited to the following:

42 a. Requiring a greater than average down payment
43 than is usual for the particular type of mortgage
44 loan involved.

45 b. Requiring a shorter period of amortization
46 than is usual for the particular type of mortgage
47 loan involved.

48 c. Charging a higher interest rate or higher loan
49 origination fees than is usual for the particular
50 type of mortgage loan involved.

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1 d. An unreasonable underappraisal of real estate
2 or item of property offered as security.

3 Sec. 2. NEW SECTION. DISCRIMINATORY—REAL ESTATE
4 MORTGAGES. It is a discriminatory practice for any
5 financial institution accepting mortgage loan
6 applications to engage in the practice of red-lining

7 as defined in section one (1) of this Act.

8 Sec. 3. NEW SECTION. DISCRETION OF FINANCIAL
9 INSTITUTION. Nothing contained in this Act shall
10 preclude a financial institution from applying
11 economically sound underwriting practices in con-
12 templation of any mortgage loan to any person. Such
13 practices shall include but are not limited to the
14 following:

15 1. The willingness and the financial ability of
16 the borrower to repay the mortgage loan.

17 2. The appraised value of any real estate or other
18 item of property proposed as security for any mortgage
19 loan.

20 3. Diversification of the financial institution's
21 investment portfolio.

22 Sec. 4. NEW SECTION. DISCLOSURE. Each reporting
23 financial institution accepting an application for
24 a mortgage loan shall:

25 1. Maintain a record of mortgage loan applications
26 by census tract.

27 2. Annually make a report based on the mortgage
28 loan application records which shall:

29 a. State the total number of mortgage loan
30 applications filed by census tract.

31 b. Clearly show the total number of mortgage loans
32 which were approved and which were not approved by
33 census tract.

34 3. The report required by this section shall be
35 placed on file with the Iowa housing finance authority
36 and shall be available to the public.

37 4. In accordance with subsections one (1), two
38 (2) and three (3) of this section, the superintendent
39 of banking, the auditor of state, the administrator
40 of the credit union department, and the commissioner
41 of insurance shall establish rules for the enforcement
42 of the provisions of this section. Rules established
43 pursuant to this Act shall permit a financial
44 institution which is required to file a disclosure
45 report pursuant to the federal home mortgage disclosure
46 act of 1975, 12 U.S.C. 2801 to 2809, and the
47 regulations promulgated under that act, to file a
48 copy of that report with the Iowa housing finance
49 authority. If a financial institution is not required
50 to file a disclosure report pursuant to the federal

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1 home mortgage disclosure act, the financial institution
2 shall file with the Iowa housing finance authority
3 a report that conforms in form and substance with
4 the requirements of the federal home mortgage
5 disclosure act.

6 Reporting periods shall be established by rule
7 and shall be uniform for all financial institutions.

8 The director of the Iowa housing finance authority
9 or the director's designee shall advise and assist
10 the superintendent of banking, the commissioner of
11 insurance, the administrator of the credit union
12 department, and the auditor of state on the
13 establishment of rules for the enforcement of this
14 section and shall encourage uniformity among the
15 administrator's rule promulgation to the maximum
16 extent practical.

17 Sec. 5. NEW SECTION. AGENCY TO ADMINISTER.

18 Sections two (2), and four (4) of this Act shall be
19 administered and enforced by the following agencies:

20 1. The superintendent of banking or the super-
21 intendent's designee shall be responsible for enforcing
22 the provisions of this Act in regard to all banks
23 and persons licensed under chapter five hundred thirty-
24 six (536) of the Code, and shall be responsible for
25 enforcing the provisions of this Act in regard to
26 mortgage banking companies.

27 2. The auditor of state or a designee shall be
28 responsible for enforcing the provisions of this Act
29 in regard to all savings and loan associations pursuant
30 to chapter five hundred thirty-four (534) of the Code
31 and all persons licensed under chapter five hundred
32 thirty-six A (536A) of the Code.

33 3. The commissioner of insurance or the commis-
34 sioner's designee shall be responsible for enforcing
35 the provisions of this Act pursuant to chapter five
36 hundred five (505) of the Code in regard to all
37 insurance companies.

38 4. The administrator of the credit union depart-
39 ment or a designee shall be responsible for enforcing
40 the provisions of this Act in regard to all credit
41 unions.

42 Sec. 6. NEW SECTION. AGGRIEVED PARTY. Any person
43 who has been aggrieved as a result of a violation
44 of this Act may bring an action in the district court
45 of the county in which the violation occurred or in
46 the county where the financial institution involved
47 is located.

48 Upon a finding that a financial institution has
49 committed a violation of either section two (2), or
50 four (4) of this Act, the court may award actual

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1 damages, court costs and attorney fees.

2 Sec. 7. NEW SECTION. CRIMINAL PENALTY. Any
3 person who knowingly engages in a practice which
4 violates the provisions of section two (2) or four

5 (4) of this Act is guilty of a serious misdemeanor.

6 Sec. 8. NEW SECTION. CIVIL PENALTY. Any person
7 who in bad faith fails to comply with the provisions
8 of this Act, is subject to punitive damages not to
9 exceed one thousand dollars in addition to actual
10 damages as set forth in section six (6) of this Act.

11 Sec. 9. The Code editor is directed to incor-
12 porate sections one (1) through eight (8) of this
13 Act as a separate chapter of the Code.

14 Sec. 10. The director of the Iowa housing finance
15 authority shall report to the Iowa general assembly
16 in February of 1980, an analysis of the nature and
17 status of the disclosure reports filed pursuant to
18 section four (4) of this Act.

19 The director's report shall also include but is
20 not limited to an analysis of the financial needs
21 of economically depressed urban residential areas,
22 and recommendations for future action to insure the
23 economic health of urban residential areas.

24 Sec. 11. Section five hundred thirty-five point
25 two (535.2), Code 1977, is amended to read as follows:
26 535.2 RATE OF INTEREST.

27 1. Except as provided in subsection 2 hereof,
28 the rate of interest shall be five cents on the hundred
29 by the year in the following cases, unless the parties
30 shall agree in writing for the payment of interest
31 at a rate not exceeding nine cents on the hundred
32 by the year the rate permitted by subsection three
33 (3) of this section:

34 a. Money due by express contract.

35 b. Money after the same becomes due.

36 c. Money loaned.

37 d. Money received to the use of another and re-
38 tained beyond a reasonable time, without the owner's
39 consent, express or implied.

40 e. Money due on the settlement of accounts from
41 the day the balance is ascertained.

42 f. Money due upon open accounts after six months
43 from the date of the last item.

44 g. Money due, or to become due, where there is
45 a contract to pay interest, and no rate is stipulated.

46 2. Any domestic or foreign corporation ~~or~~, and
47 any real estate investment trust as defined in section
48 856 of the Internal Revenue Code, and any person
49 purchasing securities as defined in chapter 502 on
50 credit from a broker or dealer registered or licensed

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1 under chapter 502 or under the Security Exchange Act
2 of 1934, 48 Stat. 881, 15 United States Code 78A,
3 as amended, and any person borrowing money in the

4 principal amount of two hundred thousand dollars or
5 more for either business or agricultural purposes
6 or both, may agree in writing to pay any rate of
7 interest in excess of the rate prescribed in permitted
8 by subsection 1 hereof three (3) of this section,
9 and no such corporation or real estate investment
10 trust or person so agreeing in writing shall plead
11 or interpose the claim or defense of usury in any
12 action or proceeding.

13 3. a. The maximum lawful rate of interest which
14 may be provided for in any written agreement for the
15 payment of interest entered into during any calendar
16 quarter commencing on or after July 1, 1978, shall
17 be one percentage point above the numerical average
18 of the monthly national average contract interest
19 rates charged by all major types of lenders on (1)
20 conventional home mortgages issued on newly-built
21 homes and (2) conventional home mortgages on previously
22 occupied homes as published by the federal home loan
23 bank board for the calendar month second preceding
24 the first month of the calendar quarter during which
25 the maximum rate based thereon will be effective,
26 rounded to the nearest one-fourth of one percent per
27 year.

28 On or before the twentieth day of March, June,
29 September and December of each year the superintendent
30 of banking shall determine the maximum lawful rate
31 of interest for the following calendar quarter as
32 prescribed herein, and shall cause such rate to be
33 published, as a notice in the Iowa administrative
34 bulletin or as a legal notice in a newspaper of gen-
35 eral circulation published in Polk county, prior to
36 the first day of the following calendar month. Such
37 maximum lawful rate of interest shall be effective
38 on the first day of the calendar month following
39 publication. As soon as practicable after the
40 effective date of this Act, the superintendent of
41 banking shall determine and publish the maximum lawful
42 rate pursuant to this paragraph for the third quarter
43 of 1978, which maximum rate shall be effective upon
44 publication thereof.

45 b. Any rate of interest specified in any written
46 agreement providing for the payment of interest shall,
47 if such rate was lawful at the time the agreement was
48 made, remain lawful during the entire term of the
49 agreement, including any extensions or renewals
50 thereof, for all money due or to become due there-

1 under including future advances, if any.

2 c. Any written agreement for the payment of in-

3 terest made pursuant to a prior written agreement
4 by a lender to lend money in the future, either to
5 the other party to such prior written agreement or
6 a third party beneficiary of such prior agreement,
7 may provide for payment of interest at the lawful
8 rate of interest at the time of the execution of the
9 prior agreement regardless of the time at which the
10 subsequent agreement is executed.

11 d. Any contract, note or other written agreement
12 providing for the payment of a rate of interest per-
13 mitted by this subsection which contains any provisions
14 providing for an increase in the rate of interest
15 prescribed therein shall, if such increase could be
16 to a rate which would have been unlawful at the time
17 the agreement was made, also provide for a reduction
18 in the rate of interest prescribed therein, to be
19 determined in the same manner and with the same
20 frequency as any increase so provided for.

21 4. Notwithstanding the provisions of subsection
22 three (3) of this section, with respect to any agree-
23 ment which was executed prior to the effective date
24 of this section and which contained a provision for
25 the adjustment of the rate of interest specified in
26 that agreement, the maximum lawful rate of interest
27 which may be imposed under that agreement shall be
28 nine cents on the hundred by the year, and any ex-
29 cess charge shall be a violation of section five
30 hundred thirty-five point four (535.4) of the Code.

31 5. This section shall not apply to any loan which
32 is subject to the provisions of section six hundred
33 eighty-two point forty-six (682.46) of the Code.

34 Sec. 12. Chapter five hundred thirty-five (535),
35 Code 1977, is amended by adding the following new
36 section:

37 **NEW SECTION.**

38 1. As used in this section, the term "loan" means
39 any money loaned to a borrower who furnishes, as
40 security for all or part of the loan, a mortgage on
41 real property which is a single-family or a two-family
42 dwelling to be occupied by the borrower.

43 2. The assessment and collection in connection
44 with a loan of a loan origination fee, closing fee,
45 commitment fee or similar charge in any loan as defined
46 in this section is prohibited. Any costs charged
47 to a borrower by a lender in connection with a loan
48 shall not exceed the actual costs thereof. If any
49 lender receives any amount as a loan origination fee,
50 closing fee, commitment fee or similar charge, or

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1 any combination thereof, the borrower shall have the
2 right to recover the excess charge, plus attorney

3 fees and court costs incurred in any action necessary
4 to effect such recovery.

5 3. A lender shall not, as a condition of making
6 a loan as defined in this section, require the borrower
7 to place money, or to place property other than that
8 which is given as security for the loan, on deposit
9 with or in the possession or control of the lender
10 or some other person if the effect is to increase
11 the yield to the lender with respect to that loan.
12 If any lender receives interest in a manner prohibited
13 by this subsection, the borrower shall have the right
14 to recover all amounts collected or earned by the
15 lender whether or not from the borrower in viola-
16 tion of this subsection, plus attorney fees, plus court
17 costs incurred in any action necessary to effect such
18 recovery.

19 4. The provisions of this section shall not apply
20 to any loan which is subject to provisions of sec-
21 tion six hundred eighty-two point forty-six (682.46)
22 of the Code.

23 Sec. 13. Chapter five hundred thirty-five (535),
24 Code 1977, is amended by adding the following new
25 section:

26 **NEW SECTION. PREPAYMENT PENALTIES ON LOANS SECURED**
27 **BY REAL ESTATE MORTGAGES PROHIBITED.**

28 1. As used in this section:

29 a. "Loan" means money loaned to a borrower who
30 furnishes, as security for all or any part of the
31 loan, a mortgage on real property which is a single-
32 family or a two-family dwelling to be occupied by
33 the borrower or money loaned to a borrower for the
34 purpose of purchasing agricultural land where the
35 borrower furnishes a mortgage on the real property
36 to be purchased as security for the loan.

37 b. "Lender" means any state or federally chartered
38 bank, savings and loan association or credit union,
39 any industrial loan company, any insurance company,
40 or any other person or entity which makes a loan,
41 as defined in this section.

42 2. Whenever a borrower under a loan repays the
43 full amount of the loan in connection with a transfer
44 of ownership of the real property given as security
45 for that loan, the lender shall not receive an amount
46 in payment of interest which is greater than the
47 amount determined by applying the rate of interest
48 agreed upon by the lender and the borrower to the
49 unpaid balance of the loan for a period of time during
50 which the borrower had the use of the money loaned;

2 charge in addition to the amount of interest due as
3 a result of the repayment of that loan at a date
4 earlier than is required by the terms of the loan
5 agreement. A lender may, however, require advance
6 notice of not more than thirty days of a borrower's
7 intent to repay the full amount of a loan at a date
8 earlier than is required by the terms of the loan
9 agreement.

10 3. If any lender receives an amount of interest
11 greater than permitted by subsection two (2) of this
12 section, or imposes any penalty or other charge
13 prohibited by subsection two (2) of this section,
14 the borrower shall have the right to recover all
15 amounts paid the lender which are in excess of the
16 amounts permitted by subsection two (2) of this
17 section, plus attorney's fees and court costs in-
18 curred in any action necessary to effect such re-
19 covery.

20 Sec. 14. Section five hundred twenty-four point
21 nine hundred five (524.905), Code 1977, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. If a customer elects to repay
24 a loan secured by a mortgage or deed of trust upon
25 real property which is a single-family or two-family
26 dwelling or agricultural land at a date earlier than
27 is required by the terms of the loan, the state bank
28 shall be governed by section three (3) of this Act.

29 Sec. 15. Section five hundred thirty-three point
30 sixteen (533.16), Code 1977, is amended by adding
31 the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. If a member elects to
33 repay a loan secured by a mortgage or deed of trust
34 upon real property which is a single-family or a two-
35 family dwelling or agricultural land at a date earlier
36 than is required by the terms of the loan, the credit
37 union shall be governed by section three (3) of this
38 Act.

39 Sec. 16. Section five hundred thirty-four point
40 twenty-one (534.21), subsection ten (10), Code 1977,
41 as amended by Acts of the Sixty-seventh General
42 Assembly, 1977 Session, chapter one hundred thirty-
43 three (133), section seven (7), is amended to read
44 as follows:

45 10. ADVANCE INTEREST ON PREPAYMENTS. Real estate
46 loans on a single-family or a two-family dwelling
47 or agricultural land may be repaid in part or in full
48 at any time subject to the provisions of section three
49 (3) of this Act. Real estate loans on one to three
50 and four family dwellings may be repaid in part or

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1 in full at any time, excepting that the association
2 may charge not to exceed six months advance interest
3 on that part of the aggregate amount of all prepayments
4 made on such loan in any twelve-month period which
5 exceeds twenty percent of the original principal
6 amount of the loan; and may charge any negotiated
7 rate on other loans, except real estate loans on
8 single-family and two-family dwellings or agricultural
9 land.

10 Sec. 17. Section five hundred thirty-six A point
11 twenty-three (536A.23), subsection one (1), Code 1977,
12 is amended by adding the following new unnumbered
13 paragraph:

14 **NEW UNNUMBERED PARAGRAPH.** If a borrower elects
15 to repay a loan secured by a mortgage or deed of trust
16 upon real property which is a single-family or two-
17 family dwelling or agricultural land at a date earlier
18 than is required by the terms of the loan, the licensee
19 shall be governed by section three (3) of this Act.

20 Sec. 18. Section five hundred thirty-seven point
21 one thousand three hundred one (537.1301), subsec-
22 tion fifteen (15), paragraph b, subparagraph two (2),
23 Code 1977, is amended to read as follows:

24 (2) A loan secured by an interest in land if the
25 security interest is bona fide and not for the pur-
26 pose of circumvention or evasion of this chapter and
27 the finance charge does not exceed twelve percent
28 per year, calculated according to the actuarial method
29 on the assumption that the debt will be paid accord-
30 ing to the agreed terms and will not be paid before
31 the end of the agreed term, does not exceed the rate
32 of interest permitted under chapter five hundred
33 thirty-five (535) of the Code.

34 Sec. 19. Section five hundred thirty-seven point
35 one thousand three hundred one (537.1301), subsection
36 twenty (20), paragraph a, subparagraph one (1), Code
37 1977, is amended to read as follows:

38 (1) Interest or any amount payable under a point,
39 discount or other system of charges, however denomi-
40 nated, except that, with respect to a consumer loan
41 secured by a first lien on a dwelling of the debtor
42 given to finance the acquisition of that dwelling,
43 points, consisting of a charge paid in cash at the
44 time of commitment or closing of a loan transaction
45 or, with respect to a consumer credit sale of goods
46 or services, a cash discount of five percent or less
47 of the stated price of goods or services which is
48 offered to the consumer for payment by cash, check
49 or the like either immediately or within a period
50 of time, shall not be part of the finance charge for

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1 the purpose of determining maximum charges pursu-
2 ant to section 537.2401 and chapters 524, 534, and
3 535. A cash discount permitted by this subparagraph
4 shall not be considered part of the finance charge
5 for the purpose of determining compliance with Truth
6 in Lending pursuant to section 537.3201 if it is
7 properly disclosed as required by the Truth in Lending
8 Act as amended to and including October 28, 1975 and
9 regulations issued pursuant to that Act as so amended
10 prior to October 28, 1975.

11 Sec. 20. With respect to any loan secured by a
12 first lien on a dwelling of a natural person given
13 to finance the acquisition of that dwelling and
14 executed on or after July 1, 1974, but before the
15 effective date of this Act, the assessment and
16 collection pursuant to that loan transaction of points,
17 consisting of a charge paid in cash at the time of
18 commitment or closing of the transaction, shall not
19 be considered as part of the contractual interest
20 rate for the purpose of determining whether or not
21 the interest rate agreed to exceeded the rate permitted
22 by section five hundred thirty-five point two (535.2)
23 of the Code as it existed during the period of time.
24 The provisions of this section are retroactive to
25 July 1, 1974, to the extent necessary to effect its
26 purpose.

27 Sec. 21. If the maximum lawful rate of interest
28 as determined by the superintendent of banking pursu-
29 ant to section one (1) of this Act to be in effect
30 during the month of January, 1979, is less than nine
31 percent, then the amendatory provisions of this Act,
32 except paragraphs b and c of subsection three (3)
33 of section one (1) of this Act and except sections
34 one (1) through ten (10), and except section eleven
35 (11) of this Act, are repealed effective July 1, 1979,
36 and each provision of the law of this state as it
37 existed prior to amendment by this Act shall be the
38 law of this state on and after July 1, 1979, except
39 those provisions of law which are amended by paragraphs
40 b and c of subsection three (3) of section one (1),
41 and sections one (1) through ten (10) and section
42 eleven (11) of this Act.

43 Sec. 22. This Act, being deemed of immediate
44 importance, shall take effect and be in force from
45 and after its publication in the Muscatine Journal,
46 a newspaper published in Muscatine, Iowa, and in the
47 Iowa City Press-Citizen, a newspaper published in
48 Iowa City, Iowa. Sections one (1) through ten (10)
49 of this Act shall take effect January 1, 1979."

Spear of Lee offered the following amendment H—6762, to the Senate amendment H—6761, filed by him from the floor:

H—6762

- 1 Amend the Senate amendment H—6761, to House File
- 2 2467, as follows:
- 3 1. Page 5, line 17, by striking the word "one"
- 4 and inserting in lieu thereof the word "one-half".

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—6762, to the Senate amendment H—6761.

Spear of Lee moved the adoption of amendment H—6762, to the Senate amendment H—6761.

Roll call was requested by Svoboda of Iowa and Anderson of Jasper.

Rule 70 was invoked.

On the question "Shall amendment H—6762 be adopted?"

The ayes were, 47:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Doyle	Dunton	Dyrland	Garrison
Gettings	Gilloon	Gilson	Griffee
Hargrave	Hines	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Rinas	Spear	Spencer	Svoboda
Walter	Wells	Mr. Speaker	

The nays were, 47:

Baker	Bennett	Branstad	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Dieleman	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor

Harvey	Hinkhouse	Hoffmann	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Perkins
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wyckoff	

Absent or not voting, 5:

Brockett	Clark, J.H.	Fitzgerald	Poney
Woods			

Amendment H—6762 lost.

Krause of Kossuth asked and received unanimous consent to withdraw amendment H—6766 filed by him and Garrison of Black Hawk from the floor and amendment H—6767 filed by him from the floor, both to the Senate amendment H—6761.

Miller of Buchanan offered the following amendment H—6764, to the Senate amendment H—6761, filed by him from the floor and moved its adoption:

H—6764

- 1 Amend the Senate amendment, H—6761, amending House
- 2 File 2467, as follows:
- 3 1. Page 10, by inserting after line 10, the follow-
- 4 ing:
- 5 "Sec. 20. Chapter five hundred thirty-seven (537),
- 6 article two (2), Code 1977, is amended by adding the
- 7 following new section:
- 8 NEW SECTION. Notwithstanding the maximum finance
- 9 charges specified in this chapter of the Code, the
- 10 maximum lawful rate of interest which may be charged
- 11 for money loaned to a borrower who furnishes as
- 12 security for all or part of the loan, a mobile home
- 13 used as a single-family or a two-family dwelling
- 14 occupied or to be occupied by the borrower, shall
- 15 be two percentage points greater than the maximum
- 16 interest rate allowed, at the time this loan is entered
- 17 into, for money loaned to a borrower who furnishes
- 18 as security for all or part of the loan, a mortgage
- 19 on real property which is a single-family or a two-
- 20 family dwelling occupied or to be occupied by the
- 21 borrower."
- 22 2. Page 10, by striking line 35 and inserting

23 in lieu thereof the following: "(11) and except
24 section twenty (20) of this Act, are repealed effective
25 July 1, 1979,".

26 3. Page 10, by striking line 42 and inserting
27 in lieu thereof the following: "eleven (11) and
28 section twenty (20) of this Act."

29 4. By renumbering sections and correcting internal
30 references to conform to this amendment.

Amendment H—6764 was adopted.

Miller of Buchanan offered the following amendment H—6765,
to the Senate amendment H—6761, filed by him from the floor:

H—6765

1 Amend Senate Amendment, H—6761, to House File 2467
2 as amended, passed and reprinted by the House as
3 follows:

4 1. Page 10, by inserting after line 10 the
5 following:

6 "Sec. 20. NEW SECTION.

7 1. Any bank, savings and loan association, or
8 credit union, which receives money in this state on
9 deposit in interest bearing deposits or share accounts,
10 or in accounts evidenced by certificates of deposit
11 may offer to its customers or members, subject to
12 the provisions of this section. The opportunity to
13 deposit or transfer their funds into a pooled time
14 deposit account. Any bank, savings and loan
15 association or credit union wishing to offer a pooled
16 time deposit account shall notify its customers or
17 members of its intention of establishing such an
18 account and the basic terms of that account. These
19 basic terms shall be that any customer or member may
20 deposit funds or transfer funds from any existing
21 account with that institution into this account.
22 These funds when deposited or transferred shall earn
23 interest at a rate not less than that paid by that
24 institution on saving deposits until such time as
25 the funds in the pooled time deposit account equal
26 or exceed the minimum amount as determined pursuant
27 to subsection three (3) of this section. At that
28 time the funds deposited or transferred shall earn
29 interest at the rate as determined by that institution.
30 This rate shall be determined and specified to the
31 customer or member before the institution may accept
32 any funds to be deposited or transferred into the
33 account. The customer or member shall also be notified
34 that any deposits or transfers of funds must remain
35 on deposit for a specified period of time which shall

36 not be less than thirty days.

37 2. All depositors and transferrors of funds to
38 a pooled time deposit account shall enter into a
39 uniform contract with the bank, savings and loan
40 association or credit union offering that account.
41 This uniform contract shall include but not be limited
42 to the following terms:

43 a. That all funds deposited or transferred shall
44 earn the same rate of interest that is paid by that
45 institution on savings deposits until such time as
46 the amount of funds in the account equals or exceeds
47 the minimum amount.

48 b. The rate of interest to be earned on all funds
49 in the account from the date on which the funds in
50 the account equals or exceeds the minimum amount.

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1 c. The minimum amount of funds that must be in
2 the account before the interest rate specified in
3 paragraph b of this subsection will apply.

4 d. The length of time for which funds must remain
5 on deposit in the account.

6 e. That the customer or member does not acquire
7 any interest in or right to any funds in the account
8 other than those deposited or transferred by him or
9 her and the interest earned on his or her funds.

10 3. For purposes of this section, "minimum amount"
11 means that amount of funds deposited for which there
12 is no maximum rate of interest prescribed under federal
13 regulations at the time of the establishing of the
14 pooled time deposit account increased by the amount
15 of funds deemed necessary to reduce the likelihood
16 that as a result of withdrawals or transfers the total
17 funds in the pooled time deposit account will be less
18 than that specified by the federal regulations for
19 which a maximum rate of interest is not prescribed.

20 4. The depositing or transferring of funds to
21 a pooled time deposit account or the entering into
22 a contract with regard to a pooled time deposit account
23 shall not entitle the customer or member depositing
24 or transferring funds or his or her creditors, heirs
25 or assigns to any interest in or right to any funds
26 in that account other than to those funds deposited
27 or transferred by that customer or member and the
28 interest earned on those funds.

29 The bank, savings and loan association or credit
30 union shall at all times maintain a listing of each
31 customer or member who has funds in the pooled time
32 deposit account and that portion of the account which
33 each customer or member is entitled.

34 5. It is the intent of the general assembly in
35 enacting this section to provide a means for banks,
36 savings and loan associations and credit unions to
37 charge a rate of interest on savings deposits of its
38 customers and members which will more closely reflect
39 the rate of return on money which the customers and
40 members could earn elsewhere with comparable risk
41 and to avoid the artificial limitation set by federal
42 regulations on the rate of interest that may be paid
43 on deposits.

44 The superintendent of banking, for banks, the
45 supervisor of savings and loan associations, for
46 savings and loan associations, and the administrator
47 of credit unions, as defined in Senate File one hundred
48 thirty-seven (137) as passed by the Sixty-seventh
49 General Assembly, 1978 Session or the superintendent
50 of banking, as the case may be, for credit unions,

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1 shall promulgate rules for the purpose of carrying
2 out the intent and provisions of this section."

3 2. Page 10, by striking line 35 and inserting
4 in lieu thereof the following: "(11) and section
5 twenty (20) of this Act, are repealed effective July
6 1, 1979,".

7 3. Page 10, by striking line 42 and inserting
8 in lieu thereof the following: "eleven (11) and
9 section twenty (20) of this Act."

Lipsky of Linn rose on a point of order that amendment H—6765 was not germane.

The Speaker ruled the point not well taken and amendment H—6765 germane.

Miller of Buchanan moved the adoption of amendment H—6765, to the Senate amendment H—6761.

Amendment H—6765 lost.

Walter of Pottawattamie offered the following amendment H—6768, to the Senate amendment H—6761, filed by him from the floor and moved its adoption:

H—6768

- 1 Amend the Senate amendment H—6761, to House
- 2 File 2467, as follows:
- 3 1. Page 7, line 25, by striking the word "section"
- 4 and inserting in lieu thereof the word "sections".
- 5 2. Page 8, by inserting after line 19 the following:
- 6 "NEW SECTION. No bank, savings and loan association,
- 7 or other lender requiring a borrower to give a mortgage
- 8 on real estate as security for a loan or on existing
- 9 indebtedness shall designate the attorney to represent
- 10 the mortgagor's interest in connection with the giving
- 11 of the mortgage when the mortgagor has employed or
- 12 desires to employ his or her own attorney for that
- 13 purpose."

A non-record roll call was requested.

The ayes were 60, nays 21.

Amendment H—6768 was adopted.

Nielsen of Polk offered the following amendment H—6763, to the Senate amendment H—6761, filed by him from the floor and moved its adoption:

H—6763

- 1 Amend Senate Amendment H—6761 to House File 2467
- 2 as follows:
- 3 1. Page 10 by striking lines 27 through 42.
- 4 2. By renumbering the remaining sections.

Amendment H—6763 was adopted.

Krause of Kossuth offered the following amendment H—6769, to the Senate amendment H—6761, filed by him and Garrison of Black Hawk from the floor and moved its adoption:

H—6769

- 1 Amend the Senate amendment H—6761 to House File
- 2 2467 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 33, by striking the word "ten"
- 5 and inserting in lieu thereof the word "five".
- 6 2. Page 1, line 36, by striking the word "fifty"
- 7 and inserting in lieu thereof the word "ten".

Roll call was requested by Krause of Kossuth and Walter of Pottawattamie.

On the question "Shall amendment H—6769 be adopted?"

The ayes were, 57:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Garrison	Gettings	Gilloon
Gilson	Griffiee	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Krause
Krewson	Loneragan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
Mr. Speaker			

The nays were, 36:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Daggett	Danker	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Koogler
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schnekloth	Shimaneck	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Wyckoff

Absent or not voting, 6:

Brockett	Clark, J.H.	Dyrland	Egenes
Fitzgerald	Schroeder		

Amendment H—6769 was adopted.

Krause of Kossuth moved to reconsider the vote by which amendment H—6762, to the Senate amendment H—6761, failed to be adopted by the House on July 14, 1978.

Roll call was requested by Harbor of Mills and Woods of Polk.

Rule 70 was invoked.

On the question "Shall the motion to reconsider amendment H—6762 prevail?"

The ayes were, 49:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Connors
Cusack	Davitt	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffee
Hargrave	Hines	Horn	Howell
Hullinger	Jesse	Jochum	Krause
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Poncy	Rinas	Spear	Spencer
Svoboda	Walter	Wells	Woods
Mr. Speaker			

The nays were, 47:

Baker	Bennett	Branstad	Byerly
Clark, B.J.	Conlon	Crabb	Crawford
Daggett	Danker	Dieleman	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Husak
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Perkins
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wyckoff	

• Absent or not voting, 3:

Brockett

Chiodo

Clark, J.H.

The motion prevailed and the House reconsidered amendment H—6762.

Spear of Lee moved the adoption of amendment H—6762, to the Senate amendment H—6761.

Roll call was requested by Spencer of Clay and Harbor of Mills.

Rule 70 was invoked.

On the question "Shall amendment H—6762 be adopted?"

The ayes were, 48:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffie	Hines	Horn	Howell
Hufflingier	Jesse	Jochum	Krause
Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Poney
Rinas	Spear	Spencer	Svoboda
Walter	Wells	Woods	Mr. Speaker

The nays were, 47:

Baker	Bennett	Branstad	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Dieleman	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Husak	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Norland	Pellett	Pelton	Perkins
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wyckoff	

Absent or not voting, 4:

Brockett	Clark, J.H.	Egenes	Hargrave
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Amendment H—6762 was adopted.

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

The House resumed session, Speaker Cochran in the chair.

Monroe of Des Moines moved that the House concur in the Senate amendment H—6761, as amended.

Roll call was requested by Conlon of Muscatine and Spencer of Clay.

Rule 70 was invoked.

On the question "Shall the motion to concur prevail?"

The ayes were, 42:

Baker	Bennett	Branstad	Byerly
Clark, B.J.	Conlon	Crabb	Crawford
Daggett	Danker	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Small
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wyckoff		

The nays were, 53:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Gettings	Gilloon	Gilson	Griffie
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Krause	Loneran	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Spear	Spencer
Svoboda	Walter	Wells	Woods
Mr. Speaker			

Absent or not voting, 4:

Brockett	Clark, J.H.	Egenes	Garrison
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The motion lost and the House refused to concur in the Senate amendment H—6761, as amended.

CONSIDERATION OF GOVERNOR'S VETO (House File 2449)

Pursuant to Article III, Section 16 of the Constitution of Iowa, Fitzgerald of Webster called up for consideration House File 2449, vetoed by the Governor on June 30, 1978.

Lipsky of Linn rose on a point of order that consideration of the veto on House File 2449 was not in order.

The Speaker ruled the point not well taken.

Fitzgerald of Webster moved to reconsider House File 2449, a bill for an act appropriating funds to the legislative oversight bureau, as vetoed by the Governor on June 30, 1978.

Millen of Van Buren rose on a point of order that consideration of House File 2449 was not in order pursuant to Senate Concurrent Resolution 136, duly adopted.

The Speaker ruled that a constitutional consideration has precedence over Senate Concurrent Resolution 136.

Varley of Adair moved to table the motion to reconsider House File 2449.

Jesse of Polk rose on a point of order that the motion to table, having been debated, was not in order.

The Speaker ruled the point well taken and the motion to table not in order.

Harbor of Mills moved to table the motion to reconsider House File 2449.

A non-record roll call was requested.

The ayes were 37, nays 55.

The motion to table lost.

Brunow of Appanoose in the chair at 4:36 p.m.

On the motion by Fitzgerald of Webster, rules 69 and 70 were invoked.

On the question "Shall the House on reconsideration pass the bill, the objections to the contrary notwithstanding?" (H.F. 2449)

The ayes were, 61:

Anderson
Bina
Chiodo
Cusack
Dunton

Arnould
Binneboese
Cochran
Davitt
Dyrland

Avenson
Brandt
Conlon
Dieleman
Fitzgerald

Baker
Byerly
Connors
Doyle
Garrison

Gettings	Gilloon	Gilson	Griffee
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Welden	Wells	Woods	Wyckoff
Mr. Speaker (Brunow)			

The nays were, 35:

Bennett	Branstad	Clark, B.J.	Crabb
Crawford	Daggett	Danker	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schnekloth	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	West	

Absent or not voting, 3:

Brockett	Clark, J.H.	Krewson
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The bill having failed to receive a two-thirds majority vote of the members of the House was declared to have failed to override the Governor's objections.

CONSIDERATION OF GOVERNOR'S VETO (House File 593)

Pursuant to Article III, Section 16 of the Constitution of Iowa, Fitzgerald of Webster moved to reconsider House File 593, a bill for an act relating to procedures for nomination of candidates and for preparing for, conducting and canvassing elections, to registration of voters, to the campaign disclosure— income tax checkoff act, and to other Iowa election laws and certain related sections of the Code, and prescribing penalties, vetoed by the Governor on May 12, 1978.

Rules 69 and 70 were invoked.

On the question "Shall the House on reconsideration pass the bill, the objections to the contrary notwithstanding?" (H.F. 593)

The ayes were, 59:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Byerly
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffie	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, 37:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West			

Absent or not voting, 3:

Brockett	Clark, J.H.	Harbor
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The bill having failed to receive a two-thirds majority vote of the members of the House was declared to have failed to override the Governor's objections.

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

The House resumed session, Speaker Cochran in the chair.

SENATE AMENDMENT FURTHER CONSIDERED
(House Refuses to Concur)

Fitzgerald of Webster asked and received unanimous consent to reconsider the vote by which the House refused to concur in the Senate amendment H—6761, as amended, to House File 2467, a bill for an act which relates to transactions which involve the payment of interest pursuant to agreement of the parties.

Fitzgerald of Webster asked and received unanimous consent to reconsider the vote by which amendment H—6769, to the Senate amendment H—6761, was adopted by the House on July 14, 1978.

Krause of Kossuth asked and received unanimous consent to withdraw amendment H—6769.

Fitzgerald of Webster asked and received unanimous consent to reconsider the vote by which amendment H—6762, to the Senate amendment H—6761, was adopted by the House on July 14, 1978.

Spear of Lee asked and received unanimous consent to withdraw amendment H—6762.

Fitzgerald of Webster asked and received unanimous consent to reconsider the vote by which amendment H—6768, to the Senate amendment H—6761, was adopted by the House on July 14, 1978.

Walter of Pottawattamie asked and received unanimous consent to withdraw amendment H—6768.

Fitzgerald of Webster asked and received unanimous consent to reconsider the vote by which amendment H—6764, to the Senate amendment H—6761, was adopted by the House on July 14, 1978.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—6764.

Fitzgerald of Webster asked and received unanimous consent to reconsider the vote by which amendment H—6763, to the Senate amendment H—6761, was adopted by the House on July 14, 1978.

Nielsen of Polk asked and received unanimous consent to withdraw amendment H—6763.

Monroe of Des Moines moved that the House concur in the Senate amendment H—6761.

Roll call was requested by Stromer of Hancock and Gilson of Guthrie.

Rules 69 and 70 were invoked.

On the question "Shall the House concur in the Senate amendment H—6761?"

The ayes were, 44:

Baker	Bennett	Branstad	Byerly
Clark, B.J.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Scheelhaase	Schneklath	Schroeder
Shimaneck	Small	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Wyckoff

The nays were, 52:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Cusack	Davitt	Dieleman
Doyle	Dyrland	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffiee
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Krause	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Rinas	Spear	Spencer	Svoboda
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 3:

Brockett	Clark, J.H.	Dunton
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The motion lost and the House refused to concur in the Senate amendment H—6761.

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: I am directed to inform your honorable body that the Senate has on July 14, 1978, insisted on its amendment to House File 2467, a bill for an act relating to transactions which involve the payment of interest pursuant to agreement of the parties, and that the members of the conference committee, on the part of the Senate are: The Senator from Black Hawk, Senator Nolting, Chair; the Senator from Muscatine, Senator Drake; the Senator from Wapello, Senator Glenn; the Senator from Polk, Senator Hill; and the Senator from Kossuth, Senator Priebe.

KEVIN P. LIGHT, Acting Secretary

CONFERENCE COMMITTEE APPOINTED (House File 2467)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2467: Monroe of Des Moines, Chair; Chiodo of Polk, Avenson of Fayette, Evans of Grundy and Harvey of Scott.

On motion by Fitzgerald of Webster the House adjourned at 6:40 p.m., until 9:00 a.m., Saturday, July 15, 1978.

JOURNAL OF THE HOUSE

One Hundred Eighty-eighth Calendar Day — Eighty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Saturday, July 15 and Sunday, July 16, 1978

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

Prayer was offered by the Honorable Opal Miller (Sergeant), State Representative from Calhoun County.

The Journal of Friday, July 14, 1978 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee on request of Millen of Van Buren; Brockett of Marshall on request of Evans of Grundy.

On motion by Fitzgerald of Webster, the House was recessed until 9:45 a.m.

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Thompson of Polk and Scheelhaase of Woodbury to determine that a quorum was present.

Rule 69 was invoked.

Schroeder of Pottawattamie asked and received unanimous consent that conference committee members be recorded as present.

Present: 86

Anderson
Bina
Brunow
Connors
Daggett
Dunton

Avenson
Binneboese
Chiodo
Crabb
Danker
Dyrlap

Baker
Brandt
Clark, B.J.
Crawford
Davitt
Evans

Bennett
Branstad
Conlon
Cusack
Dieleman
Fitzgerald

Garrison	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent: 13

Arnould	Brockett	Byerly	Clark, J.H.
Doyle	Egenes	Gilloon	Hines
Jesse	Jochum	Newhard	Perkins
Rinas			

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

The House resumed session, Speaker Cochran in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 149

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 149 as follows:

HOUSE CONCURRENT RESOLUTION 149

By Fitzgerald

- 1 *Whereas*, Senate Concurrent Resolution 136 limits
- 2 the subject matters which may be considered during
- 3 the remaining days of this session; and
- 4 *Whereas*, a concurrent resolution providing for
- 5 consideration of other subject matters must be approved
- 6 by the general assembly before such other subject
- 7 matters may be considered; *Now Therefore*,
- 8 *Be It Resolved by the House of Representatives*,
- 9 *The Senate Concurring*, That the general assembly shall
- 10 consider legislation relating to property tax exemptions
- 11 for property in revitalization areas of a city on which
- 12 improvements have been made and authorizing cities to
- 13 issue revenue bonds for revitalization areas and urban
- 14 renewal areas.

Junker of Woodbury asked for unanimous consent to amend House Concurrent Resolution 149 by adding on line 10 following the word "legislation" the word "exclusively".

Objection was raised.

Koogler of Mahaska offered the following amendment H—6770 filed by him from the floor and moved its adoption:

H—6770

- 1 Amend House Concurrent Resolution 149 as
- 2 follows:
- 3 1. After line 14 add the following: "*Be It*
- 4 *Further Resolved*, That the 67th General Assembly
- 5 consider legislation relating to House File 2417, an
- 6 act relating to civil liability and insurance
- 7 reporting for losses caused by personal property."

Roll call was requested by Koogler of Mahaska and Scheelhaase of Woodbury.

On the question "Shall amendment H—6770 be adopted?"

The ayes were, 30:

Bennett	Branstad	Byerly	Clark, B.J.
Conlon	Daggett	Halvorson	Hansen
Harbor	Harvey	Junker	Koogler
Lageschulte	Lind	Lindeen	Lonergan
Menke	Millen	Nielsen	Pellett
Pelton	Scheelhaase	Schneklath	Schroeder
Stephens	Stromer	Tauke	Tofte
West	Wyckoff		

The nays were, 58:

Anderson	Arnould	Baker	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Crabb	Crawford	Cusack
Danker	Davitt	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Hargrave	Hines	Hoffmann
Horn	Howell	Husak	Jochum
Krause	Krewson	Lipsky	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich

Poncy	Rinas	Shimanek	Small
Smalley	Spear	Svoboda	Thompson
Varley	Walter	Welden	Wells
Woods	Mr. Speaker		

Absent or not voting, 11:

Avenson	Brockett	Clark, J.H.	Doyle
Egenes	Hinkhouse	Hullinger	Jesse
Middleswart	Perkins	Spencer	

Amendment H—6770 lost.

Nielsen of Polk offered the following amendment H—6771 filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H—6771

- 1 Amend House Concurrent Resolution 149 as follows:
- 2 1. Page 1, by striking the period in line 14 and
- 3 inserting in lieu thereof “, and heavier trucks.”

Roll call was requested by Nielsen of Polk and Schroeder of Pottawattamie.

Rule 70 was invoked.

On the question “Shall amendment H—6771 be adopted?”

The ayes were, 23:

Bennett	Byerly	Chiodo	Conlon
Daggett	Danker	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Junker
Lonergan	Nielsen	Pellett	Scheelhaase
Schnekloth	Schroeder	Stephens	Stromer
Tofte	Woods	Wyckoff	

The nays were, 72:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Clark, B.J.	Connors	Crabb
Crawford	Cusack	Davitt	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Hargrave
Harvey	Hines	Horn	Howell

Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Middlesart	Millen	Miller, K.D.	Miler (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Shimanek
Small	Smalley	Spear	Svoboda
Tauke	Thompson	Varley	Walter
Welden	Wells	West	Mr. Speaker

Absent or not voting, 4:

Brockett	Clark, J.H.	Doyle	Spencer
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Amendment H—6771 lost.

Branstad of Winnebago offered the following amendment H—6772 filed by him from the floor:

H—6772

- 1 Amend House Concurrent Resolution 149 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "*Be It Further Resolved*, That consideration be
- 5 given to an Act relating to the payment of expenses
- 6 of office and per diem payments to members of the
- 7 general assembly during a recess or adjournment and
- 8 making certain provisions retroactive."

Fitzgerald of Webster rose on a point of parliamentary inquiry regarding consideration of this subject matter.

The Speaker ruled that administrative procedures are within the scope of Senate Concurrent Resolution 136.

Branstad of Winnebago moved the adoption of amendment H—6772.

Roll call was requested by Branstad of Winnebago and Gentleman of Polk.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6772 be adopted?"

The ayes were, 45:

Baker	Bennett	Binneboese	Branstad
Byerly	Clark, B.J.	Conlon	Crabb
Crawford	Daggett	Danker	Dunton
Egenes	Evans	Gentleman	Gilson
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Nielsen	Pellett
Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West			

The nays were, 51:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Chiodo	Connors
Cusack	Davitt	Dieleman	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Griffiee	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Loneragan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 3:

Brockett	Clark, J.H.	Doyle
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Amendment H—6772 lost.

Fitzgerald of Webster moved the adoption of House Concurrent Resolution 149.

Roll call was requested by Pavich of Pottawattamie and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the resolution be adopted?" (HCR—149)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lind	Lindeen	Lipsky
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Shimaneck	Small
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Woods	Mr. Speaker		

The nays were, 13:

Bennett	Daggett	Danker	Gilson
Koogler	Lageschulte	Lonergan	Nielsen
Scheelhaase	Schroeder	Stephens	Welden
Wyckoff			

Absent or not voting, 4:

Brockett	Clark, J.H.	Doyle	Gilloon
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The motion prevailed and the resolution was adopted.

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.

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

July 15, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2272, a bill for an act relating to the payment of expenses of office and per diem payments to members of the general assembly during a recess or adjournment and making certain provisions retroactive.

Also: That the Senate has on July 15, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 151, relating to when legislative expenses of office may be paid.

KEVIN P. LIGHT, Acting Secretary

On motion by Fitzgerald of Webster, the House was recessed until 3:00 p.m.

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Junker of Woodbury and Spencer of Clay to determine that a quorum was present.

Rule 69 was invoked.

Griffiee of Chickasaw asked and received unanimous consent that conference committee members be recorded as present.

Present: 84

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Conlon	Connors
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lind	Lindeen
Lipsky	Lonerган	Menke	Middleswart
Millen	Monroe	Newhard	Norland
O'Halloran	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Small

Smalley
Stromer
Tofte
Wells

Spear
Svoboda
Varley
West

Spencer
Tauke
Walter
Wyckoff

Stephens
Thompson
Welden
Mr. Speaker

Absent: 15

Baker
Clark, J.H.
Lageschulte
Oxley

Branstad
Crabb
Miller, K.D.
Perkins

Brockett
Gilloon
Miller (Sergeant)
Woods

Byerly
Harbor
Nielsen

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 6:00 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

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:

Gilloon of Dubuque for the remainder of the evening on request of Dyrlund of Clayton; Welden of Hardin on request of West of Marshall.

QUORUM CALL

Roll call was requested by Schnekloth of Scott and Junker of Woodbury to determine that a quorum was present.

Present: 90

Anderson
Bennett
Brunow
Connors
Daggett

Arnould
Bina
Chiodo
Crabb
Danker

Avenson
Binneboese
Clark, B.J.
Crawford
Davitt

Baker
Branstad
Conlon
Cusack
Dieleman

Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
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	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent: 9

Brandt	Brockett	Byerly	Clark, J.H.
Egenes	Gilloon	Hines	Nielsen
Welden			

Tauke of Dubuque rose on a point of parliamentary inquiry and requested a ruling as to whether or not consideration of House File 2448 would be in order without Senate adoption of House Concurrent Resolution 149.

The Speaker ruled that with the House adoption of House Concurrent Resolution 149, House File 2448 would be eligible for debate.

Tauke of Dubuque rose on a further point of order and requested, in view of the previous ruling, whether or not the rules could be suspended to consider other areas of legislation.

The Speaker ruled the point not well taken.

Tauke of Dubuque rose on a point of order and challenged the second ruling of the chair.

Roll call was requested by Junker of Woodbury and Crabb of Crawford.

Rule 70 was invoked.

On the question "Shall the ruling of the chair be sustained?"

The ayes were, 56:

Arnould	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 37:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Junker	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Pellet	Pelton	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
West			

Absent or not voting, 6:

Anderson	Brockett	Clark, J.H.	Gilloon
Nielsen	Welden		

The ruling of the chair was sustained.

MOTION TO RECONSIDER PREVAILED (House File 2448)

Avenson of Fayette called up for consideration the motion to reconsider House File 2448, filed on May 12, 1978, and moved to reconsider the vote by which House File 2448, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made and authorizing cities to issue revenue bonds for revitalization areas and urban renewal areas, failed to pass the House and was placed on its last reading on May 12, 1978.

Roll call was requested by Schnekloth of Scott and Bina of Scott.

Rule 69 was invoked.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gettings	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Krause	Krewson	Lind
Lindeen	Lipsky	Lonerger	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Shimaneck
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Mr. Speaker	

The nays were, 7:

Gilson	Koogler	Lageschulte	Monroe
Scheelhaase	Woods	Wyckoff	

Absent or not voting, 9:

Brockett	Clark, J.H.	Danker	Evans
Gilloon	Middleswart	Nielsen	Pellett
Welden			

The motion prevailed and the House reconsidered House File 2448.

Bina of Scott moved to reconsider the vote by which the House receded from its amendment to the Senate amendment on May 12, 1978.

Roll call was requested by Conlon of Muscatine and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 56:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gettings
Gilson	Griffiee	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Krause
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 39:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Scheelhaase
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	West	

Absent or not voting, 4:

Brockett	Clark, J.H.	Gilloon	Welden
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The motion prevailed and the House reconsidered its motion to recede.

Bina of Scott asked and received unanimous consent to withdraw the motion to recede.

Bina of Scott moved that the House insist on its amendment to the Senate amendment.

Fitzgerald of Webster moved the previous question on House File 2448.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 56, nays 38.

The motion prevailed.

Bina of Scott asked and received unanimous consent to defer action on House File 2448 for the consideration of the conference committee report on House File 2467.

(Bina of Scott motion to insist pending.)

ADOPTION OF CONFERENCE COMMITTEE REPORT (House File 2467)

Monroe of Des Moines called up for consideration the following report of the conference committee on House File 2467 and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2467

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 2467, a bill for an act which relates to transactions which involve the payment of interest pursuant to agreement of the parties, respectfully make the following report:

1. That the Senate recede from its amendment H—6761 to House File 2467 as amended, passed and reprinted by the House.

2. That House File 2467 as amended, passed and reprinted by the House be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. NEW SECTION. DEFINITIONS. For purposes of sections one (1) through ten (10) of this Act, unless the context otherwise requires:

1. "Red-lining" means the practice by which a financial institution may designate certain areas as unsuitable for the making of mortgage loans and reject applications

for mortgage loans or vary the terms of a mortgage loan upon property within that area because of the prevailing income, racial or ethnic characteristics of the area, or because of the age of the structures in the area.

2. "Mortgage loan" means a loan for the purchase, construction, improvement or rehabilitation of residential property containing or to contain four or fewer family dwelling units in which the property is used as security for the loan.

3. "Financial institution" means any bank, credit union, insurance company, mortgage banking company or savings and loan association, industrial loan company, or like institution which operates or has a place of business in this state.

4. "Reporting financial institution" means a financial institution with an excess of ten million dollars in assets which during a reporting period accepts mortgage loan applications from persons in any Iowa city with a population in excess of fifty thousand as determined in the most recent regular census or in any standard metropolitan statistical area.

5. "Vary the terms of a mortgage loan" includes, but is not limited to the following:

a. Requiring a greater than average down payment than is usual for the particular type of mortgage loan involved.

b. Requiring a shorter period of amortization than is usual for the particular type of mortgage loan involved.

c. Charging a higher interest rate or higher loan origination fees than is usual for the particular type of mortgage loan involved.

d. An unreasonable underappraisal of real estate or item of property offered as security.

Sec. 2. NEW SECTION. DISCRIMINATORY—REAL ESTATE MORTGAGES.
It is a discriminatory practice for any financial institution accepting mortgage loan applications to engage in the practice of red-lining as defined in section one (1) of this Act.

Sec. 3. NEW SECTION. DISCRETION OF FINANCIAL INSTITUTION.
Nothing contained in sections one (1) through ten (10) of this Act shall preclude a financial institution from applying economically sound underwriting practices in contemplation of any mortgage loan to any person. Such practices shall include but are not limited to the following:

1. The willingness and the financial ability of the borrower to repay the mortgage loan.

2. The appraised value of any real estate or other item of property proposed as security for any mortgage loan.

3. Diversification of the financial institution's investment portfolio.

Sec. 4. **NEW SECTION. DISCLOSURE.** Each reporting financial institution accepting an application for a mortgage loan shall:

1. Maintain a record of mortgage loan applications by census tract.
2. Annually make a report based on the mortgage loan application records which shall:
 - a. State the total number of mortgage loan applications filed by census tract.
 - b. Clearly show the total number of mortgage loans which were approved and which were not approved by census tract.
3. The report required by this section shall be placed on file with the Iowa housing finance authority and shall be available to the public.

4. In accordance with subsections one (1), two (2) and three (3) of this section, the superintendent of banking, the auditor of state, the administrator of the credit union department, and the commissioner of insurance shall establish rules for the enforcement of the provisions of this section. Rules established pursuant to sections one (1) through ten (10) of this Act shall permit a financial institution which is required to file a disclosure report pursuant to the federal home mortgage disclosure act of 1975, 12 U.S.C. 2801 to 2809, and the regulations promulgated under that act, to file a copy of that report with the Iowa housing finance authority. If a financial institution is not required to file a disclosure report pursuant to the federal home mortgage disclosure act, the financial institution shall file with the Iowa housing finance authority a report that conforms in form and substance with the requirements of the federal home mortgage disclosure act.

Reporting periods shall be established by rule and shall be uniform for all financial institutions.

The director of the Iowa housing finance authority or the director's designee shall advise and assist the superintendent of banking, the commissioner of insurance, the administrator of the credit union department, and the auditor of state on the establishment of rules for the enforcement of this section and shall encourage uniformity among the administrator's rule promulgation to the maximum extent practical.

Sec. 5. **NEW SECTION. AGENCY TO ADMINISTER.** Sections two (2), and four (4) of this Act shall be administered and enforced by the following agencies:

1. The superintendent of banking or the superintendent's designee shall be responsible for enforcing those sections in regard to all banks and mortgage banking companies.
2. The auditor of state or a designee shall be responsible for enforcing those sections in regard to all savings and loan associations pursuant to chapter five hundred thirty-four (534) of the Code and all persons licensed under chapter five hundred thirty-six A (536A) of the Code.
3. The commissioner of insurance or the commissioner's designee shall be responsible for enforcing those sections pursuant to chapter five hundred five (505) of the Code in regard to all insurance companies.

4. The administrator of the credit union department or a designee shall be responsible for enforcing those sections in regard to all credit unions.

Sec. 6. NEW SECTION. AGGRIEVED PARTY. Any person who has been aggrieved as a result of a violation of sections one (1) through ten (10) of this Act may bring an action in the district court of the county in which the violation occurred or in the county where the financial institution involved is located.

Upon a finding that a financial institution has committed a violation of either section two (2), or four (4) of this Act, the court may award actual damages, court costs and attorney fees.

Sec. 7. NEW SECTION. CRIMINAL PENALTY. Any person who knowingly engages in a practice which violates the provisions of section two (2) or four (4) of this Act is guilty of a serious misdemeanor.

Sec. 8. NEW SECTION. CIVIL PENALTY. Any person who in bad faith fails to comply with the provisions of sections one (1) through ten (10) of this Act, is subject to punitive damages not to exceed one thousand dollars in addition to actual damages as set forth in section six (6) of this Act.

Sec. 9. The Code editor is directed to incorporate sections one (1) through eight (8) of this Act as a separate chapter of the Code.

Sec. 10. The director of the Iowa housing finance authority shall report to the Iowa general assembly in February of 1980, an analysis of the nature and status of the disclosure reports filed pursuant to section four (4) of this Act.

The director's report shall also include but is not limited to an analysis of the financial needs of economically depressed urban residential areas, and recommendations for future action to insure the economic health of urban residential areas.

Sec. 11. Section five hundred thirty-five point two (535.2), Code 1977, is temporarily, except as otherwise specifically provided in section twenty-six (26) of this Act, amended commencing on the effective date of this Act and until July 1, 1979, to read as follows:

535.2 RATE OF INTEREST.

1. Except as provided in subsection 2 hereof, the rate of interest shall be five cents on the hundred by the year in the following cases, unless the parties shall agree in writing for the payment of interest at a rate not exceeding nine cents on the hundred by the year the rate permitted by subsection three (3) of this section:

a. Money due by express contract.

b. Money after the same becomes due.

c. Money loaned.

d. Money received to the use of another and retained beyond a reasonable time, without the owner's consent, express or implied.

e. Money due on the settlement of accounts from the day the balance is ascertained.

f. Money due upon open accounts after six months from the date of the last item.

g. Money due, or to become due, where there is a contract to pay interest, and no rate is stipulated.

2. Any domestic or foreign corporation ~~or~~, and any real estate investment trust as defined in section 856 of the Internal Revenue Code, and any person purchasing securities as defined in chapter 502 on credit from a broker or dealer registered or licensed under chapter 502 or under the Security Exchange Act of 1934, 48 Stat. 881, 15 United States Code 78A, as amended, and any person borrowing money in the principal amount of two hundred thousand dollars or more for business purposes, and any person borrowing money in the principal amount of five hundred thousand dollars or more for agricultural purposes, may agree in writing to pay any rate of interest in excess of the rate prescribed in subsection 1 hereof permitted by this section, and no such corporation or real estate investment trust or person so agreeing in writing shall plead or interpose the claim or defense of usury in any action or proceeding.

3. a. The maximum lawful rate of interest which may be provided for in any written agreement for the payment of interest entered into during any calendar quarter commencing on or after July 1, 1978, shall be two percentage points above the monthly average ten-year constant maturity interest rate of United States government notes and bonds as published by the board of governors of the federal reserve system for the calendar month second preceding the first month of the calendar quarter during which the maximum rate based thereon will be effective, rounded to the nearest one-fourth of one percent per year.

On or before the twentieth day of March, June, September and December of each year the superintendent of banking shall determine the maximum lawful rate of interest for the following calendar quarter as prescribed herein, and shall cause such rate to be published, as a notice in the Iowa administrative bulletin or as a legal notice in a newspaper of general circulation published in Polk county, prior to the first day of the following calendar month. Such maximum lawful rate of interest shall be effective on the first day of the calendar month following publication. As soon as practicable after the effective date of this Act, the superintendent of banking shall determine and publish the maximum lawful rate pursuant to this paragraph for the third quarter of 1978, which maximum rate shall be effective upon publication thereof. The determination of the maximum lawful rate of interest by the superintendent of banking shall be exempt from the provisions of chapter seventeen A (17A) of the Code.

b. Any rate of interest specified in any written agreement providing for the payment of interest shall, if such rate was lawful at the time the agreement was made, remain lawful during the entire term of the agreement, including any extensions or renewals thereof, for all money due or to become due thereunder including future advances, if any.

c. Any written agreement for the payment of interest made pursuant to a prior written agreement by a lender to lend money in the future, either to the other party to such prior written agreement or a third party beneficiary of such prior agreement, may provide for payment of interest at the lawful rate of interest at the time of the ex-

execution of the prior agreement regardless of the time at which the subsequent agreement is executed.

d. Any contract, note or other written agreement providing for the payment of a rate of interest permitted by this subsection which contains any provisions providing for an increase in the rate of interest prescribed therein shall, if such increase could be to a rate which would have been unlawful at the time the agreement was made, also provide for a reduction in the rate of interest prescribed therein, to be determined in the same manner and with the same frequency as any increase so provided for.

4. Notwithstanding the provisions of subsection three (3) of this section, with respect to any agreement which was executed prior to the effective date of this Act and which contained a provision for the adjustment of the rate of interest specified in that agreement, the maximum lawful rate of interest which may be imposed under that agreement shall be nine cents on the hundred by the year, and any excess charge shall be a violation of section five hundred thirty-five point four (535.4) of the Code.

5. This section shall not apply to any loan which is subject to the provisions of section six hundred eighty-two point forty-six (682.46) of the Code.

Sec. 12. Chapter five hundred thirty-five (535), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, by adding the following temporary new section:

NEW SECTION. LOAN CHARGES LIMITED.

1. As used in this section, the term "loan" means any money loaned to a borrower who furnishes, as security for all or part of the loan, a mortgage on real property which is a single-family or a two-family dwelling occupied or to be occupied by the borrower.

2. The assessment and collection in connection with a loan of a loan origination fee, closing fee, commitment fee or similar charge is prohibited. If any lender receives any amount as a loan origination fee, closing fee, commitment fee or similar charge, or any combination thereof, which exceeds the amount permitted by this section, the borrower shall have the right to recover that charge, plus attorney fees and court costs incurred in any action necessary to effect such recovery.

Any costs charged to a borrower, associated with a loan shall not exceed actual costs which shall be disclosed to the borrower. Such costs may only include one or more of the following:

- a. Credit reports.
- b. Appraisal fees.
- c. Attorney's opinions.
- d. Abstracting.
- e. County recorder's fees.
- f. Inspection fees.

g. Mortgage guarantee insurance charge.

h. Surveying of property.

i. Termite inspection.

The lender shall not charge the borrower for the cost of revenue stamps or real estate commissions which are paid by the seller.

3. A lender shall not, as a condition of making a loan as defined in this section, require the borrower to place money, or to place property other than that which is given as security for the loan, on deposit with or in the possession or control of the lender or some other person if the effect is to increase the yield to the lender with respect to that loan; provided that this subsection shall not prohibit a lender from requiring the borrower to deposit money without interest with the lender in an escrow account for the payment of insurance premiums, property taxes and special assessments payable by the borrower to third persons. Any lender who requires an escrow account shall not violate the provisions of paragraph a of subsection one (1) of section five hundred seven B point five (507B.5) of the Code.

4. If any lender receives interest either in a manner or in an amount which is prohibited by subsection three (3) of this section, the borrower shall have the right to recover all amounts collected or earned by the lender, whether or not from the borrower, in violation of this section, plus attorney fees, plus court costs incurred in any action necessary to effect such recovery.

5. The provisions of this section shall not apply to any loan which is subject to the provisions of section six hundred eighty-two point forty-six (682.46) of the Code, nor shall it apply to origination fees, administrative fees, commitment fees or similar charges paid by one lender to another lender if these fees are not ultimately paid either directly or indirectly by the borrower who occupies or will occupy the dwelling.

6. This section is repealed effective July 1, 1979.

Sec. 13. Chapter five hundred thirty-five (535), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, by adding the following temporary new section:

NEW SECTION. PREPAYMENT PENALTIES ON LOANS SECURED BY REAL ESTATE MORTGAGES PROHIBITED.

1. As used in this section:

a. "Loan" means money loaned to a borrower who furnishes, as security for all or any part of the loan, a mortgage on real property which is a single-family or a two-family dwelling to be occupied by the borrower or money loaned to a borrower for the purpose of purchasing agricultural land where the borrower furnishes a mortgage on the real property to be purchased as security for the loan.

b. "Lender" means any state or federally chartered bank, savings and loan association or credit union, any industrial loan company, any insurance company, or any other person or entity which makes a loan, as defined in this section.

2. Whenever a borrower under a loan repays the full amount of the loan in connection with a transfer of ownership of the real property given as security for that loan, the lender shall not receive an amount in payment of interest which is greater than the amount determined by applying the rate of interest agreed upon by the lender and the borrower to the unpaid balance of the loan for a period of time during which the borrower had the use of the money loaned; and the lender shall not impose any penalty or other charge in addition to the amount of interest due as a result of the repayment of that loan at a date earlier than is required by the terms of the loan agreement. A lender may, however, require advance notice of not more than thirty days of a borrower's intent to repay the full amount of a loan at a date earlier than is required by the terms of the loan agreement.

3. If any lender receives an amount of interest greater than permitted by subsection two (2) of this section, or imposes any penalty or other charge prohibited by subsection two (2) of this section, the borrower shall have the right to recover all amounts paid the lender which are in excess of the amounts permitted by subsection two (2) of this section, plus attorney's fees and court costs incurred in any action necessary to effect such recovery.

Sec. 14. Section five hundred twenty-four point nine hundred five (524.905), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, by adding the following temporary new subsection:

NEW SUBSECTION. If a customer elects to repay a loan secured by a mortgage or deed of trust upon real property which is a single-family or two-family dwelling or agricultural land at a date earlier than is required by the terms of the loan, the state bank shall be governed by section thirteen (13) of this Act.

Sec. 15. Section five hundred thirty-three point sixteen (533.16), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, by adding the following temporary new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a member elects to repay a loan secured by a mortgage or deed of trust upon real property which is a single-family or a two-family dwelling or agricultural land at a date earlier than is required by the terms of the loan, the credit union shall be governed by section thirteen (13) of this Act.

Sec. 16. Section five hundred thirty-four point twenty-one (534.21), subsection ten (10), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred thirty-three (133), section seven (7), is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, to read as follows:

10. ADVANCE INTEREST ON PREPAYMENTS. Real estate loans on a single-family or a two-family dwelling or agricultural land may be repaid in part or in full at any time subject to the provisions of section thirteen (13) of this Act. Real estate loans on one to three and four family dwellings may be repaid in part or in full at any time, excepting that the association may charge not to exceed six months advance interest on that part of the aggregate amount of all prepayments made on such loan in any twelve-month period which exceeds twenty percent of the original principal amount of the loan; and may charge any negotiated rate on other loans, except the real estate loans on single-family and two-family dwellings or agricultural land previously referred to in this subsection.

Sec. 17. Section five hundred thirty-six A point twenty-three (536A.23), subsection one (1), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, by adding the following temporary new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a borrower elects to repay a loan secured by a mortgage or deed of trust upon real property which is a single-family or two-family dwelling or agricultural land at a date earlier than is required by the terms of the loan, the licensee shall be governed by section thirteen (13) of this Act.

Sec. 18. Section five hundred thirty-four point nineteen (534.19), subsection six (6), Code 1977, is amended to read as follows:

6. PROPERTY IMPROVEMENT LOANS. To make loans for maintenance, repair, landscaping, modernization, furniture and fixtures, improvement and equipment, with or without security provided that no such loan without security shall exceed ten thousand dollars, and provided further that not in excess of twenty percent of the assets of the association shall be so invested, said twenty percent to be exclusive of the forty percent of assets power set out in section 534.21 hereof. Such loans, other than consumer loans as defined in the Iowa consumer credit code, shall be amortized to mature in not to exceed eight years. The provisions of the Iowa consumer credit code shall apply to consumer loans made by a savings and loan association and a provision of that code shall supersede any conflicting provision of this chapter with respect to a consumer loan. Loans made pursuant to this subsection shall be for terms not exceeding fifteen years and shall not be made at interest rates in excess of rates allowed for consumer loans.

Sec. 19. Section five hundred thirty-six A point twenty-three (536A.23), subsection one (1), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, to read as follows:

1. Charge, receive or collect interest at a rate greater than that authorized by section 535.2 exceeding nine cents on the hundred by the year, except that the interest may be computed when the note is made on the full amount of the cash advanced on the loan from the date of the note to the date of the final installment thereof, and the interest so computed may be included in the note, notwithstanding any agreement to pay the entire amount in installments; or the interest may be computed on the amount of the note and discounted or collected in advance when the loan is made, notwithstanding any agreement to pay the entire amount in installments. If the note is repayable in other than equal monthly installments, the interest may be an amount computed on the basis of the effective rates permitted as provided above; provided, however there shall be no compounding of interest and when an interest rate as authorized herein is advertised, or negotiated for with a prospective borrower, with intent that it be computed by either of the two methods authorized herein, they being the "add on" method or the "discount" method, in such case such rate shall be further described as to the method of computation to be used, but interest computed by either method shall be stated to the borrower as provided in section 537.3210.

The limitation on interest rate which is contained in this subsection shall not apply to any loan in which the borrower is a corporation or investment trust or any other person who is referred to in subsection two (2) of section five hundred thirty-five point two (535.2) of the Code.

Sec. 20. Chapter five hundred thirty-seven (537), article two (2), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, by adding the following new section:

NEW SECTION. MOBILE HOME LOANS. Notwithstanding the maximum finance charges specified in this chapter of the Code, the maximum finance charge which may be charged for money loaned to a borrower who furnishes as security for all or part of the loan, a mobile home occupied or to be occupied by the borrower as a dwelling shall be as follows:

1. For a new mobile home, three percentage points per year above the usury rate in effect under section five hundred thirty-five point two (535.2) of the Code on the day the loan is made, calculated according to the actuarial method, on the unpaid balance of the amount financed.

2. For a used mobile home, five percentage points per year above the usury rate in effect under section five hundred thirty-five point two (535.2) of the Code on the day the loan is made, calculated according to the actuarial method, on the unpaid balance of the amount financed.

Sec. 21. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection fifteen (15), paragraph b, subparagraph two (2), Code 1977, is amended to read as follows:

(2) A loan secured by an interest in land if the security interest is bona fide and not for the purpose of circumvention or evasion of this chapter and the finance charge does not exceed twelve percent per year, calculated according to the actuarial method on the assumption that the debt will be paid according to the agreed terms and will not be paid before the end of the agreed term, does not exceed the rate of interest permitted under chapter five hundred thirty-five (535) of the Code.

Sec. 22. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection twenty (20), paragraph a, subparagraph one (1), Code 1977, is temporarily amended, commencing on the effective date of this Act and until July 1, 1979, to read as follows:

(1) Interest or any amount payable under a point, discount or other system of charges, however denominated, except that, with respect to a consumer loan secured by a first lien on a dwelling of the debtor given to finance the acquisition of that dwelling, points, consisting of a charge paid in cash at the time of commitment or closing of a loan transaction or, with respect to a consumer credit sale of goods or services, a cash discount of five percent or less of the stated price of goods or services which is offered to the consumer for payment by cash, check or the like either immediately or within a period of time, shall not be part of the finance charge for the purpose of determining maximum charges pursuant to section 537.2401 and chapters 524, 534, and 535. A cash discount permitted by this subparagraph shall not be considered part of the finance charge for the purpose of determining compliance with Truth in Lending pursuant to section 537.3201 if it is properly disclosed as required by the Truth in Lending Act as amended to and including October 28, 1975 and regulations issued pursuant to that Act as so amended prior to October 28, 1975.

Sec. 23. Chapter five hundred thirty-three (533), Code 1977, is amended by adding the following temporary new section:

NEW SECTION. Each credit union which on June 28, 1978, the date on which the supreme court of the state of Iowa held share drafts to be illegal, had in operation third party demand type accounts for its members, whether or not interest bearing, and commonly known or referred to as share draft accounts, may continue to provide that service to its members until terminated by order of the superintendent of banking or the administrator of the credit union department as provided in this section; provided, however, that as a condition of providing such service the credit union shall comply with the reserve requirements established pursuant to this section.

Commencing on the effective date of the Act the superintendent of banking, and commencing on January 1, 1979, the administrator of the credit union department shall have the continuing duty to provide by rule for legal reserve requirements with respect to credit unions maintaining third party demand type accounts which are subject to this section in such amounts as may be necessary to protect the financial soundness of those credit unions and their members. Such legal reserves shall be in addition to the reserve requirements established by or under the authority of section five hundred thirty-three point seventeen (533.17) of the Code. However, any such rule shall not require a reserve amount for any credit union which for any calendar month exceeds the quotient of one hundred twenty-five percent of the aggregate amount actually paid by the credit union during the preceding calendar month in satisfaction of drafts issued by members against third party demand type accounts divided by the number of days during that preceding calendar month on which payments in satisfaction of share drafts actually were made by the credit union. Reserves shall be held in an account established for that purpose in the corporate central credit union.

Until January 1, 1979, the superintendent of banking, and commencing January 1, 1979, the administrator of the credit union department, shall provide by rule for the discontinuance of the use of third party demand type accounts in an orderly manner and according to such procedures as shall protect the financial integrity of credit unions and their members. Third party demand type accounts in credit unions shall be terminated in this state effective April 15, 1979, but no rule issued by the superintendent of banking or the administrator of the credit union department shall require the termination of such accounts prior to February 1, 1979.

Sec. 24. The legislative council shall create a study committee consisting of such number of members as specified by the legislative council who shall represent both houses and political parties of the general assembly. The senate members shall be appointed by the majority floor leader of the senate and the house members shall be appointed by the speaker of the house. The study committee shall undertake a study for the purpose of determining the need for legislation relating to share drafts of credit unions. The study committee shall make periodic reports to the legislative council and a final report to the general assembly convening in the year 1979.

Sec. 25. Notwithstanding section twenty-seven (27) of this Act, sections one (1) through ten (10) of this Act shall take effect January 1, 1979.

Sec. 26. It is the intent of the general assembly in enacting this Act that the provisions of this Act except sections one (1) through ten (10) of this Act and except subsection two (2) of section five hundred thirty-five point two (535.2) of the Code as amended

by section eleven (11) of this Act and except paragraphs b and c of subsection three (3) of section five hundred thirty-five point two (535.2) of the Code as amended by section eleven (11) of this Act and except sections eighteen (18) and twenty-one (21) of this Act shall have temporary effect only, and that the laws of this state as they existed prior to amendment by the provisions of this Act other than the provisions contained in sections one (1) through ten (10), and in subsection two (2) of section five hundred thirty-five point two (535.2) of the Code as amended by section eleven (11), and in paragraphs b and c of subsection three (3) of section five hundred thirty-five point two (535.2) of the Code as amended by section eleven (11), and in sections eighteen (18) and twenty-one (21) of this Act, shall be the laws of this state on and after July 1, 1979.

Sec. 27. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Waterloo Courier, a newspaper published in Waterloo, Iowa, and in The Hawk Eye, a newspaper published in Burlington, Iowa."

3. Amend the title by striking lines 1 and 2 and inserting in lieu thereof the following: "An act relating to the authority, procedures, practices and transactions of persons who lend money or extend credit, and providing penalties."

ON THE PART OF THE SENATE:

FRED W. NOLTING, Chair
BERL E. PRIEBE
RICHARD F. DRAKE
PHILIP B. HILL

ON THE PART OF THE HOUSE:

W. R. MONROE, Chair
NED F. CHIODO
DONALD AVENSON
COOPER EVANS

Roll call was requested by Stromer of Hancock and Pelton of Clinton.

On the question "Shall the report be adopted?"

The ayes were, 75:

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Dieleman	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Griffiee	Halvorson	Hansen	Harvey
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Junker	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear

Spencer
Thompson
West

Stromer
Varley
Woods

Svoboda
Walter
Mr. Speaker

Tauke
Wells

The nays were, 20:

Arnould
Doyle
Harbor
Jochum
Scheelhaase

Avenson
Dunton
Hargrave
Koogler
Stephens

Daggett
Egenes
Horn
Poncy
Tofte

Danker
Gilson
Jesse
Rinas
Wyckoff

Absent or not voting, 4:

Brockett

Clark, J.H.

Gilloon

Welden

The motion prevailed and the report 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.

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 2467)

The ayes were, 80:

Anderson
Bina
Brunow
Conlon
Cusack
Dyrland
Gentleman
Hansen
Hines
Hullinger
Krause
Lindeen
Middleswart
Monroe
O'Halloran
Pellett
Schroeder
Spear
Tauke
Wells

Avenson
Binneboese
Byerly
Connors
Davitt
Evans
Gettings
Harbor
Hinkhouse
Husak
Krewson
Lipsky
Miller
Newhard
Oxley
Pelton
Shimanek
Spencer
Thompson
West

Baker
Brandt
Chiodo
Crabb
Dieleman
Fitzgerald
Griffie
Hargrave
Hoffmann
Junker
Lageschulte
Lonergan
Miller, K.D.
Nielsen
Patchett
Perkins
Small
Stromer
Varley
Wyckoff

Bennett
Branstad
Clark, B.J.
Crawford
Doyle
Garrison
Halvorson
Harvey
Howell
Koogler
Lind
Menke
Miller (Sergeant)
Norland
Pavich
Schnekloth
Smalley
Svoboda
Walter
Mr. Speaker

The nays were, 15:

Arnould	Daggett	Danker	Dunton
Egenes	Gilson	Horn	Jesse
Jochum	Poncy	Rinas	Scheelhaase
Stephens	Tofte	Woods	

Absent or not voting, 4:

Brockett	Clark, J.H.	Gilloon	Welden
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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.

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:

Junker of Woodbury on request of Wyckoff of Benton.

Fitzgerald of Webster asked for unanimous consent to suspend Rule 2 to continue debate beyond the 10:00 p.m. time limit.

Objection was raised.

Fitzgerald of Webster moved to suspend Rule 2 to continue debate beyond the 10:00 p.m. time limit.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 69 was invoked. The vote revealed eighty-six members present, thirteen absent.

On the motion to suspend Rule 2, a non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 51, nays 36.

The motion prevailed and the rules were suspended.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Polk on request of Speaker Cochran of Webster; Binneboese of Plymouth on request of Howell of Floyd; both for the remainder of the session.

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

The House resumed session, Arnould of Scott in the chair at 10:42 p.m.

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

The House resumed session, Speaker Cochran in the chair.

HOUSE INSISTS

(House File 2448)

The House resumed consideration of House File 2448, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made and authorizing cities to issue revenue bonds for revitalization areas and urban renewal areas, and the Bina of Scott motion to insist on the House amendment to the Senate amendment.

QUORUM CALL

Roll call was requested by Gilson of Guthrie and Spear of Lee to determine that a quorum was present.

Rule 70 was invoked.

Present: 87

Anderson
Bennett
Brunow

Arnould
Bina
Byerly

Avenson
Brandt
Chiodo

Baker
Branstad
Clark, B.J.

Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent: 12

Binneboese	Brockett	Clark, J.H.	Gilloon
Hines	Junker	Krewson	Lind
Nielsen	Oxley	Stromer	Welden

CALL OF THE HOUSE

Pursuant to Rule 73, the following members respectfully request a Call of the House on House File 2448 and all motions and amendments filed thereto: Stromer of Hancock, Branstad of Winnebago, Schroeder of Pottawattamie, Krewson of Polk and Crawford of Story.

Fitzgerald of Webster moved that the Call of the House be lifted.

Roll call was requested by Harbor of Mills and Lageschulte of Bremer.

Rules 69 and 70 were invoked.

On the question "Shall the motion to lift the Call of the House prevail?"

The ayes were, 55:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Byerly

Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilson
Griffiee	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker	

The nays were, 33:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Hoffmann	Krewson
Lageschulte	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schneklloth
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
West			

Absent or not voting, 11:

Binneboese	Brockett	Clark, J.H.	Gilloon
Harvey	Junker	Lind	Nielsen
Oxley	Schroeder	Welden	

The motion prevailed and the Call of the House was lifted.

On the motion to insist on the House amendment to the Senate amendment, roll call was requested by Bina of Scott and Walter of Pottawattamie.

Rules 69 and 70 were invoked.

On the question "Shall the motion to insist prevail?"

The ayes were, 56:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brunow
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gettings	Gilson	Griffiee	Hargrave

Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Krause	Lipsky	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Patchett	Pavich
Perkins	Poncy	Rinas	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 34:

Branstad	Clark, B.J.	Conlon	Crabb
Crawford	Daggett	Danker	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Koogler	Krewson
Lageschulte	Lindeen	Menke	Millen
Pellett	Pelton	Scheelhaase	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	West		

Absent or not voting, 9:

Binneboese	Brockett	Clark, J.H.	Gilloon
Junker	Lind	Nielsen	Oxley
Welden			

The motion prevailed and the House insists on its amendment to the Senate amendment.

CONFERENCE COMMITTEE APPOINTED (House File 2448)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2448: Hargrave of Johnson, Chair; Norland of Worth, Bina of Scott, West of Marshall and Krewson of Polk.

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

The House resumed session, Speaker Cochran in the chair at 1:07 a.m., Sunday, July 16, 1978.

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 July 15, 1978, adopted the conference committee report and passed the following bill:

House File 2467, a bill for an act which relates to transactions which involve the payment of interest pursuant to agreement of the parties.

Also: That the Senate has on July 15, 1978, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 149, providing that the general assembly shall consider legislation relating to property tax exemptions for property in revitalization areas during the remaining days of this session.

Also: That the Senate has on July 15, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 152, providing for the sine die adjournment of the general assembly.

KEVIN P. LIGHT, Acting Secretary

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

The House resumed session, Speaker Cochran in the chair.

ADOPTION OF SENATE CONCURRENT RESOLUTION 152

Fitzgerald of Webster moved that the rules be suspended for the immediate consideration of Senate Concurrent Resolution 152 as follows:

SENATE CONCURRENT RESOLUTION 152 By Committee on Rules and Administration

- 1 *Be It Resolved by the Senate, the House of Repre-*
- 2 *sentatives Concurring,* That the adjournment Sunday,
- 3 July 16, 1978, shall constitute the sine die adjournment
- 4 of the Sixty-seventh General Assembly.

Branstad of Winnebago moved as a substitute motion that the House take up for immediate consideration Senate File 2272.

The Speaker ruled the substitute motion not in order.

On the motion to suspend the rules, roll call was requested by Branstad of Winnebago and Spencer of Clay.

Rule 70 was invoked.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 53:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilson
Griffiee	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Perkins	Poncy
Rinas	Small	Spencer	Svoboda
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

The nays were, 37:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Scheelhaase	Schneekloth	Schroeder	Shimanek
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
West			

Absent or not voting, 9:

Binneboese	Brockett	Clark, J.H.	Gilloon
Junker	Lind	Nielsen	Oxley
Welden			

The motion prevailed and the rules were suspended.

Fitzgerald of Webster moved the adoption of Senate Concurrent Resolution 152.

Stromer of Hancock moved to defer action on Senate Concurrent Resolution 152.

Roll call was requested by Stromer of Hancock and Thompson of Polk.

On the question "Shall the motion to defer prevail?"

The ayes were, 35:

Bennett	Bina	Branstad	Clark, B.J.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harvey	Hoffmann
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	West	

The nays were, 52:

Anderson	Arnould	Avenson	Baker
Brandt	Brunow	Byerly	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gettings	Gilson	Griffiee	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Patchett	Pavich
Perkins	Poncy	Rinas	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 12:

Binneboese	Brockett	Chiodo	Clark, J.H.
Gilloon	Harbor	Junker	Lind
Nielsen	Oxley	Scheelhaase	Welden

The motion lost.

On the motion to adopt Senate Concurrent Resolution 152, roll call was requested by Stromer of Hancock and Pelton of Clinton.

Rules 69 and 70 were invoked.

On the question "Shall the resolution be adopted?" (SCR 152)

The ayes were, 53:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Byerly

Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
esse	Jochum	Koogler	Krause
Lonergn	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Perkins	Poncy
Rinas	Small	Spencer	Svoboda
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

The nays were, 33:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Egenes	Gentleman	Halvorson	Hansen
Harvey	Hoffmann	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Scheelhaase	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Stephens	Stromer	Tauke	Thompson
Varley			

Absent or not voting, 13:

Binneboese	Brockett	Clark, J.H.	Evans
Gilloon	Harbor	Junker	Lind
Nielsen	Oxley	Tofte	Welden
West			

The motion prevailed and the resolution was adopted.

MOTIONS TO RECONSIDER (House File 2448)

I move to reconsider the vote by which the House insisted on its amendment to the Senate amendment on House File 2448 on July 15, 1978.

LIPSKY of Linn

(House File 2448)

I move to reconsider the vote by which the House insisted on its amendment to the Senate amendment on House File 2448 on July 15, 1978.

EGENES of Story

(House File 2448)

I move to reconsider the vote by which the House insisted on its amendment to the Senate amendment on House File 2448.

BENNETT of Ida

COMMUNICATION FROM THE CHIEF CLERK OF THE HOUSE

Mr. Speaker: I received the following conflicting messages concerning the delivery and acceptance of House messages in the Senate. The second message was received later than the first message and pursuant to common statutory usage in such cases, I interpret that it would be the determining message in this case.

DAVID L. WRAY
Chief Clerk of the House

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body inasmuch as the Senate has adjourned sine die, we are unable to accept your message regarding House File 2448, a bill for an act relating to property tax exemptions for property in revitalization areas of a city on which improvements have been made.

Also: That the Senate in accordance with past practice, and although the General Assembly has adjourned sine die, stands willing to receive any messages the House may wish to send.

KEVIN P. LIGHT, Acting Secretary

HOUSE CONCURRENT RESOLUTION 150

By Krause, Pavich, Walter, Brandt,
Svoboda, Small, Dyrland, Arnould,
Woods, Davitt, Howell, Garrison,
Binneboese, Middleswart, Bina,
Scheelhaase, Dieleman, O'Halloran,
Baker, Koogler, Miller of Buchanan,
Wells, Monroe, Gettings, Cusack,
Connors, Fitzgerald, Doyle, Newhard,
Dunton, Gilloon, Griffee, Anderson,
Brunow, Horn, Poncy, Norland,
Miller (Sergeant), Spencer, Oxley,
Hullinger, Hargrave, Rinas, Jochum
and Gilson.

- 1 *Whereas*, the safety of branch line rail service in
2 Iowa has been greatly improved because of state appro-
3 priations to the rail assistance fund which are matched
4 with shipper and railroad contributions; and
5 *Whereas*, the general assembly should address the
6 governor's veto of an eight hundred thousand dollar
7 appropriation to the rail assistance fund during the
8 current session; *Now Therefore*,
9 *Be It Resolved By the House of Representatives, the*
10 *Senate Concurring*, That the general assembly shall con-
11 sider a House Joint Resolution relating to the appropria-
12 tion to the rail assistance fund.

Laid over under Rule 25.

HOUSE RESOLUTION 149

By Norland

- 1 *Whereas*, the community of Grafton, Iowa is currently
2 celebrating their centennial anniversary; and
3 *Whereas*, the two hundred and fifty-four residents of
4 Grafton have scheduled numerous events to mark the
5 occasion including the issuance of a special beer that
6 has attracted interest from beer can collectors across
7 the country; *Now Therefore*,
8 *Be It Resolved by the House of Representatives, That*
9 the membership of the Iowa House of Representatives
10 extends its heartiest congratulations to the community
11 of Grafton, Iowa as they celebrate their Hundertjahren
12 Jubiläum; and
13 *Be It Further Resolved*, That a copy of this resolution
14 be forwarded to the mayor and the citizens of Grafton,
15 Iowa who were in charge of planning the centennial
16 anniversary celebration.

Laid over under Rule 25.

EXPLANATIONS OF VOTE

I was necessarily absent from the House floor on the afternoon of July 14, 1978, when a quorum call was taken. I was in the middle of a phone conversation with Davenport Mayor Charles Wright's office discussing an upcoming meeting with the Iowa Department of Transportation concerning an overpass for Kimberly Road in Northwest Davenport.

BINA of Scott

I was meeting with a personal friend regarding business opportunities for the summer on Monday evening, May 2, 1978. I had been informed that no major bills would be brought to a vote on the House floor during the evening. Had I been present I would have voted "aye" on House File 491 and Senate File 2111, "nay" on amendment H-6433 to House File 491. My "aye" vote on House File 491 would have been consistent with my vote in favor of the bill in 1977.

I was meeting in the Senate on an appropriation bill on the morning of May 3, 1978. Had I been present I would have voted "aye" on House File 2423.

I was involved in the Senate on the status of appropriation bills, as well as in meetings with House leadership regarding last minute changes in major policy bills, on Wednesday, May 11, 1978. Had I been present I would have voted "aye" on House File 2164, "nay" on Senate Files 2253 and 2260, and "nay" on amendment H-5491 to Senate File 2133.

I was in the Senate on Friday, May 12, 1978, trying to work out a means of insuring the passage of legislative oversight funding and later trying to find an acceptable compromise on urban revitalization. I hope the citizens of my district understand that part of my job as House Budget Chair is to represent the position of the House in negotiations with the Senate and with the best of intentions I will unavoidably miss occasional votes. Had I been present I would have voted "aye" on Senate File 2008, "nay" on House File 2285 and "aye" on Senate File 221, Senate File 2200, House File 2212 and House File 2466.

CUSACK of Scott

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 16th day of July, 1978: House File 2467.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

GOVERNMENT OPERATIONS COMMITTEE

Pursuant to House Resolution 147 adopted by the House on May 12, 1978, the Speaker announced the appointment of the following members to the government operations committee to conduct an independent investigation of the Iowa National Guard:

W. R. Monroe, Jr., Burlington, Iowa
Norman Jesse, Des Moines, Iowa
B. Joseph Rinas, Marion, Iowa
Fred Koogler, Oskaloosa, Iowa
Andrew Varley, Stuart, Iowa
Douglas Smalley, Des Moines, Iowa
Betty Hoffmann, Muscatine, Iowa

STATE FAIR MASTER PLAN COMMITTEE

Pursuant to Senate File 2267, duly adopted, the Speaker announced the appointment of the following member to the State Fair Master Plan Committee:

Carroll T. Perkins, Jefferson, Iowa

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 152, duly adopted, the day of Sunday, July 16, 1978 having arrived, the Speaker of the House declared the House of Representatives of the Sixty-seventh General Assembly adjourned sine die at 3:15 a.m.



AMENDMENTS FILED

Amendments filed during the Sixty-seventh General Assembly, 1978 Session, not otherwise printed in the House Journal.

H-5002

- 1 Amend House File 534 as follows:
- 2 1. Page 1, line 10 by striking the words
- 3 "American National Standards Institute" and inserting
- 4 in lieu thereof the words "Energy Policy Council".

SVOBODA of Iowa

H-5003

- 1 Amend House File 468 as follows:
- 2 1. Page 1, by striking lines 33 and 34 and
- 3 inserting in lieu thereof the following: "publications.
- 4 The state library commission shall permanently maintain
- 5 two copies".

MONROE of Des Moines

H-5005

- 1 Amend House File 2021 as follows:
- 2 1. Page 2, by inserting after line 12 the following
- 3 section:
- 4 "Sec. . Chapter five hundred fifty-eight (558),
- 5 Code 1977, is amended by adding the following new
- 6 sections:
- 7 NEW SECTION. DEFINITIONS. As used in this Act,
- 8 1. "Agricultural land" means land suitable for
- 9 use in farming.
- 10 2. "Farming" means farming as defined in subsection
- 11 six (6) of section one hundred seventy-two C point
- 12 one (172C.1) of the Code.
- 13 3. "Conveyance" means the transfer of legal or
- 14 equitable title to any interest in real property with
- 15 or without consideration. "Conveyance" includes the
- 16 payment of installments for the purchase of any
- 17 interest in real property where legal title does not
- 18 pass until the last payment is made.
- 19 NEW SECTION. CONVEYANCE OF AGRICULTURAL LAND.
- 20 Agricultural land located in this state shall not
- 21 be conveyed after December 31, 1978 unless the
- 22 conveyance is by an instrument in writing, subscribed

23 and delivered by the party conveying agricultural
 24 land, or by the party's agent authorized in writing
 25 to so act. Every conveyance of agricultural land
 26 shall be recorded by the buyer with the county recorder
 27 not later than one hundred eighty days from the date
 28 of conveyance. If the grantee is a limited
 29 partnership, a corporation, a trust, or a nonresident
 30 alien, the conveyance shall so state. For purposes
 31 of this section, a nonresident alien means a natural
 32 person not a citizen of the United States who resides
 33 outside the territorial boundaries of the United
 34 States.

35 **NEW SECTION. CIVIL PENALTY — FAILURE TO FILE.**

36 Failure to record a conveyance of agricultural land
 37 by the buyer within the specified time limit is
 38 punishable by a civil fine not to exceed ten thousand
 39 dollars. A county recorder shall record a conveyance
 40 of agricultural land presented for recordation more
 41 than one hundred eighty days after the date of
 42 conveyance. A county recorder shall forward to the
 43 county attorney a copy of each conveyance of
 44 agricultural land recorded more than one hundred
 45 eighty days from the date of conveyance. The county
 46 attorney shall initiate action in the district court
 47 to require payment of the civil penalty."

48 2. Title page, line 2, by inserting after the
 49 word "on" the words "and conveyance of".

SVOBODA of Iowa

H—5006

- 1 Amend House File 2033 as follows:
- 2 1. Page 3, by striking lines 17 and 18 and
- 3 inserting in lieu thereof the following:
- 4 "(287); and sections one hundred thirty".

HARVEY of Scott
 SCHROEDER of Pottawattamie

H—5007

- 1 Amend House File 2033 as follows:
- 2 1. Page 3, by striking from lines 26 and 27 the
- 3 following: ", two hundred forty-five point sixteen".

SCHROEDER of Pottawattamie
 CLARK of Lee

H—5012

- 1 Amend House File 2034 as follows:
- 2 1. Page 2, line 17, by striking the words

3 "That the" and inserting in lieu thereof the
4 word "The".

5 2. Page 3, by inserting after line 25 the
6 following new section:

7 "Sec. NEW SECTION. In those instances
8 where the owner upon whom the additional tax
9 would be imposed is not the owner responsible
10 for the change in use leading to an additional
11 tax, the following special provisions shall
12 apply:

13 1. When there are recorded in the office
14 of the county recorder of the county of which
15 the property is a part, certificates signed by
16 all successors in ownership to the owner respon-
17 sible for the change in use, and these certif-
18 icates acknowledge the existence of the
19 potential liability for an additional tax, then
20 the tax shall be imposed in accordance with
21 sections two (2) through seven (7) of this Act.

22 2. When certificates by all successors
23 in ownership are not recorded, the tax liability
24 shall be imposed upon the previous owner
25 responsible for the change in use or the last
26 subsequent owner whose certificate is recorded,
27 whichever is later, and the tax shall consti-
28 tute a legal debt of that previous owner and a
29 lien against all real property of that owner."

EVANS of Grundy

H-5021

1 Amend House File 2021 as follows:

2 1. Page 2, by striking lines 3 through 12
3 and inserting in lieu thereof the following:

4 "(172C.11), Code 1977, is amended by striking
5 that section and inserting in lieu thereof the
6 following:

7 172C.11 PENALTIES — REPORTS. Failure to
8 timely file a report or the filing of false
9 information is punishable by a civil fine not
10 to exceed one thousand dollars.

11 For purposes of this section a report is
12 timely filed if the report is filed prior to
13 May first of the year succeeding the year in
14 which the report was due."

HINKHOUSE of Cedar
PELLETT of Cass

H—5023

1 Amend House File 2033 as follows:

2 1. Page 3, lines 23 through 26, by striking the
3 words "two hundred thirty-four point two (234.2),
4 two hundred thirty-four point six (234.6), sub-
5 section two (2), two hundred thirty-four point
6 eight (234.8),".

BAKER of Buena Vista

H—5025

1 Amend House Joint Resolution 12 as follows:

2 1. Page 1, by adding the following after
3 the period on line 7:
4 "The General Assembly may by law interpret
5 and construe the provisions of this section.
6 To the extent that such statutes are in con-
7 formity with the constitution and laws of the
8 United States, they shall constitute conclusive
9 determinations of the force and effect of this
10 section."

CONLON of Muscatine

H—5030

1 Amend House Joint Resolution 12 as follows:

2 1. Page 1, line 7, by inserting after the period
3 the words "This section shall not impair the validity
4 of any law of the state permitting sex segregation in
5 hospitals and mental institutions."

HANSEN of O'Brien

H—5031

1 Amend House Joint Resolution 12 as follows:

2 1. Page 1, line 7, by striking the words "on
3 account of sex" and inserting in lieu thereof the words
4 "with respect to any individual within the jurisdiction
5 of the state".

SPENCER of Clay

H—5033

1 Amend House Joint Resolution 12 as follows:

2 1. Page 1, line 7, by inserting after the period
3 the words "Therefore no administrative agency of Iowa

- 4 shall have any standing or authority to apply for or
- 5 obtain any order from any Iowa court or judge thereof
- 6 to enter the premises of any residence and arrest or
- 7 remove any man, woman, or child therefrom for any
- 8 cause whatever."

DANKER of Pottawattamie

H—5034

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity
- 4 of any laws of the state which extend protections or
- 5 exemptions to women."

DANKER of Pottawattamie

H—5035

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity
- 4 of any state law which exempts a wife from liability
- 5 for her husband's debts."

DANKER of Pottawattamie

H—5036

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity
- 4 of any law of the state which exempts women from
- 5 compulsory military service."

DANKER of Pottawattamie

H—5037

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not apply to any law pro-
- 4 hibiting sexual activity between persons of the same
- 5 sex or the marriage of persons of the same sex."

DANKER of Pottawattamie

H—5038

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity
- 4 of any law of the state which protects a woman from
- 5 being forced into prostitution."

DANKER of Pottawattamie

H—5039

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "Therefore all Iowa administrative agencies
- 4 are prohibited from exercising any power under any
- 5 present or future law to decide any domestic dispute
- 6 between any man and woman at their residence or
- 7 anywhere in this state."

DANKER of Pottawattamie

H—5040

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity
- 4 of any law of the state or rule of any hospital or
- 5 mental institution in the state permitting sex
- 6 segregation in hospitals and mental institutions."

HANSEN of O'Brien

H—5041

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity
- 4 of any law of the state permitting the segregation of
- 5 sexes in prisons and penal institutions."

DANKER of Pottawattamie

H—5042

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "Therefore all present or future laws or
- 4 regulations of any Iowa administrative agency which
- 5 authorize any bureaucracy to regulate the employment
- 6 of any man or of any woman, are null and void."

DANKER of Pottawattamie

H-5043

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity
- 4 of any law of the state which exempts women prisoners
- 5 from labor on public roads."

DANKER of Pottawattamie

H-5044

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not prohibit single sex
- 4 athletic programs such as girls' or boys' basketball,
- 5 baseball, or football teams."

DANKER of Pottawattamie

H-5045

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period the
- 3 words "This section shall not be construed to give to
- 4 the state the power to prohibit sex discrimination with-
- 5 in various religious institutions."

DANKER of Pottawattamie

H-5046

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity of
- 4 any laws of the state which make punishable as crimes
- 5 sexual offenses."

DANKER of Pottawattamie

H-5047

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "Therefore, the general assembly shall not
- 4 make any law which, through any existing or future
- 5 bureaucracy, empowers the executive department of
- 6 government to remove any male or female child from
- 7 the custody of any parent thereof and take it to
- 8 any government facility for any period of time
- 9 whatsoever."

DANKER of Pottawattamie

H—5048

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not apply to any distinc-
- 4 tions based on sex made by insurance companies."

DANKER of Pottawattamie

H—5049

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 14, by inserting after the period
- 3 the following:
- 4 "If the proposed amendment embodied within this
- 5 resolution is approved by the Sixty-seventh General
- 6 Assembly and the Sixty-eighth General Assembly, but is
- 7 not approved by a majority of the electors qualified
- 8 to vote for members of the general assembly as required
- 9 by section one (1) of article ten (X) of the Constitu-
- 10 tion of Iowa, such disapproval shall operate as a
- 11 rescission of the action of the second session of the
- 12 Sixty-fourth General Assembly in approving Senate Joint
- 13 Resolution one thousand eight (1008) which proposed an
- 14 amendment to the Constitution of the United States
- 15 relative to equal rights for men and women."

MILLER of Buchanan
HORN of Linn

H—5050

- 1 Amend House File 2045 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "rules" the words "which it considers necessary".
- 4 2. Page 1, line 12, by inserting after the word
- 5 "rules" the words "which it considers necessary".
- 6 3. Amend the title, lines 2 and 3, by striking
- 7 the word "requiring" and inserting in lieu thereof
- 8 the word "permitting".

SCHNEKLOTH of Scott
HARVEY of Scott

H—5054

- 1 Amend amendment H—5017, to House File 426,
- 2 as follows:
- 3 1. Page 1, by striking lines 6 through 8
- 4 and inserting in lieu thereof the following:
- 5 "3. Page 2, by striking line 22."

WYCKOFF of Benton
MIDDLESWART of Warren

H-5055

1 Amend amendment H-5021, to House File 2021, as
2 follows:

3 1. Page 1, by striking lines 11 through 14 and
4 inserting in lieu thereof the following:
5 "For purposes of this section a report is timely
6 filed if it is received by the secretary of state
7 prior to May first of the year following the year
8 in which it is due."

JUNKER of Woodbury

H-5059

1 Amend House File 2048 as follows:

2 1. Page 2, line 8, by striking the word
3 "promoting" and inserting in lieu thereof the
4 words "promoting evaluating the effect of any".

BENNETT of Ida
MILLER (SERGEANT) of Calhoun

H-5060

1 Amend House File 2048 as follows:

2 Page 2, line 22, by inserting after the word
3 "factors," the words "individual attention given
4 to 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
MILLER (SERGEANT) of Calhoun

H-5076

1 Amend House File 2068 as follows:

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

4 "Section 1. Section four hundred twenty-two
5 point forty-three (422.43), unnumbered paragraph
6 one (1), Code 1977, is amended to read as follows:
7 There is hereby imposed a tax of three percent
8 upon the gross receipts from all sales of tangible
9 personal property, consisting of goods, wares, or
10 merchandise, except as otherwise provided in this
11 division, sold at retail in the state to consumers
12 or users; a like rate of tax upon the gross receipts
13 from the sales, furnishing or service of gas,

- 14 electricity, water, heat, and communication service,
 15 including the gross receipts from such sales by
 16 any municipal corporation furnishing gas, electricity,
 17 water, heat, and communication service to the public
 18 in its proprietary capacity, except as otherwise
 19 provided in this division, when sold at retail in
 20 the state to consumers or users; and a like rate of
 21 tax upon the gross receipts from all sales of
 22 tickets or admissions to places of amusement, fairs,
 23 and athletic events including except those of
 24 elementary and secondary educational institutions;
 25 fairs; and a like rate of tax upon that part of
 26 private club membership fees or charges paid for
 27 the privilege of participating in any athletic
 28 sports provided club members."
 29 2. Amend the title, line 1, by inserting after
 30 the word "from" the words "the admission fees to
 31 amusement and athletic events of elementary and
 32 secondary schools and".

JUNKER of Woodbury
 MENKE of O'Brien
 HALVORSON of Clayton
 MILLER (SERGEANT) of Calhoun
 CONLON of Muscatine
 CRAWFORD of Story
 TAUKE of Dubuque
 DIELEMAN of Marion
 HARVEY of Scott
 SPEAR of Lee
 LIND of Black Hawk
 MILLEN of Van Buren
 WYCKOFF of Benton
 RINAS of Linn
 HINKHOUSE of Cedar
 WELLS of Linn
 DEN HERDER of Sioux
 DAGGETT of Adams
 SMALLEY of Polk
 LINDEEN of Henry
 SCHNEKLOTH of Scott
 BENNETT of Ida
 CLARK of Lee
 GARRISON of Black Hawk
 NEWHARD of Jones
 SHIMANEK of Jones
 GETTINGS of Wapello
 STEPHENS of Plymouth
 HANSEN of O'Brien
 KREWSON of Polk

GILSON of Guthrie
 HARBOR of Mills
 DANKER of Pottawattamie
 WELDEN of Hardin
 DOYLE of Woodbury
 STROMER of Hancock
 SPENCER of Clay
 PELLETT of Cass
 HOWELL of Floyd
 TOFTE of Winneshiek
 CLARK of Cerro Gordo
 BRANSTAD of Winnebago
 BINNEBOESE of Plymouth
 CRABB of Crawford
 LONERGAN of Boone
 HUSAK of Tama
 VARLEY of Adair
 WEST of Marshall
 WOODS of Polk
 BINA of Scott
 SCHROEDER of Pottawattamie
 LAGESCHULTE of Bremer
 OXLEY of Linn
 DUNTON of Keokuk
 DYRLAND of Clayton
 ARNOULD of Scott
 HOFFMANN of Muscatine
 WALTER of Pottawattamie
 PAVICH of Pottawattamie
 JESSE of Polk

H—5077

- 1 Amend House File 2007 as follows:
- 2 1. Page 1, by striking lines 1 through 4 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section two point ten (2.10), sub-
- 5 section one (1), Code 1977, as amended by Acts of
- 6 the Sixty-seventh General Assembly, 1977 Session,
- 7 chapter three (3), section three (3), subsection
- 8 one (1), is amended to read as follows:"
- 9 2. Page 1, line 18, by inserting after the
- 10 word "senate" the following: ",".
- 11 3. Page 1, line 20, by inserting after the
- 12 word "twenty" the word "actual".
- 13 4. Page 1, line 21, by inserting after the
- 14 word "hundred" the word "actual".
- 15 5. Page 1, line 22, by inserting after the
- 16 word "twenty" the word "actual".
- 17 6. Page 1, line 23, by inserting after the
- 18 word "hundred" the word "actual".

SPEAR of Lee

H—5083

- 1 Amend Senate File 365, as passed and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 3, by striking lines 6 and 7 and in-
- 4 serting in lieu thereof the following:
- 5 "and recommend to the legislature changes in
- 6 the Code of Iowa which will permit the rules to
- 7 conform with the federal food service sanitation
- 8 ordinance then in effect."

WELDEN of Hardin

H—5084

- 1 Amend House File 2045 as follows:
- 2 1. Page 1, by striking lines 4 through 9 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SUBSECTION. Adopt guidelines and recommen-
- 5 dations to assist the board of directors of a school
- 6 district, the boards of directors of merged areas,
- 7 and the boards of directors of the area education
- 8 agencies to enforce the provisions of sections two
- 9 hundred seventy-three point three (273.3), subsection
- 10 one (1); two hundred eighty point three (280.3); and
- 11 two hundred eighty A point twenty-three (280A.23),
- 12 subsection six (6), of the Code relating to the
- 13 prohibition against discrimination."

HARVEY of Scott
SCHNEKLOTH of Scott

H—5085

1 Amend House File 2048 as follows:

2 1. Page 1, by inserting after line 20 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 17, by inserting after line 14 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—5093

1 Amend House Joint Resolution 12 as follows:

2 1. Page 1, line 7, by inserting after the
3 period the following: "The provisions of this
4 Article shall not be construed to impair any
5 rights, benefits, protections, or exemptions now
6 or hereafter conferred by law upon persons of the
7 female sex."

JUNKER of Woodbury

H-5097

- 1 Amend amendment H-5067, found on page 3 of
- 2 House File 2074, as follows:
- 3 1. Page 1, line 6, by striking the words
- 4 "upon the".

MILLER of Buchanan

H-5100

- 1 Amend House File 2074 as follows:
- 2 1. Amend the title, line 2, by inserting after
- 3 the word "by" the words "the Constitution of the State
- 4 of Iowa,".

HARVEY of Scott

H-5103

- 1 Amend House File 2074 as follows:
- 2 1. Page 4, by inserting after line 21 the
- 3 following:
- 4 "i. To discuss the proposed purchase, rental
- 5 or sale of real estate."

PERKINS of Greene
THOMPSON of Polk
BAKER of Buena Vista
EVANS of Grundy
SPEAR of Lee

H-5110

- 1 Amend House File 2074 as follows:
- 2 1. Page 4, by inserting after line 21 the
- 3 following:
- 4 "i. To discuss proprietary research data, in-
- 5 cluding patents or trade secrets, in which the
- 6 governmental body has a financial interest."

CRAWFORD of Story

H-5117

- 1 Amend House File 2074 as follows:
- 2 1. Page 3, by striking lines 25 and 26 and
- 3 inserting in lieu thereof the words "body may hold
- 4 a closed session for any of the following reasons:".

GRIFFEE of Chickasaw

H-5118

- 1 Amend House File 2074 as follows:
- 2 1. Page 4, by striking lines 18 through 21 and
- 3 inserting in lieu thereof the following:
- 4 "h. To consider the employment, evaluation,
- 5 appointment or discharge of an individual whose
- 6 reputation might suffer needless or irreparable
- 7 injury."

GRIFFEE of Chickasaw
CONNORS of Polk

H-5123

- 1 Amend House File 2074 as follows:
- 2 1. Page 7, line 23, by striking the words
- 3 ", where appropriate, a county or city attorney"
- 4 and inserting in lieu thereof the words "the attorney
- 5 of that governmental body".

AVENSON of Fayette

H-5128

- 1 Amend House File 2070 as follows:
- 2 1. By striking all after the enacting clause and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section one hundred twenty-three point
- 5 forty-nine (123.49), subsection two (2), paragraph
- 6 b, Code 1977, as amended by Acts of the Sixty-seventh
- 7 General Assembly, 1977 Session, chapter seventy-two
- 8 (72), section three (3), is amended to read as follows:
- 9 b. Sell or dispense any alcoholic beverage or
- 10 beer on the premises covered by the license or permit,
- 11 or permit the consumption thereon between the hours
- 12 of two a.m. and six a.m. on any weekday, and between

13 the hours of two a.m. on Sunday and six a.m. on the
14 following Monday, however, a holder of a liquor control
15 license or retail beer permit granted the privilege
16 of selling alcoholic liquor or beer on Sunday may
17 sell or dispense such liquor or beer between the hours
18 of noon and ten p.m. on Sunday. A holder of a liquor
19 control license or retail beer permit granted the
20 privilege of selling alcoholic liquor or beer on
21 Sunday may also sell or dispense such liquor or beer
22 from noon on Sunday until the hour of two a.m. on
23 the following Monday if that Monday is New Year's
24 Day."

25 2. Amend the title, by striking lines 2 and 3
26 and inserting in lieu thereof the following: "and
27 beer may be sold on a Sunday and following Monday
28 when that Monday is a legal public holiday."

JUNKER of Woodbury

H-5129

1 Amend House File 2072 as follows:
2 1. Page 6, line 28, by inserting after the word
3 "Code" the words "and is authorized to accept and
4 expend any private funds and any federal funds made
5 available for the purpose of implementing this Act".

THOMPSON of Polk

H-5130

1 Amend House Joint Resolution 12, as follows:
2 1. Page 1, line 7, by inserting after the
3 period the words:
4 "This Article shall not impair the validity of
5 any law which permits the formation of single sex
6 organizations, such as girls' clubs, boys' clubs and
7 fraternities."

CRABB of Crawford

H-5131

1 Amend House Joint Resolution 12 as follows:
2 1. Page 1, line 7, by inserting after the word

- 3 "sex" the following: "age, race, creed, color,
4 national origin, religion, or disability".

DIELEMAN of Marion
CHIODO of Polk
HANSEN of O'Brien
HOWELL of Floyd

H—5132

- 1 Amend House Joint Resolution 12 as follows:
2 1. Page 1, line 7, by inserting after the period
3 the following: "This Article shall not impair the
4 validity, however, of any laws of the state of Iowa
5 which secure privacy in public places to men, women,
6 boys or girls."

DAGGETT of Adams

H—5133

- 1 Amend House Joint Resolution 12 as follows:
2 1. Page 1, by adding the following after the
3 period on line 7: "The General Assembly shall not
4 by any law take away the rights of any person to have
5 this section construed by the Iowa courts. No political
6 subdivision and no Iowa administrative agency now
7 existing or hereafter created shall have any power to
8 enforce this section. Only the Iowa courts shall exer-
9 cise judicial power to interpret and apply this section
10 by due process of law. Any law of the General Assembly
11 which conflicts with the exclusive jurisdiction of the
12 Iowa courts over enforcement of this section, is null
13 and void."

DANKER of Pottawattamie

H—5135

- 1 Amend House File 2074 as follows:
2 1. Page 4, line 21, by inserting after the
3 word "reputation" the words "the governmental
4 body has given that person adequate notice of
5 the discussion,".

AVENSON of Fayette

H—5136

- 1 Amend amendment H—5125, to page 6 of House File
- 2 2074 as follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "1. Page 6, line 4, by inserting after the word
- 6 "court" the words "in its discretion".

THOMPSON of Polk

H—5137

- 1 Amend amendment H—5067, found on page 3 of House
- 2 File 2074 as follows:
- 3 1. Page 1, line 6, by striking the words "upon
- 4 the".
- 5 2. Page 1, by striking lines 7 and 8 and inserting a
- 6 ":

MILLER of Buchanan

H—5139

- 1 Amend House File 2074 as follows:
- 2 1. Page 6, line 5, by striking the word "Shall"
- 3 and inserting in lieu thereof the word "May".
- 4 2. Page 6, line 24 by striking the word "Shall"
- 5 and inserting in lieu thereof the word "May".
- 6 3. Page 6, line 33, by striking the word "Shall"
- 7 and inserting in lieu thereof the word "May".
- 8 4. Page 7, line 5 by striking the word "Shall"
- 9 and inserting in lieu thereof the word "May".

HARBOR of Mills

H—5145

- 1 Amend House File 2048 as follows:
- 2 1. Page 12, by inserting after line 34 the
- 3 following sections:
- 4 "Sec. . . Section four hundred forty-two point
- 5 nine (442.9), subsection one (1), paragraph c, Code
- 6 1977, as amended by Acts of the Sixty-seventh General
- 7 Assembly, 1977 Extraordinary Session, chapter two

8 (2), section one (1), is amended to read as follows:

9 c. The amount to be raised by the additional
10 school district property tax levy is equal to the
11 district cost for the budget year, less the product
12 of the state or district foundation base and the
13 weighted enrollment. However, the amount shall be
14 adjusted in accordance with the maximum levy provided
15 in section four hundred forty-two point ten (442.10)
16 of the Code.

17 Sec. . Section four hundred forty-two point
18 thirteen (442.13), subsection six (6), Code 1977,
19 as amended by Acts of the Sixty-seventh General
20 Assembly, 1977 Extraordinary Session, chapter two
21 (2), section two (2), is amended to read as follows:

22 6. If a nonpublic school closes wholly or in part,
23 the committee may authorize an increase in the district
24 general fund tax levy beyond the maximum permitted
25 by section four hundred forty-two point ten (442.10)
26 of the Code, but only to the extent necessary to cover
27 the cost of absorbing the former nonpublic school
28 pupils into the public school system. The school
29 board shall establish the amount of necessary increased
30 cost to the satisfaction of the school budget review
31 committee before an increase in tax levy is
32 authorized."

33 2. Page 15, by inserting after line 26 the
34 following sections:

35 "Sec. . Chapter four hundred forty-two (442),
36 Code 1977, is amended by adding the following new
37 section as section four hundred forty-two point ten
38 (442.10):

39 442.10 MAXIMUM LEVY. For the purpose of
40 determining the maximum tax levy for the general fund
41 in a school district, the state comptroller shall
42 determine the sum of the foundation property tax levy
43 and the additional property tax levy, in dollars and
44 cents per thousand dollars of assessed value. When
45 this total levy exceeds the district general fund
46 levy for the school year which began July 1, 1970,
47 he shall adjust the district general fund levy to
48 a rate equal to the levy for the school year beginning
49 July 1, 1970, except that an excess tax levy authorized
50 by the school budget review committee, as provided

Page 2

1 in section four hundred forty-two point thirteen
2 (442.13), subsection seven (7), may be added to that
3 rate. However, in making this adjustment, the general
4 fund levy for each district for the school year which
5 began July 1, 1970, shall be determined by including
6 the levy certified by the county school system or

7 joint county system in which the district was located,
 8 for the school year which began July 1, 1970.
 9 Sec. Chapter four hundred forty-two (442),
 10 Code 1977, is amended by adding the following section
 11 as section four hundred forty-two point eleven
 12 (442.11):
 13 442.11 GUARANTEED STATE AID. For the school year
 14 beginning July 1, 1978 and for each succeeding school
 15 year, the state shall provide specific funds, called
 16 guaranteed state aid, to any school district in which
 17 the amount to be raised by the maximum levy plus the
 18 state school foundation aid, does not meet the district
 19 cost.
 20 There is appropriated from the general fund of
 21 the state to the department of public instruction
 22 moneys sufficient to pay the guaranteed state aid
 23 provided in this section. The state comptroller shall
 24 pay this aid in installments, at the same time as
 25 the installments of state school foundation aid are
 26 paid."
 27 3. By numbering and renumbering sections as
 28 necessary.

STROMER of Hancock
 BENNETT of Ida

H—5147

1 Amend House File 2048 as follows:
 2 1. page 11, by striking lines 14 through 35 and
 3 inserting in lieu thereof the following:
 4 "The terms of employment of superintendents,
 5 principals, and teachers, for any current school year
 6 shall not be affected by the formation of the new
 7 district. However, if the board of a school district
 8 has entered into a collective bargaining agreement
 9 with its employees and prior to the date upon which
 10 the agreement expires the school district is
 11 reorganized under this chapter, the collective
 12 bargaining agreement shall be terminated upon the
 13 date the reorganized school district comes into
 14 existence."
 15 2. Page 12, by striking lines 1, 2, and 3.

STROMER of Hancock

H—5148

1 Amend House File 2048 as follows:
 2 1. Page 3, lines 13 and 14, by striking the words
 3 "and shall from time to time hold public hearings,"

4 and inserting in lieu thereof the words "and shall
5 from time to time hold public hearings,".

6 2. Page 3, by inserting after line 17 the
7 following:

8 "Before the adoption of any reorganization plans,
9 the board shall hold a public hearing on the plans.
10 Notice of the public hearing shall be published by
11 the area education agency administrator in at least
12 one newspaper of general circulation in the area not
13 less than ten days before the date set for the hearing.
14 Additional public hearings may be held as deemed
15 necessary by the area education agency board."

DAGGETT of Adams

H—5149

1 Amend Senate File 67, as passed by the Senate,
2 as follows:

3 1. Page 1, line 18, by inserting after the word
4 "LEVY." the number "1."

5 2. Page 1, by striking line 35 and inserting in
6 lieu thereof the following:

7 2. If the levy authorized under subsection one
8 (1) of this section is insufficient to provide fire
9 protection and ambulance service, the township trustees
10 may levy an additional annual tax not exceeding twenty
11 and one-fourth cents per thousand dollars of assessed
12 value of the taxable property in the township,
13 excluding any property within the corporate limits
14 of a city, to provide the ambulance service. The
15 township trustees may divide the township into
16 districts for the purpose of providing the ambulance
17 and fire service and may levy a different tax rate
18 in each district, but the tax levy shall not exceed
19 twenty and one-fourth cents per thousand dollars of
20 taxable assessed value in any district.

21 3. Amend the title, line 1, by inserting after
22 the word "townships" the words "and an additional
23 tax levy".

HALVORSON of Clayton
WYCKOFF of Benton
HULLINGER of Decatur
HARBOR of Mills

H—5150

1 Amend House File 2048 as follows:

2 1. Page 13, line 29, by striking the word
3 "section," and inserting in lieu thereof the word
4 "section,".

- 5 2. Page 13, by striking lines 30 through 35
6 and inserting in lieu thereof the word "and".
7 3. Page 14, by striking lines 1 through 5
8 and inserting in lieu thereof the words "shall
9 direct".

BENNETT of Ida
MILLER (SERGEANT) of Calhoun

H—5151

- 1 Amend House File 426 as follows:
2 1. Page 1, line 13, by inserting after the word
3 "inspection" the word "deficiency".
4 2. Page 1, line 14, by inserting after the word
5 "inspection" the word "deficiency".
6 3. Page 1, line 18, by inserting after the word
7 "inspection" the word "deficiency".
8 4. Page 1, line 20, by striking the words "fourteen
9 days" and inserting in lieu thereof the words "seven
10 days".
11 5. Page 1, line 20, by striking the words "within
12 fourteen" and inserting in lieu thereof the words
13 "within seven".
14 6. Page 1, line 23, by inserting after the word
15 "inspection" the word "deficiency".
16 7. Page 1, line 25, by striking the word "until"
17 and inserting in lieu thereof the words "after seven
18 days following the issuance of the order unless".
19 8. Page 1, by inserting after line 27 the follow-
20 ing:
21 "3. Upon the application by the owner of the
22 vessel, the officers of the commission designated
23 by the director may grant an extension of the time
24 in which the repairs or replacements must be made.
25 The extension of time shall not exceed fourteen days."
26 9. Page 2, line 4, by inserting after the word
27 "inspection" the word "deficiency".
28 10. Page 2, line 6, by inserting after the word
29 "inspection" the word "deficiency".
30 11. Page 2, line 10, by inserting after the word
31 "inspection" the word "deficiency".
32 12. Page 2, line 11, by striking the word
33 "fourteen" and inserting in lieu thereof the word
34 "seven".
35 13. Page 2, line 12, by striking the word

- 36 "fourteen" and inserting in lieu thereof the word
37 "seven".
38 14. Page 2, line 15, by inserting after the word
39 "inspection" the word "deficiency".
40 15. Page 2, line 17, by striking the word "until"
41 and inserting in lieu thereof the words "after seven
42 days following the issuance of the order unless".
43 16. Page 2, by inserting after line 18 the
44 following:
45 "3. Upon the application by owner of the
46 snowmobile, the officers of the commission designated
47 by the director may grant an extension of the time
48 in which the repairs or replacements must be made.
49 The extension of time shall not exceed fourteen days."
50 17. Page 2, line 20, by inserting after the word

Page 2

- 1 "inspection" the word "deficiency".

SCHROEDER of Pottawattamie
CLARK of Cerro Gordo

H—5157

- 1 Amend House File 2045 as follows:
2 1. Page 1, line 9, by inserting after the word
3 "discrimination." the words "These rules shall not,
4 directly or indirectly, require reassignment of pupils'
5 to a different attendance center in a school district
6 on the basis of race."

CONLON of Muscatine
WOODS of Polk
CHIODO of Polk
SCHNEKLOTH of Scott

H—5172

- 1 Amend House Joint Resolution 9 as follows:
2 1. Page 1, line 15, by inserting after the
3 word "governments." the following: "A county-
4 municipal corporation shall not be formed without
5 approval of the majority of those voters voting
6 from each of the affected jurisdictions at a
7 special election called for that purpose."

SCHNEKLOTH of Scott
WOODS of Polk

H-5174

- 1 Amend House File 2048 as follows:
- 2 1. Page 13, line 27, by inserting after the word
- 3 "development," the words "programs for gifted and
- 4 talented children."

SPEAR of Lee

H-5176

- 1 Amend House File 79 as follows:
- 2 1. Page 1, by striking lines 4 through 12 and
- 3 inserting in lieu thereof the following:
- 4 "withdraw from the county library district by giving
- 5 notice by certified mail to the board of library trustees
- 6 of the county library and the county auditor prior to
- 7 January 10 tenth, and ~~on that date shall cease to be~~
- 8 ~~a part of or included in the county library district~~
- 9 the withdrawal shall be effective on July first or
- 10 upon termination of the existing contract between the
- 11 city and the county library district."

BINA of Scott

H-5177

- 1 Amend House File 2014 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "death." the words "However, the policy shall not
- 4 provide for reimbursement in excess of reimbursement
- 5 provided for state employees who are employed under
- 6 the provisions of chapter nineteen A (19A) of the
- 7 Code."

BRANDT of Black Hawk
SCHROEDER of Pottawattamie

H-5181

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "The provisions of this section shall not be
- 5 construed to deny or abridge any rights or privileges
- 6 held by any person prior to the adoption of this Act."

JUNKER of Woodbury

H-5182

- 1 Amend amendment H-5180, to amendment H-5027, to
- 2 House Joint Resolution 12, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "women" the words ", including conceived but unborn
- 5 persons".
- 6 2. Page 1, line 17, by inserting after the word
- 7 "law" the words ", nor deny or restrict the equality
- 8 of rights of conceived but unborn persons".
- 9 3. Page 1, line 19, by inserting after the word
- 10 "women" the words ", including conceived but unborn
- 11 persons".

SPENCER of Clay

H-5183

- 1 Amend Amendment H-5180, to page one of House
- 2 Joint Resolution 12 as follows:
- 3 1. Page 1, line 17, by inserting after the
- 4 period the words "This section shall not prohibit
- 5 single sex athletic programs such as girls' or boys'
- 6 basketball, baseball, or football teams."

DANKER of Pottawattamie

H-5184

- 1 Amend Amendment H-5180, to page one of House
- 2 Joint Resolution 12 as follows:
- 3 1. Page 1, line 17, by inserting after the
- 4 period the words "This section shall not impair the
- 5 validity of any law of the state which protects a
- 6 woman from being forced into prostitution."

DANKER of Pottawattamie

H-5186

- 1 Amend House File 2048 as follows:
- 2 1. Page 13, line 29, by striking the word
- 3 "section," and inserting in lieu thereof the word
- 4 "section, ".
- 5 2. Page 13, by striking line 30 through 35
- 6 and inserting in lieu thereof the word "and".
- 7 3. Page 14, by striking lines 1 through 5
- 8 and inserting in lieu thereof the words "shall
- 9 direct".
- 10 4. Page 14, by striking lines 30 through 32

- 11 and inserting in lieu thereof the following:
12 "If a majority of those voting in an election
13 approves".

DAVITT of Warren
BENNETT of Ida
MILLER (SERGEANT) of Calhoun

H-5187

- 1 Amend House File 2087 as follows:
2 1. Page 1, line 24, by striking the word "one"
3 and inserting in lieu thereof the words "~~one~~ two".
4 2. Page 1, line 26, by striking the word "one"
5 and inserting in lieu thereof the words "~~one~~ two".
6 3. Page 1, line 28, by striking the word "two"
7 and inserting in lieu thereof the words "~~two~~ three".
8 4. Title page, by striking lines 4, 5, and 6 and
9 inserting in lieu thereof the words "funds on hand
10 in all counties except counties having a population
11 of more than two hundred thousand."

SPEAR of Lee
CLARK of Cerro Gordo
HOFFMANN of Muscatine

H-5188

- 1 Amend amendment H-5185, to amendment H-5027, to
2 House Joint Resolution 12, as follows:
3 1. Page 1, line 13, by inserting after the word
4 "women" the words ", including conceived but unborn
5 persons".
6 2. Page 1, line 20, by inserting after the word
7 "law" the words ", nor deny or restrict the equality
8 of rights of conceived but unborn persons".
9 3. Page 1, line 29, by inserting after the word
10 "women" the words ", including conceived but unborn
11 persons".

SPENCER of Clay

H-5192

- 1 Amend House File 2092 as follows;
2 1. Page 1, line 9, by striking the words
3 "~~seventy-five sixty~~" and inserting in lieu thereof
4 the words "seventy-five".
5 2. Page 2, by striking lines 13 through 21
6 and inserting in lieu thereof the following:
7 "If feasible, that time shall be within one year

8 after the date of the supplementary order, but the
9 owner of land on which a soil and water conservation
10 practice is being established under this section
11 shall not be required to incur a cost therefor in any
12 one calendar year which exceeds ten dollars per acre
13 for each acre of land belonging to that owner and
14 located in the county containing the land on which
15 the required practice is being established or in
16 counties contiguous thereto."

EVANS of Grundy

H-5199

1 Amend House File 2068 as follows:
2 1. Page 1, by inserting after line 11, the
3 following new subsection:
4 "NEW SUBSECTION. The gross receipts from the sale
5 of horses, commonly known as draft horses, which weigh
6 one thousand two hundred pounds or more."
7 2. Amend the title, line 2, by inserting after
8 the word "devices" the following: ", and the sale of
9 draft horses,".

LAGESCHULTE of Bremer
SCHNEKLOTH of Scott

H-5202

1 Amend H-5143 to House File 434 as follows:
2 1. Page 1, line 32, by inserting after that line the
3 following:
4 "Sec. . Chapter one hundred ten (110) Code 1977,
5 is amended by adding the following new section:
6 NEW SECTION. It shall be unlawful to discharge any rifle
7 in this state larger than a 22 caliber, during the shotgun
8 or musket open season on deer."

PELTON of Clinton
HALVORSON of Clayton
AVENSON of Fayette

H-5210

1 Amend amendment H-5144 to house File 410 as follows:
2 1. Page 1, line 12, by striking the words "or
3 other" and inserting in lieu thereof the following
4 "euphoric or other similar".

MONROE of Des Moines
KRAUSE of Kossuth

H-5215

- 1 Amend House File 240 as follows:
- 2 1. Page 1, line 3, by striking the numerals
- 3 "1980" and inserting in lieu thereof the numerals
- 4 "1982".

DIELEMAN of Marion

H-5216

- 1 Amend House File 410 as follows:
- 2 1. Page 1, line 25, by inserting after the figure
- 3 "1977" the word "Supplement".
- 4 2. Page 1, line 34, by striking the word "third"
- 5 and inserting in lieu thereof the word "third,".
- 6 3. Page 3, by striking lines 32 through 35 and
- 7 inserting in lieu thereof the following:
- 8 "Sec. . . . Section nine hundred seven point three
- 9 (907.3), subsection one (1), Code 1977 Supplement,
- 10 is amended by adding the following new paragraph:".

KRAUSE of Kossuth

H-5220

- 1 Amend House File 2031 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "plums" the words ", nor to combinations of drugs
- 4 including amygdalin".
- 5 2. Page 1, line 12, by inserting after the word
- 6 "amygdalin" the words ", or amygdalin in combination
- 7 with other drugs,".

MONROE of Des Moines

H-5232

- 1 Amend amendment H-5229, to amendment H-5207, to
- 2 House File 2098, as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "state" the words "or country".

MILLER of Buchanan

H-5236

- 1 Amend House File 2021 as follows:
- 2 1. Page 2, by inserting after line 1 the following
- 3 sections:
- 4 "Sec. . . . Section one hundred seventy-two C
- 5 point five (172C.5), unnumbered paragraph one (1),

6 Code 1977, is amended to read as follows:

7 All corporations, except where the corporation
8 is acting in a fiduciary capacity, or when the
9 corporation's total holdings of agricultural land
10 are within the boundaries of a municipal corporation,
11 which own or lease agricultural land in the state
12 of Iowa, or which own or lease any land on which
13 poultry or livestock are confined for feeding or other
14 purposes for ten days or more, or which contract for
15 keeping and feeding poultry or livestock, or which
16 contract for the growing of agricultural crops, fruits
17 or other horticultural products in the state of Iowa,
18 shall file with their annual report, on forms approved
19 pursuant to the provisions of chapter 17A and supplied
20 by the secretary of state, the following additional
21 information, unless otherwise provided:

22 Sec. . Section one hundred seventy-two C point
23 five (172C.5), subsection two (2), Code 1977, is
24 amended to read as follows:

25 2. The acreage and location listed by township
26 and county, or legally described urban plat of each
27 lot or parcel of agricultural land in this state owned
28 or leased by the corporation at the end of the
29 preceding fiscal or calendar year.

30 Sec. . Section one hundred seventy-two C point
31 five (172C.5), subsection ten (10), unnumbered
32 paragraph two (2), Code 1977, is amended to read as
33 follows:

34 This section shall not apply to land held for the
35 purpose of railroad or highway rights of way, nor
36 shall it apply to lots within city limits which are
37 smaller than twenty acres.

38 Sec. . Section one hundred seventy-two C point
39 six (172C.6), subsection three (3), Code 1977, is
40 amended to read as follows:

41 3. The acreage and location listed by township
42 and county, or legally described urban plat, of each
43 lot or parcel of agricultural land in this state owned
44 or leased by the limited partnership at the end of
45 the preceding calendar or fiscal year."

HARVEY of Scott

H-5240

1 Amend amendment H-5219 to House File 2021 as
2 follows:

3 1. Page 1, line 15, by striking the words "minor
4 child" and inserting in lieu thereof the words "lineal
5 descendant".

6 2. Page 1, line 29, by striking the words "minor

- 7 child" and inserting in lieu thereof the words "lineal
8 descendant".

SCHROEDER of Pottawattamie

H-5252

- 1 Amend amendment H-5217 amending House File 356
2 as follows:
3 1. Page 1, line 5, by inserting after the word
4 "species:" the word "gopher,".

KRAUSE of Kossuth

H-5255

- 1 Amend amendment H-5219 to House File 2021 as
2 follows:
3 1. Page 1, line 15, by striking the word
4 "minor".
5 2. Page 1, line 29, by striking the word
6 "minor".

WYCKOFF of Benton
HINKHOUSE of Cedar
PELLETT of Cass

H-5256

- 1 Amend House File 2068 as follows:
2 1. Page 1, by inserting after line 11, the following:
3 "Sec. . Section four hundred twenty-two point forty-five
4 (422.45), Code 1977 Supplement, is amended by adding the
5 following new subsection:
6 NEW SUBSECTION. The gross receipts from the sale of gas,
7 electricity or other consumable energy sources to residential
8 consumers."
9 2. Title page, line 2, by inserting after the word "devices"
10 the words "and the gross receipts from the sale of gas, electri-
11 city and other consumable energy sources to residential consumers".

CLARK of Lee
SMALLEY of Polk
EVANS of Grundy
HARVEY of Scott
CLARK of Cerro Gordo
GENTLEMAN of Polk

H-5257

- 1 Amend House File 2083 as follows:
2 1. Page 1, by inserting after line 21 the following

3 section:

4 "Sec. . . . Section four hundred twenty-two point
5 forty-three (422.43), unnumbered paragraph five (5),
6 Code 1977, is amended to read as follows:

7 All revenues arising under the operation of the
8 provisions of this section except those resulting
9 from the sale or rental of implements of husbandry,
10 as defined in section three hundred twenty-one point
11 one (321.1) of the Code, shall become part of the
12 state general fund. That revenue arising as a result
13 of the sale or rental of implements of husbandry shall
14 be deposited to a separate fund located in the office
15 of the state treasurer."

16 2. Page 1, by inserting after line 28 the following
17 sections:

18 "Sec. . . . Chapter four hundred twenty-two (422),
19 division seven (VII), Code 1977, is amended by adding
20 the following new section:

21 NEW SECTION. There is created a separate fund
22 in the office of the state treasurer to which is to
23 be deposited revenues arising under the state sales,
24 service and use tax on implements of husbandry. The
25 moneys in this fund shall be expended by the Iowa
26 development commission for the purpose of expanding
27 export markets for Iowa agricultural products and
28 for further development of the use of Iowa grain.

29 Sec. . . . Section four hundred twenty-three point
30 twenty-four (423.24), Code 1977, is amended to read
31 as follows:

32 423.24 DEPOSIT OF REVENUE. All revenue arising
33 under the operation of this chapter, derived from
34 the use tax on motor vehicles, trailers, and motor
35 vehicle accessories and equipment, as same may be
36 collected as provided by section 423.7 shall be
37 credited to the road use tax fund. All other revenue
38 arising under the operation of this chapter except
39 those resulting from the use tax on implements of
40 husbandry, as defined in section three hundred twenty-
41 one point one (321.1) of the Code, shall be credited
42 to the general fund of the state. That revenue
43 resulting from the use tax on implements of husbandry
44 shall be deposited to a separate fund located in the
45 office of the state treasurer."

46 3. Title page, line 4, by inserting after the
47 word "tax" the words "and providing for the spending
48 of revenues arising from the state sales, service
49 and use tax on implements of husbandry".

SCHNEKLOTH of Scott
OXLEY of Linn
DANKER of Pottawattamie

BENNETT of Ida
BINNEBOESE of Plymouth
HARBOR of Mills

PELLETT of Cass
DAGGETT of Adams
HALVORSON of Clayton

HOFFMANN of Muscatine
SCHROEDER of Pottawattamie

H—5258

- 1 Amend House File 2083 as follows:
- 2 1. Page 1, line 24, by striking the word "sub-
- 3 section" and inserting in lieu thereof the word
- 4 "subsections".
- 5 2. Page 1, by inserting after line 28 the
- 6 following:
- 7 "NEW SUBSECTION. The gross receipts from the sale
- 8 of gas, electricity or other consumable energy
- 9 sources to residential consumers."
- 10 3. Title page, line 4, by inserting after the
- 11 word "tax" the words "and to exempt the gross receipts
- 12 from the sale of gas, electricity and other consumable
- 13 energy sources to residential consumers".

CLARK of Lee
SMALLEY of Polk
EVANS of Grundy
HARVEY of Scott
CLARK of Cerro Gordo
GENTLEMAN of Polk

H—5260

- 1 Amend House File 2135 as follows:
- 2 1. Page 22, by inserting after line 6 the
- 3 following:
- 4 "Sec. . . Section one hundred thirty-five D
- 5 point one (135D.1), Code 1977, is amended by adding
- 6 the following new subsection:
- 7 NEW SUBSECTION. "Modular home" means a factory-
- 8 built structure which is manufactured or constructed
- 9 to be used as a place for human habitation, but which
- 10 is not constructed or equipped with a permanent hitch
- 11 or other device allowing it to be attached or towed
- 12 behind a motor vehicle, and which does not have
- 13 permanently attached to its body or frame any wheels
- 14 or axles.
- 15 Sec. . . Section one hundred thirty-five D point
- 16 one (135D.1), subsection two (2), Code 1977, is amended
- 17 by adding the following new paragraph:
- 18 NEW PARAGRAPH. A mobile home park must be
- 19 classified as to whether it is a residential mobile
- 20 home park or a recreational mobile home park or both.
- 21 Sections one hundred thirty-five D point fourteen
- 22 (135D.14) and one hundred thirty-five D point fifteen
- 23 (135D.15) of the Code shall apply only to recreational

24 mobile home parks. The mobile home park residential
25 landlord tenant Act shall only apply to residential
26 mobile home parks.
27 Sec. . Section one hundred thirty-five D point
28 fourteen (135D.14), Code 1977, is amended to read
29 as follows:
30 135D.14 PARKS OWNED BY PUBLIC. Any mobile home
31 park owned and operated by any municipality shall
32 meet all provisions of this chapter. Any recreational
33 mobile home park owned or operated by any agency or
34 department of the state, county, city or any nonprofit
35 corporation within which the length of stay is limited
36 to not more than fourteen consecutive days shall not
37 be affected by any provision of this chapter except
38 that such parks shall be subject to routine inspection
39 by the state health department or a designee thereof.
40 Upon routine inspections by the state health department
41 or its designee, the inspecting officer shall make
42 a report of his findings and recommendations in writing
43 and submit such report to the agency or department
44 of the state responsible for operation of the park.
45 Sec. . Section one hundred thirty-five D point
46 twenty-four (135D.24), Code 1977, is amended by adding
47 the following new paragraph:
48 NEW PARAGRAPH. A modular home as defined by this
49 chapter shall not be subject to or assessed the
50 semiannual tax pursuant to this section, but shall

Page 2

1 be assessed and taxed as real estate pursuant to
2 chapter four hundred twenty-seven (427) of the Code.
3 Sec. . Chapter one hundred thirty-five D
4 (135D), Code 1977, is amended by adding the following
5 new section:
6 NEW SECTION. MODULAR HOME EXEMPTION. For the
7 purposes of this chapter a modular home shall not
8 be construed to be a mobile home and shall be exempt
9 from the provisions of this chapter. This section
10 shall not prohibit the location of a modular home
11 within a mobile home park."

COMMITTEE ON STATE GOVERNMENT
MONROE of Des Moines, Chair

H—5262

1 Amend House File 2048 as follows:
2 1. Page 12, by inserting after line 3 the following
3 section:
4 "Section 1. Section two hundred seventy-nine point
5 thirteen (279.13), subsection one (1), unnumbered

6 paragraph one (1), Code 1977, is amended to read as
7 follows:

8 Contracts with teachers, which for the purpose
9 of this section means all certificated employees of
10 a school district and nurses employed by the board,
11 excluding superintendents, assistant superintendents,
12 principals, and assistant principals, shall be in
13 writing and shall state the number of contract days,
14 the annual compensation to be paid, and any other
15 matters as may be mutually agreed upon. The board
16 may divide the duties of a teacher and offer more
17 than one contract to a teacher. The contract may
18 include employment for a term not exceeding the ensuing
19 school year, except as otherwise authorized."

20 2. Amend the title, line 3, by inserting after
21 the word "districts," the words "employment and".

22 3. By numbering and renumbering sections as
23 necessary.

SPEAR of Lee
CRAWFORD of Story

H-5263

1 Amend House File 2133 as follows:

2 1. Page 2, line 21, by striking the words "which
3 shall include human error".

4 2. Page 5, line 15, by striking the words "which
5 shall include human error".

BINA of Scott
DIELEMAN of Marion

H-5264

1 Amend House File 2084 as follows:

2 1. Page 33, by adding after line 25 the following:

3 "Sec. . Section four hundred seventy-six point
4 one (476.1), unnumbered paragraph three (3), Code 1977,
5 is amended to read as follows:

6 Mutual telephone companies in which at least fifty
7 percent of the users are owners, co-operative telephone
8 corporations or associations, telephone companies having
9 less than two thousand stations, municipally owned
10 utilities except those which are members of a municipal
11 power agency, and unincorporated villages which own
12 their own distribution system shall not be subject
13 to the rate regulation provided for in this chapter;
14 provided, however, that nothing contained in this chapter
15 shall be construed to apply to municipally owned water
16 works or rural water districts incorporated and organized
17 pursuant to chapters 357A and 504A. Telephone companies

H-5272

1 Amend House File 2048 as follows:

2 1. Page 12, by inserting after line 34 the

3 following new section:

4 "Sec. . Section four hundred forty-two point
5 thirteen (442.13), subsection three (3), Code 1977, is
6 amended to read as follows:

7 3. The committee shall review the proposed
8 budget and certified budget of each school district,
9 and may make recommendations. The committee may make
10 decisions affecting budgets to the extent ~~provided in~~
11 authorized by this chapter, provided that the committee
12 shall not reduce the current budget of a school district
13 after that budget has been certified by the state
14 comptroller to the county auditor and the school dis-
15 trict. The costs and computations referred to in
16 this section relate to the budget year unless otherwise
17 expressly stated."

EVANS of Grundy

H-5273

1 Amend House File 2116 as follows:

2 1. Page 2, line 3, by inserting after the word

3 "Iowa." the words "This Act shall apply retroactively
4 to January 1, 1978 to married persons who changed
5 their names in good faith."

CONLON of Muscatine

H-5281

1 Amend House File 2084 as follows:

2 1. Page 33, by inserting after line 25 the
3 following:

4 "Sec. . Section four hundred twenty-eight point
5 twenty-eight (428.28), unnumbered paragraph two (2),
6 Code 1977, is amended to read as follows:

7 Every individual, copartnership, corporation,
8 association or city which operates a public utility
9 on a nonprofit basis, as defined in section 428.24
10 shall annually, on or before the first day of May
11 of each calendar year, make a report on blanks to
12 be provided by the department of revenue of all of
13 the property owned by such individual, copartnership,
14 corporation, association or city within the
15 incorporated limits of any city in the state, and
16 give such other information as the director of revenue
17 shall require. ~~Any public utility which reports~~

18 according to this paragraph shall not be assessed.

19 Sec. . Section four hundred forty-two point two
20 (442.2), unnumbered paragraph one (1), Code 1977,
21 as amended by Acts of the Sixty-seventh General
22 Assembly, 1977 Session, chapter forty-three (43),
23 section twenty-two (22), is amended to read as follows:

24 Each school district shall cause to be levied each
25 year, for the school general fund, a foundation
26 property tax of five dollars and forty cents per
27 thousand dollars of assessed valuation on all taxable
28 property in the district. For the purpose of this
29 chapter, a school district is defined as a school
30 corporation organized under chapter 274; and all real
31 and personal property of a municipally owned electric
32 utility which is a member of a municipal power agency
33 located within the state of Iowa shall be subject
34 to assessment under chapters four hundred twenty-eight
35 (428), four hundred thirty-seven (437) and four hundred
36 forty-one (441) of the Code, and to taxation under
37 this chapter."

38 3. By renumbering sections as necessary.

STROMER of Hancock

H-5282

1 Amend House File 2050 by striking everything after
2 the enacting clause and inserting in lieu thereof the
3 following:

4 "Section 1. Section one hundred ten point eighteen
5 (110.18), Code 1977, is amended to read as follows:

6 110.18 COURTESY NONRESIDENT LICENSES. The
7 commission is hereby authorized to issue a courtesy
8 nonresident license for the taking of any fish or game,
9 except deer. Such licenses may be issued by the dir-
10 ector of the commission, without charge, to dignitaries
11 employees and officials of other states, countries, or
12 the United States whose professional duties include wild-
13 life management and who are in the state as guests of the
14 governor or the commission for the purposes related to wild-
15 life management. Such licenses shall be issued for a
16 specific number of days. The number of licenses to be
17 issued for in any one season or species of fish or game
18 calendar year shall not exceed fifty one hundred.

19 Sec. 2. This act is effective January 1, 1979."

EVANS of Grundy

H-5283

1 Amend House File 2072 as follows:

2 1. Page 9, by inserting after line 26 the

- 3 following section:
4 "Sec. . If the voters of a school district
5 have approved the levying of a tax pursuant to section
6 three hundred point two (300.2) of the Code prior to the
7 effective date of this Act, moneys collected pursuant to
8 the voted tax levy after the effective date of this Act
9 may be used for community education programs."
10 2. By numbering and renumbering sections as necessary.

THOMPSON of Polk

H-5292

- 1 Amend House File 2084 as follows:
2 1. Page 28, line 33, by striking the words "ninety
3 days" and inserting in lieu thereof the words "one
4 year".

DAGGETT of Adams

H-5293

- 1 Amend House File 2084 as follows:
2 1. Page 25, line 35, by striking the words "ninety
3 days" and inserting in lieu thereof the words "one
4 year".
5 2. Page 26, line 5, by striking the word "ninety-
6 day" and inserting in lieu thereof the word "one-
7 year".

DAGGETT of Adams

H-5294

- 1 Amend House File 2112 as follows:
2 1. Page 4, by inserting after line 10 the following
3 new sections:
4 "Sec. . Chapter three hundred fifty-one (351),
5 Code 1977, is amended by adding the following new
6 section:
7 **NEW SECTION.** The county board of supervisors may
8 contract with any animal humane shelter to provide
9 for the handling and care of animals. For the purposes
10 of making payments under such contracts the board
11 of supervisors is authorized to expend any unobligated
12 moneys in the county general fund. All payments made
13 pursuant to such contracts which are paid out of the
14 county general fund shall be subject to audit by the
15 state auditor's office.
16 Sec. . Section three hundred thirty-two point
17 three (332.3), Code 1977, is amended by adding the

18 following new subsection:

19 NEW SUBSECTION. The contract for the handling and
20 care of animals by animal humane shelters and to make
21 payments arising as a result of such contracts, as
22 provided in chapter three hundred fifty-one (351)
23 of the Code."

24 2. Title page, line 3, by inserting after the
25 word "fund" the words "and the contracting with and
26 payment to humane shelters".

BRANDT of Black Hawk
OXLEY of Linn

H—5299

1 Amend House File 356 as follows:

2 1. Amend the title page, line 1, by inserting
3 after the word "the" the words "taking and possession
4 of migratory birds and the".

PATCHETT of Johnson

H—5311

1 Amend Senate File 2066 as passed by the Senate,
2 as follows:

3 1. Page 1, by inserting after line 11 the following
4 new sections:

5 "Sec. . Section four hundred twenty-two point
6 forty-five (422.45), Code 1977 Supplement, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. The gross receipts from sales
9 of tickets or admissions to recreational or amusement
10 facilities operated by the state, a county or a
11 municipal corporation.

12 Sec. . Section four hundred twenty-two point
13 fifty-eight (422.58), subsection two (2), Code 1977
14 Supplement, is amended to read as follows:

15 2. Any person who shall sell tangible personal
16 property, tickets or admissions to places of amusement
17 not operated by the state, a county or a municipal
18 corporation and athletic events, or gas, water,
19 electricity, and communication service at retail,
20 or engage in the rendering, furnishing, or performing
21 services enumerated in section 422.43, in this state
22 after the person's license shall have been revoked,
23 or without procuring a license within sixty days after
24 the effective date of this division, as provided in
25 section 422.53, or who shall violate the provisions
26 of section 422.49, and the officers of any corporation
27 who shall so act, shall be guilty of a simple
28 misdemeanor."

29 2. Title page, line 2, by inserting after the
30 word "devices" the words "and from the sale of tickets
31 or admissions to places of amusement operated by the
32 state, a county or a municipal corporation".

WYCKOFF of Benton

H-5318

1 Amend House File 2084 as follows:
2 1. Page 20, line 18, by striking the word "may"
3 and inserting in lieu thereof the word "shall".

JUNKER of Woodbury

H-5324

1 Amend House File 2116 as follows:
2 1. Page 1, by inserting after line 21 the following
3 section:
4 "Sec. . Section six hundred twenty-two point
5 seven (622.7), Code 1977, is amended to read as
6 follows:
7 622.7 HUSBAND OR WIFE AS WITNESS. Neither the
8 husband nor wife shall in any case be a witness against
9 the other, except as provided in section seven hundred
10 twenty-six point four (726.4), Code 1977 Supplement,
11 or in any of the following cases:
12 1. In a criminal prosecution for a crime committed
13 one against the other; ~~or~~.
14 2. In a civil action or proceeding one against
15 the other; ~~or~~.
16 3. In a civil action by one against a third party
17 for alienating the affections of the other; ~~or~~.
18 4. In any civil action brought by a judgment
19 creditor against either the husband or the wife, to
20 set aside a conveyance of property from one to the
21 other on the ground of want of consideration or fraud,
22 and to subject the same to the payment of his or her
23 judgment.
24 5. In a criminal prosecution of a felony, the
25 spouse of the person charged may be examined as to
26 any information concerning the alleged crime gained
27 prior to marriage."
28 2. Page 1, by inserting after line 33 the following
29 section:
30 "Sec. . Section seven hundred twenty-six point
31 four (726.4), Code 1977 Supplement, is amended to
32 read as follows:
33 726.4 HUSBAND OR WIFE MAY BE WITNESS. In all
34 prosecutions under sections 726.3, 726.5, or 726.6,
35 the husband or wife shall be a competent witness for

36 the state and may testify to any relevant acts or
 37 communications between them, anything in previous
 38 statutes to the contrary notwithstanding, provided,
 39 however, that no husband or wife shall be called or
 40 compelled to testify against the other under section
 41 sections 726.3, 726.5, or 726.6 except upon consent
 42 of such witness as to information concerning an alleged
 43 felony gained prior to the marriage."
 44 3. By renumbering sections to conform with this
 45 amendment.

SCHROEDER of Pottawattamie

H—5325

1 Amend House File 2048 as follows:
 2 1. Page 1, line 24, by striking the words "the
 3 reorganization" and inserting in lieu thereof the
 4 words "the reorganization".
 5 2. Page 1, by striking line 25, and inserting
 6 in lieu thereof the words "of school districts into
 7 such units as are necessary educational improvement
 8 of school districts through the development of
 9 necessary delivery systems which have been approved
 10 by the state board and are acceptable to local
 11 communities".
 12 3. Page 1, line 26, by striking the words
 13 "economical and efficient" and inserting in lieu
 14 thereof the words "economical and efficient".

MILLER (Sergeant) of Calhoun
 DAGGETT of Adams
 DYRLAND of Clayton
 SCHROEDER of Pottawattamie
 GILSON of Guthrie

STROMER of Hancock
 HANSEN of O'Brien
 BRANSTAD of Winnebago
 WELDEN of Hardin
 WYCKOFF of Benton
 EGENES of Story

H—5326

1 Amend House File 2048 as follows:
 2 1. Page 12, by inserting after line 14 the
 3 following sections:
 4 "Sec. . Section two hundred eighty-two point
 5 three (282.3), subsection two (2), unnumbered
 6 paragraphs three (3) and four (4), Code 1977, are
 7 amended to read as follows:
 8 No child shall be admitted to school work for the
 9 year immediately preceding the first grade unless
 10 he or she is five years of age on or before the
 11 fifteenth of September of the current school year

12 or the child has been certified by the area education
13 agency administrator of the area in which the child
14 resides to have demonstrated the possession of
15 sufficient ability to profit from the school's
16 educational program on the basis of tests and other
17 means of evaluation approved by the department of
18 public instruction.

19 No child shall be admitted to the first grade
20 unless he is six years of age on or before the
21 fifteenth of September of the current school year;
22 except that a child under six years of age who has
23 been admitted to school work for the year immediately
24 preceding the first grade under conditions approved
25 by the department of public instruction, or who has
26 demonstrated the possession of sufficient ability
27 to profit by first-grade work on the basis of tests
28 or other means of evaluation recommended or approved
29 by the department of public instruction, may be
30 admitted to first grade at any time before December
31 31."

32 2. Amend the title, line 2, by inserting after
33 the word "reorganization" the words "and admission".

34 3. By numbering and renumbering sections as
35 necessary.

EGENES of Story
HANSEN of O'Brien
SPEAR of Lee

H-5327

1 Amend House File 2135 as follows:

- 2 1. Page 8, line 23, by striking the word "landlord"
3 and inserting in lieu thereof the word "tenant".

ARNOULD of Scott
JOCHUM of Dubuque
DYRLAND of Clayton

H-5328

1 Amend House File 2135 as follows:

- 2 1. Page 8, by inserting after line 1 the
3 following:
4 "Nothing in this Act shall prohibit a rental
5 agreement from requiring a tenant to maintain
6 liability insurance which names the landlord as an
7 insured as relates to the mobile home space rented
8 by the tenant."

NIELSEN of Polk

H—5329

1 Amend House File 2135 as follows:

2 1. Page 8, by inserting after line 23 the
3 following:

4 "In lieu of a cash rental deposit the tenant may
5 deliver to the landlord a passbook account at a
6 federally insured financial institution in the name
7 of the tenant with the sole power of withdrawal in the
8 landlord. Interest on the account shall be property
9 of the tenant. The landlord shall inform the tenant
10 of his rights under this paragraph."

11 2. Page 8, line 33, by inserting after the word
12 "deposit" the words "and accrued interest".

ARNOULD of Scott
CONLON of Muscatine
RINAS of Linn
JUNKER of Woodbury

H—5330

1 Amend amendment H—5148 to page 3 of House File
2 2048 as follows:

3 1. Page 1, by striking lines 14 and 15 and
4 inserting in lieu thereof the following: "Additional
5 public hearings shall be held in each district in-
6 volved in the reorganization by the area education
7 agency board."

BENNETT of Ida
STROMER of Hancock

H—5336

1 Amend amendment H—5326, to page 12 of House
2 File 2048, as follows:

3 1. Page 1, line 12, by inserting after the word
4 "child" the words "is four years and six months of
5 age on or before the fifteenth of September of the
6 current school year and".

SPEAR of Lee

H—5346

1 Amend House File 2048 as follows:

2 1. Page 12, by inserting after line 14 the
3 following section:

4 "Sec. . Chapter two hundred eighty (280),
5 Code 1977, is amended by adding the following new
6 section:

7 **NEW SECTION.** Extracurricular activities sponsored
8 by a school or school district which do not take place
9 within the confines of a building or structure as
10 defined in chapter one hundred three A (103A) of the
11 Code shall not be held during rain or thunderstorms.
12 The school employee in charge of the extracurricular
13 activity shall determine whether the weather warrants
14 cancellation of the activity."
15 2. By numbering and renumbering sections as
16 necessary.

MILLER of Buchanan

H—5347

1 Amend House File 2048 as follows:
2 1. Page 12, by inserting after line 14 the
3 following section:
4 "Sec. Section two hundred eighty-five point
5 ten (285.10), Code 1977, is amended by adding the
6 following new subsection:
7 **NEW SUBSECTION.** Adopt rules for the safe operation
8 of buses to and from extracurricular activities
9 sponsored by the school, including weather conditions
10 acceptable for operation of the buses to the
11 extracurricular activities. The board shall designate
12 an employee of the board to determine whether the
13 buses should operate under this subsection when
14 inclement weather conditions are present."
15 2. By numbering and renumbering sections as
16 necessary.

MILLER of Buchanan

H—5348

1 Amend Senate File 2066, as passed by the Senate,
2 as follows:
3 1. Page 1, by inserting after line 11 the
4 following section:
5 "Sec. Section four hundred twenty-two
6 point forty-five (422.45), Code 1977 Supplement,
7 is amended by adding the following new subsection:
8 **NEW SUBSECTION.** The gross receipts from the
9 sale of horses, commonly known as draft horses, which
10 weigh one thousand two hundred pounds or more."
11 2. Amend the title, line 2, by inserting after
12 the word "devices" the following: ", and the sale of
13 draft horses,".

LAGESCHULTE of Bremer
SCHNEKLOTH of Scott

H—5349

- 1 Amend House File 2113 as follows:
- 2 1. Page 1, line 22, by striking the words "general
- 3 fund of the state" and inserting in lieu thereof the
- 4 words "state treasury".

KOOGLER of Mahaska
CUSACK of Scott
VARLEY of Adair
STROMER of Hancock
NORLAND of Worth
WELDEN of Hardin

H—5350

- 1 Amend House File 2048 as follows:
- 2 1. Page 2, by striking lines 6 through 10 and
- 3 inserting in lieu thereof the following: "maintain
- 4 detailed data studies and surveys of the school dis-
- 5 tricts within the area education agency and adjacent
- 6 territory ~~for the purpose of promoting reorganization~~
- 7 ~~of school districts in order to effect more economical~~
- 8 ~~operation and the attainment of higher standards of~~
- 9 ~~education in the schools. The surveys".~~

DAGGETT of Adams
STROMER of Hancock
HULLINGER of Decatur

H—5351

- 1 Amend House File 2048 as follows:
- 2 1. Page 15, by striking lines 27 through 35.
- 3 2. By striking lines 1 through 35 on page 16.
- 4 3. Page 17, by striking lines 1 through 14.

MILLER of Buchanan

H—5356

- 1 Amend House File 2048 as follows:
- 2 1. Page 14, line 5, by inserting after the word
- 3 "resolution" the words "or if, by its own motion the
- 4 board determines that a referendum should be held,".

GILSON of Guthrie
BAKER of Buena Vista

H—5363

1 Amend House File 2048 as follows:

2 1. Page 12, by inserting after line 14 the
3 following sections:
4 "Sec. . . . Section four hundred forty-two point
5 four (442.4), subsection one (1), Code 1977, is amended
6 to read as follows:

7 1. Basic enrollment for the budget year is
8 determined by adding the resident pupils who were
9 enrolled on the second Friday of January September
10 in the base year in public elementary and secondary
11 schools of the district and in public elementary and
12 secondary schools in another district or state for
13 which tuition is paid by the district. For the school
14 year beginning July 1, 1975, pupils who were enrolled
15 on the second Friday of January in the base year in
16 special education programs conducted by a county or
17 joint county school system are included in basic
18 enrollment. For the school year beginning July 1,
19 1975, and each succeeding school year, pupils enrolled
20 in prekindergarten programs other than special
21 education programs are not included in basic
22 enrollment.

23 Resident pupils of high school age for which the
24 district pays tuition to attend an Iowa area school
25 are included in basic enrollment on a full-time
26 equivalent basis as of the second Friday of January
27 September in the base year.

28 Shared-time and part-time pupils of school age,
29 irrespective of the districts in which the pupils
30 reside, are included in basic enrollment as of the
31 second Friday of January September in the base year,
32 in the proportion that the time for which they are
33 enrolled or receive instruction for the school year
34 is to the time that full-time pupils carrying a normal
35 course schedule, at the same grade level, in the same
36 school district, for the same school year, are enrolled
37 and receive instruction. Tuition charges to the parent
38 or guardian of a shared-time or part-time out-of-
39 district pupil shall be reduced by the amount of any
40 increased state aid occasioned by the counting of
41 the pupil.

42 Pupils attending a university laboratory school
43 are not counted in any district's basic enrollment,
44 but the laboratory school shall report them directly
45 to the department of public instruction.

46 A school district shall certify its basic enrollment
47 to the state department of public instruction by
48 January 25 September twenty-fifth of each year, and
49 the department shall promptly forward the information
50 to the state comptroller. For purposes of determining

Page 2

1 whether a district is entitled to an advance for
2 increasing enrollment, and for record-keeping purposes,
3 a determination of enrollment shall be made on the
4 second Friday of September in the budget year, in
5 the same manner as the January September basic
6 enrollment is determined.

7 However, for the school year beginning July 1,
8 1974, basic enrollment is equal to the actual
9 enrollment used for that year prior to adjustment
10 for decreasing enrollment.

11 Sec. . Section four hundred forty-two point
12 seven (442.7), subsection two (2), unnumbered paragraph
13 one (1), Code 1977, is amended to read as follows:

14 For school years subsequent to the school year
15 beginning July 1, 1975, a state percent of growth
16 for the budget year shall be computed by the state
17 comptroller prior to February 15 September fifteenth
18 of each year and forwarded to the superintendent of
19 public instruction. The state percent of growth shall
20 be an average of the following four percentages of
21 growth:

22 Sec. . Section four hundred forty-two point
23 seven (442.7), subsection two (2), paragraph b,
24 subparagraphs one (1) and two (2), Code 1977, are
25 amended to read as follows:

26 (1) From July 1 January first of the year prior
27 to the base year to July 1 January first of the budget
28 base year.

29 (2) From July 1 January first of the budget base
30 year to July 1 January first of the year immediately
31 following the budget year.

32 Sec. . Section four hundred forty-two point
33 seven (442.7), subsections four (4) and five (5),
34 Code 1977, are amended to read as follows:

35 4. Each year prior to February 15 September
36 fifteenth the state comptroller shall recompute the
37 state percent of growth for the previous year using
38 adjusted estimates and the actual figures available.
39 The difference between the recomputed state percent
40 of growth for the base year and the original
41 computation shall be added to or subtracted from the
42 state percent of growth for the budget year, as
43 applicable.

44 5. The state comptroller shall compute an estimated
45 state percent of growth for the budget year prior
46 to September 15 in the base year and shall forward
47 this estimate to the superintendent of public
48 instruction."

49 2. Renumber sections as necessary in conformance
50 with this amendment.

STROMER of Hancock
HANSEN of O'Brien

H - 5364

- 1 Amend House File 559 as follows:
- 2 1. Page 1, by striking lines 27 through 35 and
- 3 inserting in lieu thereof the following:
- 4 "2. If the structure does not comply with the
- 5 thermal efficiency standards at the time of closing
- 6 of the transaction:
- 7 a. The buyer shall agree to make the improvements
- 8 pursuant to an agreement between the buyer and the
- 9 lender and subject to the conditions of this sub-
- 10 section; or
- 11 b. The seller shall provide for the establishment
- 12 of an escrow account in the amount of one hundred
- 13 twenty-five percent of the estimated cost of the
- 14 improvements necessary to achieve compliance with the
- 15 thermal efficiency standards and the improvements
- 16 shall be made by the seller.
- 17 The improvements necessary to bring the structure
- 18 into compliance with the thermal efficiency standards
- 19 shall be completed within one hundred eighty days".
- 20 2. Page 2, line 3, by striking the second word "the"
- 21 3. Page 2, by striking line 4 and inserting in
- 22 lieu thereof the words "improvements which are to
- 23 be made by the seller are not made by the seller
- 24 within one".

HARGRAVE of Johnson

H - 5368

- 1 Amend House File 2084 as follows:
- 2 1. Page 28, by striking lines 31 through 34 and
- 3 inserting in lieu thereof the following:
- 4 "5. The commission shall render a decision on
- 5 the application in an expeditious manner. The
- 6 commission may hold".

HULLINGER of Decatur

H - 5369

- 1 Amend House File 2048 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing new section:
- 4 "Sec. . Section twenty point seventeen (20.17),

5 Code 1977, as amended by Acts of the Sixty-seventh
6 General Assembly, 1977 Extraordinary Session, chapter
7 one (1), section twenty-six (26), is amended by
8 striking subsection three (3) and inserting in lieu
9 thereof the following:

10 3. Negotiating sessions and hearings conducted
11 by arbitrators and factfinders shall be conducted
12 in compliance with chapter twenty-eight A (28A) of
13 the Code. For purposes of this subsection, a
14 "negotiating session" is a meeting between
15 representatives of the public employer and
16 representatives of the employee organization where
17 the purpose of the meeting is to negotiate those items
18 under section twenty point nine (20.9) of the Code.
19 Strategy sessions conducted by public employers or
20 employee organizations shall be exempt from the
21 provisions of chapter twenty-eight A (28A) of the
22 Code. For purposes of this subsection, a "strategy
23 session" is a meeting between only representatives
24 of the public employer or only representatives of
25 the employee organization where the purpose of the
26 meeting is to determine the subjects for negotiation
27 or the procedures to be used by the representatives
28 in collective bargaining negotiations.

29 If mediation procedures under section twenty point
30 twenty (20.20) of the Code are utilized, the mediator
31 shall prepare a written summary after the completion
32 of each mediation session during which representatives
33 of both the public employer and the employee
34 organization met with the mediator. These summaries
35 shall contain a statement of the issues and such other
36 details which will clearly show the nature of the
37 agreements and disagreements of the parties. The
38 mediator shall make his summary available to the press
39 and the public within twelve hours after the completion
40 of each mediation session."

41 2. Renumber sections and correct internal refer-
42 ences as are necessary in accordance with this
43 amendment.

WYCKOFF of Benton
PELTON of Clinton
MILLER of Buchanan
EVANS of Grundy

H - 5370

1 Amend House File 2048 as follows:

2 1. Page 15, line 23, by inserting after the word
3 "shall" the words "request approval from the school
4 budget review committee verifying that the additional

5 enrichment amount will be used only for educational
6 research, curriculum maintenance or development, or
7 innovative programs. If approval is granted by the
8 school budget review committee, the board shall".

LIPSKY of Linn

H-5371

1 Amend H-5262, by Spear and Crawford, to page 12 of
2 House File 2084, as follows:
3 1. Page 1, by striking lines 16 and 17 and
4 inserting in lieu thereof the words "may issue an
5 additional contract to a teacher for extra duties.
6 The contract may".

PATCHETT of Johnson

H-5372

1 Amend House File 2048 as follows:
2 1. Page 3, line 23, by striking the word
3 "superintendent" and inserting in lieu thereof the
4 word "commissioner".
5 2. Page 3, line 24, by striking the word
6 "superintendent" and inserting in lieu thereof the
7 word "commissioner".
8 3. Page 3, line 31, by striking the word
9 "superintendent" and inserting in lieu thereof the
10 word "commissioner".
11 4. Page 17, by inserting after line 14 the
12 following sections:
13 "Sec. . Sections eight point six (8.6);
14 eighteen point one hundred thirty-six (18.136);
15 nineteen A point three (19A.3), as amended by Acts
16 of the Sixty-seventh General Assembly, 1977 Session,
17 chapter one hundred fifty-four (154), section twenty-
18 six (26); nineteen A point nine (19A.9), eighty B
19 point six (80B.6); ninety-two point twenty-one (92.21);
20 two hundred fifty-seven point ten (257.10); two hundred
21 fifty-seven point eleven (257.11); two hundred fifty-
22 seven point thirteen (257.13); two hundred fifty-seven
23 point fourteen (257.14); two hundred fifty-seven point
24 fifteen (257.15); two hundred fifty-seven point sixteen
25 (257.16); two hundred fifty-seven point seventeen
26 (257.17); two hundred fifty-seven point eighteen
27 (257.18); two hundred fifty-seven point nineteen
28 (257.19); two hundred fifty-seven point twenty
29 (257.20); two hundred fifty-seven point twenty-one
30 (257.21); two hundred fifty-seven point twenty-two

31 (257.22); two hundred fifty-seven point twenty-three
 32 (257.23); two hundred fifty-seven point twenty-four
 33 (257.24); two hundred fifty-seven point twenty-five
 34 (257.25), as amended by Acts of the Sixty-seventh
 35 General Assembly, 1977 Session, chapter ninety-three
 36 (93), section one (1), two (2), and three (3); two
 37 hundred fifty-eight point three (258.3); two hundred
 38 fifty-eight point thirteen (258.13); two hundred
 39 fifty-nine A point four (259A.4); two hundred fifty-
 40 nine A point five (259A.5); two hundred sixty point
 41 three (260.3); two hundred sixty point fifteen
 42 (260.15); two hundred seventy-two point one (272.1);
 43 two hundred seventy-two point two (272.2); two hundred
 44 seventy-two point eight (272.8); two hundred seventy-
 45 four point forty-two (274.42); two hundred seventy-
 46 four point forty-three (274.43); two hundred seventy-
 47 four point forty-four (274.44); two hundred seventy-
 48 four point forty-five (274.45); two hundred seventy-
 49 five point three (275.3); two hundred eighty point
 50 three (280.3); two hundred eighty A point thirty-three

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1 (280A.33); two hundred eighty-one point one (281.1);
 2 two hundred eighty-one point nine (281.9); two hundred
 3 eighty-two point eight (282.8); two hundred eighty-
 4 two point eighteen (282.18); two hundred eighty-two
 5 point twenty-three (282.23); two hundred eighty-two
 6 point twenty-four (282.24); two hundred eighty-three
 7 A point three (283A.3); two hundred eighty-three A point
 8 point four (283A.4); two hundred eighty-three A point
 9 five (283A.5); two hundred eighty-four point two
 10 (284.2); two hundred eighty-five point one (285.1);
 11 two hundred eighty-five point four (285.4); two hundred
 12 eighty-five point five (285.5); two hundred eighty-
 13 five point six (285.6); two hundred eighty-five point
 14 twelve (285.12); two hundred eighty-five point thirteen
 15 (285.13); two hundred eighty-six A point six (286A.6);
 16 two hundred eighty-six A point eleven (286A.11); two
 17 hundred eighty-six A point twelve (286A.12); two
 18 hundred ninety point five (290.5); two hundred ninety
 19 one point nine (291.9); two hundred ninety-one point
 20 ten (291.10); two hundred ninety-one point eleven
 21 (291.11); two hundred ninety-one point fifteen
 22 (291.15); two hundred ninety-four point two (294.2);
 23 two hundred ninety-nine point twenty-four (299.24)
 24 three hundred two point thirteen (302.13); three
 25 hundred twenty-one point three hundred seventy-four
 26 (321.374); three hundred twenty-one point three hundred
 27 seventy-six (321.376); three hundred thirty-three
 28 point thirteen (333.13); four hundred forty-two point

29 twelve (442.12); four hundred forty-two point thirteen
 30 (442.13); four hundred forty-two point twenty-three
 31 (442.23); six hundred one F point three (601F.3);
 32 seven hundred thirteen A point two (713A.2); seven
 33 hundred thirteen A point six (713A.6), Code 1977
 34 are amended by striking from such sections the words
 35 "superintendent of public instruction" and "state
 36 superintendent of public instruction" and inserting
 37 in lieu thereof the words "commissioner of public
 38 instruction" and by striking from such sections the
 39 words "superintendent" and "state superintendent"
 40 and inserting in lieu thereof the word "commissioner"
 41 except when the word "superintendent" is followed
 42 by the words "of the school district".
 43 Sec. . Sections seventeen point three (17.3),
 44 sixty-four point six (64.6); two hundred twenty-four
 45 B point eight (224B.8), two hundred eighty-one point
 46 seven (281.7), and two hundred ninety-four point five
 47 (294.5), Code 1977, are amended by striking from such
 48 sections the words "superintendent of public
 49 instruction" and "state superintendent of public
 50 instruction" and inserting in lieu thereof the words

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1 "commissioner of public instruction".
 2 5. Page 17, by inserting after line 14 the follow-
 3 ing section:
 4 "Sec. . Section two hundred fifty-seven point
 5 twelve (257.12), Code 1977, is repealed."
 6 6. By numbering and renumbering sections as
 7 necessary.

STROMER of Hancock
 DAGGETT of Adams
 NORLAND of Worth
 JOCHUM of Dubuque
 HANSEN of O'Brien
 SMALL of Johnson
 RINAS of Linn
 BAKER of Buena Vista
 KREWSON of Polk
 ARNOULD of Scott
 BROCKETT of Marshall
 EVANS of Grundy
 PONCY of Wapello
 SCHROEDER of Pottawattamie
 CRAWFORD of Story
 BRANSTAD of Winnebago
 CLARK of Cerro Gordo

PATCHETT of Johnson
 GILSON of Guthrie
 KOOGLER of Mahaska
 WALTER of Pottawattamie
 LIPSKY of Linn
 MILLER (SERGEANT) of Calhoun
 JUNKER of Woodbury
 MILLER of Buchanan
 JESSE of Polk
 BINA of Scott
 DYRLAND of Clayton
 WEST of Marshall
 HORN of Linn
 HALVORSON of Clayton
 O'HALLORAN of Black Hawk
 CLARK of Lee
 LIND of Black Hawk
 HOFFMANN of Muscatine

HINKHOUSE of Cedar
 TOFTE of Winneshiek
 THOMPSON of Polk
 DIELEMAN of Marion
 PELLETT of Cass
 HOWELL of Floyd
 PELTON of Clinton
 BRANDT of Black Hawk
 GARRISON of Black Hawk

HARVEY of Scott
 CONLON of Muscatine
 SCHEELHAASE of Woodbury
 KRAUSE of Kossuth
 LAGESCHULTE of Bremer
 DAVITT of Warren
 SHIMANEK of Jones
 DUNTON of Keokuk
 MILLEN of Van Buren

H—5373

1 Amend House File 2048 as follows:

2 1. Page 12, by inserting after line 3 the following
 3 section:

4 "Sec. Chapter two hundred seventy-five
 5 (275), Code 1977, is amended by adding the following
 6 new section:

7 NEW SECTION. ALTERNATIVE METHOD FOR ELECTION OF
 8 DIRECTORS.

9 1. As an alternative to the method specified in
 10 section two hundred seventy-five point twenty-five
 11 (275.25) of the Code for electing directors in a
 12 newly-formed community school district, the procedure
 13 specified in this section may be used.

14 2. The boards of the old school district with
 15 the largest population involved in the merger shall
 16 designate four directors to be retained as members
 17 of the board of the newly-formed district. Other
 18 school districts involved in the merger shall each
 19 be allowed to retain directors in proportion to the
 20 ratio that the population of the former school district
 21 bears to the most populous district involved in the
 22 merger, except that no district involved in the merger
 23 shall retain less than one director.

24 3. If the procedure in subsection two (2) of this
 25 section results in four members being retained from
 26 the largest district involved in the merger and only
 27 a single member from the other district involved in
 28 the merger, the reorganization petition may specify
 29 that the distribution of the board members who are
 30 retained from the districts involved in the merger
 31 be five to one, five to two, or six to one.

32 4. If the total number of directors determined
 33 under subsection two (2) of three (3) of this section
 34 is an odd number, the board of the district with the
 35 largest population shall designate the term of office
 36 of one of the members who is retained to commence
 37 at the organizational meeting of the board of the
 38 newly-formed district and to end at the organizational
 39 meeting following the fourth regular school election
 40 held thereafter in the manner specified in the

41 reorganization petition.

42 If the total number of directors determined under
43 subsection two (2) or three (3) of this section is
44 an even number, that number of directors shall function
45 until a special election can be held, at which time
46 an additional director shall be elected to a term
47 from the newly-formed district ending at the
48 organizational meeting following the fourth regular
49 school election held thereafter. The procedure for
50 calling the special election shall be the procedure

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1 specified in section two hundred seventy-five point
2 twenty-five (275.25) of the Code.

3 5. The boards of directors of other school
4 districts which are involved in the merger which have
5 three or more directors who are retained, shall each
6 designate two of the directors who are retained to
7 serve terms that expire at the organizational meeting
8 following the second regular school election held
9 thereafter. All other directors who are retained
10 shall serve terms that expire at the organizational
11 meeting following the third regular school election
12 held thereafter.

13 6. At the second regular school election held
14 after the effective date of the merger, the two
15 vacancies which will occur on the board shall be
16 filled in a manner specified in the reorganization
17 petition.

18 7. At the third regular school election held after
19 the effective date of merger, if a five-member board
20 is specified in the reorganization petition, two
21 directors shall be elected in the manner specified
22 in the reorganization petition and if a seven-member
23 board is specified in the reorganization petition,
24 four directors shall be elected, two for one-year
25 terms and two for three-year terms, in the manner
26 specified in the reorganization petition.

27 8. The board of the newly-formed district shall
28 organize within fifteen days after the effective date
29 of the merger upon the call of the area education
30 agency administrator. The new board shall have control
31 of the employment of all personnel for the newly-
32 formed district for the ensuing school year. Following
33 the organization of the new board the board shall
34 have authority to establish policy, organize
35 curriculum, enter into contracts and complete such
36 planning and take such action as is essential for
37 the efficient management of the newly-formed community
38 school district.

- 39 Section forty-nine point eight (49.8), subsection
40 four (4), of the Code shall not permit a director
41 to remain on the board of a school district after
42 the effective date of a boundary change which places
43 the director's residence outside the boundaries of
44 the district. Vacancies so caused on any board shall
45 be filled in the manner provided in sections two
46 hundred seventy-nine point six (279.6) and two hundred
47 seventy-nine point seven (279.7) of the Code."
48 2. By numbering and renumbering sections as
49 necessary.

STROMER of Hancock
MILLER (SERGEANT) of Calhoun
HANSEN of O'Brien
MENKE of O'Brien
PATCHETT of Johnson

H—5374

- 1 Amend Amendment H—5325 to Page 1 of House File 2048
2 as follows:
3 1. Page 1, line 10, by striking the words, "and
4 are acceptable to local".
5 2. Page 1, line 11, by striking the word
6 "communities".

CLARK of Cerro Gordo

H—5378

- 1 Amend amendment H—5370 to Page 15 of House File
2 2048 as follows:
3 Page 1, line 6, by inserting after the word
4 "development," the words "programs for gifted and
5 talented children".

SPEAR of Lee

H—5387

- 1 Amend the Senate amendment, H—5323, to House File
2 187 as follows:
3 1. Page 2, line 45, by inserting after the word
4 "container," the words "The refund value indication
5 shall include the word "Iowa" or other distinctive
6 indication that the container is offered for sale
7 or sold in this state."

SPEAR of Lee

H—5390

1 Amend H—5323, the Senate amendment, to House File
2 187 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 3, line 20, by inserting after the word
5 "require." the words "A fee of twenty dollars shall
6 accompany each application for approval of a redemption
7 center."

8 2. Page 3, by inserting after line 41 the follow-
9 ing:

10 "5. All approved redemption centers shall meet
11 applicable health standards."

12 3. Page 3, by inserting after line 50 the follow-
13 ing sections:

14 "Sec. . NEW SECTION. LEVY ON MANUFACTURERS.

15 1. There is levied on all manufacturers an
16 assessment of one twentieth of one cent on each
17 beverage container sold by the manufacturer in Iowa
18 that has a refund value of five cents and that cannot
19 be reused as a beverage container in its present form.
20 If the deposit on a beverage container subject to
21 the provisions of this section is more than five cents
22 the assessment shall increase one one-hundredth of
23 one cent for each one cent increase in the amount
24 of the deposit.

25 2. Manufacturers shall remit the assessment imposed
26 by this section quarterly to the treasurer of state
27 who shall deposit the funds collected in the recycling
28 and litter control fund created in subsection three
29 (3) of this section.

30 3. There is created in the general fund of the
31 state a recycling and litter control fund. Moneys
32 deposited in the fund pursuant to subsection two (2)
33 of this section are appropriated to the department
34 for use by the commission for recycling and litter
35 control programs.

36 Sec. . NEW SECTION. NOTIFICATION OF FUNDING
37 OPPORTUNITIES. The executive director shall publicize
38 federal and state funding opportunities for recycling
39 and litter control programs. The executive director
40 shall specifically notify approved redemption centers
41 of such funding opportunities."

42 4. Page 4, by striking lines 25 and 26 and insert-
43 ing in lieu thereof the words "5 and inserting in
44 lieu thereof the words "tainers, imposing a tax on
45 certain beverage containers, making an appropriation"."

MILLER of Buchanan

H—5393

1 Amend House File 2048 as follows:

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

4 "Section 1. Section two hundred fifty-seven point
5 twenty-five (257.25), subsection six (6), paragraph
6 f, Code 1977, is amended to read as follows:
7 f. Two units of one foreign language; the units
8 of foreign language may be taught in alternate years,
9 provided there is no break in the progression of
10 instruction from one year to the next. However, the
11 board of a school district, with the approval of the
12 state board, may substitute two other units in place
13 of the foreign language units, in addition to the
14 units otherwise required under this subsection, of
15 a different subject area deemed of benefit to the
16 students of that school district."

17 2. By renumbering sections as necessary.

BYERLY of Polk

H—5394

1 Amend House File 2048 as follows:

2 1. Page 12, by inserting after line 14 the
3 following section:

4 "Sec. . Chapter two hundred ninety-seven (297),
5 Code 1977, is amended by adding the following new
6 section:

7 NEW SECTION. Before an election is held on the
8 issuance of general obligation bonds for the construc-
9 tion or renovation of any school building, the board
10 shall inform the board of the area education agency
11 in which the school district is located. The
12 chairperson of the area education agency shall call
13 a meeting of the boards of directors of the school
14 district proposing the issuance of general obligation
15 bonds, the boards of school districts contiguous to
16 that school district, and the board of the area
17 education agency, for the purpose of discussing
18 enrollment trends of that school district and school
19 districts contiguous to it and solutions to the
20 enrollment changes in the various school districts,
21 including the possibility of school district
22 reorganization. The chairperson of the board of the
23 area education agency shall preside at the meeting
24 unless the chairperson is a resident of the school
25 district proposing the issuance of general obligation
26 bonds. In that case, the vice chairperson shall
27 preside at the meeting.

28 Following discussion at the meeting, the board
29 of directors of the area education agency shall meet

30 to make recommendations concerning alternative
31 solutions to the construction or renovation of the
32 school building which shall be made to the school
33 district proposing to issue general obligation bonds.
34 The school district shall consider the recommenda-
35 tions of the board of the area education agency before
36 setting a date for the election to authorize the
37 issuance of general obligation bonds."
38 2. By numbering and renumbering sections as
39 necessary.

HORN of Linn

H—5396

1 Amend H—5326, filed by Egenes, et al, to House
2 File 2048, as follows:
3 1. Page 1, line 12, by inserting after the word
4 "child" the words "is four years and six months of
5 age on or before the fifteenth of September of the
6 current school year and".
7 2. Page 1, line 12, by striking the words "has
8 been certified by the area education".
9 3. Page 1, by striking lines 13 through 18 and
10 inserting in lieu thereof the words "the board of
11 directors of the district in which the child resides
12 has adopted a policy of early admission to
13 kindergarten. The department of public instruction
14 shall prepare guidelines to assist such boards in
15 determining whether the child's mental age, physical
16 development, emotional stability, social adjustment,
17 and attitude toward learning are such that the child
18 could perform the work of kindergarten and would
19 benefit by early admission."
20 4. Page 1, line 20, by inserting after the word
21 "he" the words "or she".
22 5. Page 1, line 24, by striking the words "under
23 conditions approved" and inserting in lieu thereof
24 the words "under conditions approved".
25 6. Page 1, line 25, by striking the words "by
26 the department of public instruction" and inserting
27 in lieu thereof the words "by the department of public
28 instruction".

SPEAR of Lee

H—5412

1 Amend Senate File 209, as amended, passed and
2 reprinted by the Senate, as follows:

- * 3 1. Page 1, by inserting after line 19 the
4 following:
5 " The responsibility for crossing signs in
6 accordance with section three hundred twenty-seven
7 G point two (327G.2) of the Code."
8 2. By numbering the subsection.

MILLER of Buchanan

H-5414

- 1 Amend House File 2159 as follows:
2 1. Page 1, by inserting before line 1 the fol-
3 lowing:
4 "Section 1. Section eighty B point six (80B.6),
5 subsection four (4), Code 1977, is amended by strik-
6 ing the subsection and inserting in lieu thereof the
7 following:
8 4. Three members appointed by the governor
9 with the consent of the senate; one member shall be an
10 active county attorney and shall be appointed for a
11 term of two years commencing on August 15, 1978; one
12 member shall be an active sheriff or deputy and shall
13 be appointed for a term of four years commencing on
14 August 15, 1978; one member shall be an active police
15 officer or police chief and shall be appointed for a
16 term of two years commencing on August 15, 1978. All
17 succeeding appointments by the governor shall be for
18 a term of four years."

HALVORSON of Clayton

H-5418

- 1 Amend House File 2172 as follows:
2 1. Page 1, line 9, by striking the words "student
3 residence halls, dormitories,".
4 2. Page 2, by striking lines 5, 6, and 7 and
5 inserting in lieu thereof the following:
6 "The board shall adopt a schedule".
7 3. Page 2, line 8, by striking the words "residence
8 hall, dormitories,".
9 4. Page 3, lines 28 and 29, by striking the words "or
10 residence halls,".
11 5. Page 3, line 29, by striking the words "or
12 dormitories,".
13 6. Page 4, line 24, by striking the words
14 "residence halls,".

- 15 7. Page 4, lines 24 and 25, by striking the words
16 "or dormitories".
17 8. Page 5, line 9, by striking the words "residence
18 halls,".
19 9. Page 5, lines 9 and 10, by striking the word
20 ", dormitories".
21 10. Page 5, line 30, by striking the words
22 "residence halls,".
23 11. Page 5, line 31, by striking the words "and
24 dormitories".
25 12. Page 6, line 3, by striking the words
26 "residence halls,".
27 13. Page 6, line 4, by striking the words "and
28 dormitories".
29 14. Page 6, lines 20 and 21, by striking the words
30 "residence halls,".
31 15. Page 6, line 21, by striking the words "
32 and dormitories".
33 16. Page 7, lines 6 and 7, by striking the words
34 "residence halls,".
35 17. Page 7, line 7, by striking the words "and
36 dormitories".
37 18. Amend the title, lines 1 and 2, by striking
38 the word "dormitories,".

BRANDT of Black Hawk
PERKINS of Greene
KREWSON of Polk

H—5419

- 1 Amend House File 2048 as follows:
2 1. Page 1, by inserting before line 1 the
3 following section:
4 "Section 1. Section two hundred fifty-seven point
5 twenty-five (257.25), subsection six (6), paragraph
6 g, Code 1977, is amended to read as follows:
7 g. All students physically able shall be required
8 to participate in physical education activities during
9 each semester a student is enrolled in school except
10 as otherwise provided in this paragraph. A minimum of
11 one-eighth unit each semester shall be required, except
12 that any pupil student participating in an organized and
13 supervised high school athletic program which requires
14 at least as much time of participation per week as one-
15 eighth unit may be excused from the physical education
16 course during the time of his or her participation in
17 the athletic program. In addition, a twelfth grade
18 student who is enrolled in a cooperative or work-study

19 program may be excused from the physical education
20 requirement by the principal of the school in which the
21 student is enrolled. Physical education activities
22 shall emphasize leisure time activities which will
23 benefit the student outside the school environment and
24 after graduation from high school."

HORN of Linn

H—5421

- 1 Amend amendment H—5373, to page 12 of House File
- 2 2048, as follows:
- 3 1. Page 2, line 28, by striking the words "fifteen
- 4 days after the effective date" and inserting in lieu
- 5 thereof the words "forty-five days after the approval".

STROMER of Hancock

H—5423

- 1 Amend House File 2048 as follows:
- 2 1. Page 1, by striking line 33 and inserting in
- 3 lieu thereof the following:
- 4 "grades to a contiguous district one or more
- 5 districts. Voluntary".

SCHROEDER of Pottawattamie

H—5425

- 1 Amend House File 2161 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 forty-seven
- 5 point nine (347.9), Code 1977, is amended by adding
- 6 the following new paragraph:".

DUNTON of Keokuk

H—5432

- 1 Amend the Senate amendment, H—5323, to House File
- 2 187 as follows:

- 3 1. Page 2, line 3, by inserting after the word
4 "container" the words "upon delivery of the beverage
5 containers by the dealer or person operating the
6 redemption center to the distributor's premises".

WOODS of Polk

H-5435

- 1 Amend the Senate amendment, H-5323, to House File
2 187 as follows:
3 1. Page 2, by striking lines 41 and 42 and
4 inserting in lieu thereof the following:
5 "1. Each beverage container manufactured or
6 purchased for distribution in this state shall clearly
7 indicate".
8 2. Page 2, line 45, by inserting after the word
9 "container." the following: "Effective January 1,
10 1980, a beverage container shall not be sold or offered
11 for sale without having a refund value indication
12 affixed to it."

KOOGLER of Mahaska
MILLER of Buchanan
PERKINS of Greene
HULLINGER of Decatur

H-5441

- 1 Amend the Senate amendment, H-5323, to House File
2 187 as follows:
3 1. Page 1, by striking lines 7 through 9 and in-
4 serting in lieu thereof the words "1. "Beverage"
5 means beer as".
6 2. Page 1, line 11, by inserting after the word
7 "Code" the words "other alcoholic beverages and".
8 3. Page 1, by striking lines 36 through 39.
9 4. Page 1, line 40 by striking the word "a" and
10 inserting in lieu thereof the following: "A".

NIELSEN of Polk

H-5443

- 1 Amend House File 2084 as follows:
2 1. Page 14, by inserting after line 35 the

3 following: "However, no bonds or notes shall be
4 issued for a project prior to issuance of a cer-
5 tificate as required by section four hundred seventy-
6 six A point two (476A.2) of the Code."

KOOGLER of Mahaska

H-5445

1 Amend House File 2048 as follows:

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

4 "Section 1. NEW SECTION. COUNTY SCHOOL DISTRICTS.

5 Effective July 1, 1979, there are established not
6 more than ninety-nine county school districts. Each
7 county school district shall be coterminous with the
8 boundary lines of the respective counties, except
9 as otherwise provided.

10 Within each county school district, there shall
11 be any number of high school districts, each containing
12 not less than twelve grades. Any school district
13 in existence on July 1, 1978 which has only one high
14 school is a high school district, except as modified
15 by county boundary lines or the board of the school
16 district.

17 A school district in existence on July 1, 1978
18 which has more than one high school located in the
19 district shall organize a separate high school district
20 for each high school and the component elementary
21 schools.

22 In addition, any school district in existence on
23 July 1, 1978 may join with any contiguous school
24 district or portion of a contiguous school district
25 to form a single high school district.

26 Sec. NEW SECTION. BOUNDARY LINES OF HIGH
27 SCHOOL DISTRICTS. The board of directors of each
28 school district in existence on July 1, 1978 shall
29 hold a public hearing not later than January 1, 1979
30 for the purpose of soliciting views of residents
31 of the school district and contiguous school districts
32 on the boundary lines of high school districts. The
33 board shall give notice of the location, date, and
34 time of the hearing at least fifteen days before the
35 date of the hearing in a newspaper in general
36 circulation in the school district. The cost of the
37 notice shall be paid by the school district.

38 In addition, the board shall meet with other school
39 districts in the county and with the board of the
40 area education agency for the purpose of determining
41 the boundary lines of the high school districts.

42 The board shall consider the following factors

43 in determining boundary lines:

44 1. The shortest and safest distance for students
45 to be transported to the school facilities.

46 2. The physical condition of the existing
47 facilities.

48 3. The educational program needs of the students
49 of the district.

50 Sec. . NEW SECTION. AREA EDUCATION AGENCY

Page 2

1 ACTION. No later than March 1, 1979 the board of
2 directors of each school district shall send a
3 certified copy of the boundary lines of the proposed
4 high school district or districts to the area education
5 agency board in which the school district is located.
6 The area education agency board shall either approve
7 or reject the boundaries of the proposed high school
8 district by September 1, 1979 and shall notify the
9 board of the school district by registered mail within
10 ten days of its decision. If the area education
11 agency board rejects the boundary lines proposed by
12 a board, it shall also transmit suggestions and
13 recommendations concerning the boundary lines to the
14 board.

15 The board of the school district for which proposed
16 boundary lines of a high school district have been
17 rejected shall hold a second hearing in the same
18 manner as the first hearing was held and shall send
19 a new proposal for the boundary lines of a proposed
20 high school district or districts within thirty days
21 after the rejection by the area education agency
22 board.

23 If the area education agency board rejects the
24 second proposal of the board, for the school year
25 beginning July 1, 1980 only, the area education agency
26 board shall temporarily assign boundary lines to form
27 a high school district. The county school district
28 shall then determine the boundary lines of the affected
29 area for the school year beginning July 1, 1981.

30 Sec. . NEW SECTION. MODIFICATION OF COUNTY
31 SCHOOL DISTRICT BOUNDARY LINES. Any person owning
32 land located near the boundary line of a proposed
33 county school district may file a petition no later
34 than April 1, 1979 with the area education agency
35 board to alter the boundary line of the proposed
36 county school district to include the land of that
37 person. The area education agency board shall review
38 the request and either approve or deny the request.
39 The decision of the area education agency board may
40 be appealed to the state board of public instruction
41 in the manner provided in chapter two hundred ninety

42 (290) of the Code.

43 In addition, a county school district may include
44 land from more than one county. Boards of directors
45 of school districts in existence on July 1, 1978 may
46 request a modification of boundary lines of the county
47 school district at the time the certified copy of
48 boundaries of high school districts are sent to the
49 area education agency board.
50 Sec. . NEW SECTION. DIVISION OF ASSETS AND

Page 3

1 LIABILITIES. The assets and liabilities of each
2 school district in existence on July 1, 1978 shall
3 be divided as provided in sections two hundred seventy-
4 five point twenty-eight (275.28), two hundred seventy-
5 five point twenty-nine (275.29), and two hundred
6 seventy-five point thirty (275.30) of the Code.
7 Sec. . NEW SECTION. TRUSTEE DISTRICTS. The
8 board of directors of a school district in existence
9 on July 1, 1978 shall draw the boundary lines for
10 trustee districts in the proposed high school
11 districts. If a proposed high school district is
12 located in more than one school district in existence
13 on July 1, 1978, the two boards shall jointly draw
14 the boundary lines for the portion of the proposed
15 high school district affected. There shall be five
16 trustees elected in each high school district, except
17 if there are two high school districts in a county
18 school district, each high school district shall have
19 three trustees. The board shall also state under
20 which of the methods described in section two hundred
21 seventy-five point twelve (275.12) of the Code the
22 trustees shall be elected. The decision of the board
23 shall be sent to the area education agency board no
24 later than December 1, 1979.

25 Sec. . NEW SECTION. ALTERATION OF MERGED AREA
26 BOUNDARY LINES. Subject to the provisions of section
27 two hundred eighty A point four (280A.4) of the Code,
28 if a county school district would be located in more
29 than one merged area and area education agency, the
30 boards of the area education agencies and the boards
31 of directors of the coterminous merged areas involved
32 shall meet jointly to determine in which merged area
33 the county school district will be located. The
34 decision of the boards shall be transmitted to the
35 department of public instruction not later than January
36 1, 1980. If the boards are unable to agree jointly,
37 that decision of the boards shall be transmitted to
38 the state board of public instruction no later than
39 January 1, 1980 and the state board of public
40 instruction shall make the decision as to which merged

41 area the county school district shall be located in
42 and shall inform the affected area education agency
43 boards, merged area boards, and boards of local school
44 districts.

45 Sec. . NEW SECTION. MERGER OF HIGH SCHOOL
46 DISTRICTS. High school districts may be merged with
47 the affirmative vote of all of the high school district
48 boards of trustees involved in the merger.

49 The county school district board may merge a high
50 school district with one or more adjoining high school

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1 districts upon the affirmative vote of two-thirds
2 of the votes of the directors of the county school
3 board.

4 Sec. . NEW SECTION. MERGER OF COUNTY SCHOOL
5 DISTRICTS. County school districts in any two or
6 more adjacent counties may, by concurrent action of
7 the respective boards, at any meeting called for that
8 purpose, merge the respective county school districts
9 into one county school district. Any such merger
10 requires the approval of the state board of public
11 instruction before becoming effective.

12 Sec. . NEW SECTION. ORGANIZATION OF BOARD
13 OF HIGH SCHOOL DISTRICT. The board of trustees of
14 each high school district shall meet and organize
15 at a time designated by the president of the board
16 on the third Monday in September each year at some
17 suitable place to be designated by the secretary.
18 Notice of the place and hour of such meeting shall
19 be given by the secretary to each member and each
20 member-elect of the board.

21 A president of the board of trustees of the high
22 school district shall be elected from the members
23 of the board and that member shall serve as a member
24 of the board of directors of the county school
25 district, except that if there are only one or two
26 high school districts in a county school district,
27 the trustees shall also serve as the county school
28 district board.

29 For the initial board of trustees, the secretary
30 of the board of the school district existing before
31 July 1, 1980 shall set the time and place of the board
32 meeting.

33 Sec. . NEW SECTION. APPOINTMENT OF SECRETARY.
34 At a regular or special meeting the high school
35 district board of trustees held in July prior to or
36 on July fifteenth the board shall appoint a secretary
37 who shall not be a teacher or other employee or member
38 of the board. The term of office of the secretary
39 is one year beginning with the date of appointment

40 and the appointment and qualification of the secretary
41 shall be entered in the minutes of the meeting. The
42 secretary shall qualify within ten days following
43 appointment by taking the oath of office in the manner
44 required by section two hundred seventy-seven point
45 twenty-eight (277.28) of the Code.

46 Sec. . NEW SECTION. VACANCIES. Vacancies
47 occurring among the members of the board of trustees
48 shall be filled by the board of trustees by
49 appointment. A person so appointed to fill a vacancy
50 in an elective office shall be for the remainder of

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1 the year until the next school election and until
2 the successor is elected and qualified. Any person
3 so appointed shall qualify within ten days thereafter
4 in the manner required by section two hundred seventy-
5 seven point twenty-eight (277.28) of the Code.
6 Sec. . NEW SECTION. DUTIES OF HIGH SCHOOL
7 DISTRICT TRUSTEES. The high school district trustees
8 shall make recommendations to the county school
9 district board on any matter affecting the high school
10 district."

11 2. Page 1, by inserting after line 20 the following
12 sections:

13 "Sec. . Section two hundred seventy-four point
14 six (274.6), Code 1977, is amended by striking the
15 section and inserting in lieu thereof the following:

16 274.6 NAMES. Each school corporation shall be
17 designated as the county school district of
18 _____ county or the _____
19 (an appropriate name) school district, state of Iowa.

20 This section is effective July 1, 1980.

21 Sec. . Section two hundred seventy-four point
22 seven (274.7), Code 1977, is amended by striking the
23 section and inserting in lieu thereof the following:

24 274.7 DIRECTORS. The affairs of each county
25 school district shall be conducted by a board of
26 directors who shall consist of the chairpersons of
27 the board of trustees of the high school districts,
28 except as provided in section seven (7) of this Act.

29 This section is effective July 1, 1980."

30 3. Page 12, by inserting after line 3 the following
31 sections:

32 "Sec. . Section two hundred seventy-seven point
33 one (277.1), Code 1977, is amended to read as follows:

34 277.1 REGULAR ELECTION. The regular election
35 shall be held annually on the second Tuesday in
36 September in each school district for the election
37 of officers trustees of the high school district,

38 and merged area, and county school system and for
39 the purpose of submitting to the voters thereof any
40 matter authorized by law.

41 This section is effective July 1, 1980.

42 Sec. . Section two hundred seventy-seven point
43 two (277.2), Code 1977, is amended to read as follows:

44 277.2 SPECIAL ELECTION. The board of directors
45 in any school corporation may call a special election
46 at which election the voters shall have the powers
47 exercised at the regular election with reference to
48 the sale of school property and the application to
49 be made of the proceeds, the authorization of seven
50 members on the board of directors, the authorization

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1 to establish or change the boundaries of director
2 trustee districts of high school districts, the
3 authorization of a schoolhouse tax or indebtedness,
4 as provided by law, for the purchase of a site and
5 the construction of a necessary schoolhouse, and for
6 obtaining roads thereto.

7 This section is effective July 1, 1980.

8 Sec. . Section two hundred seventy-seven point
9 four (277.4), Code 1977, is amended to read as follows:

10 277.4 NOMINATIONS REQUIRED. Nomination papers

11 for all candidates for election to office in each
12 high school district shall be filed with the secretary
13 of the school board not more than sixty-five days,
14 nor less than forty days prior to the election.

15 Nomination petitions shall be filed not later than
16 five o'clock p.m. on the last day for filing. Each
17 candidate shall be nominated by a petition signed
18 by not less than ten eligible electors of the high
19 school district. To each such petition shall be
20 attached the affidavit of an eligible elector of the
21 high school district that all of the signers thereof
22 are electors of such district and that the signatures
23 thereto are genuine. The candidate being nominated
24 by the petition may sign the affidavit only if he
25 or she personally circulated the petition. If the
26 affiant also signed the nomination petition, that
27 signature shall not be counted toward the total
28 required by this section. The petition shall include
29 the affidavit of the candidate being nominated, stating
30 his name, his residence, that he is a candidate and
31 is eligible for the office he seeks, and that if
32 elected he will qualify for the office.

33 The secretary of the school board of the high
34 school district shall deliver all nomination petitions
35 to the county commissioner of elections not later
36 than five o'clock p.m. on the day following the last

37 day on which nomination petitions can be filed. Any
38 person on whose behalf nomination petitions have been
39 filed under this section may withdraw as a candidate
40 by filing a signed statement to that effect with the
41 commissioner at any time prior to five o'clock p.m.
42 on the thirty-fifth day before the election.

43 This section is effective July 1, 1980.

44 Sec. . Section two hundred seventy-seven point
45 six (277.6), Code 1977, is amended to read as follows:

46 277.6 TERRITORY OUTSIDE COUNTY. If there is
47 within a school corporation any territory not within
48 the limits of the county whose county commissioner
49 of elections is responsible under section 47.2 for
50 conducting that school corporation's elections, the

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1 commissioner may divide the territory which lies
2 outside the county but within the high school district
3 into additional precincts, or may attach the various
4 parts thereof to contiguous precincts within the
5 responsible commissioner's county in accordance with
6 section 49.3, and as will best serve the convenience
7 of the electors of said territory in voting on school
8 matters.

9 This section is effective July 1, 1980.

10 Sec. . Section two hundred seventy-seven point
11 twenty-three (277.23), Code 1977, is amended by
12 striking the section and inserting in lieu thereof
13 the following:

14 277.23 DIRECTORS OF DISTRICT. The board of
15 directors of a county school distirct shall consist
16 of the chairperson from each of the boards of trustees
17 of the high school districts located in the county
18 school system, except as provided in section seven
19 (7) of the Act. Votes cast by the members of the
20 board of the county school district shall be weighted
21 based upon the ratio that the population of the high
22 school district bears to the total population of the
23 county school district.

24 This section is effective July 1, 1980.

25 Sec. . Section two hundred seventy-seven point
26 twenty-four (277.24), Code 1977, is amended by striking
27 the section and inserting in lieu thereof the
28 following:

29 277.24 TRUSTEES IN HIGH SCHOOL DISTRICTS. For
30 the initial election of directors of high school
31 districts, a special election shall be held on June
32 26, 1979 in the manner provided by law for special
33 elections. The terms of office shall be determined
34 by lot. Two trustees shall be elected for one year,
35 two for two years, and one for three years. If only

36 three trustees are elected, one shall be elected for
37 one year, one for two years, and one for three years.
38 The terms shall be extended and shall expire on the
39 third Monday in September of the appropriate year.

40 This section is effective July 1, 1980.

41 Sec. . Section two hundred seventy-seven point
42 twenty-seven (277.27), Code 1977, is amended to read
43 as follows:

44 277.27 QUALIFICATION. A school officer or member
45 of the board shall, at the time of election or
46 appointment, be an eligible elector of the corporation
47 or subdistrict high school district. Notwithstanding
48 any contrary provision of the Code, no member of the
49 board of ~~directors~~ trustees of any high school
50 district, or his or her spouse, shall receive

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1 compensation directly from the school board of either
2 the high school district or the county school district.
3 ~~No director or spouse affected by this provision on~~
4 ~~July 1, 1972, whose term of office for which elected~~
5 ~~has not expired, or whose contract of employment has~~
6 ~~a fixed date of expiration and has not expired, shall~~
7 ~~be affected by this provision until the expiration~~
8 ~~of the term of office to which elected, or the~~
9 ~~expiration date of the contract for which employed.~~

10 This section is effective July 1, 1980.

11 Sec. . Section two hundred seventy-seven point
12 twenty-eight (277.28), unnumbered paragraph one (1),
13 Code 1977, is amended to read as follows:

14 Each ~~director trustee~~ elected at a regular district
15 or director high school district election, as the
16 case may be, shall qualify by taking the oath of
17 office on or before the time set for the organization
18 meeting of the board ~~the third Monday in September~~
19 of the high school district, and his election and
20 qualification entered of record by the secretary.
21 The oath may be administered by any qualified member
22 of the board or the secretary of the board and may
23 be taken in substantially the following form:

24 This section is effective July 1, 1980.

25 Sec. . Section two hundred seventy-seven point
26 twenty-nine (277.29), Code 1977, is amended to read
27 as follows:

28 277.29 VACANCIES. Failure to elect at the proper
29 election or to appoint within the time fixed by law
30 or the failure of the officer elected or appointed
31 to qualify within the time prescribed by law; the
32 incumbent ceasing for any reason to be a resident
33 of the ~~district or removing his or her residence from~~

34 the ~~subdistrict~~ high school district or district of
35 the high school district; the resignation or death
36 of incumbent or of the officer-elect; the removal
37 of the incumbent from, or forfeiture of, his office,
38 or the decision of a competent tribunal declaring
39 his office vacant; the conviction of incumbent of
40 an infamous crime or of any public offense involving
41 the violation of his oath of office, shall constitute
42 a vacancy.

43 This section is effective July 1, 1980.

44 Sec. . Section two hundred seventy-eight point
45 one (278.1), Code 1977, is amended by striking
46 subsection eight (8).

47 This section is effective July 1, 1980.

48 Sec. . Section two hundred seventy-eight point
49 one (278.1), subsection nine (9), Code 1977, is amended
50 to read as follows:

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1 9. Authorize the establishment or abandonment
2 of ~~director trustee~~ trustee districts or a change of boundaries
3 of ~~director trustee~~ trustee districts of a high school
4 district. If a proposition submitted to the voters
5 under this subsection is rejected, it may not be
6 resubmitted to the voters of the district in
7 substantially the same form within the next three
8 years; if it is approved, no other proposal may be
9 submitted to the voters of the district under this
10 subsection within the next ~~six~~ years.

11 This section is effective July 1, 1980.

12 Sec. . Section two hundred seventy-nine point
13 one (279.1), Code 1977, is amended to read as follows:

14 279.1 ORGANIZATION. The board of directors of
15 each ~~school corporation~~ county school district and
16 the board of directors of each merged area shall meet
17 and organize at two o'clock p.m., or at seven-thirty
18 o'clock p.m., if so ordered by the president of the
19 board, on the ~~third~~ fourth Monday in September each
20 year at some suitable place to be designated by the
21 secretary. Notice of the place and hour of such
22 meeting shall be given by the secretary to each member
23 and each member-elect of the board.

24 Such organization shall be effected by the election
25 of a president from the members of the board, who
26 shall be entitled to vote as a member.

27 LThis section is effective July 1, 1980.

28 Sec. . Section two hundred seventy-nine point
29 eleven (279.11), Code 1977, is amended to read as
30 follows:

31 279.11 NUMBER OF SCHOOLS—ATTENDANCE—TERMS.

32 The board of directors, in consultation with the
33 boards of trustees of the high school districts, shall
34 determine the number of schools to be taught, divide
35 the ~~corporation~~ high school districts into such wards
36 or other divisions for school purposes as may be
37 proper, determine the particular school in a high
38 school district which each child shall attend, and
39 designate the period each school shall be held beyond
40 the time required by law.

41 This section is effective July 1, 1980.

42 Sec. . Section two hundred seventy-nine point
43 twelve (279.12), Code 1977, is amended to read as
44 follows:

45 279.12 CONTRACTS—ELECTION OF TEACHERS. The board
46 shall carry into effect any instruction from the
47 regular election upon matters within the control of
48 the voters, and shall elect all teachers and make
49 all contracts necessary or proper to exercising the
50 powers granted and performing the duties required

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1 by law, and may establish and pay all or any part
2 thereof from school district funds the cost of group
3 health insurance plans, nonprofit group hospital
4 service plans, nonprofit group medical service plans
5 and group life insurance plans adopted by the board
6 for the benefit of employees of the school district,
7 but the board may authorize any subdirector to employ
8 teachers for the school in his subdistrict, but no
9 such employment by a subdirector shall authorize a
10 contract, the entire period of which is wholly beyond
11 his term of office. .

12 The board may approve a policy for educational
13 leave for certificated school employees and for
14 reimbursement for tuition paid by certificated school
15 employees for courses approved by the board. For
16 the purpose of this section "educational leave" means
17 a leave granted to an employee for the purpose of
18 study including study in areas outside of a teachers's
19 area of specialization, travel, or other reasons
20 deemed by the board to be of value to the school
21 system.

22 This section is effective July 1, 1980."

23 4. Page 15, by inserting after line 26 the
24 following section:

25 "Sec. . Chapter four hundred forty-two (442),
26 Code 1977, is amended by adding the following new
27 section:

28 NEW SECTION. For the school year beginning July
29 1, 1980, a district cost of a county school district
30 shall be computed by the state comptroller on the

31 basis of the combined district costs and enrollments
32 from the base year of each school district or portion
33 of a school district in existence on July 1, 1978.

34 This section is effective July 1, 1980."

35 5. Page 17, by inserting after line 14 the
36 following sections:

37 "Sec. . Sections two hundred seventy-nine point
38 six (279.6) and two hundred seventy-nine point seven
39 (279.7), Code 1977, are repealed effective July 1,
40 1980.

41 Sec. . For the period commencing July 1, 1978
42 and ending July 1, 1980, school districts shall not
43 initiate reorganization procedures under the provisions
44 of chapter two hundred seventy-five (275) of the Code.

45 Sec. . Wherever the term school district appears
46 in the Code after July 1, 1980, school district means
47 a county school district established this Act."

48 6. By numbering and renumbering sections as
49 necessary.

HORN of Linn

H—5451

1 Amend House File 2048 as follows:

2 1. Page 12, by inserting after line 14 the following
3 section:

4 "Sec. . Section two hundred ninety-seven point
5 five (297.5), unnumbered paragraph one (1), Code 1977,
6 is amended to read as follows:

7 The directors in any high school district
8 maintaining a program kindergarten through grade
9 twelve may, by ~~February 1~~ March fifteenth of each
10 year certify an amount not exceeding twenty-seven
11 cents per thousand dollars of assessed value to the
12 ~~board of supervisors county auditor~~, who shall levy
13 the amount so certified, and the tax so levied shall
14 be placed in the schoolhouse fund and used only for
15 the purchase and improvement of sites in and for said
16 school district as specified by the directors."

PATCHETT of Johnson

H—5452

1 Amend the Permanent Rules of the House as
2 follows:

3 Rule 4, by adding the following new paragraph after
4 unnumbered paragraph one.

5 If the presiding officer rules the "point well
6 taken" the second time a point of order is raised
7 because of a high noise level (or inability to hear
8 debate), the House floor will be cleared of all
9 non-legislators except legislators' clerks, pages,
10 doormen, the staff in the well and staff members
11 going directly to and from the well. This status will
12 be in effect until the House recesses or adjourns.

BAKER of Buena Vista
HALVORSON of Clayton
KOOGLER of Mahaska
SCHEELHAASE of Woodbury
SCHROEDER of Pottawattamie

H-5454

1 Amend House File 2172 as follows:
2 1. Page 8, line 30, by inserting after the word
3 "project" the words "does not duplicate existing
4 facilities in either the public or private sector
5 which would be available for lease by the board of
6 the institution, that the proposed project".

SCHNEKLOTH of Scott

H-5455

1 Amend House File 2218 as follows:
2 1. Page 1, by striking line 5 and inserting
3 in lieu thereof the following:
4 "1. Permit fees, ten dollars per year.
5 a. One through ten rides, or devices or con-
6 cessions, fifteen dollars.
7 b. Eleven through twenty rides, or devices or
8 concessions, thirty-five dollars.
9 c. Twenty-one or more rides, or devices or
10 concessions, fifty dollars."

WOODS of Polk
DIELEMAN of Marion
LAGESCHULTE of Bremer

H-5457

1 Amend amendment H-5346, to page 12 of House File
2 2048, as follows:
3 1. Page 1, line 13, by inserting after the word
4 "warrants" the words "postponement or".

MILLER of Buchanan

H-5471

- 1 Amend House File 2243 as follows:
- 2 1. Page 7, by striking lines 27 through 32 and
- 3 inserting in lieu thereof the following:
- 4 "It is the intent of the general assembly that
- 5 \$42,000 of the funds appropriated by this lettered
- 6 paragraph be used for a senior center to be
- 7 established in the low income area located on the
- 8 northeast side of Waterloo, Iowa. The remainder
- 9 of the funds shall be used to fund at least three
- 10 additional senior centers in the state."

TOFTE of Winneshiek

H-5474

- 1 Amend H-5369, filed by Wyckoff et al, to House File
- 2 2048 as follows:
- 3 1. Page 1, by striking lines 29 through 40.

SPEAR of Lee

H-5475

- 1 Amend House File 2170 as follows:
- 2 1. Page 2, line 2, by striking the figure
- 3 "2,100,731" and inserting in lieu thereof the
- 4 figure "2,139,530".

WYCKOFF of Benton

H-5478

- 1 Amend House File 2244 as follows:
- 2 1. Page 8, line 25, by striking the word "and"
- 3 and inserting in lieu thereof the following: "or from
- 4 the date of".
- 5 2. Page 8, line 26, by inserting after the word
- 6 "instructions," the following words: "whichever is
- 7 later,".

EVANS of Grundy

H-5481

1 Amend House File 2222 as follows:

2 1. Page 1, by striking lines 10 and 11 and
3 inserting in lieu thereof the following: "law. All
4 moneys received by a city from the federal government
5 must be reported to the office for planning and
6 programming state comptroller who shall transmit a
7 copy to the legislative fiscal bureau."

8 2. Page 3, by striking lines 24 through 26 and
9 inserting in lieu thereof the following: "the levy;
10 and if the last half shall not be paid by April 1 first
11 following such".

12 3. Page 3, by striking lines 34 and 35 and
13 inserting in lieu thereof the following: "the city
14 finance committee shall be the state appeal board
15 when the political subdivision is a city."

CONNORS of Polk
BINA of Scott

H-5483

1 Amend House File 2048 as follows:

2 1. Page 9, by striking lines 18 through 35 and
3 inserting in lieu thereof the following:
4 "Sec. 15. 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 shall 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. Page 10, by striking lines 1 through 35.

9 3. Page 11, by striking lines 1 through 10.

SCHROEDER of Pottawattamie

H-5492

1 Amend House File 2244 as follows:

2 1. Page 17, line 35, by inserting after the word
3 "and" the following: "if he exercises that right."

4 2. Page 18, line 1, by striking the word "Act,"
5 and inserting in lieu thereof the word "Act".

RINAS of Linn

H—5494

- 1 Amend House File 2244 as follows:
2 1. Page 17, line 12, by striking the word
3 "emergency" and inserting in lieu thereof the words
4 "failure of structural, plumbing, heating or electrical
5 features of the dwelling unit essential to tenant health
6 and safety".

EVANS of Grundy

H—5496

- 1 Amend H—5372, filed by Patchett et. al., to
2 House File 2048 as follows:
3 1. Page 1, by inserting after line 1 the follow-
4 ing:
5 " . Page 1, by inserting before line 1 the
6 following sections:
7 "Section 1. Section two hundred fifty-seven point
8 one (257.1), Code 1977, is amended to read as follows:
9 257.1 STATE BOARD ESTABLISHED. There is hereby
10 established a state board of ~~public instruction~~
11 education for the state of Iowa. The state board
12 of ~~public instruction~~ education, hereinafter called
13 the state board, shall consist of nine members
14 who shall be appointed by the governor with the
15 approval of two-thirds of the members of the senate.
16 Not more than five members shall be of the same
17 political party.
18 Sec. 2. Section two hundred fifty-seven point
19 nineteen (257.19), Code 1977, is amended to read
20 as follows:
21 257.19 DEPARTMENT OF PUBLIC INSTRUCTION EDUCA—
22 TION ESTABLISHED. There is hereby established a
23 department of ~~public instruction~~ education to act
24 as an administrative, supervisory, and consultative
25 agency under the direction of the superintendent
26 of public instruction and the state board. The
27 state department shall be located in the office of
28 the state superintendent, and shall assist the state
29 superintendent in providing professional leadership
30 and guidance and in carrying out such policies,
31 procedures, and duties authorized by law or by the
32 regulations of the state board, as are found necessary
33 to attain the purposes and objectives of the school
34 laws of Iowa." "
35 2. Page 2, lines 37 and 38, by striking the
36 words "public instruction" and inserting in lieu

37 thereof the word "education".

38 3. Page 3, line 1, by striking the words "public
39 instruction" and inserting in lieu thereof the
40 word "education".

41 4. Page 3, by inserting after line 1 the follow-
42 ing:

43 "Sec. . The Code editor is directed to strike
44 the words "state board of public instruction" and
45 "department of public instruction" wherever they
46 appear in the Code 1977 and the Code 1977 Supplement
47 and to insert in lieu thereof the words "state
48 board of education" and "department of education",
49 respectively."

50 5. Page 3, by striking lines 2 through 5.

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1 6. By numbering and renumbering sections as
2 necessary in accordance with this amendment.

GILSON of Guthrie

H—5497

1 Amend H—5086, filed by Baker and Stromer, to
2 House File 2048 as follows:

3 1. Page 1, lines 7 and 8, by striking the words
4 "shall be offered".

5 2. Page 1, lines 8 and 9, by striking the words
6 "taught offered" and inserting in lieu thereof the
7 word "taught".

8 3. Page 1, line 11, by inserting after the word
9 "next." the words "However, the department may
10 waive the foreign language requirement upon the
11 request of the board of directors of a school
12 district if the board is able to prove that a certifi-
13 icated teacher was employed and assigned a schedule
14 that would have allowed students to enroll in a
15 foreign language class, the foreign language class
16 properly was scheduled, and students were aware that
17 a foreign language class was scheduled."

HORN of Linn

H—5498

1 Amend the Wyckoff et al amendment, H—5369, to

2 House File 2048, as follows:

3 1. Page 1, line 10, by striking the words
4 "Negotiating sessions and hearings" and inserting
5 in lieu thereof the word "Hearings".

6 2. Page 1, line 13, by inserting after the period
7 the words "Negotiating sessions shall not be subject
8 to the provisions of chapter twenty-eight A (28A)
9 of the Code, except that the negotiating sessions
10 shall be open to the public upon the request of either
11 the public employer or the employee organization.
12 Upon prior agreement of the public employer and the
13 employee organization, a negotiating session shall
14 not be open to the public provided the public employer
15 and employee organization post notice of such fact."

SPEAR of Lee

H-5509

1 Amend House File 2048 as follows:

2 1. Page 1, by inserting after line 20 the following
3 section:

4 "Sec. . Chapter two hundred fifty-seven (257),
5 Code 1977, is amended by adding the following new
6 section:

7 **NEW SECTION. HOUSING PROVIDED.** If any housing
8 is provided to an employee of the department without
9 cost or at a reduced cost to the employee, the
10 difference between the fair annual rental value of
11 the housing and the cost of the housing to the employee
12 shall be included in any listing of the annual salary
13 of the employee."

14 2. Page 1, by inserting after line 20 the following
15 section:

16 "Sec. . Chapter two hundred sixty-two (262),
17 Code 1977, is amended by adding the following new
18 section:

19 **NEW SECTION. HOUSING PROVIDED.** If any housing
20 is provided to an employee of the state board without
21 cost or at a reduced cost to the employee, the
22 difference between the fair annual rental value of
23 the housing and the cost of the housing to the employee
24 shall be included in any listing of the annual salary
25 of the employee."

26 3. Page 1, by inserting after line 20 the following
27 section:

28 "Sec. . Chapter two hundred seventy-three
29 (273), Code 1977, is amended by adding the following
30 new section:

31 **NEW SECTION. HOUSING PROVIDED.** If any housing
32 is provided to an employee of an area education agency

33 without cost or at a reduced cost to the employee,
34 the difference between the fair annual rental value
35 of the housing and the cost of the housing to the
36 employee shall be included in any listing of the
37 annual salary of the employee."

38 4. Page 1, by inserting after line 20 the following
39 section:

40 "Sec. . Chapter two hundred seventy-four (274),
41 Code 1977, is amended by adding the following new
42 section:

43 **NEW SECTION. HOUSING PROVIDED.** If any housing
44 is provided to an employee of a school district without
45 cost or at a reduced cost to the employee, the
46 difference between the fair annual rental value of
47 the housing and the cost of the housing to the employee
48 shall be included in any listing of the annual salary
49 of the employee."

50 5. Page 12, by inserting after line 14 the

Page 2

1 following section:

2 "Sec. . Chapter two hundred eighty A (280A),
3 Code 1977, is amended by adding the following new
4 section:

5 **NEW SECTION. HOUSING PROVIDED.** If any housing
6 is provided to an employee of an area school without
7 cost or at a reduced cost to the employee, the
8 difference between the fair annual rental value of
9 the housing and the cost of the housing to the employee
10 shall be included in any listing of the annual salary
11 of the employee."

12 6. By numbering and renumbering sections as
13 necessary in accordance with this amendment.

SCHROEDER of Pottawattamie

H-5511

1 Amend Senate File 2124, as passed by the Senate,
2 as follows:

3 1. Page 1, line 11, by striking the word
4 "obtain" and inserting in lieu thereof the words
5 "the board shall have the power to arrange for".

6 2. Page 1, by striking lines 16 and 17 and
7 inserting in lieu thereof the following: "the fact-
8 finding process was completed by March first and an".

CRABB of Crawford

H-5519

- 1 Amend House File 2244 as follows:
- 2 1. Page 1, by striking lines 10 through 17.

MILLER of Buchanan

H-5520

- 1 Amend House File 2244 as follows:
- 2 1. Page 1, by striking lines 10 and 11.

MILLER of Buchanan

H-5522

- 1 Amend House File 2103 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "to" the words "elementary and secondary education,".
- 4 2. Page 2, line 17, by striking the words "A
- 5 governor".
- 6 3. Page 2, by striking lines 18 and 19.
- 7 4. Page 2, line 20, by striking the word "years."
- 8 5. Page 7, line 34, by inserting after the word
- 9 "by" the words "a majority of".
- 10 6. Page 8, line 8, by striking the words ", but
- 11 such with-".
- 12 7. Page 8, by striking line 9.
- 13 8. Page 8, line 10, by striking the words
- 14 "enactment of such statute".

PATCHETT of Johnson

H-5523

- 1 Amend House File 2048 as follows:
- 2 1. Page 1, line 24, by striking the words "the
- 3 reorganization" and inserting in lieu thereof the
- 4 words "the reorganization".
- 5 2. Page 1, by striking line 25 and inserting in
- 6 lieu thereof the words "of school districts into such
- 7 units as are necessary,".
- 8 3. Page 1, line 26, by striking the words "and
- 9 which" and inserting in lieu thereof the words "and
- 10 school districts which".

11 4. Page 2, line 8, by striking the word "promoting"
12 and inserting in lieu thereof the words "~~promoting~~
13 providing for".

BAKER of Buena Vista

H—5524

1 Amend House File 627 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 ninety point one
5 (190.1), subsection four (4), Code 1977, as amended
6 by Acts of the Sixty-seventh General Assembly, 1977
7 Session, chapter eighty-three (83), section one (1),
8 is amended to read as follows:

9 4. CHEESES AND CHEESE PRODUCTS. The specifica-
10 tions and standards for cheeses and cheese products,
11 cottage cheese dry curd, cottage cheese and low fat
12 cottage cheese shall be as provided by the definitions
13 and standards contained in federal food and drug
14 standards under the federal Food, Drug, and Cosmetic
15 Act, Part 19 of Title 21, as amended to April 1, 1976.

16 Sec. 2. Section one hundred ninety point one
17 (190.1), subsection fifty-five (55), unnumbered
18 paragraph two (2), Code 1977, is amended to read as
19 follows:

20 This definition is not intended to include such
21 products as sterilized milk and milk products
22 hermetically sealed in a container and so processed,
23 either before or after sealing, as to prevent microbial
24 spoilage, or evaporated milk, condensed milk, ice
25 cream and other frozen desserts, butter, dry milk
26 products, except as defined herein, cottage cheese
27 dry curd, cottage cheese, low fat cottage cheese,
28 cheese products or cheese except when they are combined
29 with other substances to produce any pasteurized milk
30 or milk product defined herein.

31 Sec. 3. Section one hundred ninety-two point
32 thirty (192.30), Code 1977, is amended by adding the
33 following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Municipal corporations
35 may establish grade "A" standards for cottage cheese
36 dry curd, cottage cheese, and low fat cottage cheese
37 as a part of the above-cited ordinance; however no
38 municipal corporation shall require a grade "A" rating
39 for these products as a condition precedent to their
40 sale within the city. Any such requirement shall
41 be deemed to be irreconcilable with state law."

SCHEELHAASE of Woodbury
BINNEBOESE of Plymouth

KRAUSE of Kossuth
CRABB of Crawford

H-5525

- 1 Amend the Wyckoff et al amendment, H-5369, to
- 2 House File 2048, as follows:
- 3 1. Page 1, line 10, by striking the words
- 4 "Negotiating sessions and hearings" and inserting
- 5 in lieu thereof the word "Hearings".
- 6 2. Page 1, line 13, by inserting after the period
- 7 the words "Negotiating sessions shall not be subject
- 8 to the provisions of chapter twenty-eight A (28A)
- 9 of the Code, except that the negotiating sessions
- 10 shall be open to the public upon the request of either
- 11 the public employer or the employee organization.
- 12 Upon prior agreement of the public employer and the
- 13 employee organization, a negotiating session shall
- 14 not be open to the public provided the public employer
- 15 and employee organization give notice of such fact."

SPEAR of Lee

H-5528

- 1 Amend House File 2048 as follows:
- 2 1. Page 1, by inserting after line 20 the following
- 3 section:
- 4 "Sec. . Chapter two hundred sixty-five (265),
- 5 Code 1977, is amended by adding the following new
- 6 section:
- 7 NEW SECTION. REPORTS FILED. The authorities in
- 8 charge of a laboratory school shall file with the
- 9 department of public instruction such reports relating
- 10 to educational programs, teacher certification, and
- 11 school operation as are deemed necessary by the
- 12 department."
- 13 2. By numbering and renumbering sections as
- 14 necessary in accordance with this amendment.

LIND of Black Hawk

H-5532

- 1 Amend House File 2244 as follows:
- 2 1. Page 4, line 22, by inserting after the word
- 3 "money" the following: "and any interest accrued
- 4 thereon".

RINAS of Linn

H—5538

1 Amend Senate File 2125, as passed by the Senate,
2 as follows:

3 1. Page 11, by inserting after line 31 the
4 following:

5 "It is the intent of the general assembly
6 that \$10,000 of the funds appropriated by this
7 lettered paragraph, or any portion thereof, shall
8 be used to further study the impact of corporate
9 farm structure on local governmental jurisdictions."

SCHEELHAASE of Woodbury
HINKHOUSE of Cedar

H—5540

1 Amend Senate File 2043, as passed by the Senate,
2 as follows:

3 1. Page 2, line 27, by inserting after the word
4 "treasurer" the words "if the property being assessed
5 is located in an unincorporated area".

6 2. Page 2, line 28, by inserting after the word
7 "clerk" the words "if the property being assessed is
8 located in an incorporated area".

MILLER of Buchanan

H—5553

1 Amend House File 2290 as follows:

2 1. Page 6 by inserting after line 18 the fol-
3 lowing new subsection:

4 "5. The road use tax fund and the primary
5 road fund shall be reimbursed from general fund ap-
6 propriations made to the department in this Act or
7 transferred from other state departments for any
8 payments made from funds in this appropriation
9 consisting in whole or in part of road use tax or
10 primary road funds used for the administration of,
11 or the training or additional supervision of, any
12 trainees in the Iowa prisoner employment program,
13 development or operation of any local or regional
14 bus systems, or the construction, maintenance or
15 operation of the Wilcox Wildlife Preserve or any
16 new recreational or educational areas.

17 In preparing the next budget request, the dir-
18 ector shall request a general fund appropriation or
19 set out a procedure for reimbursing the road use tax

20 fund and the primary road fund for expenditures of
21 the highway, motor vehicle, public transit and gen-
22 eral services divisions which are not for the "con-
23 struction, maintenance or supervision of the public
24 highways". "

WELDEN of Hardin
MILLEN of Van Buren

H-5556

- 1 Amend H-5335, the Senate amendment to House File
2 248, as follows:
3 1. Page 2, by striking lines 16 through 31.
4 2. Page 2, by striking lines 36 through 40.
5 3. Page 4, by striking lines 6 through 19.
6 4. Page 4, by striking lines 22 through 25.
7 5. Page 4, by striking line 39.
8 6. Page 5, by striking lines 10 through 24.
9 7. Page 5, by striking lines 49 and 50.
10 8. Page 6, by striking lines 7 through 11.
11 9. Page 6, by striking lines 47 through 50.
12 10. Page 7, by striking lines 45 through 48.
13 11. Page 8, by striking line 40.
14 12. Page 12, by striking lines 15 through 18.
15 13. Page 15, by striking line 49.

JESSE of Polk
SHIMANEK of Jones
CLARK of Cerro Gordo
LIPSKY of Linn
NEWHARD of Jones

H-5557

- 1 Amend H-5335, the Senate amendment to House File
2 248, as follows:
3 1. Page 2, by striking lines 16 through 31.
4 2. Page 2, by striking lines 36 through 40.
5 3. Page 4, by striking lines 6 through 19.
6 4. Page 4, by striking lines 22 through 25.
7 5. Page 4, by striking line 39.
8 6. Page 5, by striking lines 10 through 24.
9 7. Page 5, by striking lines 49 and 50.
10 8. Page 6, by striking lines 7 through 11.
11 9. Page 6, by striking lines 47 through 50.

- 12 10. Page 7, by striking lines 45 through 48.
13 11. Page 8, by striking line 40.
14 12. Page 12, by striking lines 15 through 18.

JESSE of Polk
GENTLEMAN of Polk
LIPSKY of Linn
NEWHARD of Jones
CLARK of Cerro Gordo
SHIMANEK of Jones

H—5560

- 1 Amend House File 488 as follows:
2 1. Page 9, by striking line 32 and inserting
3 in lieu thereof the following: "sections three (3)
4 and five (5), Code 1977, are amended to read as fol-
5 lows:
6 "3. The submission of the impasse items to the
7 arbitrators shall be limited to those issues that had
8 been considered by the fact-finder and upon which the
9 parties have not reached agreement. With respect to
10 each such item, the arbitration board award shall be
11 restricted to the final offers on each impasse item
12 submitted by the parties to the arbitration board or
13 to the recommendation of the fact-finder on each im-
14 passe item."

HALVORSON of Clayton

H—5561

- 1 Amend the House amendment, H—5491, to Senate File
2 2133 as follows:
3 1. Page 1, by inserting after line 48 the following
4 paragraph:
5 "Among competing garnishments, a claim under
6 paragraph b of subsection one (1) of this section
7 shall have priority."

CONLON of Muscatine

H—5565

- 1 Amend Senate File 2125, as passed by the Senate
2 and reprinted, as follows:

- 3 1. Page 4, by inserting after line 33 the
4 following lettered paragraph:
5 "c. For career information system
6 of Iowa.....\$102,043".

DYRLAND of Clayton

H—5569

- 1 Amend Senate File 336 as amended, passed and
2 reprinted by the Senate, as follows:

- 3 1. Page 2, by inserting after line 30 the following
4 sections:

5 "Sec. . NEW SECTION. LOCAL SALES AND SERVICE

6 TAX. A local sales and service tax at a rate of one
7 percent may be imposed by a county on the gross
8 receipts, except the gross receipts from the sale
9 of any motor vehicle, machine or equipment exclusively
10 designed for and used for agricultural purposes, taxed
11 by the state under chapter four hundred twenty-two
12 (422), division four (IV), of the Code. A local sales
13 and service tax shall be imposed on the same basis
14 as the state sales and service tax and shall not be
15 imposed on the sale of any property or service not
16 taxed by the state. A local sales and service tax
17 is applicable only to transactions within the
18 territorial limits of the county imposing it and shall
19 be collected by all persons required to collect state
20 sales and service taxes.

21 The amount of the sale or service, for purposes
22 of determining the amount of the local sales and
23 service tax, does not include the amount of any state
24 gross receipts tax.

25 No tax permit other than the state tax permit
26 required under section four hundred twenty-two point
27 fifty-three (422.53) of the Code may be required by
28 local authorities.

29 Sec. . NEW SECTION. ADMINISTRATION. A local
30 sales and service tax shall be imposed on July first
31 following the passage of a resolution of the board
32 of supervisors.

33 The director of revenue shall administer the
34 provisions of a local sales and service tax as nearly
35 as possible in conjunction with the administration
36 of state sales and service tax laws. The director
37 shall provide appropriate forms, or provide on the
38 regular state tax forms, for reporting local sales
39 and service tax liability.

40 A resolution of a county board of supervisors
41 imposing a local sales and service tax shall adopt
42 by reference the applicable provisions of the
43 appropriate sections of chapter four hundred twenty-

44 two (422), division four (IV), of the Code for a local
45 sales and service tax, and all powers of the director
46 and requirements of the director in administering
47 the state sales and service tax law are applicable
48 to the administration of a local sales and service
49 tax law including but not limited to powers to impose
50 interest and penalties, and requirements for hearing

Page 2

1 and appeal. Local officials shall confer with the
2 director of revenue and obtain assistance in drafting
3 the resolution imposing a local sales and service
4 tax. A certified copy of the resolution imposing
5 a local sales and service tax shall be filed with
6 the director as soon as possible after passage.

7 The director, in consultation with local officials,
8 shall collect and account for a local sales and service
9 tax. The director shall not retain for the use of
10 the department of revenue any sales and service tax
11 receipts to cover administrative expense. All local
12 sales and service tax receipts shall be credited to
13 a "local tax fund" hereby established in the office
14 of the treasurer of state.

15 Sec. NEW SECTION. COUNTYWIDE SHARES. The
16 treasurer of state shall credit the local sales and
17 service tax receipts to a joint account in the local
18 tax fund and shall remit quarterly to each city in
19 the county a pro rata share of the joint account,
20 based upon the percentage of its population residing
21 in the county to the total population of the county,
22 and to the board of supervisors a pro rata share of
23 the joint account based upon the percentage of
24 population in the county outside of cities, all
25 according to the population determined by the most
26 recent certified federal census."

27 2. Amend the title, line 1, by inserting after
28 the word "of" the words "a sales and service tax
29 including".

BRUNOW of Appanoose
BINA of Scott
KRAUSE of Kossuth
RINAS of Linn
KREWSON of Polk
SCHROEDER of Pottawattamie

H—5570

1 Amend the amendment H—5569 to Senate File 336,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 20 the following
5 paragraph:

6 "A county shall impose a sales and service tax
7 only after an election at which a majority of those
8 voting on the question favors imposition. The election
9 shall be held at the time of the county's general
10 election."

11 2. Page 1, line 31, by striking the words "the
12 passage of a" and inserting in lieu thereof the words
13 "a favorable election by".

BINA of Scott

H—5572

1 Amend H—5569 to Senate File 336 as follows:

2 1. Page 1, line 10, by inserting after the word
3 "purposes" the words "and the gross receipts from the
4 sale of a mobile home and gas and electric service".

CLARK of Lee

H—5573

1 Amend Senate File 336 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by striking lines 28 through 30 and
4 inserting in lieu thereof the following new sections:

5 "Sec. NEW SECTION. CITY PROPERTY TAX RELIEF.

6 All local hotel and motel tax moneys received by a
7 city shall be deposited in a special account for
8 property tax relief. The moneys deposited in the
9 special account for property tax relief shall be used
10 to provide property tax relief by one of the following
11 means:

12 1. A special homestead tax credit for each
13 homestead which qualified for the homestead tax credit
14 granted pursuant to section four hundred twenty-five
15 point one (425.1) of the Code shall be granted. The
16 county auditor shall, upon the request of the city
17 treasurer, certify to the city treasurer the number
18 of homesteads within the limits of the city which
19 have qualified for the homestead tax credit and a
20 description of each qualified homestead. The city
21 treasurer shall divide the total amount of dollars

22 in the special account for property tax relief by
23 the number of qualified homesteads within the corporate
24 limits of the city to determine the pro rata amount
25 of the special homestead tax credit to be granted
26 to each qualified homestead, except that a taxpayer
27 shall not receive credits in excess of his or her
28 property tax liability. Any such excess credit shall
29 be credited back to the special account for property
30 tax relief to provide property tax relief in the next
31 succeeding year. The city treasurer shall certify
32 to the county auditor the description of each qualified
33 homestead and the amount of additional homestead tax
34 credit each qualified homestead shall receive.

35 In any special charter city which levies and
36 collects its own taxes, the county auditor shall,
37 upon the request of the city clerk, certify to the
38 city clerk the number of homesteads within the limits
39 of the special charter city which have qualified for
40 the homestead tax credit and a description of each
41 qualified homestead. The city clerk shall divide
42 the total amount of dollars in the special account
43 for property tax relief by the number of qualified
44 homesteads within the corporate limits of the special
45 charter city to determine the pro rata amount of the
46 special homestead tax credit to be granted to each
47 qualified homestead, except that a taxpayer shall
48 not receive credits in excess of his or her property
49 tax liability. Any such excess credits shall be
50 credited back to the special account for property

Page 2

1 tax relief to provide property tax relief in the next
2 succeeding year. The city clerk shall certify to
3 the city treasurer the amount of additional homestead
4 tax credit each qualified homestead shall receive.

5 2. Before the levies authorized under section
6 three hundred eighty-four point one (384.1) of the
7 Code are certified to the county auditor, the
8 certifying official shall subtract from the total
9 amount computed in dollars, as provided in section
10 four hundred forty-four point two (444.2) of the Code,
11 an amount equal to the amount credited to the special
12 account for property tax relief during the last
13 preceding twelve-month period, and shall certify only
14 the net amount to the county auditor and board of
15 supervisors. Before the levies authorized under
16 section three hundred eighty-four point one (384.1)
17 of the Code are certified by the city clerk in any
18 special charter city which levies and collects its
19 own taxes, the certifying official shall subtract
20 from the total amount computed in dollars, as provided

21 in section four hundred forty-four point two (444.2)
22 of the Code, an amount equal to the amount credited
23 to the special account for property tax relief during
24 the last preceding twelve-month period, and shall
25 certify only the net amount to the city treasurer
26 and city council. The limit on a city's tax levy
27 for the general fund, as stated in section three
28 hundred eighty-four point one (384.1) of the Code,
29 shall be reduced each year by the levy which would
30 be necessary to replace the amount credited to the
31 special account for property tax relief during the
32 last preceding twelve-month period. The county auditor
33 shall base the levies authorized under section four
34 hundred forty-four point three (444.3) of the Code
35 upon the net amount so computed.

36 In order for a city to be qualified to receive
37 remittances from the treasurer of state under this
38 Act, the city clerk, before July fifteenth of each
39 year, shall certify to the treasurer of state that
40 property tax relief has been provided as required
41 under this section.

42 Sec. NEW SECTION. COUNTY PROPERTY TAX RELIEF.

43 All local hotel and motel tax moneys received by a
44 county shall be deposited in a special account for
45 property tax relief. The moneys deposited in the
46 special account for property tax relief shall be used
47 to provide property tax relief by one of the following
48 means:

49 1. A special homestead tax credit for each
50 homestead in the entire county which qualified for

Page 3

1 the homestead tax credit granted pursuant to section
2 four hundred twenty-five point one (425.1) of the
3 Code shall be granted. The county auditor shall
4 divide the total amount of dollars in the special
5 account for property tax relief by the number of
6 qualified homesteads within the entire county to
7 determine the pro rata amount of the special homestead
8 tax credit to be granted to each qualified homestead,
9 except that a taxpayer shall not receive credits in
10 excess of his or her property tax liability. Any
11 such excess credit shall be credited back to the
12 special account for property tax relief to provide
13 property tax relief in the next succeeding year.

14 2. Before the levies authorized under section
15 four hundred forty-four point nine (444.9) of the
16 Code are made, the board of supervisors shall subtract
17 from the total amount computed in dollars, as provided
18 in section four hundred forty-four point two (444.2)
19 of the Code, an amount equal to the amount credited

20 to the special account for property tax relief during
21 the last preceding twelve-month period, and shall
22 base the levies authorized under section four hundred
23 forty-four point nine (444.9) of the Code upon the
24 net amount so computed.

25 In order for a county to be qualified to receive
26 remittances from the treasurer of state under this
27 Act, the board of supervisors, before July fifteenth
28 of each year, shall certify to the treasurer of state
29 that property tax relief has been provided as required
30 under this section."

BENNETT of Ida

H—5575

1 Amend amendment H—5420, to House File 602, as
2 follows:

3 1. Page 2, by striking all of lines 22 through
4 27 and inserting in lieu thereof the following:
5 "funds for achievement of its corporate purposes
6 , the payment of interest on its bonds and notes, the
7 establishment of reserves to secure its bonds and
8 notes, and all other expenditures of the authority
9 incident to and necessary or convenient to carry out
10 its purposes and powers. The principal amount of any
11 bonds authorized by the authority after April 1, 1978
12 shall not be used to pay interest or principal on any
13 bonds issued by the authority. However, the authority
14 may".

WELDEN of Hardin
EVANS of Grundy

H—5576

1 Amend House File 2299 as follows:

2 1. Page 6, line 15, by striking the word
3 "associaion" and inserting in lieu thereof the word
4 "association".

KREWSON of Polk

H—5578

1 Amend House File 488 as follows:

2 1. Page 7, by striking lines 18 through 29 and

3 inserting in lieu thereof the following:

4 "Sec. 24. Section twenty point seventeen (20.17),
5 subsection one (1), Code 1977, is amended to read as
6 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."

EGENES of Story

H—5579

1 Amend House File 602 as follows:

2 1. Page 1, line 12 by striking the words "that
3 may be".

WELDEN of Hardin

H—5580

1 Amend House File 488 as follows:

2 1. Page 10, by striking lines 32 through 35.
3 2. Page 11, by striking lines 1 and 2.

EGENES of Story

H—5581

1 Amend House File 488 as follows:

2 1. Page 7, by striking lines 18 through 29.

EGENES of Story

H—5582

1 Amend House File 488 as follows:

2 1. Page 1, by striking lines 1 through 16.

EGENES of Story

H—5585

- 1 Amend House File 2309 as follows:
- 2 1. Page 3, by striking lines 18 and 19.

DUNTON of Keokuk

H—5589

- 1 Amend amendment H—5547 to House File 488 as
- 2 follows:
- 3 1. Page 1, line 22, by striking the word “and”.

SPEAR of Lee

H—5593

- 1 Amend House File 2076 as follows:
- 2 1. Page 1, by striking lines 1 through 10 and
- 3 inserting in lieu thereof the following:
- 4 “Section 1. Section one hundred forty-four point
- 5 nine (144.9), Code 1977, is amended to read as follows:
- 6 144.9 CLERK OF COURT AS REGISTRAR. The clerk
- 7 of the district court shall be the ~~county~~ local
- 8 registrar ~~and with respect to his or her registration~~
- 9 district; provided that the clerk of court may
- 10 designate one or more deputy clerks of court to perform
- 11 the duties of the local registrar, or the clerk of
- 12 court may designate a local board of health to perform
- 13 the duties of the local registrar if that local board
- 14 of health agrees to accept those duties. The local
- 15 registrar shall:
- 16 1. Administer and enforce the provisions of this
- 17 chapter and the rules issued by the department, and
- 18 ~~exercise general supervision over the local and deputy~~
- 19 ~~local registrars in his district.~~
- 20 2. Require that certificates be completed and
- 21 filed with the local registrar.
- 22 3. Maintain records, make reports, and perform
- 23 other duties required by the state registrar.
- 24 2.4. Record and transmit the certificates, reports,
- 25 or other returns filed with him or prepared by the
- 26 local registrar to the state registrar at least
- 27 semimonthly, or more frequently when directed by the
- 28 state registrar.
- 29 Sec. 2. Sections one hundred forty-four point
- 30 seven (144.7), one hundred forty-four point eight

31 (144.8), one hundred forty-four point ten (144.10)
32 and one hundred forty-four point eleven (144.11),
33 Code 1977, are repealed.

34 Sec. 3. Not later than December 1, 1978, the state
35 registrar shall promulgate rules for the orderly
36 transfer to the clerks of district court of all public
37 records which may be in the possession of persons
38 other than local boards of health who are local
39 registrars or deputy local registrars prior to January
40 1, 1979. All transfers of those records shall be
41 completed not later than December 31, 1978.

42 Sec. 4. Sections one (1) and two (2) of this Act
43 shall take effect January 1, 1979."

44 2. Amend the title, line 1, by striking the words
45 "the compensation paid to".

SPEAR of Lee

H-5604

1 Amend amendment H-5547 to House File 488 as
2 follows:

3 1. Page 1, line 22, by striking the word
4 "discipline," and inserting the word "discipline".

SPEAR of Lee

H-5609

1 Amend Senate File 356 as follows:

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

4 "Sec. . Section three hundred sixty-eight point
5 one (368.1), Code 1977, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION: "Qualified elector" means a person
8 who is registered to vote pursuant to chapter forty-
9 eight (48) of the Code.

10 Sec. . Section three hundred sixty-eight point
11 four (368.4), Code 1977, is amended to read as follows:

12 368.4 ANNEXING MORATORIUM. A city, following
13 notice and hearing, may by resolution agree with
14 another city or cities to refrain from annexing
15 specifically described territory for a period not
16 to exceed ten years and, following notice and hearing,
17 may by resolution extend the agreement for subsequent
18 periods not to exceed ten years each. The board shall
19 be given timely notice of a hearing, and a copy of
20 the agreement and a copy of any resolution extending

21 an agreement shall be filed with the board within
 22 thirty days after enactment. If such an agreement is
 23 in force, the board shall dismiss a petition or plan
 24 which violates the terms of the agreement."

25 2. Page 1, line 22, by inserting after the word
 26 "involved," the words "If there are no qualified
 27 electors residing in an area to be annexed to or
 28 severed from a city, the county board of supervisors
 29 may appoint as a local representative an individual
 30 owning property in the territory whether or not he
 31 or she is a qualified elector."

32 3. Amend the title, line 1, by inserting after
 33 the word "by" the words "defining qualified elector,
 34 requiring the city development board to be notified
 35 of annexation moratorium agreements and hearings,".

36 4. Amend the title, line 4, by inserting after
 37 the word "county," the words "allowing a property
 38 owner under certain circumstances to serve on the
 39 city development committee even though he or she is
 40 not a qualified elector,".

41 5. By renumbering sections and changing internal
 42 references to conform to this amendment.

RINAS of Linn
 SMALLEY of Polk
 HOFFMANN of Muscatine
 CONNORS of Polk
 TOFTE of Winneshiek
 PAVICH of Pottawattamie

SPEAR of Lee
 BINA of Scott
 KREWSON of Polk
 CLARK of Lee
 STEPHENS of Plymouth
 LIND of Black Hawk
 HINES of Story

H—5625

- 1 Amend House File 488 as follows:
- 2 1. Page 7, by striking lines 25 through 29 and
- 3 inserting in lieu thereof the word "employer."

DAGGETT of Adams

H—5626

- 1 Amend House File 2327 as follows:
- 2 1. Page 3, line 8, by striking the words "milk
- 3 base,".

SCHNEKLOTH of Scott

H—5627

- 1 Amend Senate File 2163 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 30, by inserting after the word
- 4 "woman" the words ", or when two physicians certify
- 5 that continuing the pregnancy may cause severe and
- 6 long-lasting physical health damage to the pregnant
- 7 woman".

MILLER of Buchanan

H—5628

- 1 Amend House File 2292 as follows:
- 2 1. Page 1, line 5, by striking the words "the
- 3 license" and inserting in lieu thereof the words "the
- 4 hunting or fishing license".
- 5 2. Page 1, line 5, by striking the word "a" and
- 6 inserting in lieu thereof the word "that".
- 7 3. Page 1, line 6, by striking the words "of one"
- 8 and inserting in lieu thereof the words "not to exceed
- 9 one".
- 10 4. Page 1, by inserting after line 16 the
- 11 following: "If the hunting or fishing privileges
- 12 of a hunting or fishing combined license are revoked,
- 13 the other privileges shall still be valid and the
- 14 magistrate shall enter on the license which privileges
- 15 were revoked."

SCHEELHAASE of Woodbury
WELDEN of Hardin

H—5631

- 1 Amend House File 2290 as follows:
- 2 1. Page 3, line 4, by striking "1,662,000"
- 3 and inserting in lieu thereof the following:
- 4 "1,552,000".

HARGRAVE of Johnson

H—5636

- 1 Amend House File 2107 as follows:
- 2 1. Page 1, line 9, by striking the words "the
- 3 sum of five" and inserting in lieu thereof the words
- 4 "a sum of not less than five thousand nor more than
- 5 fifty".

6 2. Page 1, line 10, by inserting after the word
7 "dollars." the following: "The required amount of
8 the bond shall be based upon the gross dollar volume
9 for the preceding calendar year of the business seeking
10 the permit. The secretary of state shall establish
11 by rule a table listing the required amount of the
12 bond for a certain range of gross dollar volumes.
13 The required amounts of the bonds shall be in
14 increments of five thousand dollars. However, the
15 required amount of the bond shall not exceed twenty
16 percent of the highest gross dollar volume in the
17 applicable gross dollar volume range. If the business
18 was not operating for the full preceding calendar
19 year, the required amount of the bond shall be the
20 same as for businesses under similar circumstances
21 considering the dollar volume if any, the number of
22 employees, location, the type of tour or cruise and
23 any other factors which the secretary deems important."

24 3. Page 1, line 13, by striking the words "five
25 thousand dollars" and inserting in lieu thereof the
26 words "the required amount of the bond under this
27 section".

28 4. Page 1, lines 24 and 25, by striking the words
29 "sum of five thousand dollars" and inserting in lieu
30 thereof the words "required amount".

31 5. Page 1, line 27, by striking the words "sum
32 of five thousand dollars" and inserting in lieu thereof
33 the words "required amount".

34 6. Page 1, line 28, by striking the words "the
35 sum of ten thousand dollars" and inserting in lieu
36 thereof the words "an amount double the required
37 amount".

PATCHETT of Johnson

H—5637

1 Amend House File 2084 as follows:

2 1. Page 29, line 20, by inserting after the word
3 "electricity" the words "or any interest therein or
4 interest in any existing plant".

5 2. Page 29, line 27, by inserting after the word
6 "plants" the words "or any interest therein or interest
7 in any existing plant".

EVANS of Grundy
GRIFFEE of Chickasaw
O'HALLORAN of Black Hawk

H-5639

- 1 Amend House File 2084 as follows:
- 2 1. Page 20, line 19, by inserting after the
- 3 word "city" the words ", and every resolution to enter
- 4 into a contract with a duration greater than one year
- 5 shall be so published".

EVANS of Grundy
GRIFFEE of Chickasaw
O'HALLORAN of Black Hawk

H-5640

- 1 Amend amendment H-5209 to House File 2084 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and in-
- 4 serting in lieu thereof the following:
- 5 "1. Page 9, line 33, by inserting after the
- 6 word "state" the words "as provided in section four-
- 7 teen (14), subsection five (5), paragraph e, of this
- 8 Act".
- 9 2. Page 30, line 4, by inserting after the word
- 10 "section." the following: "When municipal power
- 11 agencies and cities governed by the laws of this
- 12 state individually or collectively hold an ownership
- 13 interest which exceeds fifty (50) percent in a pro-
- 14 posed generation project that project shall be erected
- 15 within this state and the certificate of approval
- 16 shall so specify; and municipal power agencies and
- 17 cities governed by the laws of this state shall not
- 18 individually or collectively acquire more than fifty
- 19 (50) percent of the ownership of generation projects
- 20 outside this state, and the commission shall have the
- 21 power to and shall order municipal power agencies and
- 22 cities to divest themselves of ownership interests
- 23 which exceed this limit."

EVANS of Grundy
GRIFFEE of Chickasaw
O'HALLORAN of Black Hawk

H-5645

- 1 Amend amendment H-5443, to House File 2084, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "notes" the words "having a maturity of more than
- 5 five years from the date of issuance".

CONLON of Muscatine

H-5647

- 1 Amend Senate File 2163 as follows:
- 2 1. Page 6, by striking lines 27 and 28 and
- 3 inserting in lieu thereof the following:
- 4 "a. Two physicians certify
- 5 that continuing the".

MILLER of Buchanan

H-5656

- 1 Amend House File 2084 as follows:
- 2 1. Page 20, by inserting after line 27 the
- 3 following:
- 4 "4. A city owning and operating a municipal
- 5 electric utility and which is a member of a municipal
- 6 power agency, or which contracts with a municipal
- 7 power agency for the purchase or transmission of
- 8 electric power, shall not impose, upon any agricultural
- 9 warehouse licensed under chapter five hundred forty-
- 10 three (543) of the Code to which it provides electrical
- 11 energy, a charge for that service which exceeds the
- 12 cost incurred by the utility in producing the power
- 13 and delivering it to the agricultural warehouse plus
- 14 ten percent of the production and delivery cost, or,
- 15 if the municipal power utility purchases the electrical
- 16 energy from another supplier, the charge imposed shall
- 17 not exceed the cost of purchasing and delivering the
- 18 electrical energy plus ten percent of that cost. A
- 19 city violating this section shall be liable for damages
- 20 to any agricultural warehouse licensed under chapter
- 21 five hundred forty-three (543) of the Code injured by
- 22 such violation."

SCHROEDER of Pottawattamie
SCHNEKLOTH of Scott

H-5658

- 1 Amend the Committee amendment, H-5547, to House
- 2 File 488 as follows:
- 3 1. Page 1, by striking lines 4 through 12 and
- 4 inserting in lieu thereof the following: "districts.
- 5 For the purpose of this chapter, the board of
- 6 supervisors of a county shall be the exclusive public
- 7 employer of all deputy county officers and other

8 employees of the county. Before the commencement
9 of collective bargaining negotiations, the board of
10 supervisors shall meet and consult with the county
11 auditor, the county treasurer, the county recorder,
12 the county sheriff, the county attorney, and the clerk
13 of the district court concerning the items subject
14 to negotiations. For".

SPEAR of Lee

H-5660

1 Amend House File 2084 as follows:
2 1. Page 33, by inserting after line 25 the
3 following:
4 "Sec. . Section four hundred forty-two point
5 two (442.2), Code 1977, is amended by adding the
6 following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. For the purposes of
8 this section "assessed valuation on all taxable
9 property in the district" shall include the value
10 of all public utilities as defined in section four
11 hundred twenty-eight point twenty-four (428.24) of
12 the Code.
13 Sec. . Section four hundred forty-two point
14 nine (442.9), subsection one (1), paragraph c, Code
15 1977, as amended by Acts of the Sixty-seventh General
16 Assembly, 1977 Extraordinary Session, chapter two
17 (2), section one (1), is amended to read as follows:
18 c. The amount to be raised by the additional
19 school district property tax levy is equal to the
20 district cost for the budget year, less the product
21 of the state or district foundation base and the
22 weighted enrollment plus an amount equal to the product
23 of the foundation property tax levy times the public
24 utility property within the district considered a
25 part of the assessed valuation of taxable property
26 but which is exempt from property tax under the
27 provision of section four hundred twenty-eight point
28 twenty-eight (428.28) of the Code."
29 2. Renumber as necessary in conformance with this
30 amendment.

BYERLY of Polk
STROMER of Hancock

H-5663

1 Amend House File 2084 as follows:
2 1. Page 33, by inserting after line 25 the

3 following:

4 "Sec. . Section four hundred twenty-two point
5 thirty-two (422.32), subsection one (1), Code 1977, is
6 amended to read as follows:

7 1. The word "corporation" includes joint stock
8 companies, and associations organized for pecuniary
9 profit, except limited partnerships organized under
10 chapter 545; and also includes any city or city utility
11 as defined in chapter three hundred sixty-two (362) of
12 the Code, and which is a member of a municipal power
13 agency, other than those providing only water or sani-
14 tary sewer service, any other provision of law not-
15 withstanding.

16 Sec. . Section four hundred twenty-seven point
17 one (427.1), subsection two (2), Code 1977, is amended
18 to read as follows:

19 2. MUNICIPAL AND MILITARY PROPERTY. The property
20 of a county, township, city, school corporation, levee
21 district, drainage district or military company of the
22 state of Iowa, when devoted to public use and not held
23 for pecuniary profit except property of a municipally
24 owned electric utility which is a member of a municipal
25 power agency or a municipally owned electric utility held
26 under joint ownership which shall be subject to assessment
27 and taxation under provisions of chapters 428 and 437.
28 in the same manner as the property of a privately owned
29 utility corporation."

SCHROEDER of Pottawattamie

H - 5668

1 Amend House File 2084 as follows:

2 1. Page 6, line 26, by striking the word "not".

3 2. Page 6, by striking from lines 30 through 33
4 the words "; provided that the number of directors who
5 are representatives of member cities shall not be less
6 than two-thirds of the total number of directorships".

WYCKOFF of Benton

H - 5669

1 Amend House File 2084 as follows:

2 1. Page 4, by inserting after line 29 the
3 following:

4 " . That any member city shall be able to
5 withdraw upon giving a one year advance notice in
6 writing to the municipal power agency."

HARBOR of Mills

H—5670

- 1 Amend House File 2084 as follows:
- 2 1. Page 5, line 33, by striking the word "an"
- 3 and inserting in lieu thereof the words "its principal".

WYCKOFF of Benton

H—5674

- 1 Amend House File 2084 as follows:
- 2 1. Page 13, by striking lines 33 through 35.
- 3 2. Page 14, by striking lines 1 through 5.

NIELSEN of Polk

H—5676

- 1 Amend House File 2084 as follows:
- 2 1. Page 31, line 10, by striking the word "annu-
- 3 ally".

NIELSEN of Polk

H—5677

- 1 Amend Senate File 18 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "minor," the words "However, the donor may, only by
- 5 express provision in the instrument or statement
- 6 delivering the gift to the custodian, direct that
- 7 the custodian not deliver or pay over the gift until
- 8 the donee attains the age of twenty-one."
- 9 2. Page 1, lines 22 and 23, by striking the words
- 10 "of twenty-one eighteen years," and inserting in
- 11 lieu thereof the words "of twenty-one years at which
- 12 the gift is to be delivered,".
- 13 3. Page 1, by striking lines 26 and 27 and insert-
- 14 ing in lieu thereof the following: "representative
- 15 of the custodian, an adult member of the minor's
- 16 donee's family, or the minor donee, if he the donee
- 17 has attained the age".

CONLON of Muscatine

H—5678

- 1 Amend House File 2084 as follows:
- 2 1. Page 15, by striking lines 34 and 35, and in-
- 3 serting in lieu thereof the words "security agree-
- 4 ment may provide."
- 5 2. Page 16, by striking lines 1 and 2.

NIELSEN of Polk

H—5679

1 Amend House File 2084 as follows:

2 1. Page 33, by inserting after line 25 the
3 following:

4 "Sec. 18. Chapter four hundred seventy-eight
5 (478), Code 1977, is amended by adding the following
6 new section:

7 NEW SECTION. ANNUAL FRANCHISE CHARGE.

8 1. Any person, including a transferee, who places
9 into operation on or after the effective date of this
10 Act a transmission line for the transmission of
11 electrical current under the authority of a franchise
12 issued under this chapter shall pay a charge for each
13 year or portion thereof during which the franchise,
14 including any extension thereof, is held by the person.
15 The charge shall be an amount as determined under
16 subsection two (2) of this section, payable to affected
17 property owners as determined under subsection three
18 (3) of this section. The charge shall become due
19 as provided in subsection four (4) of this section.

20 2. The annual charge shall be equal to the sum
21 of the product of one cent, multiplied by the number
22 of running feet of transmission line which traverses
23 the property of an affected property owner, multiplied
24 by the fraction which equals the voltage rating of
25 the transmission line divided by three hundred fifty
26 thousand volts, plus the product of one dollar
27 multiplied by the total number of points of contact
28 between the structures which support the transmission
29 line and the property of the affected property owner
30 which is traversed by the transmission line. Point
31 of contact includes each pole, and each supporting
32 leg of a tower, and each guy installed to brace or
33 support a pole or tower. In the event the franchise
34 is held for less than one year prior to the due date
35 of payment, the charge will be equal to the annual
36 charge calculated as provided in this subsection
37 multiplied by the fraction which equals the number
38 of months during which the franchise is held, rounded
39 to the nearest number of whole months, divided by
40 twelve.

41 3. For purposes of this section, an affected
42 property owner is a person whose name is listed on
43 the tax assessment rolls as liable for payment of
44 real property taxes on property which is traversed
45 by a transmission line against which a charge is
46 imposed under subsection one (1) of this section;
47 provided that for each year in which payment is to
48 be made the affected property owner is the person
49 listed on the tax assessment rolls as of the close
50 of business on May thirtieth of that year, or on the

Page 2

- 1 next business day if May thirtieth falls on a Saturday,
 2 Sunday, or legal holiday.
 3 4. The annual charge specified in this section
 4 shall become due on July first, and shall bear interest
 5 at the rate of three-fourths of one percent per month
 6 on the unpaid balance of the annual charge.
 7 5. The annual charge required by this section
 8 shall be in addition to any amounts paid to a property
 9 owner whether by condemnation or otherwise for the
 10 acquisition of the right of way for the transmission
 11 line. Evidence of the obligation created by this
 12 section shall not be admissible in any proceeding
 13 under chapter four hundred seventy-two (472) of the
 14 Code.
 15 6. Any affected property owner aggrieved by the
 16 failure of a public utility to pay the annual charge
 17 specified in this section may commence an action in
 18 the district court to recover payment of amounts due."

LIPSKY of Linn
 HOWELL of Floyd
 CLARK of Lee
 KOOGLER of Mahaska
 DUNTON of Keokuk
 HARBOR of Mills
 MILLER of Buchanan

SCHROEDER of Pottawattamie
 NEWHARD of Jones
 VARLEY of Adair
 CHIODO of Polk
 HULLINGER of Decatur
 WYCKOFF of Benton
 PELTON of Clinton
 HALVORSON of Clayton
 WOODS of Polk

H-5683

- 1 Amend amendment H-5293, to House File 2084, as
 2 follows:
 3 1. Page 1, lines 3 and 4, by striking the words
 4 "one year" and inserting in lieu thereof the words
 5 "six months".
 6 2. Page 1, lines 6 and 7, by striking the word
 7 "one-year" and inserting in lieu thereof the word
 8 "six-month".

DAGGETT of Adams

H-5691

- 1 Amend House File 476 as follows:
 2 1. Page 1, line 8 and 9, by striking the words
 3 "to exceed" and inserting in lieu thereof the words
 4 "less than one year nor more than".
 5 2. Page 2, line 22, by inserting after the word
 6 "followed." the words "The board of supervisors shall

7 notify by certified mail the director of revenue at
8 least sixty days before the discontinuance of the
9 local sales and service tax."

10 3. Page 3, line 15, by inserting after the word
11 "supervisors." the words "Once imposed, the tax shall
12 be discontinued only on March thirty-first, June
13 thirtieth, September thirtieth or December thirty-
14 first."

15 4. Page 3, line 25, by striking the words "division
16 "four (IV)" and inserting in lieu thereof the words
17 divisions four (IV) and six (VI)".

18 5. Page 3, line 35, by striking the word "as".

19 6. Page 4, by striking line 1 and inserting in
20 lieu thereof the words "at least sixty days before
21 the imposition of the tax."

22 7. Page 4, by striking lines 19 through 34 and
23 inserting in lieu thereof the following paragraph:
24 "All moneys received or refunded after one hundred
25 eighty days from the date on which a county
26 discontinues its sales and service tax shall
27 be deposited in or withdrawn from the state general
28 fund until such time as the county shall reimpose
29 the tax."

30 8. Page 5, lines 31 and 32, by striking the words
31 "proportionately to the other qualified homesteads"
32 and inserting in lieu thereof the words "back to the
33 special account for property tax relief to provide
34 property tax relief in the next succeeding year".

35 9. Page 6, line 14, by striking the words "pro-
36 portionately to the other qualified homesteads" and
37 inserting in lieu thereof the words "back to the
38 special account for property tax relief to provide
39 property tax relief in the next succeeding year".

40 10. Page 7, lines 33 and 34, by striking the words
41 "proportionately to the other qualified homesteads"
42 and inserting in lieu thereof the words "back to the
43 special account for property tax relief to provide
44 property tax relief in the next succeeding year".

BINA of Scott
WELLS of Linn
THOMPSON of Polk

H-5697

1 Amend amendment H-5695, to House File 2277 as
2 follows:

3 1. Page 1, line 5, by striking the word
4 "building" and inserting in lieu thereof the words
5 "house, and auxiliary structures,"

6 2. Page 1, by inserting after line 5 the

- 7 following:
8 " . Page 1, line 5, by striking the word
9 "building" and inserting in lieu thereof the word
10 "house".

SPEAR of Lee

H-5701

- 1 Amend House File 2338 as follows:
2 1. Page 1, line 17, by striking the words "owns
3 the hospital" and inserting in lieu thereof the words
4 "levies the taxes for which the warrants are issued".
5 2. Page 1, line 21, by striking the words "owns
6 the hospital" and inserting in lieu thereof the words
7 "levies the taxes for which the warrants are issued".
8 3. Page 1, lines 29 and 30, by striking the words
9 "owns the hospital" and inserting in lieu thereof the
10 words "levies the tax for which the warrants are issued".

EVANS of Grundy

H-5702

- 1 Amend amendment H-5695, to House File 2277, as
2 follows:
3 1. Page 1, line 5, by striking the word
4 "building" and inserting in lieu thereof the words
5 "dwelling not exceeding two units, and auxiliary
6 structures,".
7 2. Page 1, by inserting after line 5 the
8 following:
9 " . Page 1, line 5, by striking the word
10 "building" and inserting in lieu thereof the word
11 "dwelling".

SPEAR of Lee

H-5703

- 1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 14, line 11, by striking the words "over
4 thirty-five years of age".

DOYLE of Woodbury

H-5705

- 1 Amend House File 2329 as follows:
2 1. Page 2, by inserting after line 8 the following:
3 " . To establish and maintain a state-wide
4 property tax data base."

BYERLY of Polk

H-5712

- 1 Amend amendment H-5690, to Senate File 261 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, line 39, by striking the word
- 4 "Architectural" and inserting in lieu thereof the
- 5 words "Other architectural".
- 6 2. Page 1, line 48, by striking the word "all".
- 7 3. Page 1, line 48, by adding after the word
- 8 "components." the words "The analysis shall include,
- 9 but not be limited to, the comparison of two or more
- 10 system alternatives, including systems which use other
- 11 than fossil fuels as an energy source."

SVOBODA of Iowa
HOWELL of Floyd

H-5713

- 1 Amend amendment H-5690, to Senate File 261 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 2, by striking lines 13 through 15 and
- 4 inserting in lieu thereof the following:
- 5 "analysis shall be approved by the public agency
- 6 and a copy filed with the energy policy council before
- 7 any contracts or construction or renovation of the
- 8 facility are executed. A public agency may accept the
- 9 facility".
- 10 2. Page 2, by striking lines 19 and 20 and
- 11 inserting in lieu thereof the following: "If the
- 12 public agency does not select".
- 13 3. Page 2, line 24, by inserting after the word
- 14 "analysis." the words "A copy of the life cycle cost
- 15 analysis and any statement justifying a design decision
- 16 shall be retained by the public agency and shall be
- 17 available for public inspection at reasonable hours."

SVOBODA of Iowa
HOWELL of Floyd

H-5715

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 19, by striking the word
- 4 "presently".

LIND of Black Hawk

H-5716

- 1 Amend the Committee amendment, H-5547, to House
- 2 File 488 as follows:
- 3 1. Page 1, by striking line 23 and inserting in
- 4 lieu thereof the following: "not covered under
- 5 termination procedures specified in chapter two
- 6 hundred seventy-nine".

SPEAR of Lee

H-5722

- 1 Amend Senate File 2180 as passed by the Senate
- 2 and reprinted as follows:
- 3 1. Page 1, by striking lines 13 through 34.

SCHROEDER of Pottawattamie

H-5723

- 1 Amend Senate File 2087 as follows:
- 2 1. Page 3, line 15, by striking the word
- 3 "coordinates" and inserting in lieu thereof the word
- 4 "coordinate".
- 5 2. Page 3, line 19, by striking the word
- 6 "administers" and inserting in lieu thereof the word
- 7 "administer".
- 8 3. Page 4, line 31, by striking the word "Provides"
- 9 and inserting in lieu thereof the word "Provide".
- 10 4. Page 8, line 30, by striking the words "rural
- 11 secret orders and" and inserting in lieu thereof the
- 12 words "rural secret orders and".
- 13 5. Page 8, by striking lines 34 and 35 and
- 14 inserting in lieu thereof the words "community
- 15 purposes; provided, however, that the board may not
- 16 grant such permission to any organization known or
- 17 believed".
- 18 6. Page 9, by striking lines 1 and 2 and inserting
- 19 in lieu thereof the words "to hold views that are
- 20 in conflict with the republican form of government
- 21 as set forth in the Constitution of the United".
- 22 7. Page 9, line 3, by striking the word "States;"
- 23 and inserting in lieu thereof the word "States;"
- 24 8. Page 9, by inserting after line 34 the follow-
- 25 ing section:
- 26 "Sec. . If the voters of a school district
- 27 have approved the levying of a tax pursuant to section
- 28 three hundred point two (300.2) of the Code prior
- 29 to the effective date of this Act, moneys collected

30 pursuant to the voted tax levy after the effective
31 date of this Act may be used for community education
32 programs."

33 9. By numbering and renumbering sections as
34 necessary.

PATCHETT of Johnson

H-5734

1 Amend House File 2324 as follows:

2 1. Page 1, by striking lines 5 through 9 and
3 inserting in lieu thereof the following: "exceed
4 an amount equal to ~~one and one half~~ the sum of ten
5 percent plus the applicable percentage under subsection
6 five (5) of this section of that part of the maximum
7 amount pursuant to subsection 2 which is five hundred
8 dollars or less and ~~one and one fourth~~ the sum of
9 eight and one-half percent plus the applicable
10 percentage under subsection five (5) of this section
11 of that part of the maximum amount which is more than
12 five hundred dollars. If the billing cycle is not
13 monthly,".

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

16 "Sec. . Section five hundred thirty-seven point
17 two thousand two hundred two (537.2202), Code 1977,
18 is amended by adding the following new subsection
19 as subsection five (5) of that section:

20 NEW SUBSECTION. 5. As used in subsection three
21 (3) of section five hundred thirty-seven point two
22 thousand two hundred two (537.2202) of the Code, the
23 "applicable percentage" under this subsection shall
24 be the percentage established for the calendar year
25 by the treasurer of state. Once each year the
26 treasurer of state shall determine the applicable
27 percentage as follows: The treasurer of state shall
28 compute the average of the discount rates charged
29 by the federal reserve bank of Chicago to its member
30 banks during each of the months of October, November
31 and December of the preceding year; and then shall
32 compute the average of the percentage determined to
33 be the three-month average and the percentage which
34 is the discount rate charged by the federal reserve
35 bank of Chicago to its member banks as of January
36 first of the year for which the applicable percentage
37 is being determined. The applicable percentage shall
38 be that combined average, adjusted to the next higher
39 half of a percent if the January first rate is higher
40 than the three-month average, or adjusted to the next
41 lower half of a percent if the January first discount

42 rate is lower than the three-month average. The
43 treasurer of state shall give notice of the applicable
44 percentage so determined by publication once each
45 week for two consecutive weeks in a newspaper of
46 general circulation within this state. The notice
47 also shall state the combined percentage which a
48 seller lawfully may charge during the year under
49 section five hundred thirty-seven point two thousand
50 two hundred two (537.2202) of the Code. The applicable

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1 percentage thus determined shall be in force and effect
2 from and after the first date of publication, and
3 until an applicable percentage subsequently is
4 determined and published under this subsection."
5 3. Page 1, by striking lines 20 through 24 and
6 inserting in lieu thereof the following: "exceed
7 an amount equal to one and one half the sum of ten
8 percent plus the applicable percentage under subsection
9 five (5) of this section of that part of the maximum
10 amount pursuant to subsection 2 which is five hundred
11 dollars or less and one and one fourth the sum of
12 eight and one-half percent plus the applicable
13 percentage under subsection five (5) of this section
14 of that part of the maximum amount which is more than
15 five hundred dollars. If the billing cycle is not
16 monthly."

17 4. Page 1, by inserting after line 30 the
18 following:

19 "Sec. . Section five hundred thirty-seven point
20 two thousand four hundred two (537.2402), Code 1977,
21 is amended by adding the following new subsection
22 as subsection five (5) of that section:

23 NEW SUBSECTION. 5. As used in subsection three
24 (3) of section five hundred thirty-seven point two
25 thousand four hundred two (537.2402) of the Code,
26 the "applicable percentage" under this subsection
27 shall be the percentage established for the calendar
28 year by the treasurer of state. Once each year the
29 treasurer of state shall determine the applicable
30 percentage as follows: The treasurer of state shall
31 compute the average of the discount rates charged
32 by the federal reserve bank of Chicago to its member
33 banks during each of the months of October, November
34 and December of the preceding year; and then shall
35 compute the average of the percentage determined to
36 be the three-month average and the percentage which
37 is the discount rate charged by the federal reserve
38 bank of Chicago to its member banks as of January
39 first of the year for which the applicable percentage

40 is being determined. The applicable percentage shall
41 be that combined average, adjusted to the next higher
42 half of a percent if the January first rate is higher
43 than the three-month average, or adjusted to the next
44 lower half of a percent if the January first discount
45 rate is lower than the three-month average. The
46 treasurer of state shall give notice of the applicable
47 percentage so determined by publication once each
48 week for two consecutive weeks in a newspaper of
49 general circulation within this state. The notice
50 also shall state the combined percentage which a

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1 seller lawfully may charge during the year under
2 section five hundred thirty-seven point two thousand
3 four hundred two (537.2402) of the Code. The
4 applicable percentage thus determined shall be in
5 force and effect from and after the first date of
6 publication, and until an applicable percentage
7 subsequently is determined and published under this
8 subsection."

9 5. By renumbering sections of the bill as
10 necessary.

HALVORSON of Clayton
SMALLEY of Polk
TAUKE of Dubuque

H—5740

1 Amend the amendment, H—5730, to House File 2324
2 as follows:

3 1. Page 1, by striking lines 4 through 6 and
4 inserting in lieu thereof the following: "any retail
5 establishment operating in this state and owned by
6 residents of this state or by a business entity which
7 is organized under the laws of this state may impose,
8 for consumer credit".

LIPSKY of Linn

H—5754

1 Amend House File 2172 as follows:

2 1. Page 1, line 9, by striking the words
3 "student residence halls, dormitories".

4 2. Page 1, by inserting after line 19 the
5 following paragraph:

6 "e. The construction of residence halls or
7 dormitories or the renovation of residence halls
8 or dormitories originally constructed by bonds
9 issued pursuant to this division".

10 3. Page 8, line 34, by inserting after the
11 word "Iowa". the words "The state board shall not
12 approve any proposed project that finances,
13 refinances, or purchases any existing student
14 residence halls or dormitories."

BYERLY of Polk

H—5760

1 Amend House File 2212 as follows:

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

4 "Section 1. Section four hundred fifty-five A point
5 twenty (455A.20), Code 1977, as amended by Acts of the
6 Sixty-seventh General Assembly, 1977 Session, chapter
7 one hundred twenty-three (123), section four (4) is
8 amended to read as follows:

9 If the water commissioner at the first hearing or
10 the council at the hearing on appeal shall determine
11 after due investigation that such diversion, storage or
12 withdrawal will not be detrimental to the public
13 interests, including drainage and levee districts, or
14 to the interests of property owners with prior or
15 superior rights who might be affected, the water
16 commissioner following the first hearing, or the council
17 following the hearing on appeal shall grant a permit for
18 such diversion, storage or withdrawal. Judicial review
19 of such action is available in accordance with the terms
20 of the Iowa administrative procedure Act and section
21 455A.37. Permits may be granted for any period of time
22 but not to exceed ten years except for the storage of
23 water which may be granted for the life of the structure
24 unless withdrawn for good cause. All existing storage
25 permits are hereby extended for the life of the structure
26 unless withdrawn for good cause. Permits may be granted
27 which provide for less diversion, storage, or withdrawal
28 of waters than set forth in the application. Permits
29 may be extended by the water commissioner for a period
30 of not more than ninety days during the pendency of an
31 application for renewal. Any permit granted shall remain
32 as an appurtenance of the land described therein through
33 the date specified in such permit and any extension there-

34 of or such earlier date as the permit or any extension
35 thereof is revoked or canceled under the provisions of
36 section 455A.28."

BAKER of Buena Vista
PERKINS of Greene

H - 5762

1 Amend the Committee on Energy amendment, H - 5690,
2 to Senate File 261 as follows:

3 1. Page 2, by inserting after line 27 the following
4 section:

5 "Sec. . NEW SECTION. EXCEPTIONS. The
6 provisions of this Act shall not apply to the
7 renovation of:

8 1. Any property eligible for, nominated to, or
9 entered in the national register of historic places,
10 designated by statute, or included in an established
11 list of historic places compiled by the director of
12 the division of historical preservation of the Iowa
13 state historical department.

14 2. Any penal or correctional facility, mental
15 health institute or hospital-school owned by the state
16 or any jail."

HOWELL of Floyd
DOYLE of Woodbury

H - 5765

1 Amend House File 2292 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. TAKING DEER UNLAWFULLY. Any person
7 who takes a deer in violation of the open season,
8 bag limits, possession limits or territorial limits
9 established by the commission for the taking of deer
10 shall be guilty of a serious misdemeanor and shall
11 be fined not less than five hundred dollars and
12 imprisoned not less than thirty days. Any weapon
13 or vehicle used in a violation of this section is
14 declared to be a public nuisance and shall be seized
15 by the peace officer and delivered for confiscation

16 to a magistrate as provided in sections one hundred
17 ten point nineteen (110.19) through one hundred ten
18 point twenty-two (110.22) of the Code and Code
19 Supplement."

20 2. Page 1, by inserting after line 16 the
21 following:

22 "Sec. . Section one hundred ten point nineteen
23 (110.19), Code 1977, is amended to read as follows:
24 110.19 PUBLIC NUISANCE. Any device, contrivance
25 or material used to violate any regulation adopted
26 by the commission, or any other provision of this
27 chapter, is hereby declared to be a public nuisance,
28 and it shall be the duty of the state conservation
29 director and his or her officers, or any peace officer,
30 to seize such devices, contrivances, or materials
31 so used, without warrant or process, and to deliver
32 them to some magistrate having jurisdiction. Provided,
33 however, no gun, fishing rod, fishing tackle, or
34 automobile shall be construed to be a public nuisance
35 under this section paragraph.

36 Sec. . Section one hundred ten point nineteen
37 (110.19), Code 1977, is amended by adding the following
38 new unnumbered paragraph:

39 **NEW UNNUMBERED PARAGRAPH.** In addition to those
40 items which are declared public nuisances under the
41 first paragraph of this section, any gun, revolver
42 or pistol used in connection with any of the following
43 offenses is declared to be a public nuisance and shall
44 be seized and delivered to the magistrate as provided
45 in the first paragraph of this section:

46 1. Violations of sections one hundred nine point
47 seven (109.7), one hundred nine point twenty-one
48 (109.21), one hundred nine point forty-eight (109.48),
49 one hundred nine point fifty-four (109.54), one hundred
50 nine point ninety-one (109.91), one hundred nine point

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1 ninety-three (109.93), one hundred nine point one
2 hundred twenty (109.120), one hundred nine point one
3 hundred twenty-three (109.123), one hundred nine A
4 point five (109A.5), one hundred ten point twenty-
5 four (110.24) and one hundred ten point twenty-five
6 (110.25) of the Code and Code Supplement.

7 2. Hunting while intoxicated in violation of
8 section one hundred twenty-three point forty-six
9 (123.46) of the Code."

10 3. Page 1, by inserting after line 16 the
11 following:

12 "Sec. . Section one hundred ten point twenty-
13 two (110.22), Code 1977, is amended by striking the

14 section and inserting in lieu thereof the following:
15 110.22 DISPOSITION. Notwithstanding the provisions
16 of section eight hundred nine point six (809.6) of
17 the Code Supplement, if the seized property is not
18 ordered to be destroyed or returned to its rightful
19 owner it shall be placed at the disposal of the
20 director who may use or sell the property. The
21 proceeds from the sale of the property shall be
22 deposited in the fish and game protection fund."
23 4. Renumber the sections to conform with this
24 amendment.

PELTON of Clinton

H—5780

1 Amend House File 2359 as follows:
2 1. Page 12, line 16, by striking the word
3 "population" and inserting in lieu thereof the
4 word "enrollment".
5 1. Page 12, by striking lines 20 through 22
6 and inserting in lieu thereof the following: "to
7 the ratio that the enrollment of the former school
8 district bears to the district having the largest
9 enrollment involved in the merger shall retain".
10 3. Page 12, line 33, by striking the word
11 "population" and inserting in lieu thereof the
12 word "enrollment".

BAKER of Buena Vista

H—5787

1 Amend House File 559 as follows:
2 1. Page 4, by inserting after line 28 the following
3 section:
4 "Sec. . Acts of the Sixty-seventh General
5 Assembly, 1977 Session, chapter sixty-three (63),
6 section three (3), is amended to read as follows:
7 SEC. 3. Section one hundred three A point eight
8 (103A.8), Code 1977, is amended by adding the following
9 new subsection:
10 NEW SUBSECTION. Limit the application of thermal
11 efficiency standards for energy conservation to new
12 construction which will incorporate a heating or
13 cooling system. Air exchange fans designed to provide
14 ventilation shall not be considered a cooling system.

15 The standards shall not regulate the capacity of
16 heating and cooling systems. The commissioner shall
17 exempt any new construction from thermal efficiency
18 standards for energy conservation if the commissioner
19 determines that the standards are unreasonable as
20 they apply to a particular building or class of
21 buildings including farm buildings for livestock use.
22 Lighting efficiency standards shall recognize
23 variations in lighting intensities required for the
24 various tasks performed within the building. The
25 commissioner shall consult with the energy policy
26 council regarding standards for energy conservation
27 prior to the promulgation of the standards."
28 2. By renumbering the remaining sections and
29 correcting internal references in accordance with
30 this amendment.

HARVEY of Scott

H - 5795

1 Amend Senate File 336, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 30 the following
4 subsection:
5 " Fifty percent of all moneys credited under
6 this section to the general fund of any county or
7 city shall be used to provide property tax relief
8 in that city or unincorporated areas of that county
9 for the fiscal year following the fiscal year in which
10 such moneys were received."

BINA of Scott
HARVEY of Scott
HORN of Linn
CUSACK of Scott

H - 5796

1 Amend Senate File 336, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 30, by inserting after the word
4 "city" the words ", to provide property tax relief
5 in that city or unincorporated areas of that county".

BINA of Scott

H—5797

- 1 Amend Senate File 336, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 29, by inserting after the word
- 4 "credited" the words ", with forty percent of the
- 5 moneys to be used to provide property tax relief in
- 6 that city or unincorporated areas of that county,".

BINA of Scott

H—5798

- 1 Amend Senate File 336, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 16 the following
- 4 paragraph:
- 5 "Any reference in this Act to a city's or county's
- 6 general election shall mean any bond, franchise,
- 7 annexation, special, regular, general or other
- 8 jurisdiction-wide election of a city or county."

BINA of Scott
HORN of Linn
CUSACK of Scott

H—5801

- 1 Amend Senate File 336, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 14, by striking the word "thirty-
- 4 one" and inserting in lieu thereof the words "one
- 5 hundred eighty-one".

HARVEY of Scott

H—5807

- 1 Amend Senate File 336 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 30 the following
- 4 new sections:
- 5 "Sec. . NEW SECTION. CITY PROPERTY TAX RELIEF.
- 6 Fifty percent of all local hotel and motel tax moneys
- 7 credited by a city to its general fund shall be
- 8 deposited in a special account for property tax relief.

9 The moneys deposited in the special account for
10 property tax relief shall be used to provide property
11 tax relief by one of the following means:

12 1. A special homestead tax credit for each
13 homestead which qualified for the homestead tax credit
14 granted pursuant to section four hundred twenty-five
15 point one (425.1) of the Code shall be granted. The
16 county auditor shall, upon the request of the city
17 treasurer, certify to the city treasurer the number
18 of homesteads within the limits of the city which
19 have qualified for the homestead tax credit and a
20 description of each qualified homestead. The city
21 treasurer shall divide the total amount of dollars
22 in the special account for property tax relief by
23 the number of qualified homesteads within the corporate
24 limits of the city to determine the pro rata amount
25 of the special homestead tax credit to be granted
26 to each qualified homestead, except that a taxpayer
27 shall not receive credits in excess of his or her
28 property tax liability. Any such excess credit shall
29 be credited back to the special account for property
30 tax relief to provide property tax relief in the next
31 succeeding year. The city treasurer shall certify
32 to the county auditor the description of each qualified
33 homestead and the amount of additional homestead tax
34 credit each qualified homestead shall receive.

35 In any special charter city which levies and
36 collects its own taxes, the county auditor shall,
37 upon the request of the city clerk, certify to the
38 city clerk the number of homesteads within the limits
39 of the special charter city which have qualified for
40 the homestead tax credit and a description of each
41 qualified homestead. The city clerk shall divide
42 the total amount of dollars in the special account
43 for property tax relief by the number of qualified
44 homesteads within the corporate limits of the special
45 charter city to determine the pro rata amount of the
46 special homestead tax credit to be granted to each
47 qualified homestead, except that a taxpayer shall
48 not receive credits in excess of his or her property
49 tax liability. Any such excess credit shall be
50 credited back to the special account for property

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1 tax relief to provide property tax relief in the next
2 succeeding year. The city clerk shall certify to
3 the city treasurer the amount of additional homestead
4 tax credit each qualified homestead shall receive.

5 2. Before the levies authorized under section
6 three hundred eighty-four point one (384.1) of the
7 Code are certified to the county auditor, the

8 certifying official shall subtract from the total
9 amount computed in dollars, as provided in section
10 four hundred forty-four point two (444.2) of the Code,
11 an amount equal to the amount credited to the special
12 account for property tax relief during the last
13 preceding twelve-month period, and shall certify only
14 the net amount to the county auditor and board of
15 supervisors. Before the levies authorized under
16 section three hundred eighty-four point one (384.1)
17 of the Code are certified by the city clerk in any
18 special charter city which levies and collects its
19 own taxes, the certifying official shall subtract
20 from the total amount computed in dollars, as provided
21 in section four hundred forty-four point two (444.2)
22 of the Code, an amount equal to the amount credited
23 to the special account for property tax relief during
24 the last preceding twelve-month period, and shall
25 certify only the net amount to the city treasurer
26 and city council. The limit on a city's tax levy
27 for the general fund, as stated in section three
28 hundred eighty-four point one (384.1) of the Code,
29 shall be reduced each year by the levy which would
30 be necessary to replace the amount credited to the
31 special account for property tax relief during the
32 last preceding twelve-month period. The county auditor
33 shall base the levies authorized under section four
34 hundred forty-four point three (444.3) of the Code
35 upon the net amount so computed.

36 In order for a city to be qualified to receive
37 remittances from the treasurer of state under this
38 Act, the city clerk, before July fifteenth of each
39 year, shall certify to the treasurer of state that
40 property tax relief has been provided as required
41 under this section.

42 Sec. NEW SECTION. COUNTY PROPERTY TAX RELIEF.

43 Fifty percent of all local hotel and motel tax moneys
44 credited by a county to its general fund shall be
45 deposited in a special account for property tax relief.
46 The moneys deposited in the special account for
47 property tax relief shall be used to provide property
48 tax relief by one of the following means:

49 1. A special homestead tax credit for each
50 homestead in the entire county which qualified for

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1 the homestead tax credit granted pursuant to section
2 four hundred twenty-five point one (425.1) of the
3 Code shall be granted. The county auditor shall
4 divide the total amount of dollars in the special
5 account for property tax relief by the number of
6 qualified homesteads within the entire county to

determine the pro rata amount of the special homestead tax credit to be granted to each qualified homestead, except that a taxpayer shall not receive credits in excess of his or her property tax liability. Any such excess credit shall be credited back to the special account for property tax relief to provide property tax relief in the next succeeding year.

2. Before the levies authorized under section four hundred forty-four point nine (444.9) of the Code are made, the board of supervisors shall subtract from the total amount computed in dollars, as provided in section four hundred forty-four point two (444.2) of the Code, an amount equal to the amount credited to the special account for property tax relief during the last preceding twelve-month period, and shall base the levies authorized under section four hundred forty-four point nine (444.9) of the Code upon the net amount so computed.

In order for a county to be qualified to receive remittances from the treasurer of state under this Act, the board of supervisors, before July fifteenth of each year, shall certify to the treasurer of state that property tax relief has been provided as required under this section."

BENNETT of Ida

H-5808

Amend House File 2361 as follows:

1. Page 1, by inserting before line 1 the following sections:

"Sec. . Chapter, two hundred fifty-seven (257), Code 1977, is amended by adding the following new section:

NEW SECTION. HOUSING PROVIDED. If any housing is provided to an employee of the department without cost or at a reduced cost to the employee, the difference between the fair annual rental value of the housing and the cost of the housing to the employee shall be included in any listing of the annual salary of that employee. The state board shall not require that the employee reside in such housing.

Sec. . Chapter two hundred sixty-two (262), Code 1977, is amended by adding the following new section:

NEW SECTION. HOUSING PROVIDED. If any housing is provided to an employee of the state board without cost or at a reduced cost to the employee, the difference between the fair annual rental value of the housing and the cost of the housing to the employee

23 shall be included in any listing of the annual salary
24 of the employee. The state board shall not require
25 that the employee reside in such housing.

26 Sec. . Chapter two hundred seventy-three (273),
27 Code 1977, is amended by adding the following new
28 section:

29 **NEW SECTION. HOUSING PROVIDED.** If any housing
30 is provided to an employee of an area education agency
31 without cost or at a reduced cost to the employee,
32 the difference between the fair annual rental value
33 of the housing and the cost of the housing to the
34 employee shall be included in any listing of the
35 annual salary of the employee. The board shall not
36 require that the employee reside in such housing.

37 Sec. . Chapter two hundred seventy-four (274),
38 Code 1977, is amended by adding the following new
39 section:

40 **NEW SECTION. HOUSING PROVIDED.** If any housing
41 is provided to an employee of a school district without
42 cost or at a reduced cost to the employee, the
43 difference between the fair annual rental value of
44 the housing and the cost of the housing to the employee
45 shall be included in any listing of the annual salary
46 of the employee. The board shall not require that
47 the employee reside in such housing.

48 Sec. . Chapter two hundred eighty A (280A),
49 Code 1977, is amended by adding the following new
50 section:

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1 **NEW SECTION. HOUSING PROVIDED.** If any housing
2 is provided to an employee of an area school without
3 cost or at a reduced cost to the employee, the
4 difference between the fair annual rental value of
5 the housing and the cost of the housing to the employee
6 shall be included in any listing of the annual salary
7 of the employee. The board shall not require that
8 the employee reside in such housing."

9 2. By numbering and renumbering sections as
10 necessary in accordance with this amendment.

SCHROEDER of Pottawattamie

H—5809

1 Amend amendment H—5608 to House File 2296 as
2 follows:

3 1. Page 1, line 2, by striking the words
4 "striking lines 4 through" and inserting in lieu

- 5 thereof the words "inserting after line".
6 2. Page 1, by striking lines 4 through 8 and
7 inserting in lieu thereof the words "The actual".

JOCHUM of Dubuque

H—5812

- 1 Amend amendment H—5808 to House File 2361 as
2 follows:
3 1. Page 1, line 14, by inserting after the
4 word "housing" the words "as a condition of employ-
5 ment".
6 2. Page 1, line 25, by inserting after the
7 word "housing" the words "as a condition of employ-
8 ment".
9 3. Page 1, line 36, by inserting after the
10 word "housing" the words "as a condition of employ-
11 ment".
12 4. Page 1, line 47, by inserting after the
13 word "housing" the words "as a condition of employ-
14 ment".
15 5. Page 2, line 8, by inserting after the
16 word "housing" the words "as a condition of employ-
17 ment".

SCHROEDER of Pottawattamie

H—5829

- 1 Amend House File 2107 as follows:
2 1. Page 1, line 9, by striking the words "the
3 sum of five" and inserting in lieu thereof the words
4 "a sum not less than five thousand nor more than
5 fifty".
6 2. Page 1, line 10, by inserting after the word
7 "dollars." the following: "The required amount of
8 the bond shall be based upon the gross dollar volume
9 for the preceding calendar year of the business seeking
10 the permit. The secretary of state shall establish
11 by rule a table listing the required amount of the
12 bond for a certain range of gross dollar volumes.
13 The required amounts of the bonds shall be in
14 increments of five thousand dollars. However, the
15 required amount of the bond shall not exceed twenty
16 percent of the highest gross dollar volume in the
17 applicable gross dollar volume range. If the business
18 was not operating for the full preceding calendar

19 year, the required amount of the bond shall be the
20 same as for businesses under similar circumstances
21 considering the dollar volume if any, the number of
22 employees, location, the type of tour or cruise and
23 any other factors which the secretary deems important."

24 3. Page 1, line 13, by striking the words "five
25 thousand dollars" and inserting in lieu thereof the
26 words "the required amount of the bond under this
27 Act".

28 4. Page 1, by inserting after line 14 the
29 following: "The aggregate liability of the surety
30 for all breaches of the bond condition shall not
31 exceed the sum of the required amount of the bond
32 under this Act. The bond shall be conditioned upon
33 the faithful performance of the principal with all
34 provisions of this Act and the return of the deposit
35 of every customer who has requested such return due
36 to the cancellation, change in date or itinerary of
37 the tour or cruise for which the deposit was required.
38 The surety may cancel the bond but only upon notice
39 by certified mail to the secretary of state and the
40 business on which the bond is written at least thirty
41 days before the cancellation. However, the liability
42 of the surety shall cover all deposits made during
43 the time the bond is in force."

44 5. Page 1, lines 24 and 25, by striking the words
45 "sum of five thousand dollars" and inserting in lieu
46 thereof the words "required amount".

47 6. Page 1, line 27, by striking the words "sum
48 of five thousand dollars" and inserting in lieu thereof
49 the words "required amount".

50 7. Page 1, line 28, by striking the words "the

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1 sum of ten thousand dollars" and inserting in lieu
2 thereof the words "an amount double the required
3 amount".

PATCHETT of Johnson

H—5830

1 Amend Senate File 336, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 30 the following
4 subsection:

5 " . Forty percent of all moneys credited under
6 this section to the general fund of any county or

7 city shall be used to provide property tax relief
8 in that city or unincorporated areas of that county
9 for the fiscal year following the fiscal year in which
10 such moneys were received."

BINA of Scott

H—5839

1 Amend the amendment H—5608, to House File 2296,
2 as follows:
3 1. Page 1, line 9, by striking the word "freeway"
4 and inserting in lieu thereof the word "highway".
5 2. Page 1, line 14, by striking the word "freeway"
6 and inserting in lieu thereof the word "highway".
7 3. Page 1, line 18, by striking the word "freeway"
8 and inserting in lieu thereof the word "highway".

BENNETT of Ida

H—5841

1 Amend Senate File 275 as amended, passed and
2 reprinted by the Senate as follows:
3 1. By amending the title, line 1, by inserting
4 after the word "An" the word "Act".

NIELSEN of Polk

H—5843

1 Amend House File 2109 as follows:
2 1. Page 2, by striking lines 19 through 22 and
3 inserting in lieu thereof the following:
4 "1978, after its publication in the Des Moines
5 Register, a newspaper published in Des Moines, Iowa,
6 and in the Sioux City Journal, a newspaper published
7 in Sioux City, Iowa."

DOYLE of Woodbury

H—5844

1 Amend House File 2218 as follows:
2 1. Page 1, line 17, by striking the word
3 "concessions," and inserting in lieu thereof the
4 following "~~concessions~~, concession".

SPEAR of Lee

H—5856

1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 14, line 28, by striking the word "women"
4 and inserting in lieu thereof the word "persons".

5 2. By striking page 14, line 34 through page 15,
6 line 3, and inserting in lieu thereof the following:

7 "a. "Battered person" means an individual who
8 is being or has been assaulted as defined in section
9 seven hundred eight point one (708.1) of the Code
10 1977 Supplement by that individual's spouse, by an
11 individual of the opposite sex related by blood or
12 marriage to the victim of the assault, or by an
13 individual of the opposite sex with whom the victim
14 of the assault is residing or has resided in the
15 past."

16 3. Page 15, line 5, by striking the word "women"
17 and inserting in lieu thereof the word "persons".

18 4. Page 15, line 6, by striking the word "women"
19 and inserting in lieu thereof the word "persons".

20 5. Page 15, line 14, by striking the word "women"
21 and inserting in lieu thereof the word "persons".

LIND of Black Hawk
WYCKOFF of Benton

H—5857

1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 6, by striking lines 31 through 35.

LIND of Black Hawk

H—5858

1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 12, line 8, by striking the word
4 "voluntary".

LIND of Black Hawk

H—5859

1 Amend House File 2380 as follows:

2 1. Page 1, lines 3, 4, 5 and 6, by striking the

3 words "except a government law enforcement agency
4 during a preemployment interview for a position of
5 peace officer, jailer, record clerk, or radio operator,".

EVANS of Grundy

H - 5862

1 Amend House File 2045 as follows:
2 1. Page 1, line 15, by inserting after the word
3 "board" the words ", including admission, programs,
4 and services of a laboratory school established
5 pursuant to chapter two hundred sixty-five (265) of
6 the Code".

LIND of Black Hawk

H - 5863

1 Amend Senate File 2022 as amended and passed by the
2 Senate as follows:
3 1. Page 2, by inserting after line 4 the following
4 subsection:
5 " . A restaurant as that term is defined in
6 section one hundred seventy point one (170.1) of the
7 Code, except in areas designated by the person who
8 owns or is in custody or control of that restaurant
9 as smoking areas. Areas designated as no smoking
10 areas shall be provided in restaurants located in
11 facilities covered by subsection one (1) of this
12 section."
13 2. By renumbering subsections and changing intern-
14 al references as necessary.

BRANDT of Black Hawk

H - 5865

1 Amend House File 2378 as follows:
2 1. Page 1, by inserting after line 11 the
3 following section:
4 2. "Sec. . NEW SECTION. In the absence
5 of fraud an insurance company, or person who
6 furnishes information on its behalf, shall not be
7 liable for damages in a civil action or be subject
8 to criminal prosecution for any oral or written

9 statement made, or any other action taken necessary
10 to supply information required by this Act."

GENTLEMAN of Polk

H-5866

1 Amend House File 2378 as follows:
2 1. Page 1, by striking line 12 and inserting in
3 lieu thereof the following:
4 "Sec. . It is the intent of the general assembly
5 that the commissioner of public safety shall reassign
6 the arson investigators from the division of criminal
7 investigation and bureau of identification of the
8 department of public safety to the state fire marshal's
9 office effective July 1, 1978 and the arson investiga-
10 tors shall be under the direct supervision of the
11 state fire marshal."

GILSON of Guthrie

H-5868

1 Amend House File 2378 as follows:
2 1. Page 1, by inserting after line 11 the following
3 sections:
4 "Sec. . NEW SECTION. As used in this Act
5 "insurance company" means companies and associations
6 subject to regulation by the insurance department of
7 Iowa including associations subject to chapters five
8 hundred eighteen (518) and five hundred eighteen A
9 (518A) of the Code.
10 Sec. . NEW SECTION. A person shall not:
11 1. Refuse to release any information requested by
12 the state fire marshal or his designee as required by
13 section two (2) of this Act.
14 2. Refuse to notify the state fire marshal or his
15 designee of a fire loss required to be reported by
16 section one (1) of this Act.
17 3. Refuse to give the state fire marshal pertinent
18 information required to be furnished by section one (1)
19 of this Act.
20 4. Fail to hold in confidence information required
21 to be held in confidence by section two (2) of this Act.
22 Sec. . Any violation of the provisions of this
23 Act shall constitute a simple misdemeanor."

HALVORSON of Clayton

H-5872

- 1 Amend Amendment H-5765 to House File 2292
- 2 as follows:
- 3 1. Page 1, line 32, by striking the word "some"
- 4 and inserting in lieu thereof the words "some a".

CLARK of Cerro Gordo

H-5874

- 1 Amend House File 2351 as follows:
- 2 1. Page 7, by striking lines 9 through 14.
- 3 2. Page 7, by striking lines 29 through 33
- 4 and inserting in lieu thereof the following:
- 5 "Sec. . NEW SECTION. RESTRICTIONS.
- 6 1. Nothing in this Act shall be construed to
- 7 condone, authorize, or approve the act of euthanasia
- 8 or to permit an affirmative or deliberate act or
- 9 omission to end life other than to permit the natural
- 10 process of dying as provided in this Act.
- 11 2. Nothing in this Act shall prevent or prohibit
- 12 medical treatment which promotes comfort or eases
- 13 pain."

CLARK of Cerro Gordo

H-5876

- 1 Amend House File 2384 as follows:
- 2 1. Page 2, by inserting after line 33 the follow-
- 3 ing:
- 4 " . That the use of amygdalin has not been
- 5 proven to be an effective treatment for any malignancy,
- 6 disease, illness or physical condition or as a dietary
- 7 supplement."

JOCHUM of Dubuque

H-5877

- 1 Amend House File 2384 as follows:
- 2 1. Page 4, line 15, by striking the figure "1979"
- 3 and inserting in lieu thereof the figure "1980".

JOCHUM of Dubuque

H—5878

- 1 Amend House File 2384 as follows:
- 2 1. Page 1, by striking lines 25 through 35.
- 3 2. Page 2, by striking lines 1 and 2:

JOCHUM of Dubuque

H—5880

- 1 Amend House File 2172 as follows:
- 2 1. Page 2, by inserting after line 4, the fol-
- 3 lowing new unnumbered paragraph:
- 4 "In planning a project the board shall analyze
- 5 the financial prospects of the project and shall sat-
- 6 isfy itself that rents and charges to be generated by
- 7 the project plus other available funds will be suffic-
- 8 ient to meet all interest and principal payments and
- 9 retire all bonds and notes on schedule. A copy of
- 10 the financial analysis, approved by the board, shall
- 11 be forwarded to the state board of public instruction
- 12 as a part of the request for approval of the project
- 13 by the state board."
- 14 2. Page 2, line 9, by inserting after the word
- 15 "payment" the words "in a timely manner".
- 16 3. Page 8, line 31, by striking the word "and".
- 17 4. Page 8, line 34, by inserting after the word
- 18 "Iowa" the words ", and that the probable revenues
- 19 from the project are adequate to meet the financial
- 20 obligations of the project on schedule".
- 21 5. Page 8, by inserting after line 34 the fol-
- 22 lowing new section:
- 23 "Sec. . NEW SECTION. PROHIBITION AGAINST
- 24 ADDITIONAL PROJECTS. A merged area shall not under-
- 25 take a project under the authority of this Act and the
- 26 state board of public instruction shall not approve such
- 27 a project while the merged area is in arrears on pay-
- 28 ment of principal or interest on a prior project,
- 29 or while the merged area is retiring such debt under
- 30 refinancing arranged to extend the original schedule
- 31 of payments."

EVANS of Grundy

H—5890

- 1 Amend House File 2384 as follows:
- 2 1. Page 3, by inserting after line 20 the fol-

3 lowing new section:

4 "NEW SECTION. The department of health may dis-
5 seminate information contained in the written in-
6 formed request form to a private individual or agency
7 only for the purpose of determination of the effec-
8 tiveness of amygdalin in the treatment of cancer
9 as required by this Act. Access to data contained
10 in the written informed request form shall be pur-
11 quant to a specific agreement to provide a service
12 and shall insure the security and confidentiality
13 of the data. Information contained in the written
14 informed request form shall be confidential for all
15 purposes other than those specified in this section."

SCHEELHAASE of Woodbury
DYRLAND of Clayton
WALTERS of Pottawattamie

H—5891

1 Amend Senate File 2206, as passed by the Senate,
2 as follows:

3 1. Page 1, by inserting after line 20 the
4 following section:

5 "Sec. Chapter six hundred thirty-one (631),
6 Code 1977, is amended by adding the following new
7 section:

8 NEW SECTION. MONEY TO THE COUNTY GENERAL FUND.

10 Any money paid pursuant to this Act to the court by a
11 party for a certified court reporter or for a
12 transcript of the proceedings shall be deposited in the
13 county general fund."

MONROE of Des Moines

H—5893

1 Amend the amendment, H—5848, to House File 2071
2 as follows:

3 1. Page 1, line 20, by striking the word "not".

4 2. Page 1, line 21, by striking the words "and
5 farming" and inserting in lieu thereof the word "
6 Farming".

GETTINGS of Wapello

H-5895

- 1 Amend Senate File 2066, as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 11 the following
- 4 new section:
- 5 "Sec. . Section four hundred twenty-two point
- 6 forty-five (422.45), Code 1977 Supplement, is amended
- 7 by adding the following new subsection:
- 8 NEW SUBSECTION. The gross receipts from the sale
- 9 of horses and mules."
- 10 2. Amend the title, line 2, by inserting after
- 11 the word "devices" the words "and horses and mules".

SCHEELHAASE of Woodbury

H-5899

- 1 Amend House File 2041 as follows:
- 2 1. Page 2, by inserting after line 6 the following:
- 3 "Sec. . Section four hundred nineteen point
- 4 eleven (419.11), Code 1977, is amended to read as
- 5 follows:
- 6 419.11 TAX EQUIVALENT TO BE PAID—ASSESSMENT
- 7 PROCEDURE—APPEAL. Any municipality acquiring,
- 8 purchasing, constructing, reconstructing, improving
- 9 or extending any industrial buildings or, pollution
- 10 control facilities, or housing for moderate income
- 11 families, as provided in this chapter, shall annually
- 12 pay out of the revenue from such industrial buildings
- 13 or, pollution control facilities, or housing for
- 14 moderate income families, to the state of Iowa and
- 15 to the city, school district and any other political
- 16 subdivision, authorized to levy taxes, a sum equal
- 17 to the amount of tax, determined by applying the tax
- 18 rate of the taxing district to the assessed value
- 19 of the property, which the state, county, city, school
- 20 district or other political subdivision would receive
- 21 if the property were owned by any private person or
- 22 corporation, any other statute to the contrary
- 23 notwithstanding. For purposes of arriving at such
- 24 tax equivalent, the property shall be valued and
- 25 assessed by the assessor in whose jurisdiction the
- 26 property is located, in accordance with chapter 441,
- 27 but the municipality, the lessee on behalf of the
- 28 municipality, and such other persons as are authorized
- 29 by chapter 441 shall be entitled to protest any
- 30 assessment and take appeals in the same manner as
- 31 any taxpayer. Such valuations shall be included in
- 32 any summation of valuations in the taxing district
- 33 for all purposes known to the law. Income from this

34 source shall be considered under the provisions of
35 section 384.16, subsection 1, paragraph "b". If and
36 to the extent the proceedings under which the bonds
37 authorized to be issued under the provisions of this
38 chapter so provide, the municipality may agree to
39 co-operate with the lessee of a project in connection
40 with any administrative or judicial proceedings for
41 determining the validity or amount of any such payments
42 and may agree to appoint or designate and reserve
43 the right in and for such lessee to take all action
44 which the municipality may lawfully take in respect
45 of such payments and all matters relating thereto,
46 provided, however, that such lessee shall bear and
47 pay all costs and expenses of the municipality thereby
48 incurred at the request of such lessee or by reason
49 of any such action taken by such lessee in behalf
50 of the municipality. Any lessee of a project which

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1 has paid, as rentals additional to those required
2 to be paid pursuant to section 419.5, the amounts
3 required by the first sentence of this section to
4 be paid by the municipality shall not be required
5 to pay any such taxes to the state or to any such
6 county, city, school district or other political
7 subdivision, any other statute to the contrary
8 notwithstanding. To the extent that any lessee or
9 contracting party pays taxes on a project or part
10 thereof, the municipality shall not be required to
11 pay the tax equivalent herein provided, and to such
12 extent the lessee or contracting party shall not be
13 required to pay amounts to the municipality for such
14 purpose. This section shall not be applicable to
15 any municipality acquiring, purchasing, constructing,
16 reconstructing, improving, or extending any buildings
17 for the purpose of housing for the elderly or
18 handicapped or housing for low income families, or
19 for the purpose of establishing, maintaining, or
20 assisting any private college or university, nor and
21 this section shall not be applicable to any
22 municipality in connection with any project for the
23 benefit of a voluntary nonprofit hospital, clinic,
24 or health care facility, the property of which is
25 otherwise exempt under the provisions of chapter
26 427. The payment, collection, and apportionment of
27 the tax equivalent shall be subject to the provisions
28 of chapters 445, 446 and 447."

29 2. By renumbering sections and correcting internal
30 references as necessary.

H—5905

- 1 Amend House File 2349 as follows:
- 2 1. Page 6, by striking lines 25, 26 and 27 and
- 3 inserting in lieu thereof the words "part for payment
- 4 of the salaries, benefits and mileage or travel
- 5 allowances for juvenile probation officers, and of
- 6 the salaries and benefits of secretarial and clerical
- 7 employees and the cost of offices, equipment and
- 8 supplies needed for juvenile probation officers, which
- 9 were paid by the respective counties under section
- 10 two hundred thirty-one point twelve (231.12) as that
- 11 section appeared in the Code of 1977. The cost of
- 12 any facilities for juveniles, and of the salaries
- 13 and benefits of personnel required to staff those
- 14 facilities, established by the district department
- 15 after the effective date of this Act shall not be
- 16 certified to the counties under this section. Each
- 17 county's appropriate share of those expenditures which
- 18 are to be certified to the counties under this section
- 19 shall".

HANSEN of O'Brien
SCHROEDER of Pottawattamie

H—5907

- 1 Amend House File 2384 as follows:
- 2 1. Page 1, by inserting after line 7 the following:
- 3 "This paragraph shall be of no force or effect
- 4 after December 31, 1984."
- 5 2. Page 4, by inserting after line 14 the
- 6 following:
- 7 "NEW SECTION. This division is repealed effective
- 8 December 31, 1984."

MONROE of Des Moines

H—5908

- 1 Amend House File 2384 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "plums" the words ", nor to combinations of drugs
- 4 including amygdalin".
- 5 2. Page 1, line 16, by inserting after the word
- 6 "amygdalin" the words ", or amygdalin in combination
- 7 with other drugs,".

MONROE of Des Moines

H—5909

- 1 Amend House File 2349 as follows:
- 2 1. Page 6, line 30, by striking the word "The"
- 3 and inserting in lieu thereof the words "Eighty percent
- 4 of the".
- 5 2. Page 6, line 34, by inserting after the word
- 6 "fund," the words "eighty percent of".

SCHROEDER of Pottawattamie
HANSEN of O'Brien
MILLER of Buchanan

H—5911

- 1 Amend H—5897 to Senate File 2163 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 5, by striking lines 15 through 19 and
- 4 inserting in lieu thereof the following:
- 5 "14. Page 6, by striking lines 19 through 35
- 6 and inserting in lieu thereof the following:
- 7 4. For medical assistance, no funds shall be
- 8 expended for abortion services available under the
- 9 medical assistance program \$78,650,000
- 10 15. Page 7, by striking lines 1 through 14."
- 11 2. Renumber as required.

DIELEMAN of Marion
KOOGLER of Mahaska

H—5912

- 1 Amend H—5897 to Senate File 2163 as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 15 through 19 and
- 4 inserting in lieu thereof the following:
- 5 "14. Page 6, by striking lines 19 through 35
- 6 and inserting in lieu thereof the following:
- 7 4. For medical assistance, no funds shall be
- 8 expended for abortion services available under the
- 9 medical assistance program except under the following
- 10 cases:
- 11 a. the attending physician certifies that
- 12 continuing the pregnancy would endanger the life of
- 13 the pregnant woman; or
- 14 b. any spontaneous abortion, commonly known as
- 15 a miscarriage, wherein not all of the products of
- 16 conception are expelled \$78,650,000
- 17 15. Page 7, by striking lines 1 through 14."
- 18 2. Renumber as required.

DIELEMAN of Marion
KOOGLER of Mahaska

H—5921

- 1 Amend House File 2384 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "plums" the words "or by means of chemical synthesis
- 4 or by a combination of seeds and chemical synthesis".

SCHEELHAASE of Woodbury
DYRLAND of Clayton
WALTER of Pottawattamie

H—5935

- 1 Amend House File 2349 as follows:
- 2 1. Page 4, by inserting after line 21 the
- 3 following:
- 4 "f. Take charge of any child upon release from
- 5 the Iowa training school for boys, the Iowa training
- 6 school for girls, or the Iowa juvenile home if that
- 7 child was committed to the department of social
- 8 services by a juvenile court in the judicial district."
- 9 2. Page 7, by inserting after line 29 the follow-
- 10 ing:
- 11 "Sec. . Chapter two hundred thirty-two (232),
- 12 Code 1977, is amended by adding the following new
- 13 section:
- 14 **NEW SECTION. RELEASE AND SUPERVISION OF CHILD**
- 15 **COMMITTED TO STATE.** Upon the release of any child
- 16 from the Iowa training school for boys, the Iowa
- 17 training school for girls, or the Iowa juvenile home,
- 18 such child shall be placed under the supervision of
- 19 the juvenile correctional program of the department
- 20 of correctional services in the judicial district
- 21 from which the child was originally committed to the
- 22 guardianship of the department of social services.
- 23 Such supervision shall terminate upon the order of
- 24 the juvenile court, upon the lawful return of such
- 25 child to the training school or state juvenile home
- 26 from which the child was released, or upon the
- 27 expiration of the time limitations provided by law."

BRANSTAD of Winnebago

H—5936

- 1 Amend House File 2349 as follows:
- 2 1. Page 6, line 14, by striking the word "section"
- 3 and inserting in lieu thereof the word "sections".
- 4 2. Page 7, by inserting after line 14 the

5 following:

6 NEW SECTION. ADMINISTRATION OF JUVENILE HOMES.

7 Juvenile detention and juvenile shelter care homes
8 provided and maintained in accordance with chapter
9 two hundred thirty-two (232) of the Code shall be
10 subject to the overall administration and coordination
11 of the director of the district department of
12 correctional services. In such capacity, the director
13 shall work cooperatively with the boards of super-
14 visors to the end that maximum coordination of juvenile
15 shelter and detention services within the judicial
16 district may be attained."

WYCKOFF of Benton

H-5939

1 Amend H-5897 to Senate File 2163, as amended,
2 passed and reprinted, as follows:

3 1. Page 5, by striking lines 15 and 16 and
4 inserting in lieu thereof the following:

5 "14. Page 6, by striking lines 19 through 35,
6 and page 7, by striking lines 1 through 14, and
7 inserting in lieu thereof the following:

8 '4. For medical assistance . . . \$78,650,000'."

CLARK of Cerro Gordo
ARNOULD of Scott

H-5942

1 Amend House File 2349 as follows:

2 1. Page 2, line 18 and 19, by striking the words
3 "by the state department of social services" and
4 inserting in lieu thereof the words "by the state
5 department of social services as prescribed by this
6 subsection".
7 2. Page 2, line 20, by inserting after the period
8 the words "The permissible salary ranges shall be
9 established by the department of social services for
10 employees assigned to the program serving adults,
11 and by the Iowa supreme court for employees assigned
12 to the program serving juveniles."

13 3. Page 3, line 6, by striking the word "Act"
14 and inserting in lieu thereof the words "Act chapter
15 with respect to the program serving adults, and by
16 the Iowa supreme court pursuant to this Act with
17 respect to the program serving juveniles".

18 4. Page 3, by striking line 10 and inserting in
19 lieu thereof the words "board, and those of the state

20 department of social services with respect to the
21 program serving adults and also for the program serving
22 juveniles insofar as the department's policies do not
23 conflict with the rules, standards and guidelines
24 for district department programs serving juveniles
25 which are established by the Iowa supreme court as
26 provided by this Act."

27 5. Page 3, line 26, by inserting after the word
28 "services" the words "for the program serving adults".

29 6. Page 3, line 27, by striking the word "Act"
30 and inserting in lieu thereof the words "Act chapter,
31 and by the Iowa supreme court for the program serving
32 juveniles under this Act".

33 7. By striking page 3, line 32 through page 4,
34 line 27.

35 8. Page 6, line 14, by striking the word "section"
36 and inserting in lieu thereof the word "sections".

37 9. Page 6, by inserting after line 17 the follow-
38 ing:

39 "NEW SECTION. OPERATIONAL POLICY. The programs
40 serving adults of each district department shall
41 remain under the guidelines and shall continue to
42 have the duties assigned by sections seven (7) and
43 nine (9) of this chapter. The programs serving
44 juveniles shall be governed by rules, standards and
45 guidelines for juvenile court services established
46 by the Iowa supreme court."

47 10. Page 7, by striking lines 23 through 29 and
48 inserting in lieu thereof the words "books and
49 stationery. It shall be the duty of said probation
50 officers to make such investigation as may be required

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1 by the court; to be present in court in order to
2 represent the interests of the child when the case
3 is heard; to furnish to the court such information
4 and assistance as the judge may require, and to take
5 such charge of any child before and after trial as
6 may be directed by the court."

BRANSTAD of Winnebago

H—5945

1 Amend House File 2336 as follows:

2 1. Page 1, line 21, by striking the numeral "1"
3 and inserting in lieu thereof the numeral "0".

4 2. Page 1, line 22, by striking the numeral "2"
5 and inserting in lieu thereof the numeral "1".

- 6 3. Page 1, line 23, by striking the numeral "3"
7 and inserting in lieu thereof the numeral "2".
8 4. Page 1, line 24, by striking the numeral "4"
9 and inserting in lieu thereof the numeral "3".
10 5. Page 1, line 25, by striking the numeral "5"
11 and inserting in lieu thereof the numeral "4".

EGENES of Story

H—5949

- 1 Amend Senate File 2163 as follows:
2 1. Page 12, line 9 by inserting after the
3 word "the" the following:
4 "certified reimbursable cost of the".

GILSON of Guthrie
WELDEN of Hardin
HOFFMANN of Muscatine

H—5950

- 1 Amend the Committee on Budget amendment, H—5897, to
2 Senate File 2163, as amended, passed and reprinted by
3 the Senate, as follows:
4 1. Page 5, line 16, by striking the words "or
5 health" and inserting in lieu thereof the words "or
6 result in severe and long-lasting damage to the health".

SPEAR of Lee

H—5953

- 1 Amend H—5897 to Senate File 2163, as amended,
2 passed and reprinted, as follows:
3 1. Page 6, by striking lines 22 through 33.

STROMER of Hancock
CLARK of Cerro Gordo

H—5954

- 1 Amend the Committee on Budget amendment, H—5897,
2 to Senate File 2163, as amended, passed and reprinted
3 by the Senate, as follows:
4 1. Page 5, by striking lines 15 and 16 and

5 inserting in lieu thereof the following:
6 "14. Page 6, by inserting after line 30 the
7 following new paragraph, and redesignating the
8 succeeding paragraphs accordingly:
9 "b. Two physicians certify that continuing the
10 pregnancy would cause permanent physical damage to
11 the pregnant woman; or"."

HARVEY of Scott

H-5957

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 23, by striking lines 16 and 17 and
4 inserting in lieu thereof the following: "(54), is
5 amended to read as follows:
6 SEC. 54. Chapter three hundred twenty-one E (321E),
7 Code, 1977, is amended by adding the following new
8 sections:"
9 2. Page 23, by inserting after line 32 the follow-
10 ing:
11 NEW SECTION. A copy of the permits issued by the
12 state or county to move mobile homes shall be sent
13 to the county treasurer of the county of final
14 destination by the permit issuing officer. The permit
15 issued shall indicate the route over which the mobile
16 home will be moved and the final destination at which
17 the mobile home will be relocated. A one dollar fee
18 shall be added to the permit charge to cover the costs
19 of this service."

MILLER of Buchanan

H-5959

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 24, by inserting after line 9 the follow-
4 ing:
5 "Dealers licensed with a principal place of busi-
6 ness in the state may apply to the department for
7 a temporary permit to operate a car lot in a place
8 other than the city or township in which the principal
9 place of business is located. Applications shall
10 be made upon forms provided by the department and
11 accompanied by a ten-dollar permit fee. Temporary

12 permits shall be approved only for operations as a
13 dealer at fairs, vehicle exhibitions and vehicle shows
14 at which vehicles are displayed and offered for sale.
15 Temporary permits shall be issued for periods not
16 to exceed fourteen days."

MILLER of Buchanan

H-5961

1 Amend House File 2393 as follows:
2 1. Page 1, line 4, by striking the word "may"
3 and inserting in lieu thereof the word "shall".
4 2. Page 1, by inserting after line 7 the follow-
5 ing section:
6 "Sec. . . Section six hundred thirty-one point
7 six (631.6), subsection three (3), Code 1977, is
8 amended to read as follows:
9 3. Fees for personal service by peace officers
10 or other officials of the state shall be the amounts
11 specified by law."

CONLON of Muscatine
JESSE of Polk

H-5962

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 23, by inserting after line 32 the follow-
4 ing:
5 "Sec. . . Section three hundred twenty-two point
6 two (322.2), subsection seven (7), Code 1977, is
7 amended to read as follows:
8 7. "Motor vehicle" means any self-propelled vehicle
9 subject to registration under the laws of this state."
10 2. Renumber as necessary in conformance with this
11 amendment.

BAKER of Buena Vista

H-5963

1 Amend H-5897 to Senate File 2163 as amended, passed
2 and reprinted by the Senate as follows:
3 1. Page 5, by inserting after line 16, the following
4 new section:

- 5 " . Page 6, line 30, by inserting after the word
6 "woman" the words ", provided that for the purpose of
7 this paragraph, continuation of a pregnancy shall be
8 deemed to endanger the health of the pregnant woman only
9 when two physicians certify that such continuation would
10 cause severe and long-lasting physical damage to the
11 woman' ".
12 2. By renumbering the remaining sections as necessary.

MILLER of Buchanan

H—5966

- 1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 14, by striking lines 7 through 20.
4 2. By striking page 14, line 21 through page
5 15, line 14.

DANKER of Pottawattamie

H—5968

- 1 Amend House File 2224 as follows:
2 1. Page 1, by inserting after line 11 the
3 following new paragraph:
4 "The interest referred to above shall commence
5 from the date of the occurrence or breach which
6 created the cause of action resulting in the above
7 referred to judgement."

JESSE of Polk

H—5981

- 1 Amend amendment H—5976 to Senate File 2163 as
2 follows:
3 1. Page 1, line 9, by striking the words
4 "Two physicians certify", and inserting in lieu
5 thereof the words "The physician certifies".

SMALL of Johnson

H—5983

1 Amend House File 2365 as follows:

- 2 1. By striking page 6, line 35 through page 7,
3 line 2 and inserting in lieu thereof the words "of
4 age, and a resident of the county and the bona fide
5 owner of agricultural land in the election district
6 for which he is elected."

MONROE of Des Moines

H—5984

1 Amend House File 2365 as follows:

- 2 1. Page 5, by striking lines 3 through 7 and
3 inserting in lieu thereof the words "special election
4 called for that purpose. The provisions of chapters
5 thirty-nine (39), forty-nine (49) through fifty-three
6 (53), fifty-six (56), fifty-seven (57) and four hundred
7 sixty-two (462) of the ".
8 2. Page 5, by striking lines 11 through 26.

MONROE of Des Moines

H—5985

1 Amend House File 2405 as follows:

- 2 1. Page 2, by striking lines 12 through 14 and
3 inserting in lieu thereof the following:
4 "The wages of the prisoner which are withheld
5 shall be allocated as follows":
6 2. Page 2, line 31, by striking the word "projects"
7 and inserting in lieu thereof the word "project".

DOYLE of Woodbury

H—5986

1 Amend House File 2365 as follows:

- 2 1. Page 6, by inserting after line 26 the follow-
3 ing new section:
4 "Sec. . Section four hundred fifty-five point
5 one hundred thirty-six (455.136), Code 1977, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. In any county where

8 there are unencumbered funds on hand in the sinking
9 fund accounts of one or more drainage or levee
10 districts administered by the board of supervisors,
11 the board may transfer all or a part of such
12 unencumbered funds to form a common revolving fund
13 from which warrants may be drawn in payment for labor
14 and materials used in repair and maintenance of any
15 drainage or levee district in the county administered
16 by the board of supervisors, and in payment of clerical
17 expenses incurred in connection with assessment
18 procedures in any such district. When an expenditure
19 is so made from the common revolving fund, an
20 assessment shall be levied in the usual manner in
21 the district for which the expenditure was made and
22 when the assessment is paid the amount advanced from
23 the common revolving fund shall be repaid thereto
24 from the proceeds of the assessment."

HANSEN of O'Brien

H—5987

1 Amend amendment H—5897 to Senate File
2 2163 as follows:
3 1. Page 5, by striking lines 15 and 16 and
4 inserting in lieu thereof the following:
5 "14. Page 6, by inserting after line 30 the
6 following new paragraph, and redesignating the
7 succeeding paragraphs accordingly:
8 "b. The physician certifies that continuing
9 the pregnancy could result in severe and long-
10 lasting physical damage to the health of the
11 pregnant woman; or"."

SMALL of Johnson

H—5989

1 Amend Senate File 2163 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 6, by striking lines 23 through 35
4 and inserting in lieu thereof the following:
5 "abortions performed under the following cir-
6 cumstances:
7 a. The attending physician certifies that con-
8 tinuing the pregnancy would endanger the life of the
9 pregnant woman; or
10 b. Two physicians certify that continuing the
11 pregnancy could result in severe and long-lasting
12 damage to the physical health of the woman; or
13 c. The attending physician certifies that the

14 fetus is physically deformed, mentally deficient,
15 or afflicted with a congenital illness; or".

16 2. Page 7, line 1, by striking the letter "c."
17 and inserting in lieu thereof the letter "d."

18 3. Page 7, line 11, by striking the letter "d."
19 and inserting in lieu thereof the letter "e."

ANDERSON of Jasper
MILLER of Buchanan
HARVEY of Scott
WELDEN of Hardin
WEST of Marshall
NORLAND of Worth
EVANS of Grundy
BROCKETT OF Marshall
GILLOON OF Dubuque
MIDDLESWART of Warren

H—5992

1 Amend Senate File 2233 as follows:

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

4 "Section 1. Section eighty-eight A point one
5 (88A.1), subsection seven (7), Code 1977, is amended
6 to read as follows:

7 7. "Concession booth" means a structure, or
8 enclosure, located used at a more than one fair or
9 carnival from which amusements are offered to the
10 public."

11 2. By renumbering the remaining sections and
12 correcting internal references in accordance with
13 this amendment.

SCHROEDER of Pottawattamie
WYCKOFF of Benton
HUSAK of Tama
HARBOR of Mills

H—5993

1 Amend the permanent House Rules as follows:

2 1. Page 123, Rule 20, by striking subparagraph
3 five (5).

4 2. Page 123, Rule 20, by inserting the following
5 new subparagraph:

6 NEW SUBPARAGRAPH. . The Governor's Executive

7 Assistant and Administrative Assistants may be ad-
8 mitted to the Chamber of the House while the House is
9 in session.

SCHROEDER of Pottawattamie

H-6006

1 Amend Senate File 221, as amended and passed by
2 the Senate, as follows:

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

5 "Section 1. Section four hundred forty-one point
6 one (441.11), Code 1977, is amended to read as follows:

7 441.1 OFFICE CREATED. In every city in the state
8 of Iowa having more than one hundred twenty-five
9 thousand population and in every county in the state
10 of Iowa the office of assessor is hereby created.

11 A city having a population of ~~ten~~ one hundred thousand
12 or more, but ~~not in excess of~~ one hundred twenty-five
13 thousand, according to the latest federal census,
14 may by ordinance provide for the selection of a city
15 assessor and for the assessment of property in the
16 city under the provisions of this chapter. A city
17 desiring to provide for assessment under the provisions
18 of this chapter shall, not less than sixty days before
19 the expiration of the term of the assessor in office,
20 notify the taxing bodies affected and proceed to
21 establish a conference board, examining board, and
22 board of review and select an assessor, all as provided
23 in this chapter."

24 2. Page 5, by inserting after line 15 the following
25 new section:

26 "Sec. . Chapter four hundred forty-one (441),
27 Code 1977, is amended by adding the following new
28 sections:

29 NEW SECTION. The office of city assessor is
30 abolished. However, any city which has an office
31 of city assessor on the effective date of this Act,
32 may continue to have such office until July 1, 1983.
33 If prior to July 1, 1983 the city assessor dies,
34 resigns, is removed from office or is not reappointed
35 to a new term, that office of city assessor shall
36 be abolished thirty days after the date of the death,
37 resignation, removal or expiration of term of the
38 assessor or on July 1, 1983 whichever date occurs
39 first, except as provided in this section. The
40 jurisdiction of the county assessor shall be extended
41 to include all property within any city located within
42 that county where the office of city assessor has

43 been abolished.

44 However, a city with a population of one hundred
45 thousand or more, according to the latest federal
46 census, prior to July 1, 1983, may adopt an ordinance
47 and take such other action as is required pursuant
48 to section four hundred forty-one point one (441.1)
49 of the Code to establish the office of city assessor.
50 If prior to July 1, 1983 the city assessor in a city

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1 with a population of one hundred thousand or more,
2 according to the latest federal census, dies, resigns,
3 or is removed from office, that office of city assessor
4 shall be abolished thirty days after the date of the
5 death, resignation, or removal of the assessor unless
6 the city council adopts an ordinance and takes such
7 other action as is required pursuant to section four
8 hundred forty-one point one (441.1) of the Code to
9 establish the office of city assessor.

10 NEW SECTION. On the date the office of city
11 assessor is abolished, the conference board, examining
12 board, and board of review of that city assessing
13 jurisdiction are abolished. Any moneys in the city
14 assessor assessment expense fund authorized by section
15 four hundred forty-one point sixteen (441.16) of the
16 Code or the city assessor special appraiser fund
17 authorized by section four hundred forty-one point
18 fifty (441.50) of the Code, as of the date the office
19 of city assessor is abolished shall be transferred
20 to the appropriate fund of the county assessor. All
21 valid contracts entered into by a city assessor and
22 in effect as of the date the office of city assessor
23 is abolished shall be assumed and honored by the
24 county assessor. The county assessor shall assume
25 responsibility for all matters affecting the city
26 assessor on the date the office of city assessor is
27 abolished. The county conference board may authorize
28 the county assessor to employ any employee of the
29 city assessor's office, however, such employment is
30 made pursuant to the provisions of this chapter."

HARVEY of Scott
SCHNEKLOTH of Scott

H-6008

- 1 Amend House File 2405 as follows:
- 2 1. Page 1, by striking line 23 and inserting in

3 lieu thereof the following: "public lands. At the
4 discretion of the state director, prisoners may also
5 be employed to do legal research for county attorneys
6 and for public defenders. This research may be done
7 in the law libraries of the penitentiary, men's
8 reformatory and women's reformatory."

SPEAR of Lee

H-6009

1 Amend House File 2218 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section eighty-eight A point one
5 (88A.1), subsection seven (7), Code 1977, is amended
6 to read as follows:
7 7. "Concession booth" means a structure, or
8 enclosure, located used at a more than one fair or
9 carnival from which amusements are offered to the
10 public."
11 2. By renumbering the remaining sections and
12 correcting internal references in accordance with
13 this amendment.

SCHROEDER of Pottawattamie
WYCKOFF of Benton
HUSAK of Tama
HARBOR of Mills

H-6013

1 Amend House File 191 as follows:
2 1. Page 1, line 13, by striking the figure "1978"
3 and inserting in lieu thereof the figure "1979".
4 2. Page 1, line 14, by striking the figure "1979"
5 and inserting in lieu thereof the figure "1980".
6 3. Page 1, line 15, by striking the figure "1980"
7 and inserting in lieu thereof the figure "1981".
8 4. Page 2, lines 4 and 5, by striking the words
9 "without compensation, but" and inserting in lieu
10 thereof the words "with forty dollars per diem and".
11 5. Page 2, line 32, by striking the word "his"
12 and inserting in lieu thereof the words "the
13 secretary's".
14 6. Page 5, by striking line 4 and inserting in
15 lieu thereof the words "The rules shall be drawn in
16 accordance with the following guidelines:".

17 7. Page 6, lines 3 and 4, by striking the words
18 "or association organized" and inserting in lieu
19 thereof the words and figure "organized under chapter
20 five hundred four (504) of the Code".

21 8. Page 6, line 10, by striking the words "or
22 association".

23 9. Page 6, by inserting after line 17 the follow-
24 ing: The commission shall not grant a total of more
25 than three licenses for horse racing tracks, and three
26 licenses for dog racing tracks, and shall authorize
27 only one horse race meeting or one dog race meeting
28 on the same date."

29 10. Page 6, line 24, by striking the words "or
30 association".

31 11. Page 6, by striking line 32 and inserting
32 in lieu thereof the words "son or nonprofit corporation
33 other than the".

34 12. Page 7, line 4, by striking the words "or
35 association".

36 13. Page 7, lines 9 and 10, by striking the words
37 "or members of the nonprofit association".

38 14. Page 7, lines 17 and 18, by striking the words
39 ", if the applicant is a corporation,".

40 15. Page 7, line 29, by striking the words "or
41 association".

42 16. Page 8, line 33, by striking the word "asso-
43 ciation,".

44 17. Page 9, line 9, by striking the word "Fifty"
45 and inserting in lieu thereof the word "Ten".

46 18. Page 9, line 10, by striking the word "Twenty-
47 five" and inserting in lieu thereof the word "Ten".

48 19. Page 9, line 12, by striking the word "Twenty-
49 five" and inserting in lieu thereof the word "Forty".

50 20. Page 9, by inserting after line 14 the follow-

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1 ing:

2 "4. Forty percent shall be deposited in the general
3 fund of the state."

4 21. Page 9, line 17, by striking the words "or
5 association".

6 22. Page 11, line 4, by striking the words "or
7 association".

8 23. Page 11, line 27, by striking the words "SUNDAY
9 RACING FORBIDDEN — —".

10 24. Page 11, lines 28 and 29, by striking the
11 words "No racing under this Act shall be permitted
12 on Sunday."

13 25. Page 11, line 30, by inserting after the word
14 "granted" the words "to a nonprofit corporation".

- 15 26. Page 12, line 8, by striking the word " , asso-
16 ciation".
17 27. Page 12, line 33, by striking the comma and
18 inserting in lieu thereof the word "or".
19 28. Page 12, line 34, by striking the words " ,
20 or association".
21 29. Page 13, line 3, by striking the word "person,"
22 and inserting in lieu thereof the words "person or".
23 30. Page 13, lines 3 and 4, by striking the words
24 " , or association".
25 31. Page 13, line 7, by striking the word "person,"
26 and inserting in lieu thereof the words "person or".
27 32. Page 13, line 7, by striking the words "or
28 association".
29 33. Page 14, line 2, by inserting after the word
30 "fact." the words "Phenylbutazone shall be prohibited."

COMMITTEE ON STATE GOVERNMENT
MONROE of Des Moines, Chair

H-6022

- 1 Amend House File 304 as follows:
2 1. Page 1, line 18, by striking the words "and
3 nonconviction data".
4 2. Page 2, by striking lines 6 through 9.
5 3. Page 3, line 16, by striking the words "and
6 nonconviction data".

PELTON of Clinton

H-6024

- 1 Amend House File 2390 as follows:
2 1. Page 8, by striking lines 8 through 10 and
3 inserting in lieu thereof the following:
4 "(8) Payment to the complainant of pecuniary
5 damages for an injury caused by the discriminatory
6 or unfair practice. However, for violations of
7 section six hundred one A point six (601A.6) of the
8 Code, these damages shall be limited to back pay."

TAUKE of Dubuque

H-6035

- 1 Amend amendment H-6031 to House File 2074 as
2 follows:

- 3 1. Line 9, by inserting after the word "for"
- 4 the words "employment, appointment or".

TAUKE of Dubuque

H-6041

- 1 Amend amendment H-5548, to House File 2040, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the words "or
- 4 political subdivision of the state".

LAGESCHULTE of Bremer

H-6042

- 1 Amend House File 2040 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "and any political subdivisions of the state".
- 4 2. Page 1, line 12, by striking the words "or
- 5 political subdivision).

LAGESCHULTE of Bremer

H-6060

- 1 Amend House File 2390 as follows:
- 2 1. Page 7, line 24, by striking the word "pay."
- 3 and inserting in lieu thereof the words "back pay.
- 4 Back pay liability shall not accrue from a date more
- 5 than two years prior to the filing of the complaint
- 6 with the commission. Interim earnings, including
- 7 unemployment compensation, welfare assistance or
- 8 amounts earnable with reasonable diligence by the
- 9 person or persons discriminated against shall operate
- 10 to reduce the back pay otherwise allowable."

HARVEY of Scott
HANSEN of O'Brien

H-6081

- 1 Amend amendment H-5983, to House File 2365, as
- 2 follows:

- 3 1. Page 1, line 5, by inserting after the word
4 "district" the words "or a non-resident owner operator
5 of a farm located within the district".

LINDEEN of Henry

H-6085

- 1 Amend Senate File 353 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, by striking lines 4 through 31 and
4 inserting in lieu thereof the following:
5 "4. The state vehicle dispatcher shall purchase
6 all new motor vehicles for all branches of the state
7 government, except the state department of transporta-
8 tion, institutions under the control of the state
9 board of regents, the commission for the blind, and
10 any other agencies exempted by law. Before purchasing
11 any motor vehicle he shall make requests for public
12 bids by advertisement and he shall purchase the
13 vehicles from the lowest responsible bidder for the
14 type and make of motor vehicle designated at a purchase
15 price approved by the executive council.
16 a. Before purchasing a motor vehicle, the state
17 vehicle dispatcher shall determine which classification
18 of motor vehicle developed under paragraph c of this
19 subsection will meet the needs of the state agencies
20 that will use the vehicle. The state vehicle
21 dispatcher shall make requests for public bids by
22 advertisement which shall state the classification
23 and makes of motor vehicle for which bids may be
24 submitted. Upon receipt of all bids the state vehicle
25 dispatcher shall conduct a life cycle cost analysis
26 for each make of motor vehicle for which a bid is
27 submitted to determine the adjusted bid price. As
28 used in this subsection "life cycle cost analysis"
29 means a procurement technique that considers
30 acquisition price, operating costs, including fuel
31 efficiency, resale value and other costs of ownership
32 in the awarding of contracts to determine which item
33 from among those available for the purpose intended
34 would be least costly to own over the anticipated
35 period of ownership. The state vehicle dispatcher
36 shall purchase from the lowest responsible bidder
37 the motor vehicle with the lowest adjusted bid price
38 in the classification and of a make for which bids
39 were requested. The purchase price shall be approved
40 by the executive council.
41 b. Purchasing agents for state agencies and

42 institutions that are not required to purchase motor
 43 vehicles through the state vehicle dispatcher shall
 44 conduct a life cycle cost analysis for each motor
 45 vehicle considered for purchase to determine the
 46 adjusted bid price. The purchasing agents shall
 47 purchase the motor vehicle with the lowest adjusted
 48 bid price compared to other vehicles in the same size
 49 and function classification and from among the makes
 50 of motor vehicles considered for purchase."

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- 1 2. Page 2, line 7, by inserting after the word
- 2 "defense" the words "and the department of public
- 3 safety".
- 4 3. Page 2, line 8, by striking the numeral "1978"
- 5 and inserting in lieu thereof the number "1979".

COMMITTEE ON ENERGY
 O'HALLORAN of Black Hawk, Chair

H-6087

- 1 Amend House File 2292 as follows:
- 2 1. Page 1, by inserting after line 16 the follow-
- 3 ing: "A person shall not purchase a license that
- 4 was revoked or for a privilege that was suspended
- 5 during the period of revocation or suspension."

SCHROEDER of Pottawattamie

H-6091

- 1 Amend amendment H-6015 to Senate File 2115
- 2 as follows:
- 3 1. Page 1, by striking line 8 and inserting
- 4 in lieu thereof the following: "in the country,
- 5 or two hundred thousand (200,000) dollars, which
- 6 ever is smaller."

WYCKOFF of Benton

H-6092

- 1 Amend House File 2416 as follows:
- 2 1. Page 1, lines 14 and 15, by striking the
- 3 following: "Hubert H. Humphrey", and inserting in
- 4 lieu thereof the following: "Dixie C. Gebhardt".

MIDDLESWART of Warren

H-6094

- 1 Amend House File 2416 as follows:
- 2 1. Page 1, lines 14 and 15, by striking the
- 3 following: "Hubert H. Humphrey" and inserting in
- 4 lieu thereof the following: "John L. Lewis".

BENNETT of Ida

H-6095

- 1 Amend House File 2096 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "person" the words "twelve years of age or under".

GARRISON of Black Hawk

H-6097

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-6039 to House File 2341 as follows:
- 3 1. Page 1, by inserting after line 3 the following:
- 4 "Section 1. Chapter three hundred thirty-two (332),
- 5 Code 1977, is amended by adding the following new section:
- 6 NEW SECTION. The board of supervisors of each county
- 7 may create an ambulance service expense fund and may levy
- 8 an annual tax not exceeding fifty-four cents per thousand
- 9 dollars of the assessed value of the taxable property in
- 10 the county. Revenues received from the levy shall be de-
- 11 posited in the ambulance service fund and used to provide
- 12 ambulance services as provided in section three hundred
- 13 thirty-two point three (332.3), subsection twenty-three (23)
- 14 of the Code.
- 15 Section . Chapter three hundred thirty-two point
- 16 three (332.3), subsection twenty-three (23), the third un-
- 17 numbered paragraph, Code 1977, is amended to read as follows:
- 18 If a county provides ambulance service, it shall first
- 19 ascertain what cities or townships in the county also provide
- 20 ambulance service. The county shall then co-ordinate its
- 21 services with that provided by any city or township in order
- 22 to eliminate duplication and to make the ambulance service
- 23 provided by the county and the cities or townships as econo-
- 24 mical as possible."
- 25 2. Page 1, by striking line 50.
- 26 3. Page 2, by striking line 1 and inserting in lieu thereof
- 27 the following:
- 28 . Amend the title by striking lines 1 and 2 and in-
- 29 serting in lieu thereof the following:
- 30 "An Act authorizing counties or townships to levy a tax

31 to provide fire protection and ambulance services, and
32 authorizing township trustees to divide a township into
33 taxing districts for that purpose."

ANDERSON of Jasper
HARBOR of Mills

H-6099

1 Amend House File 2365 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing new section:

4 "Section 1. Section four hundred fifty-five point
5 one hundred eighteen (455.118), Code 1977, is amended
6 to read as follows:

7 455.118 BRIDGES. When such levee, ditch, drain,
8 or change of any natural watercourse crosses a public
9 highway, necessitating moving or building or rebuilding
10 any secondary road bridge upon, or ditch or drain
11 crossing such road, the board of supervisors shall
12 move, build, or rebuild the same, paying pay the costs
13 and expenses thereof incurred in moving or building
14 or rebuilding the same, including construction,
15 maintenance, repair and improvement costs, from the
16 secondary road fund.

17 If the bridge or crossing be upon or across a
18 primary or interstate road, the work aforesaid shall
19 be done by the state department of transportation
20 and paid for shall pay the cost incurred in performing
21 the aforesaid work out of the primary road fund."

22 2. Renumber sections and correct internal
23 references as are necessary in accordance with this
24 amendment.

25 3. Amend the title, line 5, by inserting after
26 the word "district," the words "relating to the
27 responsibility for paying the cost of moving, building
28 or rebuilding certain facilities at points where a
29 drainage district improvement crosses a public road".

NORLAND of Worth
WEST of Marshall
HANSEN of O'Brien

H-6100

1 Amend House File 2365 as follows:

2 1. Page 6, by inserting after line 30 the follow-
3 ing new section:

4 "Sec. 10. Chapter four hundred fifty-five (455),
5 Code 1977, is amended by adding the following new

6 sections:

7 NEW SECTION. PROCEDURE FOR SEVERANCE OF CERTAIN
8 LAND FROM DRAINAGE DISTRICTS. Land may be severed
9 from an established drainage district, in which the
10 improvement has been constructed, by the procedure
11 established by this section. This procedure shall
12 not be available with respect to a levee district,
13 or a combination levee and drainage district, or a
14 drainage district in a levee district, and shall be
15 available only with respect to land located on the
16 perimeter of a drainage district or served solely
17 by a lateral of the district's main ditch or drain.

18 1. Any person owning land to which this section
19 is applicable may present to the board of supervisors
20 or board of trustees in control of the district a
21 petition alleging that:

22 a. The land or a particular portion of it, which
23 shall be specifically and intelligibly described in
24 the petition, is receiving no material benefit from
25 the district and should therefore be severed from
26 it because:

27 (1) The report of the engineer pursuant to which
28 the district was initially established or expanded
29 to include the specified land was in error, and the
30 specified land has not in fact been benefited by the
31 district; or

32 (2) Circumstances have changed since the district
33 was initially established or expanded to include the
34 specified land, so that the land no longer receives
35 any benefit from the district.

36 b. Severance of the specified land from the
37 district will not damage any other land in the
38 district, except insofar as the benefit previously
39 apportioned to the specified land must be reapportioned
40 to the remaining land in the district.

41 2. When a petition is presented pursuant to
42 subsection one (1) of this section, the allegations
43 made in the petition shall be promptly investigated
44 by the board. Unless the board concludes that the
45 allegations made in the petition are entirely without
46 merit, it shall appoint an engineer with the
47 qualifications specified in this chapter to examine
48 the lands described in the petition and to make a
49 survey and plat thereof showing their relation,
50 elevation and condition of drainage with reference

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1 both to the district of which they are a part, and
2 to any other established district by which these lands
3 are being benefited. The engineer shall make and

4 file with the auditor a report as provided in this
5 chapter for the original establishment of a district,
6 which report shall specify the character of any
7 benefits received by those lands, and the district
8 or districts, if any, from which benefits are received.
9 The costs incurred in conducting the survey shall
10 be assessed against the petitioner.

11 3. If the engineer's report confirms the
12 allegations made in the petition, the board shall:

13 a. So notify the petitioning landowner, and shall
14 notify all other landowners in the district in the
15 manner provided by section four hundred fifty-five
16 point twenty-one (455.21) of the Code. The notice
17 shall in each case state that thirty days from the
18 date of the notice the land specified in the petition
19 shall be severed from the district, except that the
20 filing of an appeal under subsection five (5) of this
21 section shall stay the severance of the land until
22 disposition of the appeal.

23 b. Send notice of the fact to the board of any
24 other district from which the engineer's report shows
25 that these lands are receiving benefit. The board
26 of each district which receives such a notice shall
27 initiate proceedings to annex the appropriate lands,
28 in the manner prescribed by law.

29 4. If the finding is that the allegations made
30 in the petition are not valid, the board shall notify
31 the petitioning landowner that the petition is denied.

32 5. Either the petitioning landowner or any other
33 landowner in the district, if aggrieved by the finding
34 on the allegations made in the petition, may appeal
35 to the district court as provided in sections four
36 hundred fifty-five point ninety-two (455.92) through
37 four hundred fifty-five point ninety-nine (455.99),
38 inclusive, of the Code.

39 6. Upon severing land from the district pursuant
40 to this section, the board shall either reapportion
41 the benefit previously apportioned to the severed
42 land among all the remaining lands in the district
43 in proportion to the respective benefits previously
44 apportioned to those lands, or order a reclassification
45 of the remaining lands in the district.

46 Sec. 11. Section four hundred fifty-five point
47 one hundred twenty-eight (455.128), Code 1977, is
48 amended by adding the following new subsection:
49 NEW SUBSECTION. Upon receiving notice from the
50 board of any other district that an engineer's report,

2 Act, shows that lands not currently a part of the
3 district are in fact receiving benefits from the
4 district, the board may adopt a resolution of necessity
5 for annexation of those lands without obtaining an
6 engineer's report as otherwise required by this
7 section."

STROMER of Hancock

H- 6105

1 Amend House File 2426 as follows:
2 1. Page 9, by striking lines 10 through 35.
3 2. Page 10, by striking lines 1 through 6.
4 3. By renumbering sections as necessary.

THOMPSON of Polk
GENTLEMAN of Polk
HALVORSON of Clayton

H-6107

1 Amend House File 2426 as follows:
2 1. Page 10, line 8, by striking the word "section"
3 and inserting in lieu thereof the word "sections".
4 2. Page 10, by inserting after line 23 the follow-
5 ing:
6 "NEW SECTION. An active, vested, or retired member
7 who was in employment with an employer, as defined
8 in section ninety-seven B point forty-one (97B.41),
9 subsection three (3), paragraph a, of the Code except
10 that the employment occurred prior to July 4, 1947,
11 during any period prior to July 4, 1947 but was not
12 in employment with an employer between July 4, 1947
13 and July 4, 1953, may file verification of employment
14 prior to July 4, 1947 with the department of job
15 service. If the years of membership service and prior
16 service of the member equal fifteen or more and
17 verification of such employment has been filed with
18 the department of job service, the department shall
19 add the years of prior service to the years of
20 membership service in computing benefits pursuant
21 to section ninety-seven B point forty-nine (97B.49)
22 of the Code."

BRANDT of Black Hawk

H-6112

1 Amend Senate File 2221 as follows:

2 1. Page 2, by striking lines 4 and 5 and insert-
3 ing in lieu thereof the following: "(368.19), unnumber-
4 ed paragraphs one (1) and two (2), Code 1977, are
5 amended to read as follows:

6 The committee shall approve or disapprove the
7 petition or plan as amended, within ninety days of
8 the final hearing, and shall file its decision for
9 record and promptly notify the parties to the
10 proceeding or its decision. If a petition or plan
11 is approved, the board shall set a date within ninety
12 days for a special election on the proposal and the
13 county commissioner of elections shall conduct the
14 election. In a case of incorporation or discontinu-
15 ance, qualified electors of the territory
16 or city may vote, and the proposal is authorized if
17 a majority of those voting approves it. In a case
18 of annexation or severance, qualified electors of
19 the territory and of the city may vote, and the
20 proposal is authorized if a majority of the total
21 number of persons voting approves in the city and
22 a majority of the persons voting in the territory
23 approve it. In a case of consolidation, qualified
24 electors of each city to be consolidated may vote,
25 and the proposal is authorized only if it receives
26 a favorable majority vote in each city. The county
27 commissioner of elections shall publish notice of
28 the election as provided in section 49.53 and shall
29 conduct the election in the same manner as other
30 special city elections.

WOODS of Polk

H-6114

1 Amend House File 2358 as follows:

2 1. Page 2, line 15, by inserting after the word "to"
3 the words "the state fish and game protection fund and".

AVENSON of Fayette

H-6116

1 Amend House File 2426 as follows:

2 1. Page 9, by inserting after line 9 the following
3 section:

4 "Sec. . Section ninety-seven B point fifty-three

5 (97B.53), subsection one (1), Code 1977, is amended to
6 read as follows:

- 7 1. Upon the termination of employment with the
8 employer prior to retirement other than by death of
9 a member, the accumulated contributions by the member
10 at the date of such termination will be paid to such
11 member if such member has completed at least one year
12 of service, except as may be provided in subsection 2,
13 subsection 5 and subsection 6 of this section."
14 2. By numbering and renumbering sections as neces-
15 sary in accordance with this amendment.

MILLER of Buchanan

H-6126

1 Amend House File 2426 as follows:

2 1. Page 11, by inserting after line 27 the follow-
3 ing section:

4 "Sec. . Section ninety-seven C point two (97C.2),
5 Code 1977, is amended by striking subsection three (3)."

6 2. By numbering and renumbering sections as neces-
7 sary.

SCHROEDER of Pottawattamie

H-6146

1 Amend House File 72 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 twenty-seven
5 point one (427.1), Code 1977, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. Coal which is held in inventory
8 by a person, corporation, partnership, or other
9 business entity, except coal held in inventory which
10 is owned by a person, corporation, partnership, or
11 other business entity whose property is assessed by
12 the department of revenue pursuant to sections four
13 hundred twenty-eight point twenty-four (428.24) to
14 four hundred twenty-eight point twenty-nine (428.29)
15 of the Code or chapters four hundred thirty-three
16 (433) to four hundred thirty-eight (438) of the Code.

17 Sec. 2. Section four hundred forty-one point
18 twenty-one (441.21), subsection three (3), Code 1977,
19 is amended by adding the following new unnumbered
20 paragraphs:

21 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding
22 unnumbered paragraph one (1) of this subsection, any
23 construction or installation of a solar energy system
24 completed on property classified as agricultural,
25 residential or commercial property shall not increase
26 the actual, assessed and taxable values of such
27 property for assessment years beginning on January
28 1, 1979 and ending on or before December 31, 1983.

29 **NEW UNNUMBERED PARAGRAPH.** As used in this
30 subsection "solar energy system" means a system of
31 equipment capable of collecting and converting incident
32 solar radiation or wind energy into heat, mechanical
33 or electrical energy and transforming these forms
34 of energy by a separate apparatus to storage or to
35 point of use. The energy policy council shall adopt
36 rules relating to certification of a solar energy
37 system upon request of an assessor."

38 2. Amend the title, line 2, by striking the words
39 "methane gas production systems" and inserting in
40 lieu thereof the words "coal held in inventory".

COMMITTEE ON WAYS AND MEANS
NORLAND of Worth, Chair

H-6150

1 Amend House File 419 as follows:

2 1. Page 1, by striking lines 1 through 35.

3 2. Page 2, by striking lines 1 through 20 and

4 inserting in lieu thereof the following:

5 "Section 1. Section ninety-seven B point forty-
6 five (97B.45), Code 1977, is amended to read as
7 follows:

8 **97B.45 NORMAL RETIREMENT AGE AT SIXTY-FIVE -**

9 **MANDATORY RETIREMENT OF STATE EMPLOYEES PROHIBITED.**

10 A member's normal retirement date shall be the first

11 of the month coinciding with or next following his

12 the member's sixty-fifth birthday. A member may

13 retire after his upon the member's sixty-fifth birthday

14 except as otherwise provided in section 97B.46. A

15 member retiring on or after his the member's normal

16 retirement date, as provided in section 97B.46, shall

17 submit a written notice to the department setting

18 forth the date the retirement is to become effective,

19 provided that such date shall be after his the member's

20 last day of service and not before the first day of

21 the sixth calendar month preceding the month in which

22 the notice is filed, except that credit for service

23 shall cease when contributions cease as provided in
24 section 97B.11.

25 **Notwithstanding the provisions of this section**
26 **and section 97B.46, and employer may adopt policies**

27 which prescribe retirement at an age not less than
28 sixty-five years.

29 The provisions of this section shall not be
30 construed to render invalid any provisions of a policy
31 established by an employer which prescribes retirement
32 at an age not less than sixty-five years.

33 The State of Iowa, acting as an employer, shall
34 not prescribe retirement at any specific age, but
35 shall base retirement policies on ability of the
36 member to perform the job.

37 Sec. 2. Section ninety-seven B point forty-six
38 (97B.46), Code 1977, is amended to read as follows:

39 97B.46 SERVICE AFTER AGE SIXTY-FIVE—STATE
40 EMPLOYEES. A member may, on the request of the
41 employer, who is a state employee shall remain in
42 the active employ of the employer beyond the date
43 he the member attains the age of sixty-five for such
44 period or periods as the employer from time to time
45 shall approve, provided, however, that credit for
46 such service shall cease when contributions cease
47 as provided in section 97B.11. The member shall
48 retire from the employment of the employer at the
49 end of the last approved period, on the first day
50 of the month next following or coinciding with such

Page 2

1 date. A member remaining in service past his the
2 member's seventieth birthday shall be entitled to
3 receive a retirement allowance under section 97B.49
4 as applicable commencing with payment for the calendar
5 month within which the written notice is submitted
6 to the department, except that if he the member fails
7 to submit the notice on a timely basis, retroactive
8 payments shall be made for no more than six months
9 immediately preceding the month in which the written
10 notice is submitted.

11 The state of Iowa, acting as an employer, shall
12 base approval for continuation of active employment
13 of a member who has attained the age of sixty-five
14 upon the employee's ability to perform the job, and
15 age shall not be considered as a factor.

16 Sec. 3. Chapter ninety-seven B (97B), Code 1977,
17 is amended by adding the following new section:

18 NEW SECTION. SERVICE AFTER AGE SIXTY-FIVE—LOCAL
19 GOVERNMENT EMPLOYEES—MANDATORY RETIREMENT AT AGE
20 SEVENTY—EXTENSION. A member as defined in this
21 section may remain in the active employ of the employer
22 beyond the date the member attains the age of sixty-
23 five for such period as the member specifies until
24 the member attains the age of seventy. A member may,

25 on the request of the employer, remain in the active
26 employ of the employer beyond the date the member
27 attains the age of seventy for such period or periods
28 as the employer from time to time shall approve,
29 however credit for such services shall cease when
30 contributions cease as provided in section ninety-
31 seven B point eleven (97LB.11) of the Code. The member
32 shall retire from the employment of the employer at
33 the end of the last approved period, on the first
34 day of the month next following or coinciding with
35 such date. A member remaining in service past the
36 member's seventieth birthday shall be entitled to
37 receive a retirement allowance under section ninety-
38 seven B point forty-nine (97B.49) of the Code as
39 applicable commencing with payment for the calendar
40 month within which the written notice is submitted
41 to the department, except that if the member fails
42 to submit the notice on a timely basis, retroactive
43 payments shall be made for no more than six months
44 immediately preceding the month in which the written
45 notice is submitted.
46 Notwithstanding the provisions of this section,
47 an employer may terminate the employment of a member
48 who has not attained the age of seventy if the
49 termination is not based on age.
50 As used in this section "member" means a person

Page 3

1 who is not an employee of the state.
2 Sec. 4. Chapter ninety-seven B (97B), Code 1977,
3 is amended by adding the following new section:
4 **NEW SECTION. TENURED EMPLOYEE—RETIREMENT AT AGE**
5 **SIXTY-FIVE OR LATER.** Section ninety-seven B. point
6 forty-six (97B.46) of the Code or section four (4)
7 of the Act shall not be construed to prohibit
8 compulsory retirement of any employee who has attained
9 sixty-five years of age but not seventy years of age,
10 and who is serving under a contract of unlimited
11 tenure or similar arrangement providing for unlimited
12 tenure at an institution of higher education as defined
13 in the federal Higher Education Act of 1965 as amended
14 to January 1, 1978. This section is repealed effective
15 July 1, 1982."
16 3. Page 2, by striking lines 21 through 31.
17 4. Page 6 line 16, by striking the figure '1978"
18 and inserting in lieu thereof the figure "1979".
19 5. Renumber sections as required by this amendment.

SMALLEY of Polk
CRABB of Crawford
PAVICH of Pottawattamie
LAGESCHULTE of Bremer
BROCKETT of Marchall
HALVORSON of Clayton
CHIODO of Polk

WELLS of Linn
HINES of Story
THOMPSON of Polk
PONCY of Wapello
HORN of Linn
BRANSTAD of Winnebago
GILLOON of Dubuque

H-6151

- 1 Amend the amendment, H-5922, to House File 2175
- 2 as follows:
- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting in lieu thereof the following:
- 5 "2. Page 1, by striking lines 28 through 30 and
- 6 inserting in lieu thereof the following: "or leasing
- 7 shall be deposited with the state treasurer as a Camp
- 8 Dodge permanent improvement fund." "

BAKER of Buena Vista
HARVEY of Scott
WYCKOFF of Benton

H-6152

- 1 Amend House File 2417 as follows:
- 2 1. Page 2, line 16, by striking the word "eight"
- 3 and inserting in lieu thereof the word "ten".
- 4 2. Page 2, line 17, by inserting after the word
- 5 "consumption" the words "or modified by the seller of
- 6 the seller's agent."
- 7 3. Page 2, line 17, by striking the words
- 8 "; provided, however,"
- 9 4. Page 2, by striking lines 18 through 21.

SHIMANEK of Jones
KRAUSE of Kossuth

H-6155

- 1 Amend House File 2417 as follows:
- 2 1. Page 3, line twenty-nine (29) by adding
- 3 after the word "consumption" the words "or modified
- 4 by the seller or the seller's agent".

NEWHARD of Jones

H-6156

- 1 Amend House File 2417 as follows:
2 1. Page 4, by striking lines 27 through 35 and
3 inserting in lieu thereof the following:
4 "NEW SECTION. EXCLUSION OF EVIDENCE. In a product
5 liability civil action as defined in section one (1)
6 of this Act evidence of advancements or changes in
7 technical and theoretical knowledge or techniques,
8 in design theory or philosophy, in labeling, or
9 instructions for use or consumption, or in
10 manufacturing or testing techniques or processes which
11 have been made, learned or placed into use subsequent
12 to the time of the design, testing and manufacturing
13 of the product allegedly causing the injury, death
14 or damage, and evidence of any change made in the
15 design or methods of manufacturing, testing, labeling,
16 or instructing for use or consumption of the product
17 in issue or any similar product subsequent to the
18 time the product in issue was designed, manufactured
19 and tested shall not be admissible except for the
20 purposes of:
21 1. Impeaching a witness;
22 2. Showing control over a product;
23 3. Showing the cause of the injury; or
24 4. Showing feasibility of precautionary measures."
25 2. Page 5, by striking lines 1 through 6.

TAUKE of Dubuque

H-6157

- 1 Amend Senate File 2216 as amended and passed by
2 the Senate as follows:
3 1. Page 54, by striking from lines 31 and 32
4 the words "or a designee of the director".

EVANS of Grundy

H-6158

- 1 Amend House File 2388 as follows:
2 1. Page 1, by striking lines 7 through 10 and
3 inserting in lieu thereof the following: "holding
4 a liquor control license for whom the sale of goods
5 and services other than alcoholic liquor or beer
6 constitutes fifty percent or more of the gross receipts

7 from the licensed premises, subject to the provisions
8 of section 123.49,".

9 2. Page 1, by striking lines 14 and 15 and
10 inserting in lieu thereof the following: "the hours
11 of noon and ten p.m. on Sunday. For the privilege
12 of selling beer and".

13 3. Page 1, line 17, by striking the word "twenty"
14 and inserting in lieu thereof the words "twenty
15 thirty".

16 4. Page 2, by striking lines 2 and 3 and insert-
17 ing in lieu thereof the following: "of noon and ten
18 p.m. on Sunday."

19 5. Page 2, by striking lines 10 through 12 and
20 inserting in lieu thereof the following: "holding
21 a class "B" beer permit for whom the sale of goods
22 and services other than beer constitutes fifty percent
23 or more of the gross receipts from the licensed
24 premises, subject".

25 6. Page 2, by striking lines 16 and 17 and insert-
26 ing in lieu thereof the following: "the premises
27 between the hours of noon and ten p.m. Any class
28 "C" beer".

29 7. Page 2, by striking lines 19 and 20 and insert-
30 ing in lieu thereof the following: "between the hours
31 of noon and ten p.m. For the privilege of selling
32 beer".

33 8. Page 2, line 22, by striking the word "twenty"
34 and inserting in lieu thereof the words "twenty
35 thirty".

DIELEMAN of Marion

H-6162

1 Amend House File 2417 as follows:

2 1. Page 1, line 4, by striking the word "of:"
3 and inserting in lieu thereof the word "of".

4 2. Page 1, by striking lines 5 through 10 and
5 inserting in lieu thereof the following: "any defect
6 in the design, testing, manufacturing, formulation,
7 marketing, packaging, or labeling of a product".

8 3. Page 1, line 12, by striking the words "in
9 contract".

NEWHARD of Jones

H-6168

1 Amend House File 2423 as follows:

2 1. Page 1, line 12, by inserting after the word

3 "commission" the words "and that Locust street be
4 opened to traffic of not less than two lanes".

JESSE of Polk

H-6181

1 Amend House File 2417 as follows:
2 1. Page 2, by striking lines 22 through 35.
3 2. Page 3, by striking lines 1 and 2.

JESSE of Polk

H-6182

1 Amend House File 2417 as follows:
2 1. Page 3, by striking lines 19 and 20 and
3 inserting in lieu thereof the following: "Act
4 when the sole proximate cause of the alleged
5 injury, death or damage is:".

JESSE of Polk

H-6184

1 Amend Senate File 94 as passed by the Senate as
2 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 seventy-nine (79), Code 1977,
7 is amended by adding the following new section:
8 NEW SECTION. RELOCATION EXPENSE. When a state
9 employee is transferred to a new official domicile,
10 the employee may be reimbursed for moving costs
11 provided the employee purchases and occupies, or rents
12 a replacement dwelling not later than the end of a
13 one-year period beginning on the effective date of
14 the transfer. Reimbursable moving costs shall include
15 the actual reasonable expenses incurred in moving
16 the employee, the employee's family and the employee's
17 household goods, or a mobile home which contains the
18 household goods of the employee and serves as the
19 employee's residence. The following are reimbursable
20 expenses:
21 1. The cost of packing, crating, transporting,
22 insuring while in transit and, when necessary, the

23 temporary storage of household goods. Temporary
24 storage of household goods shall not exceed a maximum
25 of one hundred eighty days. At the option of the
26 employee and in lieu of actual expenses, a lump sum
27 payment of fifty dollars per room based on the number
28 of rooms of the original residence, but not to exceed
29 three hundred dollars in total, plus a dislocation
30 allowance of two hundred dollars will be allowed.

31 For the purpose of this subsection, household goods
32 shall not include motor vehicles, trailers, implements
33 of husbandry, snowmobiles, motorcycles, boats, animals,
34 belongings which are not the property of the immediate
35 family of the employee and belongings relating to
36 commercial enterprises engaged in by the employee.

37 2. Mileage payment for transporting one motor
38 vehicle from the original to the replacement dwelling.

39 3. Public utility disconnect and connect charges.

40 4. Actual and necessary selling costs, but not
41 to exceed two thousand dollars, including reasonable
42 expense incurred for realtor commissions, evidence
43 of title, recording fees, prepayment penalties and
44 other costs incidental to the sale of the original
45 dwelling, or costs incurred in settling an existing
46 lease. Reimbursement costs for a lease settlement
47 shall not exceed two months rental and will not be
48 allowed if it is determined that the employee knew
49 or reasonably should have known that a transfer was
50 imminent before entering into the lease agreement.

Page 2

1 5. Increased interest cost, but not to exceed
2 two thousand dollars, that the employee is required
3 to pay for financing the acquisition of a replacement
4 dwelling. Payment shall be allowed only if the
5 employee's dwelling was encumbered by a bona fide
6 mortgage which was a valid lien on the dwelling for
7 not less than ninety days prior to the effective date
8 of the transfer. The payment shall be equal to the
9 excess in the aggregate interest and other debt service
10 costs of that amount of the principal of the mortgage
11 on the replacement dwelling which is equal to the
12 unpaid balance of the mortgage on the original
13 dwelling, over the remainder term of the mortgage
14 on the original dwelling, reduced to discounted present
15 value. The discount rate shall be the prevailing
16 interest rate paid on savings deposits by commercial
17 banks in the general area in which the replacement
18 dwelling is located.

19 Reimbursement under subsections four (4) and five
20 (5) of this section shall be discretionary as

21 determined by the employing authority and shall be
22 subject to the concurrence of the state comptroller.

23 The total reimbursable moving cost payments autho-
24 rized by this section shall not exceed four thousand
25 dollars per employee per transfer. In addition, the
26 employee may be reimbursed subsistence expenses prior
27 to personal domicile relocation for a period of sixty
28 days from the effective date of transfer. This period
29 may be extended by the employing authority in cases
30 where it is determined in advance that the change
31 of domicile will result in hardship for the employee
32 or the employee's family.

33 Sec. 2. Section three hundred seven A point two
34 (307A.2), subsection three (3), Code 1977, is amended
35 by striking the subsection."

36 2. Amend the title, by striking lines 1 and 2
37 and inserting in lieu thereof the following: "An
38 Act relating to state employment relocation payments."

COMMITTEE ON STATE GOVERNMENT
MONROE of Des Moines, Chair

H-6194

1 Amend House File 2045 as follows:

2 1. Page 1, by inserting after line 9 the follow-
3 ing section:

4 "Sec. . Section two hundred fifty-seven point
5 twenty-one (257.21), Code 1977, is amended to read
6 as follows:

7 257.21 EMPLOYEES OF DEPARTMENT. The state
8 superintendent shall appoint all employees, with due
9 regard to their qualifications for the duties to be
10 performed, and without regard to the race, color,
11 creed, sex, marital status, or place of national
12 origin of the employees. The state superintendent
13 shall designate their the titles and prescribe their
14 the duties of the employees. If deemed advisable,
15 the state superintendent may for cause effect the
16 removal of any employee in the state department of
17 public instruction. The total amount of compensation
18 for employees shall be subject to the limitation of
19 the appropriation and other funds available for the
20 maintenance of the department. The appointment,
21 promotion, demotion, change in salary status or removal
22 for cause of any employee shall be subject to the
23 approval of the state board."

24 2. Page 1, by inserting after line 35 the follow-
25 ing section:

26 "Sec. . The state board of public instruction

27 is directed to pursue procedures which will foster
28 the employment and promotion of qualified women and
29 minorities to positions of responsibility in the
30 department of public instruction. The state board
31 shall report the results of these procedures, includ-
32 ing a listing of women and minorities employed or
33 promoted in the department to administrative or
34 supervisory positions, to the general assembly meeting
35 in 1980."

36 3. By numbering and renumbering sections as
37 necessary.

LIPSKY of Linn
CLARK of Cerro Gordo

H-6195

1 Amend Senate File 2216 as follows:

2 1. Page 4, line 6, by striking the words "or
3 indirectly".

4 2. Page 4, by adding after line 32 the follow-
5 ing new unnumbered paragraph:

6 "All rules shall be promulgated under the pro-
7 cedures of chapter seventeen A (17A) with the added
8 provisions that upon a vote of two-thirds of its members
9 the administrative rules review committee may delay
10 the effective date of a rule, except a rule adopted
11 pursuant to section seventeen A point four (17A.4),
12 subsection two (2) of the Code, until the expiration
13 of forty calendar days during which the general as-
14 sembly has been in session. If at the expiration of
15 that period the general assembly has not by concurrent
16 resolution disapproved of the rule, it shall become
17 effective. If a rule is disapproved by the general
18 assembly, the rule shall not become effective.

19 3. Page 5, by inserting after line 29 the fol-
20 lowing:

21 "10. Hear promptly all appeals from orders, is-
22 suance of or revoking of permits, and other enforce-
23 ment procedures of the director and affirm, reverse
24 or amend such actions of the director."

25 4. Page 7, line 14 by adding after the word
26 "pollution" the words "exceeding allowable
27 levels".

28 5. Page 15, line 20, by inserting after the
29 period the following:

30 "However, exemptions or variances shall not be
31 required for the presence of contaminants which are
32 not harmful to human health."

WELDEN of Hardin

H-6196

1 Amend the Senate amendment, H-6001, to House
2 File 455 as amended, passed and reprinted by the
3 House as follows:

4 1. Page 1, by striking lines 3 through 6 and
5 inserting in lieu thereof the following:
6 "1. Page 1, by striking lines 4 and 5 and
7 inserting in lieu thereof the following: "supervisors
8 of any county or the board of trustees of any town-
9 ship"."

SPEAR of Lee

H-6198

1 Amend amendment H-6168 to House File 2423 as
2 follows:

3 1. Page 1, by striking line 4 and inserting in
4 lieu thereof the following: "opened to east bound
5 traffic only".

SCHROEDER of Pottawattamie

H-6200

1 Amend the Senate amendment, H-6166, to House File
2 356 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 2, by striking lines 40 through 42 and
5 inserting in lieu thereof the following: "fishing,
6 and trapping licenses and snowmobile registrations
7 shall be issued by the recorder of each county." "

8 2. Page 2, by striking line 43 through page 4,
9 line 30.

10 3. Page 6, by inserting after line 22 the follow-
11 ing:

12 " . Page 8, by inserting after line 20 the
13 following:

14 "Sec. . Section three hundred twenty-one G
15 point seven (321G.7), Code 1977, is amended to read
16 as follows:

17 321G.7 FEES TO CONSERVATION FUND. All Seventy-
18 five percent of the fees collected from the
19 registration of snowmobiles shall be forwarded by
20 the county recorder to the commission for remission
21 to the treasurer of state, who shall place such money

22 in the state conservation fund. The fees collected
 23 forwarded shall be appropriated by the general assembly
 24 to the commission solely for their use. Twenty-five
 25 percent of the fees collected from the registration
 26 of snowmobiles shall be deposited by the county
 27 recorder in the county conservation fund or the county
 28 general fund if there is no county conservation fund.
 29 These fees may be used for snowmobile programs and
 30 other programs deemed appropriate by the county
 31 conservation board or the board of supervisors if
 32 there is no county conservation board."
 33 4. By renumbering the sections to conform with
 34 this amendment.

MONROE of Des Moines
 WYCKOFF of Benton
 NORLAND of Worth
 HINKHOUSE of Cedar
 KRAUSE of Kossuth
 TOFTE of Winneshiek
 HUSAK of Tama
 EVANS of Grundy

GRIFFEE of Chickasaw
 AVENSON of Fayette
 HOWELL of Floyd
 CLARK of Cerro Gordo
 PERKINS of Greene
 MIDDLESWART of Warren
 HULLINGER of Decatur
 WEST of Marshall
 ANDERSON of Jasper

H-6201

1 Amend House File 2417 as follows:
 2 1. Page 3, by striking lines 32 through 35 and Page
 3 4 by striking lines 1 through 24 and inserting in lieu
 4 thereof the following:
 5 "NEW SECTION. DUTY TO WARN. In any product lia-
 6 bility civil action as defined in section one (1) of
 7 this Act, any duty on the part of a manufacturer or
 8 seller of a product to warn of a hazard which may
 9 arise in the use of the product shall not extend:
 10 1. To warning of hazards which are open and ob-
 11 vious.
 12 2. To warning of safeguards or precautions which
 13 a person reasonably should take for the safety of the
 14 person and others, considering the person's activity
 15 at the time, the person's training, experience, edu-
 16 cation or special knowledge."

NIELSEN of Polk

H-6202

1 Amend House File 2417 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section five hundred fifteen point
5 sixty-three (515.63), Code 1977, is amended by adding
6 the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Any company writing
8 an automobile liability policy, products liability
9 policy, medical malpractice policy, or a policy of
10 liability insurance described in section six hundred
11 thirteen A point seven (613A.7) of the Code, shall
12 in addition to the foregoing information, report in
13 the annual statement the number of and the dollar
14 amount paid, reserved or received, as the case may
15 be, for each of the following categories by type of
16 policy issued or claim filed in the state of Iowa,
17 whichever is appropriate:

18 1. Policies and premiums written;
19 2. Paid claims;
20 3. Incurred claims outstanding at the end of the
21 calendar year;
22 4. Paid closed claims and claims closed without
23 payment and with payment;
24 5. Claims denied in writing for lack of coverage;
25 6. Claims which were denied in writing wherein
26 money was eventually paid;
27 7. Underwriting income or loss;
28 8. Investment income from unearned premium reserve
29 and loss reserve expressed as a percentage of premium;
30 9. Actual expense ratios in detail including loss
31 adjustment expense;
32 10. Claims in which a suit was filed;
33 11. Claims settled after a suit was filed;
34 12. Claims paid after a judgment was entered;
35 13. Judgments appealed and the results of those
36 appeals, and
37 14. Claims filed in the state of Iowa on policies
38 issued outside of the state of Iowa."
39 2. Amend the title by striking lines 1 and 2 and
40 inserting in lieu thereof the following: "An Act
41 relating to insurance reporting for losses."

WALTER of Pottawattamie

H-6203

- 1 Amend House File 2417 as follows:
- 2 1. Page 3, line 9 by striking the word "advanced"
- 3 and inserting in lieu thereof the word "the".
- 4 2. Page 3, line 13 by striking the word "pro-
- 5 duced" and inserting in lieu thereof "sold, leased,
- 6 bailed or installed for use or consumption or modi-
- 7 fied by the seller or the seller's agent".

NIELSEN of Polk

H-6204

- 1 Amend House File 2417 as follows:
- 2 1. Page 2, by inserting after line 21 the
- 3 following:
- 4 "Nothing contained in this section shall
- 5 be applicable to persons who by the nature of
- 6 their occupation or employment must work upon
- 7 or with products first sold, leased, bailed
- 8 or installed for use or consumption more than
- 9 eight years prior to the occurrence of any
- 10 bodily injury, death, or property damage to
- 11 such person."

MONROE of Des Moines
JOCHUM of Dubuque

H-6205

- 1 Amend House File 2417 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. The general assembly finds that a
- 5 critical situation exists because of the high cost
- 6 and impending unavailability of product liability
- 7 insurance. The purposes of sections two (2) through
- 8 thirteen (13) of this Act are to assure that the
- 9 public is adequately protected against losses arising
- 10 out of the use of products by providing manufacturers
- 11 and seller of products with liability insurance through
- 12 the requirement that certain liability insurance
- 13 carriers write product liability insurance for a
- 14 period of two years upon a finding of an emergency
- 15 by the commissioner of insurance that either such
- 16 insurance is not available through normal channels
- 17 or that it is not available on a reasonable basis
- 18 because of lack of competition for such insurance,

19 or otherwise; to establish an association to equitably
20 spread the risks for such insurance; and to provide
21 for recoupment of losses resulting from the operation
22 of the association through a stabilization reserve
23 fund contributed to by insureds, a surcharge on future
24 liability insurance policies, or a favorable premium
25 tax treatment.

26 It is the intent of this Act to provide only an
27 interim solution to the impending unavailability of
28 product liability insurance. It is not anticipated
29 that this Act will resolve the underlying causes of
30 the unavailability and high cost which extend beyond
31 the insurance mechanism. It is anticipated that
32 future legislation will be required to deal on a more
33 permanent basis with the underlying causes of the
34 current situation.

35 Sec. 2. NEW SECTION. DEFINITIONS. As used in
36 this Act, unless the context otherwise requires:

37 1. "Association" means the joint underwriting
38 association established pursuant to sections two (2)
39 through thirteen (13) of this Act.

40 "Commissioner" means the commissioner of
41 insurance or a designee.

42 3. "Product liability insurance" means insurance
43 coverage against the legal liability of a manufacturer
44 or seller of a product and against loss, damage, or
45 expense incident to a claim arising out of the death
46 or injury of any person or the injury to property
47 of any person as a result of the use of the product.

48 4. "Net direct premiums" means gross direct
49 premiums written on liability insurance as reported
50 in the annual statements filed by the insurers with

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1 the commissioner, including the liability component
2 of multiple peril package policies as computed by
3 the commissioner, less return premiums for the unused
4 or unabsorbed portions of premium deposits.

5 Sec. 3. NEW SECTION. TEMPORARY JOINT UNDERWRITING
6 ASSOCIATION.

7 1. A temporary joint underwriting association
8 is created, consisting of all insurers authorized
9 to write and engaged in writing on a direct basis
10 within this state liability insurance, including
11 insurers covering such peril in multiple peril
12 policies. Every such insurer shall be a member of
13 the association and shall remain a member as a
14 condition of its authority to continue to write
15 liability insurance in this state.

16 2. The purpose of the association shall be to

17 provide, for a period not exceeding two years, a
18 market for product liability insurance on a self-
19 supporting basis without subsidy from its members.

20 3. The association shall not commence underwriting
21 operations for manufacturers or sellers of products
22 until the commissioner, after notice and opportunity
23 for hearing, has determined that product liability
24 insurance is not available at a reasonable cost for
25 a specific classification of manufacturer, seller,
26 or product in the voluntary market. Upon such
27 determination the association shall be authorized
28 to issue policies of product liability insurance for
29 such classification of manufacturers, sellers, or
30 products, but need not be the exclusive agency through
31 which such insurance may be written on a primary basis
32 in this state.

33 If the commissioner determines at any time that
34 insurance can be made available in the voluntary
35 market at a reasonable price for any specific
36 classification, the association shall thereby cease
37 underwriting insurance for that classification.

38 4. The association shall, subject to the terms
39 and conditions of sections two (2) through thirteen
40 (13) of this Act, have and exercise the following
41 powers on behalf of its members:

42 a. To issue, or to cause to be issued, policies
43 of insurance to applicants, including incidental
44 coverages and subject to limits as specified in the
45 plan of operation but not to exceed one million dollars
46 for each claimant under one policy and three million
47 dollars for all claimants under one policy in any
48 one year.

49 b. To underwrite such insurance and to adjust
50 and pay losses with respect thereto, or to appoint

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1 service companies to perform those functions.

2 c. To assume reinsurance from its members.

3 d. To cede reinsurance.

4 Sec. 4. NEW SECTION. PLAN OF OPERATION.

5 1. The association shall submit a plan of operation
6 to the commissioner, together with any amendments
7 necessary or suitable to assure the fair, reasonable,
8 and equitable administration of the association
9 consistent with sections two (2) through thirteen
10 (13) of this Act. The plan of operation and any
11 amendments thereto shall become effective only after
12 promulgation of the plan or amendment by the com-
13 missioner as a rule pursuant to section seventeen
14 A point four (17A.4) of the Code: Provided that the

15 initial plan may in the discretion of the commissioner
16 become effective immediately upon filing with the
17 secretary of state pursuant to subparagraph one (1)
18 of paragraph b of subsection two (2) of section
19 seventeen A point five (17A.5) of the Code.

20 If the association fails to submit a suitable plan
21 of operation within twenty-five days following the
22 effective date of this Act or if at any time thereafter
23 the association fails to submit suitable amendments
24 to the plan, the commissioner shall adopt rules
25 necessary to effectuate sections two (2) through
26 thirteen (13) of this Act. Such rules shall continue
27 in force until modified by the commissioner or
28 superseded by a plan submitted by the association
29 and approved by the commissioner.

30 2. The plan of operation shall provide for
31 economic, fair and nondiscriminatory administration,
32 and for the prompt and efficient provision of product
33 liability insurance. The plan shall contain other
34 provisions including, but not limited to, preliminary
35 assessment of all members for initial expenses
36 necessary to commence operations, establishment of
37 necessary facilities, management of the association,
38 assessment of members to defray losses and expenses,
39 commission arrangements, reasonable and objective
40 underwriting standards, acceptance and cession of
41 reinsurance, appointment of servicing carriers or
42 other servicing arrangements and procedures for
43 determining amounts of insurance to be provided by
44 the association.

45 3. All member insurers shall comply with the plan
46 of operation.

47 **Sec. 5. NEW SECTION. POLICY FORMS AND RATES.**

48 1. The rates, rating plans, rating classifications,
49 and policy forms and endorsements applicable to
50 insurance written by the association and the

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1 statistical and experience data relating thereto shall
2 be subject to sections two (2) through thirteen (13)
3 of this Act and to the provisions of the general
4 insurance code which are not inconsistent with the
5 purposes and provisions of this Act.

6 2. All policies issued by the association shall
7 provide for a continuous period of coverage beginning
8 with their respective effective dates and terminating
9 automatically at 12:01 a.m. on July 1, 1980, unless
10 sooner terminated in accordance with sections two
11 (2) through thirteen (13) of this Act, or unless
12 terminated because of failure of the policyholder

13 to pay any premium or stabilization reserve fund
14 charge or portion of either when due. All policies
15 shall be issued subject to the group retrospective
16 rating plan and the stabilization reserve fund
17 authorized by this Act. No policy form shall be used
18 by the association unless it has been filed with and
19 approved by the commissioner.

20 3. The commissioner shall specify whether policy
21 forms and the rate structure shall be on a "claims-
22 made" or "occurrence" basis and coverage shall be
23 provided by the association only on the basis specified
24 by the commissioner. The commissioner shall specify
25 the "claims-made" basis only if the contract makes
26 provisions for residual "occurrence" coverage upon
27 the retirement, death, disability or removal from
28 this state of the insured. Provision may be made
29 for a premium charge allocable to any such residual
30 "occurrence" coverage and such premium charges for
31 such residual coverage shall be segregated and
32 separately maintained for such purpose which may
33 include the reinsurance of all or a part of that
34 portion of the risk.

35 4. The rates, rating plans, rating rules, and
36 rating classifications applicable to the insurance
37 written by the association shall be on an actuarially
38 sound basis, giving due consideration to the group
39 retrospective rating plan and the stabilization reserve
40 fund, and shall be calculated to be self-supporting.

41 5. All policies issued by the association shall
42 be subject to a nonprofit group retrospective rating
43 plan to be approved by the commissioner under which
44 the final premium for all policyholders of the
45 association, as a group, will be equal to the
46 administrative expenses, loss and loss adjustment
47 expenses and taxes, plus a reasonable allowance for
48 contingencies and serving. Policyholders shall be
49 given full credit for all investment income, net of
50 expenses and a reasonable management fee, on

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1 policyholder supplied funds. The standard premium,
2 before retrospective adjustment, for each policy
3 issued by the association shall be established for
4 portions of the policy period coinciding with the
5 association's fiscal year on the basis of the as-
6 sociation's rates, rating plans, rating rules, and
7 rating classifications then in effect. The maximum
8 final premium for all policyholders of the association,
9 as a group, shall be limited as provided in subsection
10 five (5) of section six (6) of this Act. Since the

11 business of the association is subject to the nonprofit
12 group retrospective rating plan required by this
13 subsection, there shall be a presumption that the
14 rates filed and premiums imposed by the association
15 are not unreasonable or excessive.

16 6. The association shall certify to the
17 commissioner the estimated amount of any deficit
18 remaining after the stabilization reserve fund has
19 been exhausted in payment of the maximum final premium
20 for all policyholders of the association. Within
21 sixty days after the certification the commissioner
22 shall authorize the members of the association to
23 commence recoupment of their respective shares of
24 the deficit by deducting their share of the deficit
25 from future premium taxes due the state of Iowa.
26 The association shall amend the amount of its
27 certification of deficit to the commissioner as the
28 values of its incurred losses become finalized and
29 the members of the association shall amend their
30 recoupment procedure accordingly.

31 7. In the event that sufficient funds are not
32 available for the sound financial operation of the
33 association, all members shall contribute to the
34 financial requirements of the association in the
35 manner provided for in section eight (8) of this Act.
36 Any contributions shall be reimbursed to the members
37 by the recoupment as provided in subsection six (6)
38 of this section.

39 Sec. 6. NEW SECTION. STABILIZATION RESERVE FUND.

40 1. There is created a stabilization reserve fund.
41 The fund shall be administered by three directors,
42 one of whom shall be the commissioner. The remaining
43 two directors shall be appointed by the commissioner:
44 One shall be a representative of the association and
45 the other a representative of its policyholders.
46 2. The director shall act by majority vote with
47 two directors constituting a quorum for the transaction
48 of any business or the exercise of any power of the
49 fund. The director shall serve without salary, but
50 each director other than the commissioner shall be

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1 reimbursed for actual and necessary expenses incurred
2 in the performance of official duties as a director.
3 The directors shall not be subject to any personal
4 liability with respect to the administration of the
5 fund for acts or decisions made in good faith pursuant
6 to the provisions of this Act.

7 3. Each policyholder shall pay to the association
8 a stabilization reserve fund charge determined by

9 the directors which shall not exceed the amount of
10 one annual premium due for insurance through the
11 association. Such charge shall be separately stated
12 in the policy. The association shall cancel the
13 policy of any policyholder who fails to pay the
14 stabilization reserve fund charge.

15 4. The association shall promptly pay to the fund
16 all stabilization reserve fund charges which it
17 collects from its policyholders and any retrospective
18 premium refunds payable under any group retrospective
19 rating plan approved by the commissioner under the
20 provisions of this Act.

21 5. All moneys received by the fund shall be held
22 in trust by a corporate trustee selected by the
23 directors. The corporate trustee may invest the
24 moneys held in trust, subject to the approval of the
25 directors. All investment income shall be credited
26 to the fund, and all expenses of administration of
27 the fund shall be charged against the fund. The
28 moneys held in trust shall be used solely for the
29 purpose of discharging when due any retrospective
30 premium charges payable by policyholders of the
31 association under the group retrospective rating plan
32 approved by the commissioner. Payment of retrospective
33 premium charges shall be made by the directors upon
34 certification to them by the association of the amount
35 due. If all moneys accruing to the fund are finally
36 exhausted in payment of retrospective premium charges,
37 all liability and obligations of the association's
38 policyholders with respect to the payment of
39 retrospective premium charges shall thereupon ter-
40minate and shall be conclusively presumed to have
41been discharged. Any moneys remaining in the fund
42after all such retrospective premium charges have
43been paid shall be returned to policyholders pursuant
44to procedures authorized by the directors.

45 **Sec. 7. NEW SECTION. PROCEDURES.**

46 1. Upon a finding by the commissioner, after
47 notice and opportunity for hearing, that product
48 liability insurance is not available at a reasonable
49 cost for a specific classification of manufacturer,
50 seller, or product, in the voluntary market and upon

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1 notification of that finding to the association,
2 any manufacturer or seller of the classification
3 specified in the commissioner's finding shall be
4 entitled to apply to the association for product
5 liability insurance coverage. The application may
6 be made by an authorized agent.

7 2. If the association determines that the applicant
8 meets the underwriting standards of the association
9 as prescribed in the plan of operation, then the
10 association, upon receipt of the premium or such
11 portion thereof as is prescribed in the plan of
12 operation, shall cause to be issued a policy of product
13 liability insurance.

14 Sec. 8. NEW SECTION. PARTICIPATION. All members
15 of the association shall participate in its writings,
16 expenses, servicing allowance, management fees and
17 losses in the proportion that the net direct premiums
18 of each member, excluding that portion of premiums
19 attributable to the operation of the association,
20 written during the preceding calendar year bears to
21 the aggregate net direct premiums written in this
22 state by all members of the association. Each member's
23 proportion shall be determined annually on the basis
24 of the annual statements and other reports filed by
25 the insurer with the commissioner.

26 Sec. 9. NEW SECTION. GOVERNING BOARD.

27 1. The association shall be governed by a board
28 of eleven directors of whom three shall be appointed
29 annually by the commissioner to represent the
30 manufacturers and sellers. Eight members shall be
31 elected annually, except as provided in subsection
32 two (2) of this section, by the members of the
33 association. Vacancies on the board shall be filled
34 for the remaining period of the term by majority vote
35 of the remaining directors subject to approval of
36 the commissioner.

37 2. Within fifteen days after the effective date
38 of this Act the commissioner shall designate a time
39 and place for a meeting of the members of the
40 association at which the eight elected members serving
41 on the first board shall be elected. The commissioner
42 shall appoint the appointive members of the board
43 on or before the date of such meeting.

44 The commissioner may, prior to the first meeting
45 of the members of the association, appoint an interim
46 governing board of the association consisting of eight
47 member insurers and three representatives of the
48 manufacturers and sellers. The eight member insurers
49 of that interim governing board shall serve until
50 their successors are elected by the members of the

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1 association. In appointing members of the association
2 to the interim governing board, the commissioner shall
3 consider among other things whether all member insurers
4 are fairly represented.

5 Sec. 10. NEW SECTION. APPEALS AND JUDICIAL REVIEW.

6 1. Any applicant or any person insured pursuant
7 to section seven (7) of this Act, or a legal
8 representative, or any affected insurer, may appeal
9 to the commissioner within thirty days after any
10 ruling, action or decision by or on behalf of the
11 association, with respect to those items the plan
12 of operation defines as appealable matters.

13 2. All orders of the commissioner made pursuant
14 to sections two (2) through thirteen (13) of this
15 Act shall be subject to judicial review as provided
16 in the Iowa administrative procedure Act.

17 Sec. 11. NEW SECTION. ANNUAL STATEMENTS. The
18 association shall file in the office of the
19 commissioner on or before the first day of March each
20 year, a statement as prescribed by the commissioner.
21 The statement shall contain matters and information
22 required by the commissioner including, but not limited
23 to, information with respect to its transactions,
24 condition, operations and affairs during the preceding
25 year, and shall be in a form approved by the
26 commissioner. The commissioner may, at any time,
27 require the association to furnish additional
28 information with respect to matters considered to
29 be material to the scope, operation and experience
30 of the association.

31 Sec. 12. NEW SECTION. EXAMINATIONS. The
32 commissioner shall make an examination of the
33 association at least annually. The expenses of each
34 examination shall be paid by the association.

35 Sec. 13. NEW SECTION. PRIVILEGED COMMUNICATIONS.
36 There shall be no liability on the part of, and no
37 cause of action of any nature shall arise against
38 the association, the commissioner, or any other person
39 or organization, for any statements made in good faith
40 by any of them in any report or communication
41 concerning risks insured or to be insured by the
42 association, or during any proceedings within the
43 scope of sections two (2) through thirteen (13) of
44 this Act.

45 Sec. 14. Section five hundred fifteen point sixty-
46 three (515.63), Code 1977, is amended by adding the
47 following new unnumbered paragraph.

48 NEW UNNUMBERED PARAGRAPH. Any company writing
49 an automobile liability policy, products liability
50 policy, medical malpractice policy, or a policy of

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1 liability insurance described in section six hundred
2 thirteen A point seven (613A.7) of the Code, shall

3 in addition to the foregoing information, report in
4 the annual statement the number of and the dollar
5 amount paid, reserved, or received, as the case may
6 be, for each of the following categories by type of
7 policy issued or claim filed in the state of Iowa,
8 whichever is appropriate:
9 1. Policies and premiums written;
10 2. Paid claims;
11 3. Incurred claims outstanding at the end of the
12 calendar year;
13 4. Paid closed claims and claims closed without
14 payment and with payment;
15 5. Claims denied in writing for lack of coverage;
16 6. Claims which were denied in writing wherein
17 money was eventually paid;
18 7. Underwriting income or loss;
19 8. Investment income from unearned premium reserve
20 and loss reserve expressed as a percentage of premium;
21 9. Actual expense ratios in detail including loss
22 adjustment expense;
23 10. Claims in which a suit was filed;
24 11. Claims settled after a suit was filed;
25 12. Claims paid after a judgment was entered;
26 13. Judgments appealed and the results of those
27 appeals; and
28 14. Claims filed in the state of Iowa on policies
29 issued outside of the state of Iowa.
30 This section shall take effect January 1, 1979."

BRUNOW of Appanoose
JOCHUM of Dubuque
WALTER of Pottawattamie
BAKER of Buena Vista

H-6231

1 Amend Senate File 2216, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 63, line 19, by inserting after the word
4 "state." the following: "The rules shall include
5 thresholds for dimensions and effects, and any
6 structure, dam, obstruction, deposit, or excavation
7 having smaller dimensions and effects than those
8 established by the commission shall be lawful and
9 not subject to regulation under this section. The
10 thresholds shall be such that only those structures,
11 dams, obstructions, deposits, or excavations posing
12 a significant threat to the well-being of the public
13 and the environment shall be subject to regulation."
14 2. Page 65, line 7, by inserting after the word
15 "commission." the following: "The director shall
16 provide the commission with copies of the application

17 and an opportunity for the commission to call up the
18 application for its determination. The director or
19 the commission, after investigation or a public hearing
20 if there is an objection to the proposed project,
21 shall determine the fact and approve or disapprove
22 the application imposing such conditions and terms
23 as the director or the commission may prescribe.
24 A determination of the director may be appealed to
25 the commission by any aggrieved party."

26 3. Page 65, lines 8 and 9, by striking the words
27 "upon appeal".

28 4. Page 65, line 17, by inserting after the word
29 "commission." the following: "When considering an
30 application to straighten a stream, the director or
31 the commission may establish as a condition of approval
32 a permanent prohibition against tillage of land owned
33 by the person receiving the approval and lying within
34 some minimum distance from the stream sufficient
35 in the judgment of the director or the commission
36 to hold soil erosion to reasonable limits. The
37 director shall record the prohibition in the office
38 of county recorder of the appropriate county and the
39 prohibition shall attach to the land."

40 5. Page 70, line 29, by inserting after the word
41 "cause." the following: "All existing storage permits
42 are extended for the life of the structure unless
43 withdrawn for good cause."

44 6. Page 71, line 35, by inserting after the word
45 "purposes" the words ", except special permits,".

46 7. Page 76, by striking lines 27 and 28 and insert-
47 ing in lieu thereof the following: "shall be followed.
48 Special permits issued after the effective date of
49 this Act shall terminate on July 1, 1981. The
50 termination date of all existing special permits is

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1 extended to July 1, 1981."

2 8. Page 77, line 22, by inserting after the word
3 "state" the words "by any person including a landowner,
4 tenant, agent, contractor or builder,".

5 9. Page 78, line 24, by inserting after the word
6 "department." the following: "The director may also
7 abate as a public nuisance any structure, dam,
8 obstruction, deposit, or excavation erected or made
9 without a permit required by this chapter within one
10 year of cessation of construction. The costs of the
11 abatement shall be borne by the violator."

12 10. Page 79, line 21, by striking the word
13 "PENALTY" and inserting in lieu thereof the words
14 "PENALTIES—CRIMINAL AND CIVIL."

15 1."

16 11. Page 79, line 22, by inserting after the word
17 "nuisance" the words ", who violates a prohibition
18 against tillage,".

19 12. Page 79, by inserting after line 26 the follow-
20 ing:

21 "2. a. Any person who is required by law to have
22 a permit and who withdraws water without permit or
23 in violation of a permit condition and who does not
24 take corrective measures as required by the department
25 after written notice delivered by personal service
26 or restricted mail that violation is being committed,
27 shall be subject to a civil penalty of not more than
28 one thousand dollars for the violation and an
29 additional penalty of not more than one hundred dollars
30 for each day that such violation continues after
31 notice of the offense is received.

32 b. Any person who is required to obtain prior
33 approval and who constructs a levee or dam or alters
34 a stream channel without prior approval or in violation
35 of a condition of an approval order and who fails
36 to take corrective measures as required by the
37 department within the time specified following a
38 written notice to such person by personal service
39 or restricted mail of such violation and needed
40 corrective measures, shall be subject to a civil
41 penalty of not more than one thousand dollars for
42 the violation and an additional penalty of not more
43 than one hundred dollars for each day that such
44 violation continues after the expiration of the time
45 fixed by the department for the completion of the
46 corrective measures.

47 3. a. The attorney general shall bring an action
48 to impose criminal or civil penalties at the request
49 of the commission or the director. The action may
50 be settled by the attorney general with the approval

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1 of the commission or the director after proceedings
2 are brought to impose the penalty and prior to entry
3 of judgment.

4 b. The civil penalties provided for in this section
5 shall be an alternative to any criminal penalty for
6 this section."

EVANS of Grundy
MIDDLESWART of Warren
PERKINS of Greene
WELDEN of Hardin

H—6232

- 1 Amend House File 2437 as follows:
- 2 1. Page 4, line 7, by striking the words "or from"
- 3 and inserting in lieu thereof the words ":
- 4 Miscellaneous income includes".

PATCHETT of Johnson

H—6234

- 1 Amend House File 2417 as follows:
- 2 1. Page 3, line 19, by striking the word "a" and
- 3 inserting in lieu thereof the word "the".

KRAUSE of Kossuth

H—6236

- 1 Amend amendment H—6006, to Senate File 221, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 2, line 20, by striking the words "the
- 4 appropriate fund of the county assessor" and inserting
- 5 in lieu thereof the words "the city general fund".

CLARK of Lee

H—6237

- 1 Amend Senate File 2187, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 24, by inserting after line 9 the follow-
- 4 ing new sections:
- 5 "Sec. . Chapter four hundred twenty-seven
- 6 (427), Code 1977, is amended by adding the following
- 7 new section:
- 8 NEW SECTION. All taxable property on the tax rolls
- 9 as of July first of each year shall be subject to
- 10 all property taxes levied and payable during the
- 11 fiscal year. If any property is acquired after July
- 12 first by any person or the state and any of its
- 13 political subdivisions which is exempt from taxation
- 14 and such person or the state and any of its political
- 15 subdivisions files for a tax exemption for the
- 16 property, the exemption shall be denied and the person

or the state and any of its political subdivisions shall pay the property taxes levied against the property, provided that the seller and the purchaser may, by written agreement, designate the party responsible for payment of the property taxes due.

Sec. . Section four hundred forty-five point twenty-eight (445.28), Code 1977, is amended to read as follows:

445.28 LIEN OF TAXES ON REAL ESTATE. Taxes upon real estate shall be a lien thereon against all persons except the state. However, taxes upon real estate shall be a lien on the real estate against the state and any political subdivision thereof which is liable for payment of property taxes as a purchaser under amendment one (1) of this amendment.

2. Renumber sections and correct internal references as are necessary in accordance with this amendment.

3. Amend the title, line 22, by inserting after the word "lots," the words "property tax exemptions,".

MILLER of Buchanan
JUNKER of Woodbury
WYCKOFF of Benton
HARBOR of Mills
HUSAK of Tama

H—6240

Amend House File 2417 as follows:

1. Page 3, line 5, by striking the words "It shall be a defense" and inserting in lieu thereof the words "A defendant is presumed not to be liable".

PATCHETT of Johnson

H—6248

Amend Senate File 2213 as amended, passed and reprinted by the Senate as follows:

1. Page 4, line 35, by inserting after the word "guardian," the words "spouse who is eighteen years of age or older,".

2. Page 5, line 1, by inserting after the word "guardian" the words "or spouse who is eighteen years of age or older".

3. Page 5, line 10, by inserting after the word "guardian" the words "or spouse who is nineteen years

11 of age or older,"
12 4. Page 5, line 13, by inserting after the word
13 "guardian" the words "or spouse who is nineteen years
14 of age or older".

SPEAR of Lee

H-6249

1 Amend the Senate amendment, H-6513, to House File
2 593 as amended, passed and reprinted by the Senate,
3 as follows:
4 1. Page 23, by striking lines 11 through 25 and
5 inserting in lieu thereof the following:
6 "Sec. 41. Chapter fifty-six (56), Code 1977, is
7 amended by adding the following new section:
8 NEW SECTION. CONTRIBUTIONS AND CERTAIN SERVICES
9 AND ITEMS AUTHORIZED—EXCLUSIONS FROM BRIBERY STATUTES.
10 1. Any person, except those prohibited by section
11 fifty-six point twenty-nine (56.29) of the Code, may
12 make contributions, and may provide services and
13 refreshments which are excluded from the definition
14 of contributions for reporting purposes by section
15 fifty-six point two (56.2), subsection four (4), of
16 the Code, to any candidate or committee.
17 2. A person who offers, promises, or makes a
18 contribution authorized by subsection one (1) of this
19 section does not thereby commit bribery under section
20 seven hundred twenty-two point one (722.1) of the
21 Code Supplement unless the person offers, promises,
22 or makes the contribution under an agreement that
23 either of the following will take place:
24 a. The act, vote, opinion, judgment, decision,
25 or exercise of discretion of a person engaged in a
26 public capacity or of a candidate will be given in
27 a particular manner or upon a particular side of a
28 question, cause, or other proceeding which is or may
29 by law be brought before the person in his or her
30 current official capacity or before the candidate
31 in his or her future official capacity should the
32 candidate be elected to the office he or she is
33 seeking; or
34 b. A particular nomination or appointment will
35 be made by the person in his or her current official
36 capacity or by the candidate in his or her future
37 official capacity should the candidate be elected
38 to the office he or she is seeking.
39 3. A person who is engaged in a public capacity
40 or who is a candidate, who solicits or knowingly

41 receives a contribution authorized by subsection one
 42 (1) of this section does not thereby commit the crime
 43 of accepting a bribe under section seven hundred
 44 twenty-two point two (722.2) of the Code Supplement
 45 unless that person solicits or knowingly receives
 46 the contribution under an agreement that either of
 47 the following will take place:
 48 a. The person's vote, act, opinion, judgment,
 49 decision, or exercise of discretion will be given
 50 in a particular manner or upon a particular side of

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1 a question, cause, or other proceeding which is or
 2 may by law be brought before the person either in
 3 his or her current official capacity or in his or
 4 her future official capacity should the candidate
 5 be elected to the office he or she is seeking; or
 6 b. A particular nomination or appointment will
 7 be made by the person either in his or her current
 8 official capacity or in his or her future official
 9 capacity should the candidate be elected to the office
 10 he or she is seeking."

MONROE of Des Moines

H-6259

1 Amend the Senate amendment H-6153 to House
 2 File 593, as amended, passed and reprinted, as
 3 follows:
 4 1. Page 5, by striking lines 47 through 50.
 5 2. Page 6, by striking lines 1 through 50.
 6 3. Page 7, by striking lines 1 through 35.

TAUKE of Dubuque
 THOMPSON of Polk
 STROMER of Hancock
 VARLEY of Adair

H-6260

1 Amend Senate amendment H-6153 to House File 593,
 2 as amended, passed and reprinted, as follows:
 3 1. Page 6, line 38, by inserting after the
 4 word "organization" the words ", a candidate on the
 5 official primary ballot for a political party or for
 6 a partisan office,".

HALVORSON of Clayton

H-6261

- 1 Amend Senate amendment H-6153 to House File
- 2 593, as amended, passed and reprinted, as follows:
- 3 1. Page 6, line 7, by striking the word
- 4 "three" and inserting in lieu thereof the words
- 5 "three two".

STROMER of Hancock
VARLEY of Adair

H-6262

- 1 Amend the Senate amendment H-6153 to House
- 2 File 593, as amended, passed and reprinted, as
- 3 follows:
- 4 1. Page 6, line 14, by striking the words
- 5 "two cents" and inserting in lieu thereof the
- 6 words "one cent".
- 7 2. Page 7, line 34, by striking the words
- 8 "two cents" and inserting in lieu thereof the
- 9 words "one cent".

THOMPSON of Polk
HARBOR of Mills
HANSEN of O'Brien
EGENES of Story

H-6263

- 1 Amend Senate amendment H-6153 to House File
- 2 593 as amended, passed and reprinted as follows:
- 3 1. Page 7 by striking lines 17 and 18 and
- 4 inserting in lieu thereof the following: "once each
- 5 fourteen days month except during the two weeks prior
- 6 to the close of registration before".

HARBOR of Mills
DAGGETT of Adams

H-6264

- 1 Amend the Senate amendment H-6153 to House
- 2 File 593, as amended, passed and reprinted, as
- 3 follows:
- 4 1. Page 8, by striking lines 36 through 45.

THOMPSON of Polk
PELTON of Clinton
GENTLEMAN of Polk

H-6265

- 1 Amend Senate amendment H-6153 to House File
- 2 593, as amended, passed and reprinted, as follows:
- 3 1. Page 10, line 44, by striking the word
- 4 "seventy" and inserting in lieu thereof the word
- 5 "forty".

MENKE of O'Brien
CLARK of Cerro Gordo
HANSEN of O'Brien

H-6266

- 1 Amend Senate amendment H-6153 to House File 593,
- 2 as amended, passed and reprinted, as follows:
- 3 1. Page 10, by striking lines 9 and 10 and
- 4 inserting in lieu thereof the following:
- 5 "The office of the commissioner shall be open
- 6 until 8:00 p.m. on the eleventh day prior to the
- 7 general election and 10:00 a.m. to 5:00 p.m. on the
- 8 tenth day".

EGENES of Story
WELDEN of Hardin

H-6267

- 1 Amend the Senate amendment H-6153 to House
- 2 File 593, as amended, passed and reprinted, as
- 3 follows:
- 4 1. Page 11, line 20, by inserting after
- 5 the period the following: "The costs for the court
- 6 proceedings and reasonable attorney fees shall be
- 7 assessed to the person against whom the court
- 8 ruled."

HANSEN of O'Brien
VARLEY of Adair
STROMER of Hancock
MENKE of O'Brien

H-6268

- 1 Amend Senate amendment H-6153 to House File 593,
- 2 as amended, passed and reprinted, as follows:

- 3 1. Page 11, line 3, by inserting after the word
- 4 "challenger" the words "and shall post a notice of the
- 5 hearing in a public place".

HANSEN of O'Brien
CLARK of Cerro Gordo

H—6269

- 1 Amend Senate amendment H—6153 to House File
- 2 593, as amended, passed and reprinted, as follows:
- 3 1. Page 11, line 36, by striking the word
- 4 "sixty" and inserting in lieu thereof the word
- 5 "forty-five".
- 6 2. Page 11, line 45, by striking the word
- 7 "thirty" and inserting in lieu thereof the word
- 8 "fifteen".

CLARK of Cerro Gordo

H—6270

- 1 Amend Senate amendment H—6153 to House File
- 2 593, as amended, passed and reprinted, as follows:
- 3 1. Page 11, by striking line 44 and inserting
- 4 in lieu thereof the following: "of those registered
- 5 to vote in that precinct or fifty qualified electors,
- 6 whichever is smaller. Within".

THOMPSON of Polk
PELTON of Clinton
GENTLEMAN of Polk

H—6271

- 1 Amend Senate amendment H—6153 to House File
- 2 593, as amended, passed and reprinted as follows:
- 3 1. Page 12, by striking line 21 and inserting
- 4 in lieu thereof "the commissioner may designate.
- 5 The precinct election officials shall be present at
- 6 the opening of the polls, the closing, and during the
- 7 counting of ballots".

DAGGETT of Adams
MENKE of O'Brien
HALVORSON of Clayton

H-6272

- 1 Amend the Senate amendment H-6153 to House File
- 2 593, as amended, passed and reprinted as follows:
- 3 1. Page 12, by striking lines 37 through 44
- 4 and inserting in lieu thereof the following:
- 5 "election unless the election board panel drawn up
- 6 pursuant to section forty-nine point fifteen (49.15)
- 7 of the Code contains the names of a sufficient number
- 8 of political party designees to permit appointment of
- 9 both the regular precinct election officials and any
- 10 substitute precinct election officials from that
- 11 panel."
- 12 2. Page 12, by striking lines 45 through 50.
- 13 3. Page 13, by striking lines 1 through 7.

CLARK of Cerro Gordo
MENKE of O'Brien

H-6273

- 1 Amend the Senate amendment H-6153 to House
- 2 File 593, as amended, passed and reprinted, as
- 3 follows:
- 4 1. Page 15, line 30, by adding after the
- 5 word "polls" the following:
- 6 "or to the special precinct board prior to the time
- 7 it is scheduled to convene".

HALVORSON of Clayton

H-6275

- 1 Amend the Senate amendment H-6153 to House
- 2 File 593, as amended, passed and reprinted as
- 3 follows:
- 4 1. Page 17, line 49, by adding after the word
- 5 "elector" the following words "in the precinct in
- 6 which the ballot was cast".

HANSEN of O'Brien

H-6276

- 1 Amend Senate amendment H-6153 to House File
- 2 593 as amended, passed and reprinted as follows:

3 1. Page 17, by inserting after line 49 the
4 following section:
5 "Sec. . Section fifty point twenty-one
6 (50.21), Code 1977, is amended to read as follows:
7 50.21 SPECIAL PRECINCT BOARD RECONVENED. The
8 commissioner shall reconvene the election board of
9 the special precinct established by section 53.20
10 at noon on the ~~third~~ fourth day following each elec-
11 tion which is required by law to be canvassed on the
12 Monday following the election. If the canvass of
13 the election is required at an earlier time, the
14 special precinct election board shall be reconvened
15 at noon on the day following the election. If no
16 challenged ballots were cast in the county pursuant
17 to section 49.81 at any election, the special pre-
18 cinct election board need not be so reconvened. If
19 the number of challenged ballots so cast at any
20 election is not sufficient to require reconvening
21 of the entire election board of the special pre-
22 cinct, the commissioner may reconvene only the num-
23 ber of members required, but in so doing shall ob-
24 serve the requirements of sections 49.12 and 49.13."

MENKE of O'Brien
WELDEN of Hardin

H-6277

1 Amend Senate amendment H-6153 to House File 593,
2 as amended, passed and reprinted, as follows:
3 1. Page 18, line 16, by striking the word
4 "third" and inserting in lieu thereof the word
5 "seventh".
6 2. Page 19, line 46, by striking the word
7 "seventh" and inserting in lieu thereof the word
8 "tenth".
9 3. Page 19, line 49, by striking the word
10 "ninth" and inserting in lieu thereof the word
11 "fourteenth".
12 4. Page 20, line 3, by striking the word
13 "eleventh" and inserting in lieu thereof the word
14 "sixteenth".
15 5. Page 20, line 19, by striking the word
16 "eighteenth" and inserting in lieu thereof the word
17 "twenty-third".

TAUKE of Dubuque

H-6278

- 1 Amend Senate amendment H-6153 to House File
- 2 593, as amended, passed and reprinted, as follows:
- 3 1. Page 18, line 22 by inserting after the
- 4 word "applicable," the words "or, if the candidate
- 5 is seeking a statewide office, with the state
- 6 commissioner who shall notify the county commissioners
- 7 in the counties where a recount is requested,".

CONLON of Muscatine
HARBOR of Mills
HALVORSON of Clayton

H-6279

- 1 Amend the Senate amendment H-6153 to House
- 2 File 593, as amended, passed and reprinted as
- 3 follows:
- 4 1. Page 18, line 44, by striking the word
- 5 "fifty" and inserting in lieu thereof the words
- 6 "one hundred".

HALVORSON of Clayton
VARLEY of Adair
HANSEN of O'Brien
MENKE of O'Brien

H-6280

- 1 Amend Senate amendment H-6153 to House File 593,
- 2 as amended, passed and reprinted, as follows:
- 3 1. Page 18, line 27, by striking the word
- 4 "votes" and inserting in lieu thereof the words "at
- 5 least ten percent of the votes cast".

CRABB of Crawford
HARBOR of Mills

H-6283

- 1 Amend Senate amendment H-6153 to House File
- 2 593 as amended, passed and reprinted as follows:
- 3 1. Page 19, line 8, by striking the words "one
- 4 thousand dollars" and inserting in lieu thereof the

- 5 words "two thousand dollars".
6 2. Page 19, line 12, by striking the words
7 "three hundred dollars" and inserting in lieu thereof
8 the words "two hundred dollars".
9 3. Page 19, line 14, by striking the words "one
10 hundred fifty dollars" and inserting in lieu thereof
11 the words "one hundred dollars".

SCHROEDER of Pottawattamie
CRABB of Crawford

H—6284

- 1 Amend Senate amendment H—6153 to House File
2 593, as amended, passed and reprinted as follows:
3 1. Page 22, by striking line 14 and inserting
4 in lieu thereof the following: "three point two
5 (43.2) of the Code."
6 2. Page 22, by striking lines 15 and 16.
7 3. Page 22, by striking lines 30 through 41
8 and inserting in lieu thereof the following: "the
9 Iowa election campaign fund. Any interest".
10 4. Page 22, by striking lines 48 through 50.
11 5. Page 23, by striking lines 1 through 10.

WEST of Marshall

H—6285

- 1 Amend the Senate amendment H—6153 to House
2 File 593, as amended, passed and reprinted, as
3 follows:
4 1. Page 2, line 9, by inserting after the
5 word "governor" the words "or the office of
6 president of the United States".

EVANS of Grundy

H—6286

- 1 Amend Senate amendment H—6153 to House File
2 593, as amended, passed and reprinted, as follows:
3 1. Page 2, line 5, by striking the words
4 "may allow shall require that" and inserting in lieu
5 thereof the words "may allow".

STROMER of Hancock

H-6287

- 1 Amend the Senate amendment H-6153 to House
2 File 593, as amended, passed and reprinted, as
3 follows:
4 1. Page 1, line 39 by striking the word
5 "governor" and inserting in lieu thereof the
6 words "representative in the Congress of the
7 United States".

THOMPSON of Polk
HARBOR of Mills
HANSEN of O'Brien
VARLEY of Adair

H-6288

- 1 Amend the Senate amendment H-6153 to House File
2 593, as amended, passed and reprinted, as follows:
3 1. Page 1, by inserting after line 45 the
4 following section:
5 Sec. . Section forty-three point sixty-seven
6 (43.67) unnumbered paragraph one, is amended to read
7 as follows:
8 "Each candidate so nominated shall be entitled to
9 have his or her name printed on the official ballot
10 to be voted at the general election without other
11 certificate, except that:
12 1. A candidate who is an incumbent senator
13 in the general assembly serving a term which will
14 extend more than eighty days beyond the forthcoming
15 general election, and who has been nominated in the
16 primary election for an office established by the
17 constitution of the state of Iowa or the statutes
18 of the state or any of its political subdivisions,
19 shall submit to the governor his or her resignation
20 from the senate effective not later than the first
21 day of July next succeeding the primary election in
22 which he or she was so nominated.
23 2. A candidate whose name was not printed on
24 the official primary election ballot must execute and
25 deliver to the commissioner or the state commissioner,
26 as the case may be, an affidavit in substantially
27 the following form:"

CONLON of Muscatine

H—6289

1 Amend the Senate amendment H—6153 to House
2 File 593, as amended, passed and reprinted, as
3 follows:

4 1. Page 1, line 26, by striking the words
5 "thirty-five" and inserting in lieu thereof the
6 words "thirty-five twenty-five".

7 2. Page 1, line 35, by striking the words
8 "thirty-five" and inserting in lieu thereof the
9 words "twenty-five".

EVANS of Grundy

H—6290

1 Amend amendment H—6248 to Senate File 2213 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, line 10, by striking the word "nine-
5 teen" and inserting in lieu thereof the word "twenty-
6 one".

7 2. Page 1, line 13, by striking the word "nine-
8 teen" and inserting in lieu thereof the word "twenty-
9 one".

SPEAR of Lee

H—6297

1 Amend amendment H—6146, to House File 72, as
2 follows:

3 1. Page 1, by striking all of lines 9 through
4 16, and inserting in lieu thereof the words "business
5 entity."

HARBOR of Mills

H—6299

1 Amend amendment H—6233 to Senate File 2213 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, by striking lines 6 through 9.

5 2. Page 1, line 12, by striking the word

- 6 "nineteen" and inserting in lieu thereof the word
7 "twenty-one".
8 3. Page 1, line 18, by striking the word "nine-
9 teen" and inserting in lieu thereof the word "twenty-
10 one".

SPEAR of Lee

H—6301

- 1 Amend Senate amendment H—6153 to House File
2 593, as amended, passed and reprinted as follows:
3 1. Page 23, by striking line 40 and inserting
4 in lieu thereof: "the names of both persons shall
5 be given.
6 2. Page 23, by inserting after line 40 the
7 following:
8 "A person or committee which makes an expendi-
9 ture for the purpose of financing communications on
10 behalf of a certain candidate or attempts to direct-
11 ly benefit the campaign of a candidate shall obtain
12 written authorization from the candidate for the
13 communications, or state in the communications that
14 the material is not authorized by the candidate.
15 This notice".

CLARK of Cerro Gordo
DAGGETT of Adams

H—6302

- 1 Amend Senate amendment H—6153 to House File
2 593, as amended, passed and reprinted, as follows:
3 1. Page 31, by striking lines 43 through 50.
4 2. Page 32, by striking lines 1 through 5.
5 3. Page 32, line 6, by striking the figure
6 "2." and inserting in lieu thereof the following:
7 "Sec. ."
8 4. Page 32, by striking lines 10 and 11 and
9 inserting in lieu thereof the following:
10 "Sec. . The provisions of this Act are
11 effective January 1, 1979."

WELDEN of Hardin
THOMPSON of Polk

H—6303

- 1 Amend House File 2417 as follows:
2 1. Page 3, by inserting after line 29 the

3 following:

4 "3. Where the alteration, modification,
5 deterioration, or misuse was reasonably foreseeable
6 by the manufacturer or seller this section shall
7 not apply."

PATCHETT of Johnson

H-6304

1 Amend House File 2417 as follows:

2 1. Page 3, by adding after line 13 the
3 following: "If the product fails to meet the
4 requirements of the advanced technical knowledge,
5 methods, standards and techniques used or available
6 for use heretofore enumerated, it shall be prima
7 facie evidence that said product was in a defective
8 condition unreasonably dangerous to the user."

PATCHETT of Johnson

H-6305

1 Amend the Committee on Judiciary and Law Enforcement
2 amendment, H-6075, to Senate File 2200 as amended,
3 passed and reprinted by the Senate as follows:

4 1. Page 1, by striking lines 43 through 45 and
5 inserting in lieu thereof the words "arbitration,
6 with intent to influence".

7 2. Page 2, by inserting after line 1 the follow-
8 ing paragraph:

9 "A person who offers, promises, or makes a contribu-
10 tion as defined in chapter fifty-six (56) of the Code
11 does not thereby commit bribery unless the person
12 offers, promises, or makes a contribution under an
13 agreement that either of the following will take
14 place:

15 1. The act, vote, opinion, judgment, decision,
16 or exercise of discretion of a person engaged in a
17 public capacity or of a candidate will be given in
18 a particular manner or upon a particular side of a
19 question, cause, or other proceeding which is or may
20 by law be brought before the person in his or her
21 current official capacity or before the candidate
22 in his or her future official capacity should the
23 candidate be elected to the office he or she is
24 seeking; or

25 2. A particular nomination or appointment will
 26 be made by the person in his or her current official
 27 capacity or by the candidate in his or her future
 28 official capacity should the candidate be elected
 29 to the office he or she is seeking."

30 3. Page 2, by striking lines 13 through 16 and
 31 inserting in lieu thereof the words "of value or any
 32 benefit given with the intent to influence the act,
 33 vote, opinion,".

34 4. Page 2, line 22, by striking the word "state." "
 35 and inserting in lieu thereof the words "state."

36 5. Page 2, by inserting after line 22 the follow-
 37 ing paragraph:

38 "A person who is engaged in a public capacity or
 39 who is a candidate, who solicits or knowingly accepts
 40 or receives a contribution as defined in chapter
 41 fifty-six (56) of the Code does not thereby commit
 42 the crime of accepting a bribe unless the person
 43 solicits or knowingly accepts or receives a
 44 contribution under an agreement that either of the
 45 following will take place:

46 1. The person's act, vote, opinion, judgment,
 47 decision, or exercise of discretion will be given
 48 in a particular manner or upon a particular side of
 49 a question, cause, or other proceeding which is or
 50 may by law be brought before the person in his or

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1 her current official capacity or in his or her future
 2 official capacity should the candidate be elected
 3 to the office he or she is seeking; or

4 2. A particular nomination or appointment will
 5 be made by the person either in his or her current
 6 official capacity or in his or her future official
 7 capacity should the candidate be elected to the office
 8 he or she is seeking."

CONLON of Muscatine

H—6306

1 Amend the Senate amendment H—6153 to House File
 2 593, as amended, passed and reprinted by the House,
 3 as follows:

4 1. Page 1, by inserting after line 11 the
 5 following:

6 "Sec. . . . Section thirty-nine point twenty-four
 7 (39.24), Code 1977, is amended to read as follows:

8 39.24 SCHOOL OFFICERS. Members of boards of
 9 directors of community and independent school
 10 districts, and boards of directors of merged areas
 11 shall be elected at the school election. Their

12 respective terms of office shall be ~~three~~ four years,
13 except as otherwise provided by section 280A.12."

14 2. Page 24, by inserting after line 24 the
15 following section:

16 "Sec. . . . Section two hundred seventy-four point
17 seven (274.7), Code 1977, is amended to read as
18 follows:

19 274.7 DIRECTORS. The affairs of each school
20 corporation shall be conducted by a board of directors,
21 the members of which in all community or independent
22 school districts shall be chosen for a term of ~~three~~
23 four years."

24 3. Page 24, by inserting after line 49 the
25 following section:

26 "Sec. . . . Section two hundred seventy-five point
27 twelve (275.12), subsection two (2), paragraphs b,
28 c and d, Code 1977, is amended to read as follows:

29 b. 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 but who shall be
35 elected by the vote of the electors of the entire
36 school district. The school district shall be divided
37 into the same number of director districts as the
38 number of school directors the district is authorized
39 by law. The boundaries of such director districts
40 and the area and population included within each
41 district shall be such as justice, equity, and the
42 interests of the people may require. Changes in the
43 boundaries of director districts shall not be made
44 during a period commencing sixty days prior to the
45 date of the ~~annual~~ biennial regular school election.
46 Insofar as may be practicable, the boundaries of such
47 districts shall follow established political or natural
48 geographical divisions.

49 c. Election of not more than one-half of the total
50 number of school directors at large from the entire

Page 2

1 district and the remaining directors from and as
2 residents of designated single-member director
3 districts into which the entire school district shall
4 be divided on the basis of population. In such case,
5 all directors shall be elected by the electors of
6 the entire school district. Changes in the boundaries
7 of director districts shall not be made during a
8 period commencing sixty days prior to the date of
9 the ~~annual~~ biennial regular school election.

d. Division of the entire school district into designated geographical subdistricts on the basis of population, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district and who shall be elected by the voters of said director district. Place of voting in such director district shall be designated by the commissioner of elections. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual biennial regular school election."

4. Page 25, by inserting after line 36 the following sections:

"Sec. . Section two hundred seventy-five point thirty-seven (275.37), Code 1977, is amended to read as follows:

275.37 INCREASE IN NUMBER OF DIRECTORS. At the next succeeding annual regular school election in a district where the number of directors has been increased from five to seven, and directors are elected at large, there shall be elected a director to succeed each incumbent director whose term is expiring in that year, and two additional directors. Upon organizing as required by section 279.1, the newly elected director who received the fewest votes in the election shall be assigned a term of either one year or two years if necessary in order that as nearly as possible one third half of the members of the board shall be elected each year at each biennial regular school election.

Sec. . Section two hundred seventy-seven point one (277.1), Code 1977, is amended to read as follows:

277.1 REGULAR ELECTION. The regular election shall be held annually on the second first Tuesday after the first Monday in September June of each odd-numbered year in each school district for the election of officers of the district, merged area, and county school system and for the purpose of submitting to the voters thereof any matter authorized by law.

Page 3

1 A school district shall hold a run-off election when so required by law."

5. Page 26, by inserting after line 1 the following sections:

"Sec. . Section two hundred seventy-seven point twenty (277.20), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

8 On the next ~~Friday~~ Monday after the regular school
9 election, the county board of supervisors shall canvass
10 the returns made to the county commissioner of
11 elections from the several precinct polling places
12 and the absentee ballot counting board, ascertain
13 the result of the voting with regard to every matter
14 voted upon and cause a record to be made thereof as
15 required by section 50.24. Special elections held
16 in school districts shall be canvassed at the time
17 and in the manner required by that section. The board
18 shall declare the results of the voting for members
19 of boards of directors of school corporations nominated
20 pursuant to section 277.4, and the commissioner shall
21 at once issue a certificate of election to each person
22 declared elected. The board shall also declare the
23 results of the voting on any public question submitted
24 to the voters of a single school district, and the
25 commissioner shall certify the result as required
26 by section 50.27.

27 Sec. . Section two hundred seventy-seven point
28 twenty-eight (227.28), unnumbered paragraph one (1),
29 Code 1977, is amended to read as follows:

30 Each director elected at a regular district or
31 director district election, as the case may be, shall
32 qualify by taking the oath of office on or before
33 the time set by section two hundred seventy-nine point
34 one (279.1) of the Code for the organization meeting
35 of the board ~~the third Monday in September~~, and his
36 the director's election and qualification shall be
37 entered of record by the secretary. The oath may
38 be administered by any qualified member of the board
39 or the secretary of the board and may be taken in
40 substantially the following form:

41 Sec. . Chapter two hundred seventy-seven (277),
42 Code 1977, is amended by adding the following new
43 section:

44 **NEW SECTION. RUN-OFF ELECTION.**

45 1. A run-off election shall be held in each school
46 district for any office of the district for which
47 no candidate received a majority of the votes cast
48 for that office. In the case of at-large elections
49 to a board of directors, a majority is one vote more
50 than half the quotient found by dividing the total

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1 number of votes cast for all candidates for the board
2 by the number of positions to be filled. Candidates
3 who do not receive a majority of the vote cast for
4 a position but who receive the highest number of votes
5 cast for that position, to the extent of twice the

6 number of unfilled positions, are the candidates in
7 the run-off election. Candidates in the run-off
8 election who receive the highest number of votes cast
9 for each position on the ballot are elected, to the
10 extent necessary to fill the positions open.

11 2. Run-off elections, when necessary under
12 subsection one (1) of this section, shall be held
13 three weeks after the regular school election. The
14 run-off elections shall be conducted in the same
15 manner as regular school elections.

16 Sec. . Section two hundred seventy-nine point
17 one (279.1), unnumbered paragraph one (1), Code 1977,
18 is amended to read as follows:

19 The board of directors of each school corporation
20 shall meet and organize at two o'clock p.m., or at
21 seven-thirty o'clock p.m., if so ordered by the
22 president of the board, on the third second Monday
23 in September July of each odd-numbered year at some
24 suitable place to be designated by the secretary.
25 Notice of the place and hour of such meeting shall
26 be given by the secretary to each member and each
27 member-elect of the board."

28 6. Page 27, by inserting after line 24 the
29 following sections:

30 "Sec. . Section two hundred eighty A point
31 twelve (280A.12), Code 1977, is amended to read as
32 follows:

33 280A.12 GOVERNING BOARD. The governing board
34 of a merged area shall be a board of directors composed
35 of one member elected from each director district
36 in the area by the electors of the respective district.
37 Members of the board shall be residents of the district
38 from which elected. Successors shall be chosen at
39 the annual regular biennial school elections for
40 members whose terms expire on the first second Monday
41 in October July following such elections. Terms of
42 members of the board of directors shall be three four
43 years except that members of the initial board of
44 directors elected at the special election shall
45 determine their respective terms by lot so that the
46 terms of one-third one-half of the members, as nearly
47 as may be, shall expire on the first second Monday
48 in October July of each succeeding odd-numbered year.
49 Vacancies on the board which occur more than ninety
50 days prior to the next regular school election may

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- 1 be filled at the next regular meeting of the board
- 2 by appointment by the remaining members of the board.
- 3 A member so chosen shall be a resident of the dis-
- 4 trict in which the vacancy occurred and shall serve

5 until a member shall be elected pursuant to section
6 69.12 to fill the vacancy for the balance of the
7 unexpired term. A vacancy shall be defined as in
8 section 277.29. No member shall serve on the board
9 of directors who is a member of a board of directors
10 of a local school district or a member of an area
11 education agency board.

12 Sec. . Section two hundred eighty A point
13 thirteen (280A.13), Code 1977, is amended to read
14 as follows:

15 280A.13 DIRECTORS OF MERGED AREA. In each merged
16 area, the initial board of directors elected at the
17 special election shall organize within fifteen days
18 following the election and may thereafter proceed
19 with the establishment of the designated area
20 vocational school or area community college. The
21 board of directors shall thereafter organize on the
22 first second Monday in October July of each odd-
23 numbered year. Organization of the board shall be
24 effected by the election of a president and such other
25 officers from the board membership as board members
26 so determine. The board of directors shall appoint
27 a secretary and a treasurer who shall each give bond
28 as prescribed in section 291.2 and who shall each
29 receive such salary as shall be determined by the
30 board. The secretary and treasurer shall perform
31 such duties as are prescribed in chapter 291 and such
32 additional duties as the board of directors may deem
33 necessary. The frequency of meetings other than
34 organizational meetings shall be as determined by
35 the board of directors but the president or a majority
36 of the members may call a special meeting at any time.

37 Sec. . Section two hundred eighty A point
38 fifteen (280A.15), subsection one (1), Code 1977,
39 is amended to read as follows:

40 1. Regular elections held annually biennially
41 by the merged area for the election of members of
42 the board of directors as required by section 280A.12,
43 for the renewal of the twenty and one-fourth cents
44 per thousand dollars of assessed valuation levy
45 authorized in section 280A.22, or for any other matter
46 authorized by law and designated for election by the
47 board of directors of the merged area, shall be held
48 on the date of the school election as fixed by section
49 277.1. The election notice shall be made a part of
50 the local school election notice published as provided

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1 in section 49.53 in each local school district where
2 voting is to occur in the merged area election, and
3 the election shall be conducted by the county

4 commissioner of elections pursuant to chapters 39
5 to 53 and section 277.20.

6 Sec. . Section two hundred eighty A point
7 fifteen (280A.15), subsection four (4), Code 1977,
8 is amended to read as follows:

9 4. The votes cast in the election shall be
10 canvassed and abstracts of the votes cast shall be
11 certified as required by section 277.20. In each
12 county whose commissioner of elections is responsible
13 under section 47.2 for conducting elections held for
14 a merged area, the county board of supervisors shall
15 convene at ten o'clock a.m. on the last Monday in
16 ~~September~~ June, canvass the abstracts of votes cast
17 and declare the results of the voting. The
18 commissioner shall at once issue certificates of
19 election to each person declared elected, and shall
20 certify to the merged area board in substantially
21 the manner prescribed by section 50.27 the result
22 of the voting on any public question submitted to
23 the voters of the merged area. Members elected to
24 the board of directors of a merged area shall qualify
25 by taking the oath of office prescribed in section
26 266.28."

27 7. Page 31, by inserting after line 36 the
28 following section.

29 "Sec.

30 1. As used in this subsection, "board member"
31 means either a member of a school district board of
32 directors, referred to in section two hundred seventy-
33 four point seven (274.7) of the Code, or a member
34 of a merged area board of directors, referred to in
35 section two hundred eighty A point twelve (280A.12)
36 of the Code. The term of office of each board member
37 elected to or appointed to fill a vacancy in a term
38 which would have expired in September or October 1978,
39 except for the provisions of this Act, is extended
40 until the second Monday in July, 1979. The term of
41 office of each board member elected to or appointed
42 to fill a vacancy in a term which would have expired
43 in September or October, 1979, except for the
44 provisions of this Act, is terminated effective the
45 second Monday in July, 1979. The term of office of
46 each board member elected to or appointed to fill
47 a vacancy in a term which would have expired in
48 September or October, 1980, except for the provisions
49 of this Act, is extended until the second Monday in
50 July, 1981.

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1 2. 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."

16 8. The chief clerk shall add to subsection one
 17 (1) of section fifty-nine (59) of amendment H—6153
 18 references to the sections added to amendment H—6153
 19 by this amendment, so that the sections so added shall
 20 take effect July 1, 1978.

TAUKE of Dubuque

H—6307

1 Amend the Senate amendment H—6153 to House
 2 File 593, as amended, passed and reprinted as
 3 follows:
 4 1. Page 7, line 10, by adding after the period
 5 the following: "A candidate may file a special report
 6 with the campaign finance commission or, if the
 7 candidate is seeking a federal office, the secretary
 8 of state which shows that the contribution or expen-
 9 diture requirements that are established in subpara-
 10 graph (2) of this section have been met and petition
 11 the campaign finance commission or the secretary of
 12 state to inform the registrar that the candidate is
 13 entitled to free lists."

HANSEN of O'Brien
 HARBOR of Mills

H—6308

1 Amend the Senate amendment H—6153 to House
 2 File 593, as amended, passed and reprinted as
 3 follows:
 4 1. Page 9, by striking lines 5 through 16
 5 and inserting in lieu thereof the words "which the
 6 person most recently registered."

STROMER of Hancock
 CLARK of Cerro Gordo

H—6309

- 1 Amend Senate amendment H—6153 to House File 593,
- 2 as amended, passed and reprinted, as follows:
- 3 1. Page 31, by inserting after line 36 the
- 4 following new section:
- 5 "Sec. Section four hundred twenty-two point
- 6 nine (422.9), subsection two (2), paragraph "c", Code
- 7 1977, is amended to read as follows:
- 8 c. Add the amount donated to a political party
- 9 or parties as defined by section 43.2 as a political
- 10 contribution as defined in section forty-one c (41
- 11 (c) of the Internal Revenue Code of 1954, not to
- 12 exceed one hundred dollars."

WEST of Marshall
NORLAND of Worth

H—6310

- 1 Amend the Senate amendment H—6153 to House
- 2 File 593, as amended, passed and reprinted, as
- 3 follows:
- 4 1. Page 4, by striking lines 27 through 37
- 5 and inserting in lieu thereof the following:
- 6 "(2) In person."

HARBOR of Mills
DAGGETT of Adams

H—6311

- 1 Amend the Senate amendment H—6153 to House
- 2 File 593, as amended, passed and reprinted, as
- 3 follows:
- 4 1. Page 3, line 16, by striking the words
- 5 "one thousand" and inserting in lieu thereof the
- 6 words "one thousand two thousand five hundred".

VARLEY of Adair
HARBOR of Mills

H—6312

- 1 Amend the Senate amendment H—6153 to House
- 2 File 593, as amended, passed and reprinted as
- 3 follows:
- 4 1. Page 2, line 23, by striking the word
- 5 "twice" and inserting in lieu thereof the words

6 "twice one time".

7 2. Page 2, line 25, by striking the word

8 "first".

9 3. Page 2, by striking lines 27 through 29

10 and inserting in lieu thereof the following:

11 "seven days before the date of the caucus. Such".

STROMER of Hancock

H-6313

1 Amend Senate amendment H-6153 to House File
2 593 as amended, passed and reprinted as follows:

3 1. Page 1 by inserting after line 11 the fol-
4 lowing:

5 "Sec. . Section forty-three point twenty-
6 six (43.26), Code 1977, is amended to read as fol-
7 lows:

8 43.26 BALLOT—FORM. The official primary
9 ballot shall have the names of the candidates for
10 the nominations of all political parties printed
11 upon it. The ballot shall be in substantially the
12 form prescribed by section forty-nine point fifty-
13 seven (49.57) of the Code except that it shall also
14 contain in prominent bold-face print above the
15 party columns or rows the words "You are allowed
16 to vote for the candidates of only one party. If
17 you vote for candidates in more than one party col-
18 umn (or row) your ballot will be declared void and
19 not counted." Each party column or row shall be
20 prepared, arranged, and printed substantially in
21 the following form:

22 Sec. . Section forty-three point thirty
23 (43.30), Code 1977, is amended to read as follows:

24 43.30 SAMPLE BALLOTS. The commissioner shall
25 take from the official printed ballots of each pre-
26 cinct a suitable number of primary election bal-
27 lots of each political party, and shall write or
28 stamp, in red ink, near the top of each ballot,
29 the words "sample ballot" and shall sign or stamp
30 his or her official signature thereunder. Said
31 ballots shall be delivered to the precinct elec-
32 tion officials, but shall not be voted, received,
33 or counted. Said precinct election officials
34 shall, before the opening of the polls, cause
35 said sample ballots to be posted in and about the
36 polling places.

37 Sec. . Chapter forty-three (43), Code
38 1977, is amended by inserting after section forty-
39 three point thirty-six (43.36) the following new

40 section:

41 NEW SECTION. CASTING PRIMARY BALLOT IN MA-
42 CHINE PRECINCTS. An elector casting a nomination
43 ballot at a primary election by means of a voting
44 machine shall be instructed by a precinct elec-
45 tion official how to open the machine for the
46 ticket of the political party in whose primary
47 the elector desires to vote. After giving the
48 necessary instructions, the official shall move
49 to a position in the polling place from which

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1 the official cannot see the party selection made by
2 the elector, and shall not return to the voting ma-
3 chine until the elector has left the machine.

4 Sec. . Section forty-three point thirty-
5 eight (43.38), Code 1977, is amended to read as fol-
6 lows:

7 43.38 VOTER CONFINED TO PARTY TICKET. The
8 elector shall be allowed to vote for candidates for
9 nomination ~~on the ballot of the party with which he~~
10 ~~is registered as affiliated of the elector's choice,~~
11 ~~and shall receive no other ballot.~~ The voter shall
12 return the ballot, folded, to one of the precinct
13 election officials who shall deposit it in the bal-
14 lot box.

15 Sec. . Section forty-three point forty-
16 five (43.45), subsections one (1) and two (2), Code
17 1977, are amended to read as follows:

18 1. Place the ballots of the several political
19 parties in separate piles Mark "void" any ballot
20 which contains votes for candidates of more than
21 one party and place such ballot in an envelope
22 marked "ballots not counted".

23 2. Separately count the ballots cast for the
24 candidates of each party, and make the correct en-
25 tries thereof on the tally sheets.

26 2. Page 7, by inserting after line 35 the fol-
27 lowing new section:

28 "Sec. . Section forty-eight point six
29 (48.6), Code 1977, is amended by striking subsec-
30 tion eight (8)."

HALVORSON of Clayton
MILLER of Buchanan
WYCKOFF of Benton
TOFTE of Winneshiek

H—6314

1 Amend Senate amendment H—6153 to House File
2 593, as amended, passed and reprinted as follows:

3 1. Page 16, by inserting after line 18 the
4 following:

5 "Sec. . Section forty-nine point ninety-
6 two (49.92), Code 1977, is amended to read as fol-
7 lows:

8 49.92 VOTING MARK. The voting mark shall
9 be a cross or check which shall be placed in the
10 circle at the head of a ticket, or in the squares
11 opposite the names of candidates. The fact that
12 the voting mark is made by an instrument other than
13 a black lead pencil shall not affect the validity
14 of the ballot unless it appears that the color or
15 nature of the mark is intended to identify the bal-
16 lot contrary to the intent of section 49.107, sub-
17 section 7.

18 Sec. . Section forty-nine point ninety-
19 four (49.94), Code 1977, is amended by striking
20 the section and inserting in lieu thereof the fol-
21 lowing:

22 49.94 VOTING A STRAIGHT TICKET. If the names
23 of all the candidates for whom a voter desires to
24 vote in any election other than the primary elec-
25 tion appear upon the same ticket, he or she may
26 vote for all candidates whose names appear upon
27 that ticket only by placing a cross or check in
28 the square opposite the name of each such candidate.
29 A ballot or voting machine shall not be arranged
30 so that a voter may by making a single mark or by
31 pulling a single lever cast votes for candidates
32 for more than one office, except for the offices
33 of president and vice president of the United States."

34 2. Page 20, by inserting after line 45 the
35 following:

36 "Sec. , Section fifty-two point twelve
37 (52.12), Code 1977, is amended by striking the sec-
38 tion and inserting in lieu thereof the following:

39 52.12 USE OF PARTY LEVER PROHIBITED. A vot-
40 ing machine used at any election held in this state
41 shall not be prepared so that a voter may by pull-
42 ing a single lever cast votes for candidates for
43 more than one office, except for the offices of
44 president and vice president of the United States."

CRAWFORD of Story
CRABB of Crawford

H-6315

- 1 Amend Senate amendment H-6153 to House File 593,
- 2 as amended, passed and reprinted, as follows:
- 3 1. Page 6, line 31, by striking the word "four"
- 4 and inserting in lieu thereof the word "two".
- 5 2. Page 6, line 34, by striking the words
- 6 "three cents" and inserting in lieu thereof the words
- 7 "one cent".
- 8 3. Page 6, line 46, by striking the word "four"
- 9 and inserting in lieu thereof the word "two".
- 10 4. Page 6, line 49, by striking the words
- 11 "three cents" and inserting in lieu thereof the words
- 12 "one cent".

DAGGETT of Adams
HARBOR of Mills

H-6316

- 1 Amend Senate amendment H-6153 to House File
- 2 593, as amended, passed and reprinted as follows:
- 3 1. Page 23, by striking line 37 and inserting
- 4 in lieu thereof: "of the person or the committee
- 5 and the name of the treasurer of the committee which
- 6 authorized and financed the".

HANSEN of O'Brien
CLARK of Cerro Gordo
DAGGETT of Adams

H-6317

- 1 Amend Senate amendment H-6153 to House File
- 2 593, as amended, passed and reprinted as follows:
- 3 1. Page 28, by striking lines 21 through 30
- 4 and inserting in lieu thereof: "date is later.
- 5 However, if within fourteen days after publication of
- 6 the notice the board is presented with a petition
- 7 which is signed by eligible electors who are (or
- 8 would be, if registered) entitled to vote to fill the
- 9 office in question equal in number to one percent of
- 10 those who voted for candidates for the office at the
- 11 last preceding regular election at which the office
- 12 was on the ballot, but not less than fifty persons,
- 13 any appointment to fill".

THOMPSON of Polk
HARBOR of Mills
HANSEN of O'Brien

H—6318

1 Amend Senate amendment H—6153 to House File
2 593 as amended, passed and reprinted as follows:

3 1. Page 23, by striking lines 13 through 25
4 and inserting in lieu thereof the following:

5 "NEW SECTION. CONTRIBUTIONS AND CERTAIN
6 SERVICES AND ITEMS AUTHORIZED. A person, except
7 persons prohibited by section fifty-six point twenty-
8 nine (56.29), Code 1977, who offers, promises, or
9 makes a contribution as defined in subsection
10 four (4) of section fifty-six point two (56.2),
11 Code 1977, shall not commit bribery nor shall a
12 candidate or person who solicits, accepts, or
13 receives a contribution under chapter fifty-six
14 (56), Code 1977, commit the crime of accepting a
15 bribe unless any such action occurs under an
16 agreement or with the understanding that either of
17 the following will take place:

18 1. The act, vote, opinion, judgment, decision,
19 or exercise of discretion of a person acting in
20 an official capacity or of a candidate will be
21 exercised in a particular manner or upon a
22 particular side of a question, cause, or other
23 proceeding which is or may by law be brought
24 before the candidate or the person in his or her
25 official capacity; or

26 2. In the person's official capacity, the
27 person will make a particular nomination or
28 appointment."

CONLON of Muscatine

H—6321

1 Amend the amendment H—6320 to Senate File 336,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 20 the following
5 paragraph:

6 "A county shall impose a sales and service tax
7 only after an election at which a majority of those
8 voting on the question favors imposition. The election
9 shall be held at the time of the county's general
10 election."

11 2. Page 1, line 31, by striking the words "the
12 passage of a" and inserting in lieu thereof the words
13 "a favorable election by".

BINA of Scott

H-6324

- 1 Amend amendment H-6293, the amendment to the
2 Senate amendment H-6250 to House File 2361 as
3 amended, passed and reprinted by the House as
4 follows:
5 1. Page 4, strike lines 22 through 26 and
6 insert in lieu thereof: "authorized under section
7 442.2 or 442.9. No property tax shall be used to
8 fund the provisions of section six hundred thirteen
9 A point seven (613A.7) of the Code for the costs
10 of tort liability insurance for the school district."

STROMER of Hancock

H-6325

- 1 Amend House File 2419 as follows:
2 1. Page 3, by inserting after line 34 the follow-
3 ing:
4 "Sec. Chapter six hundred thirteen A (613A),
5 Code 1977, is amended by adding the following new
6 section:
7 NEW SECTION. DAMAGES RECOVERABLE. Recovery by
8 any person upon a claim for which a municipality is
9 liable under this chapter shall be limited to the
10 following losses, to the extent proved, and a judgment
11 is void to the extent it contains an award for any
12 other type of loss:
13 1. Damage to property or property rights.
14 2. Losses of earnings; and loss of future earning
15 capacity.
16 3. Expenses incurred or to be incurred in the
17 future for medical, surgical, X-ray, chiropractic,
18 dental, optical, prescription medicines and drugs,
19 prosthetic devices, ambulance, hospital, extended
20 care, professional nursing, medical rehabilitation
21 and vocational rehabilitation.
22 4. Any other reasonable expenses incurred by the
23 claimant as proximate consequences of the act or
24 omission upon which the judgment is based."
25 2. By renumbering sections and correcting internal
26 references as necessary.

SPEAR of Lee

H—6331

- 1 Amend the Senate amendment, H—6153, to House File
2 593, as amended, passed and reprinted by the House
3 as follows:
4 1. Page 31, by inserting after line 36 the follow-
5 ing new section:
6 "Sec. . . . Section four hundred twenty-two point
7 nine (422.9), subsection two (2), paragraph c, Code
8 1977, is amended to read as follows:
9 c. Add the amount donated to a political party
10 or parties as defined by section 43.2 as a political
11 contribution as defined in section forty-one c (41 (c))
12 of the Internal Revenue Code of 1954, not to exceed
13 one hundred dollars or two hundred dollars in the
14 case of a married couple filing a joint return."

WEST of Marshall
NORLAND of Worth

H—6332

- 1 Amend House File 191 as follows:
2 1. Page 11, line 35, by striking the word "Three"
3 and inserting in lieu thereof the word "Ten".
4 2. Page 15, by inserting after line 19 the follow-
5 ing new section:
6 "NEW SECTION. APPROVAL BY COUNTIES. The operation
7 of a race track and the system of pari-mutuel wagering
8 shall be subject to the approval of the residents
9 of a county in which the race track is located.
10 The question of authorizing a race track and system
11 of pari-mutuel wagering shall be placed on the ballot
12 at any county-wide election upon the filing of a
13 petition with the appropriate governing body signed
14 by eligible electors of the appropriate political
15 subdivision in a number not less than two percent
16 of those voting for president of the United States
17 or for governor, as the case may be, in that political
18 subdivision at the most recent general election.
19 The petition shall be filed not less than sixty days
20 prior to the date of the election."

DIELEMAN of Marion

H—6333

- 1 Amend the amendment H—6013, to House File 191
2 as follows:
3 1. Page 2, by striking lines 8 through 12.

DIELEMAN of Marion

H-6342

1 Amend H-6293, filed by Patchett, et al., to H-6250,
2 the Senate amendment to House File 2361, as amended,
3 passed and reprinted by the House, as follows:

4 1. Page 2, by striking lines 45 and 46 and
5 inserting in lieu thereof the words "are not counted
6 in any district's basic enrollment shall be counted
7 in a school district of residence basic enrollment
8 only for pupils attending the laboratory school who
9 are nonresident pupils of the school district within
10 which the laboratory school is located, but and the
11 laboratory school shall report them all pupils
12 directly".

13 2. Page 9, by inserting after line 16 the follow-
14 ing:

15 "Sec. Funds appropriated pursuant to Senate
16 File two thousand one hundred twenty-five (2125),
17 section seven (7), subsection four (4), paragraph
18 a, enacted by the Sixty-seventh General Assembly,
19 1978 Session, shall be reduced for each pupil attending
20 the laboratory school who is a nonresident pupil of
21 the school district within which the laboratory school
22 is located by an amount equal to the district cost
23 per pupil, minus the amount included in the district
24 cost per pupil added for special education support
25 services, for the school district of residence of
26 each such pupil. The total amount of the reduction
27 shall be deposited in the general fund of the state."

28 3. By numbering and renumbering sections as
29 necessary.

LIND of Black Hawk

H-6346

1 Amend amendment H-6345 to Senate amendment
2 H-6153 to House File 593 as amended, passed and re-
3 printed by the House as follows:

4 1. Page 1, by striking lines 1-26 and insert-
5 ing in lieu thereof the following:

6 "Amend House File 593, as amended, passed and
7 reprinted by the House as follows:

8 1. By striking all after the enacting clause
9 and inserting in lieu thereof the following:

10 "Section 1. Section thirty-nine point two
11 (39.2), subsection one (1), Code 1977, is amended
12 to read as follows:

13 1. All special elections which are authorized
14 or required by law, unless the applicable law other-
15 wise requires, shall be held on Tuesday. No special
16 election may be held on the first or second Tuesday

17 preceding and following the primary and general
18 elections, nor within three days of a legal holiday
19 as defined by section thirty-three point one (33.1)
20 of the Code.

21 Sec. 2. Section thirty-nine point three (39.3),
22 Code 1977, is amended by adding the following new
23 subsection:

24 **NEW SUBSECTION.** 'Ballot issue' means any ques-
25 tion, other than the retention in office of a judge,
26 which is lawfully submitted to the voters at any
27 election for determination by a yes or no vote.

28 Sec. 3. Section thirty-nine point twenty-four
29 (39.24), Code 1977, is amended to read as follows:

30 39.24 SCHOOL OFFICERS. Members of boards of
31 directors of community and independent school dis-
32 tricts, and boards of directors of merged areas
33 shall be elected at the school election. Their re-
34 spective terms of office shall be three four years,
35 except as otherwise provided by section 280A.12

36 Sec. 4. Section forty-three point twenty-
37 six (43.26), Code 1977, is amended to read as
38 follows:

39 43.26 BALLOT-FORM. The official primary
40 ballot shall have the names of the candidates for
41 the nominations of all political parties printed
42 upon it. The ballot shall be in substantially the
43 form prescribed by section forty-nine point fifty-
44 seven (49.57) of the Code except that it shall also
45 contain in prominent bold-face print above the
46 party columns or rows the words 'You are allowed
47 to vote for the candidates of only one party. If
48 you vote for candidates in more than one party col-
49 umn (or row) your ballot will be declared void and
50 not counted.' Each party column or row shall be

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1 prepared, arranged, and printed substantially in
2 the following form:

3 Sec. 5. Section forty-three point thirty
4 (43.30), Code 1977, is amended to read as follows:

5 43.30 SAMPLE BALLOTS. The commissioner shall
6 take from the official printed ballots of each pre-
7 cinct a suitable number of primary election bal-
8 lots of each political party, and shall write or
9 stamp, in red ink, near the top of each ballot
10 the words "sample ballot" and shall sign or stamp
11 his or her official signature thereunder. Said
12 ballots shall be delivered to the precinct elec-
13 tion officials, but shall not be voted, received,
14 or counted. Said precinct election officials

15 shall, before the opening of the polls, cause
16 said sample ballots to be posted in and about the
17 polling places.

18 Sec. 6. Chapter forty-three (43), Code
19 1977, is amended by inserting after section forty-
20 three point thirty-six (43.36) the following new
21 section:

22 NEW SECTION. CASTING PRIMARY BALLOT IN MA -
23 CHINE PRECINCTS. An elector casting a nomination
24 ballot at a primary election by means of a voting
25 machine shall be instructed by a precinct elec-
26 tion official how to open the machine for the
27 ticket of the political party in whose primary
28 the elector desires to vote. After giving the
29 necessary instructions the official shall move
30 to a position in the polling place from which
31 the official cannot see the party selection made by
32 the elector, and shall not return to the voting ma-
33 chine until the elector has left the machine.

34 Sec. 7. Section forty-three point thirty-
35 eight (43.38), Code 1977, is amended to read as fol-
36 lows:

37 43.38 VOTER CONFINED TO PARTY TICKET. The
38 elector shall be allowed to vote for candidates for
39 nomination on the ballot of the party with which he
40 is registered as affiliated of the elector's choice,
41 and shall receive no other ballot. The voter shall
42 return the ballot, folded, to one of the precinct
43 election officials who shall deposit it in the bal-
44 lot box.

45 Sec. 8. Section forty-three point forty-
46 five (43.45), subsections one (1) and two (2), Code
47 1977, are amended to read as follows:

48 1. Place the ballots of the several political
49 parties in separate piles Mark 'void' any ballot
50 which contains votes for candidates of more than
51 one party and place such ballot in an envelope
52 marked 'ballots not counted'.

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1 2. Separately count the ballots cast for the
2 candidates of each party, and make the correct en-
3 tries thereof on the tally sheets.

4 Sec. 9. Section forty-three point sixty-
5 six (43.66), Code 1977, is amended to read as follows:

6 43.66 WRITE—IN CANDIDATES. The fact that
7 the candidate who receives the highest number of votes
8 cast for any party's nomination for an office to which
9 section 43.52 or 43.65 is applicable is a person whose
10 name was not printed on the official primary election
11 ballot shall not affect the validity of the person's
12 nomination as a candidate for that office in the
13 general election. However, if there is no candidate
14 on the official primary ballot of a political party
15 for nomination to a particular office, a write-in
16 candidate may obtain the party's nomination to that
17 office in the primary if the candidate receives a
18 number of votes equal to at least thirty-five percent
19 of the total vote cast for all of that party's
20 candidates for that office in the last preceding
21 primary election for which the party had candidates
22 on the ballot for that office. If there have been
23 no candidates from a political party for a seat in
24 the general assembly since the most recent
25 redistricting of the general assembly, a write-in
26 candidate shall be considered nominated who receives
27 a number of votes equal to at least twenty-five percent
28 of the total votes cast, in the last preceding primary
29 election in the precincts where that seat is on the
30 ballot, for all of that party's candidates for
31 governor. When two or more nominees are required,
32 the division procedure prescribed in section 43.52
33 shall be applied to establish the minimum number of
34 write-in votes necessary for nomination. If the
35 primary is inconclusive, the necessary nominations
36 shall be made in accordance with section 43.78
37 subsection 1.

38 Sec. 10. Section forty-three point sixty-seven
39 (43.67) unnumbered paragraph one, is amended to read
40 as follows:

41 Each candidate so nominated shall be entitled to
42 have his or her name printed on the official ballot
43 to be voted at the general election without other
44 certificate, except that:

45 1. A candidate who is an incumbent senator
46 in the general assembly serving a term which will
47 extend more than eighty days beyond the forthcoming
48 general election, and who has been nominated in the
49 primary election for an office established by the
50 constitution of the state of Iowa or the statutes
51 of the state or any of its political subdivisions,

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1 shall submit to the governor his or her resignation
2 from the senate effective not later than the first

3 day of July next succeeding the primary election in
4 which he or she was so nominated.

5 2. A candidate whose name was not printed on
6 the official primary election ballot must execute and
7 deliver to the commissioner or the state commissioner,
8 as the case may be, an affidavit in substantially the
9 following form:

10 Sec. 11. Section forty-three point seventy-
11 eight (43.78), subsection one (1), paragraph c, Code
12 1977, is amended to read as follows:

13 c. For senator or representative in the gen-
14 eral assembly, by the party precinct committee mem-
15 bers whose precincts lie within the senatorial or
16 representative district involved, who shall be con-
17 vened or reconvened as appropriate by the state
18 party chairperson. The party's state constitution
19 or bylaws ~~may allow~~ shall require that the voting
20 strength of each precinct represented at such a con-
21 vention ~~to be made proportionate to the vote cast~~
22 ~~for the party's candidate for the office in question~~
23 governor or the office of president of the United
24 States in the respective precincts at the last gen-
25 eral election for that office.

26 Sec. 12. Section forty-three point eighty-
27 eight (43.88), Code 1977, is amended by adding the
28 following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. Nominations certi-
30 fied to the proper official under this section
31 shall be accompanied by an affidavit executed by the
32 nominee in substantially the form required by section
33 forty-three point sixty-seven (43.67) of the Code.

34 Sec. 13. Section forty-three point ninety-two
35 (43.92), Code 1977, is amended to read as follows:

36 43.92 DATE OF CAUCUS PUBLISHED. The date,
37 time and place of each precinct caucus of a political
38 party shall be published at least twice in at least
39 one newspaper of general circulation in the precinct.
40 ~~Such~~ The first publication shall be made not more
41 ~~than thirty fifteen days and not nor less than five~~
42 ~~seven days before the date of the caucus and the~~
43 ~~second shall be made not more than seven days before~~
44 ~~and not later than the date of the caucus.~~ Such
45 publication shall also state in substance that each
46 voter affiliated with the specified political party
47 may attend the precinct caucus. Publication in a
48 new item or advertisement in such newspaper shall
49 constitute publication for the purposes of this
50 section. The cost of such publication, if any, shall

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1 be paid by the political party.

2 Sec. 14. Section forty-three point ninety-
3 three (43.93), Code 1977, is amended to read as
4 follows:

5 43.93 PLACE OF HOLDING CAUCUS. Each precinct
6 caucus shall be held in a building which is publicly
7 owned or is suitable for and from time to time made
8 available for holding public meetings wherever it
9 is possible to do so. A county political party
10 chairperson may apply to the appropriate authority
11 for use of suitable facilities in a public building
12 for a precinct caucus of that political party. The
13 application shall be made as provided by section
14 forty-nine point twenty-one (49.21) of the Code.
15 Any damage to the building or furniture resulting
16 from the caucus shall be paid by the political party
17 holding the caucus.

18 Sec. 15. Section forty-three point one hundred
19 seventeen (43.117), Code 1977, is amended to read
20 as follows:

21 43.117 PLURALITY VOTE NOMINATES AND ELECTS.

22 A plurality shall nominate the party candidate for
23 all offices filled by elections authorized by section
24 43.112, and a plurality shall elect the precinct
25 ~~committeemen~~ committee members.

26 Sec. 16. Section forty-five point one (45.1),
27 Code 1977, is amended to read as follows:

28 45.1 NOMINATIONS BY PETITION. Nominations
29 for candidates for state offices may be made by
30 nomination paper or papers signed by not less than
31 ~~one thousand~~ two thousand five hundred eligible
32 electors of the state; for candidates for offices
33 filled by the voters of a county, district
34 or other division by such papers signed by
35 eligible electors residing in the county,
36 district or division equal in number to at least two
37 percent of the total vote received by all candidates
38 for president of the United States or governor, as
39 the case may be, at the last preceding general election
40 in such county, district or division; and for township,
41 city or ward, by such papers signed by ~~not less than~~
42 ~~twenty-five~~ eligible electors, residents of such
43 township, city or ward who are (or would be, if
44 registered) entitled to vote to fill the office in
45 question, equal in number to at least two percent
46 of those who voted to fill the office in question
47 at the last preceding election at which the office
48 was on the ballot, but in no case fewer than ten
49 persons.

50 Sec. 17. Chapter forty-seven (47), Code 1977,

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1 is amended by adding the following new section:
2 **NEW SECTION. COUNTY COMMISSIONERS ADVISORY**
3 **COMMITTEE.** There is established the county
4 commissioners advisory committee, for the purpose
5 of providing to the state voter registration
6 commission, the state commissioner and the campaign
7 finance disclosure commission liaison and advice
8 concerning implementation of the state's laws and
9 rules governing elections, and of the campaign
10 disclosure- income tax checkoff Act, at the local
11 level. The county commissioners advisory committee
12 shall consist of six county commissioners, one chosen
13 by and serving at the pleasure of the voter
14 registration commission from each of the districts
15 in the state defined by the Iowa state association
16 of counties. Each appointment to the advisory
17 committee shall be made from a list of nominees
18 submitted by the association. The commissioners so
19 designated may be reimbursed from funds of the voter
20 registration commission for travel and other actual
21 and necessary expenses incurred in attending not more
22 than three meetings of the advisory committee each
23 fiscal year.

24 Sec. 18. Section forty-eight point two
25 (48.2), Code 1977, is amended by striking the section
26 and inserting in lieu thereof the following:

27 **48.2 REGISTRATION PROCEDURE.**

28 1. Any person who is an eligible elector
29 may register to vote by one of the following methods:

30 a. By personally submitting a completed
31 voter registration form to the commissioner, or an
32 employee of that officer, in the eligible elector's
33 county of residence.

34 b. By personally completing a voter
35 registration form with a mobile registrar according
36 to the provisions of section forty-eight point twenty-
37 seven (48.27) of the Code.

38 c. By submitting a completed postcard voter
39 registration form to the commissioner by one of the
40 following procedures:

41 (1) By United States mail, postage paid
42 by the sender.

43 (2) In person.

44 A county or committee chairperson or such
45 chairperson's designee, or anyone who accepts delivery
46 of a completed postcard voter registration form,
47 either from the person who is intending to be
48 registered by this procedure or from someone else,
49 and who willfully fails to deliver or delays in
50 delivering any other person's completed postcard voter

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1 registration form to the commissioner and thereby
2 causes that person to be ineligible to vote in an
3 election commits a public offense punishable as a
4 simple misdemeanor.

5 d. By the method prescribed in section
6 fifty-three point thirty-eight (53.38) of the Code,
7 if the registrant is entitled to vote according to
8 the provisions of sections fifty-three point thirty-
9 seven (53.37) through fifty-three point fifty-two
10 (53.52) of the Code.

11 2. Any person who is an eligible elector
12 in all respects except age may, at any time during
13 the six months next preceding his or her eighteenth
14 birthday, register to vote.

15 3. An improperly addressed or delivered
16 registration form shall be forwarded to the appropriate
17 commissioner within five working days after it is
18 received by any other official.

19 4. No qualified elector shall be required
20 to re-register as a voter solely by reason of a change
21 of the street name or house number identifying the
22 place where that qualified elector resides.

23 Sec. 19. Section forty-eight point three
24 (48.3), Code 1977, is amended by striking the section
25 and inserting in lieu thereof the following:

26 48.3 EFFECTIVE DATE OF REGISTRATION. The
27 effective date of a registration to vote shall be:

28 1. The tenth day after the date of
29 registration if the registration was received pursuant
30 to section forty-eight point two (48.2), subsection
31 one (1), paragraphs a or b of the Code as amended
32 by this Act, except that the effective date shall
33 be eleven days after the date of registration if a
34 registration taken by a mobile registrar is completed
35 after 5:00 o'clock p.m. or received after 6:00 o'clock
36 p.m. and before 12:00 o'clock midnight on the tenth
37 day preceding an election occurring in the precinct
38 where the registrant lives.

39 2. The twenty-fifth day after the date of
40 the postmark on the registration card or the envelope
41 in which the card was enclosed, or the twenty-fifth
42 day after the day the registration was delivered in
43 person to the commissioner, if the registration was
44 received pursuant to section forty-eight point two
45 (48.2), subsection one (1), paragraph c of the Code
46 as amended by this Act.

47 Subsections one (1) and two (2) of this
48 section notwithstanding, the effective date of a
49 registration shall be the eighteenth birthday of the
50 registrant if that date is later than the date

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1 specified in subsections one (1) or two (2) of this
2 section.

3 Sec. 20. Section forty-eight point six
4 (48.6), Code 1977, is amended by striking the last
5 unnumbered paragraph.

6 Sec. 14. Section forty-eight point seven
7 (48.7), Code 1977, is amended by striking the section
8 and inserting in lieu thereof the following:

9 48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.

10 1. A qualified elector may record a legal
11 change of name or a change of address, for voter
12 registration purposes, by one of the following methods:

13 a. The qualified elector may submit to the
14 commissioner a written notice of the change of name
15 or address, bearing the elector's signature. Upon
16 receipt of the notice, the commissioner shall change
17 the registration records accordingly and the change
18 shall be reflected in the election registers prepared
19 for the next election held ten or more days after
20 receipt of the qualified elector's notice. If the
21 notice received by the commissioner does not contain
22 the information necessary to properly update the
23 registration records, the commissioner shall
24 immediately send notice to the elector, by forwardable
25 mail directed to the elector's last known address,
26 that the elector's registration is defective. The
27 commissioner's notice shall advise the elector of
28 the corrections necessary.

29 b. A qualified elector who fails to notify
30 the commissioner of a change of name or address ten
31 or more days before an election may do so on the day
32 of that election at the polling place for the precinct
33 in which the elector currently resides, to the extent
34 permitted by subsection three (3) of this section.
35 The precinct election officials shall furnish such
36 a qualified elector a postcard registration form.
37 as prescribed for use under section forty-eight point
38 two (48.2), subsection one (1), paragraph c of the
39 Code as amended by this Act. The elector shall
40 complete the form and submit it to the precinct
41 election officials, who shall return it to the
42 commissioner with the election supplies.

43 2. A qualified elector who has recorded
44 a change of name or address at a polling place pursuant
45 to subsection one (1), paragraph b of this section
46 may then cast a ballot as follows:

47 a. If the qualified elector's name and
48 address under the former registration appear on the
49 election register of that polling place for the
50 election being held that day, the elector may cast

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1 a ballot in the same manner as those whose names and
2 addresses appear correctly in the election register.

3 3. The provisions of subsection one (1)
4 of this section shall not apply to:

5 a. Any person who has not registered or
6 whose registration has been canceled pursuant to
7 section forty-eight point thirty-one (48.31) of the

8 b. Any person previously a qualified elector
9 who has failed to complete a new registration after
10 moving to a county in this state other than that in
11 which the person most recently registered.

12 Sec. 21. Section forty-eight point eight
13 (48.8), unnumbered paragraph one (1), Code 1977, is
14 amended to read as follows:

15 The county commissioner of registration shall
16 prepare an election register for each county precinct
17 between the time of the closing of registration and
18 election day. The election register shall be a copy
19 of the list of all qualified electors of the precinct
20 and shall be in a form prescribed by the state
21 commissioner of elections voter registration
22 commission.

23 Sec. 22. Section forty-eight point ten
24 (48.10), Code 1977, is amended by striking the section
25 and inserting in lieu thereof the following:

26 48.10 DECEASED PERSONS -- RECORD. The state
27 registrar of vital statistics shall transmit or cause
28 to be transmitted to the state registrar of voters
29 on or before the tenth day of each month, a certified
30 list of all persons seventeen and one-half years of
31 age and older in the state whose deaths have been
32 reported to the records and statistics division of
33 the department of health since the previous list of
34 decedents was certified to the state registrar of
35 voters. The list shall be submitted according to
36 the specifications of the state registrar of voters,
37 who shall determine whether each listed decedent was
38 registered to vote in this state. If the decedent
39 was registered in a county which uses its own data
40 processing facilities for voter registration record-
41 keeping, the registrar shall notify the commissioner
42 in that county who shall cancel the decedent's
43 registration. If the decedent was registered in a
44 county for which voter registration record-keeping
45 is performed under contract by the registrar, the
46 registrar shall immediately cancel the registration
47 and request the commissioner of the county in which
48 the decedent was registered to vote to remove that
49 person's registration from the manual files.

50 Sec. 23. Section forty-eight point eleven

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1 (48.11), Code 1977, is amended by striking the sec-
2 tion and inserting in lieu thereof the following:

3 48.11 WHEN COMMISSIONER'S OFFICE TO BE OPEN.

4 The office of the commissioner shall be open until
5 8:00 p.m. on the eleventh day prior to the general
6 election and 10:00 a.m. to 5:00 p.m. on the tenth day
7 prior to each general election, and also prior to
8 any other election if so requested by a petition
9 signed by twenty-five or more eligible electors of
10 the political subdivision in which the election is
11 being held and filed in the commissioner's office
12 at least fifteen days prior to that election.

13 Sec. 24. Section forty-eight point twelve

14 (48.12), Code 1977, is amended by adding the following
15 new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. Within five working
17 days after receiving a registration in any manner
18 provided by section forty-eight point two (48.2),
19 subsection one (1), paragraph c of the Code as amended
20 by this Act, the commissioner shall send the registrant
21 a receipt of the registration by first class mail
22 marked "do not forward". If the receipt is returned
23 by the postal service the commissioner shall treat
24 the registration as prescribed by section forty-eight
25 point thirty-one (48.31), subsection eight (8) of
26 the Code.

27 Sec. 25. Section forty-eight point fifteen

28 (48.15), Code 1977, is amended by striking the section
29 and inserting in lieu thereof the following:

30 48.15 CHALLENGES OF VOTER REGISTRATIONS.

31 1. Any person may challenge the registration
32 to vote of any other person, by filing an individual
33 challenge in writing with the commissioner of the
34 county in which the person challenged is registered.
35 The written challenge need not be in detail, but must
36 allege one or more reasons why, under law, the
37 registration of the person challenged should not have
38 been accepted or should be canceled.

39 2. A challenge of a person's registration
40 filed less than forty days prior to a regularly
41 scheduled election need not be processed by the
42 commissioner prior to that election unless the reg-
43 istration, change of name or change of address has
44 been recorded within twenty days prior to the date
45 of the challenge.

46 3. The commissioner shall immediately give
47 five day's notice of a hearing, by certified mail
48 to the person whose registration is challenged and
49 to the challenger and shall post a notice of the
50 hearing in a public place. The notice shall set

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1 forth the reason for the challenge as stated by the
2 challenger. The person challenged may either appear
3 in person at the hearing, or respond in writing add-
4 ressed to the commissioner and delivered by mail or
5 otherwise prior to the time set for the hearing. How-
6 ever, if the person challenged notifies the commis-
7 sioner prior to the date set for the hearing that
8 such person wishes to appear in person but will be
9 unable to do so on the date specified, the commis-
10 sioner may reschedule the hearing. On the basis of
11 the evidence presented by the challenger and the chal-
12 lenged elector, the commissioner shall either cancel
13 the registration of the challenged elector or reject
14 the challenge. Either party may appeal to the dis-
15 trict court of the county in which the challenge is
16 made, and a date for the hearing shall be fixed and
17 the decision of such court shall be final. The costs
18 for the court proceedings and reasonable attorney
19 fees shall be assessed to the person against whom
20 the court ruled.

21 Sec. 26. Section forty-eight point thirty-one
22 (48.31), subsection one (1), Code 1977, is amended
23 to read as follows:

24 1. The elector fails to vote once in the
25 ~~last preceding~~ next succeeding four consecutive
26 calendar years after the elector's most recent
27 registration or change of name or address or after
28 the elector most recently voted.

29 Sec. 27. Section forty-eight point thirty-
30 one (48.31), Code 1977, is amended by striking
31 subsection three (3).

32 Sec. 28. Section forty-nine point ten
33 (49.10), Code 1977, is amended by adding the following
34 new subsection:

35 NEW SUBSECTION. The residents of any precinct
36 may, at any time except within forty-five days prior
37 to an election to be held in that precinct, petition
38 the commissioner to change the polling place for the
39 precinct. A petition submitted under this subsection
40 must briefly state how the proposed change would fa-
41 cilitate voter access to the appropriate polling
42 place, and must bear the signatures of eligible elec-
43 tors of the precinct equal in number to ten percent of
44 those registered to vote in that precinct or fifty
45 qualified electors, whichever is smaller. Within fif-
46 teen days after receipt of such a petition the com-
47 missioner shall either comply with the request made
48 in the petition or reply in writing that the request
49 has been denied and state the reasons for the de-
50 nial.

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1 Sec. 29. Chapter forty-nine (49), Code 1977,
2 is amended by inserting after section forty-nine point
3 thirteen (49.13) the following new section:

4 NEW SECTION. SUBSTITUTE PRECINCT ELECTION
5 OFFICIALS.

6 1. The commissioner may appoint substitute
7 precinct election officials as alternates for election
8 board members. A majority of the original election
9 board members shall be present at the precinct polling
10 place at all times; at partisan elections such majority
11 shall include at least one precinct election official
12 from each political party. If the chairperson leaves
13 the polling place, he or she shall designate another
14 member of the board to serve as chairperson until
15 the chairperson returns. The responsibilities and
16 duties of a precinct election official present at
17 the time the polling place was opened on the day of
18 an election may be assumed at any later time that
19 day by a substitute appointed as an alternate. The
20 substitute shall serve either for the balance of that
21 election day or for such shorter period of time as
22 the commissioner may designate. The precinct election
23 officials shall be present at the opening of the polls
24 the closing, and during the counting of ballots.

25 2. Substitute precinct election officials
26 shall be appointed and shall serve in accordance with
27 sections forty-nine point twelve (49.12), forty-nine
28 point thirteen (49.13), forty-nine point fifteen
29 (49.15) and forty-nine point sixteen (49.16) of the
30 Code, and shall receive compensation as provided by
31 sections forty-nine point nineteen (49.19), forty-
32 nine point twenty (49.20) and forty-nine point one
33 hundred twenty-five (49.125) of the Code. Upon
34 arriving at the polling place and prior to performing
35 any official duty, a substitute precinct election
36 official shall take the oath required by section
37 forty-nine point seventy-five (49.75) of the Code.

38 3. The commissioner shall not employ
39 substitute precinct election officials in a partisan
40 election unless the election board panel drawn up
41 pursuant to section forty-nine point fifteen (49.15)
42 of the Code contains the names of a sufficient number
43 of political party designees to permit appointment of
44 both the regular precinct election officials and any
45 substitute precinct election officials from that panel.

46 Sec. 30. Section forty-nine point twenty
47 (49.20), Code 1977, is amended to read as follows:

48 49.20 COMPENSATION OF MEMBERS. The members
49 of election boards shall receive two dollars per hour
50 compensation at an hourly rate established by the

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1 board of supervisors, which shall not be less than
2 the hourly rate of pay established for pay grade ten,
3 step one, under the state merit system, while engaged
4 in the discharge of their duties and shall be
5 reimbursed for actual and necessary travel expense,
6 except that persons whom the commissioner has been
7 advised prior to their appointment to the election
8 board are willing to serve without pay at elections
9 conducted for any school district or a city of three
10 thousand five hundred or less population shall receive
11 no compensation for service at those elections.
12 Compensation shall be paid to members of election
13 boards only after the vote has been canvassed and
14 it has been determined in the course of such canvass
15 that the election record certificate has been properly
16 executed by the election board.

17 Sec. 30. Section forty-nine point twenty-one (49.21),
18 unnumbered paragraph two (2), Code 1977, is amended
19 to read as follows:

20 Upon the application of the commissioner
21 or a county political party chairperson, the authority
22 which has control of any buildings or grounds supported
23 by taxation under the laws of this state shall make
24 available the necessary space therein for the purpose
25 of holding elections, without charge for the use
26 thereof.

27 Sec. 31. Section forty-nine point seventy-
28 two (49.72), Code 1977, is amended to read as follows:
29 49.72 ABSENTEE VOTERS DESIGNATED BEFORE
30 POLLING PLACE OPENED. The commissioner shall deliver
31 to each precinct election board not less than one
32 hour before the time at which the polls are to open
33 for any election the list of all qualified electors
34 of that precinct who have been given or sent an
35 absentee ballot for that election, and the election
36 board shall immediately designate those qualified
37 electors who are so listed and therefore not entitled
38 to vote in person at the polls, as required by except
39 pursuant to section 53.19. The designation shall
40 be different from the mark made to indicate that an
41 elector has actually voted.

42 Prior to recording the date a qualified
43 elector has most recently voted, on the permanent
44 registration records, the commissioner shall perfect
45 the election register by further designating those
46 electors who requested an absentee ballot but did
47 not return it nor vote pursuant to section fifty-three
48 point nineteen (53.19) of the Code. Such electors
49 shall not be recorded as having voted.

50 Sec. 32. Section forty-nine point seventy-seven

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1 (49.77), Code 1977, is amended by striking sub-
2 section four (4) and inserting in lieu thereof
3 the following:

4 4. A person whose name does not appear on
5 the election register of the precinct in which that
6 person claims the right to vote shall be permitted
7 to vote there in the usual manner only if the
8 commissioner informs the precinct election officials
9 that an error has occurred and that the person is
10 a qualified elector of that precinct. However, a
11 person may cast a ballot in the manner prescribed
12 by section forty-nine point eighty-one (49.81) of
13 the Code if:

14 a. That person insists that he or she is
15 a qualified elector of the precinct, although the
16 commissioner finds no record of the person's
17 registration; or

18 b. That person is a qualified elector who
19 is entitled to do so under section forty-eight point
20 seven (48.7) subsection two (2), paragraph b of the
21 Code as amended by this Act.

22 Sec. 33. Section forty-nine point eighty-
23 one (49.81), Code 1977, is amended to read as follows:

24 49.81 PROCEDURE FOR CHALLENGED VOTER TO
25 CAST BALLOT.

26 1. A prospective voter who is prohibited
27 under section forty-eight point seven (48.7),
28 subsection two (2), paragraph b, 49.77, subsection
29 4, or 49.80 from voting except under this section
30 shall be permitted to cast a special paper ballot.
31 If a booth meeting the requirement of section 49.25
32 is not available at that polling place, the precinct
33 election officials shall make alternative arrangements
34 to insure ~~the challenged~~ each voter required to use
35 a special paper ballot the opportunity to vote in
36 secret. The marked ballot, folded as required by
37 section 49.84, shall be delivered to a precinct
38 election official who shall immediately seal it in
39 an envelope of the type prescribed by subsection 4.
40 The sealed envelope shall be deposited in a special
41 envelope marked "ballots for special precinct" and
42 shall be considered as having been cast in the special
43 precinct established by section 53.20 for purposes
44 of the postelection canvass.

45 2. Each person who casts a challenged special
46 paper ballot under this section shall receive a printed
47 statement in substantially the following form: "Your
48 qualifications as an elector have been challenged
49 for the following reasons:

50 1.

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1 2.
 2 3.
 3 Your right to vote will be reviewed by the special
 4 precinct counting board on You have the
 5 right and are encouraged to make a written statement
 6 and submit additional written evidence to this board
 7 supporting your qualifications as an elector. This
 8 written statement and evidence may be given to an
 9 election official of this precinct on election day
 10 or mailed or delivered to the county commissioner
 11 of elections, but must be received prior to noon on
 12 at If your ballot is not counted
 13 you will receive notification of this fact."

14 3. Any elector may present written statements
 15 or documents, supporting or opposing the counting
 16 of any challenged special paper ballot, to the precinct
 17 election officials on election day, until the hour
 18 for closing the polls or to the special precinct
 19 board prior to the time it is scheduled to convene
 20 Any statements or documents so presented shall be
 21 delivered to the commissioner when the election sup-
 22 plies are returned.

23 4. The individual envelopes used for each
 24 special paper ballot cast pursuant to subsection 1
 25 shall have printed upon them:

26 'Challenged Elector's Special Paper Ballot

27 I believe I am a qualified elector of this
 28 precinct. I registered to vote in this county on
 29 or about at I have not moved
 30 to a different precinct since that time without
 31 recording the new address with the commissioner,
 32 except as noted hereon. I am a United States citizen,
 33 at least eighteen years of age.

34
 35 (signature of elector) (address of elector)
 36

37 (signature of precinct (date)
 38 election official)

39 Reason for challenge:

40
 41

42 Sec. 34. Section forty-nine point eighty-
 43 three (49.83), Code 1977, is amended to read as
 44 follows:

45 49.83 NAMES TO BE MARKED ON ELECTION
 46 REGISTER. The name of each voter shall be marked
 47 on the election register by a precinct election
 48 official when the voter's declaration of eligibility
 49 has been approved received by the officials. The
 50 name and address of each person who casts a paper

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1 ballot pursuant to section forty-nine point eighty-
2 one (49.81) of the Code shall be clearly printed in
3 a special election register by a precinct election
4 official, and the elector casting the ballot shall
5 sign the special election register opposite his or
6 her name. The special election register so compiled
7 shall serve to meet the requirements of section fifty
8 point twenty (50.20) of the Code.

9 Section 35. Section forty-nine point ninety-
10 two (49.92), Code 1977, is amended to read as fol-
11 lows:

12 49.92 VOTING MARK. The voting mark shall
13 be a cross or check which shall be placed in the
14 circle at the head of a ticket, or in the squares
15 opposite the names of candidates. The fact that
16 the voting mark is made by an instrument other than
17 a black lead pencil shall not affect the validity
18 of the ballot unless it appears that the color or
19 nature of the mark is intended to identify the bal-
20 lot contrary to the intent of section 49.107, sub-
21 section 7.

22 Section 36. Section forty-nine point ninety-
23 four (49.94), Code 1977, is amended by striking
24 the section and inserting in lieu thereof the fol-
25 lowing:

26 49.94 VOTING A STRAIGHT TICKET. If the names
27 of all the candidates for whom a voter desires to
28 vote in any election other than the primary elec-
29 tion appear upon the same ticket, he or she may
30 vote for all candidates whose names appear upon
31 that ticket only by placing a cross or check in
32 the square opposite the name of each such candidate.
33 A ballot or voting machine shall not be arranged
34 so that a voter may by making a single mark or by
35 pulling a single lever cast votes for candidates
36 for more than one office, except for the offices
37 of president and vice president of the United States.

38 Sec. 37. Section forty-nine point one hundred
39 four (49.104), Code 1977, is amended by adding the
40 following new subsection:

41 NEW SUBSECTION. Any persons expressing an
42 interest in a ballot issue to be voted upon at any
43 election except a general or primary election. Any
44 such person shall file a notice of intent to serve
45 as an observer with the commissioner prior to election
46 day. If more than three such persons file a notice
47 of intent with respect to any issue or issues on the
48 ballot at any election, the commissioner shall appoint
49 from those submitting a notice of intent three persons
50 to serve as observers. The appointees, whenever
51 possible, shall include both opponents and proponents

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1 of the ballot issue or issues.

2 Sec. 38. Section forty-nine point one hundred
3 twenty-five (49.125), Code 1977, is amended to read
4 as follows:

5 49.125 COMPENSATION OF TRAINEES. All
6 election personnel attending such training course
7 shall be paid for attending such course for a period
8 not to exceed two hours, and shall be reimbursed for
9 travel to and from the place where the training is
10 given at the rate specified in section 79.9 if the
11 distance involved is more than five miles. The wages
12 shall be two dollars per hour computed at the hourly
13 rate established pursuant to section forty-nine point
14 twenty (49.20) of the Code, and payment of wages and
15 mileage for attendance shall be made at the time that
16 payment is made for duties performed on election day.

17 Sec. 39. Section fifty point seventeen
18 (50.17), Code 1977, is amended by striking the section
19 and inserting in lieu thereof the following:

20 50.17 RETURN OF ELECTION MATERIALS. All
21 precinct election registers, all ballots, the signed
22 and attested tally sheets, and all other election
23 supplies required by law to be returned to the
24 commissioner from the respective precinct polling
25 places shall be delivered to the commissioner by one
26 of the precinct election officials, designated for
27 that purpose by the commissioner, not later than noon
28 of the day following the election.

29 Sec. 40. Section fifty point twenty (50.20),
30 Code 1977, is amended to read as follows:

31 50.20 NOTICE OF NUMBER OF CHALLENGED SPECIAL
32 PAPER BALLOTS—REVIEW OF CERTAIN BALLOT ENVELOPES.

33 1. The commissioner shall compile a list
34 of the number of ~~challenged~~ special paper ballots
35 cast under section 49.81 in each precinct. The list
36 shall be made available to the public as soon as
37 possible, but in no case later than nine o'clock a.m.
38 on the second day following the election. Any elector
39 may examine the list during normal office hours, and
40 may also examine the ~~affidavit~~ envelopes bearing the
41 ~~ballots of challenged electors cast under section~~
42 ~~forty-nine point eighty-one (49.81) of the Code until~~
43 ~~the reconvening of the special precinct board as~~
44 ~~required by this chapter section fifty point twenty-~~
45 ~~one (50.21) of the Code . Only those persons so~~
46 ~~permitted by section 53.23, subsection 4, shall have~~
47 ~~access to the affidavits ballot envelopes while that~~
48 ~~board is in session. Any elector may present written~~
49 ~~statements or documents, supporting or opposing the~~
50 ~~counting of any challenged special paper ballot, at~~

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1 the commissioner's office until the reconvening of
2 the special precinct board.

3 2. Prior to the reconvening of the special
4 precinct board, pursuant to section fifty point twenty-
5 one (50.21) of the Code, the commissioner shall examine
6 the registration records for each elector who cast
7 a special paper ballot under section forty-eight point
8 seven (48.7), subsection two (2), paragraph b of the
9 Code as amended by this Act, and the precinct election
10 register in which that elector's name appeared under
11 the former registration, and shall report the findings
12 without conclusions or recommendations to the special
13 precinct board. The special precinct board shall
14 count the ballot unless it concludes that the qualified
15 elector has voted more than once in that election,
16 or that the person who cast the sealed ballot is not
17 a qualified elector in the precinct in which the ballot
18 was cast.

19 Section 41. Section fifty point twenty-one
20 (50.21), Code 1977, is amended to read as follows:

21 **50.21 SPECIAL PRECINCT BOARD RECONVENED.** The
22 commissioner shall reconvene the election board of
23 the special precinct established by section 53.20
24 at noon on the ~~third~~ fourth day following each elec-
25 tion which is required by law to be canvassed on the
26 Monday following the election. If the canvass of
27 the election is required at an earlier time, the
28 special precinct election board shall be reconvened
29 at noon on the day following the election. If no
30 challenged ballots were cast in the county pursuant
31 to section 49.81 at any election, the special pre-
32 cinct election board need not be so reconvened. If
33 the number of challenged ballots so cast at any
34 election is not sufficient to require reconvening
35 of the entire election board of the special pre-
36 cinct, the commissioner may reconvene only the num-
37 ber of members required, but in so doing shall ob-
38 serve the requirements of sections 49.12 and 49.13.

39 Sec. 42. Section fifty point twenty-three
40 (50.23), Code 1977, is amended to read as follows:

41 **50.23 MESSENGERS FOR MISSING TALLY LISTS.**
42 The commissioner shall send messengers for all tally
43 lists and other election materials not received in
44 the commissioner's office by noon of the day following
45 the election the time required by section fifty point
46 seventeen (50.17) of the Code. The expense of securing
47 such tally lists shall be paid by the county.

48 Sec. 35. Chapter fifty (50), Code 1977,
49 is amended by adding the following new section:

50 **NEW SECTION. GENERAL RECOUNT PROVISIONS.**

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1 1. The county board of canvassers shall
2 order a recount of the votes cast for a particular
3 office or nomination in one or more specified election
4 precincts in that county if a written request therefor
5 is made not later than five o'clock p.m. on the seventh
6 day following the county board's canvass of the
7 election in question. The request shall be filed
8 with the commissioner of that county, or with the
9 commissioner responsible for conducting the election
10 if section forty-seven point two (47.2), unnumbered
11 paragraph two (2), of the Code is applicable, or, if
12 the candidate is seeking a statewide office, with
13 the state commissioner who shall notify the county
14 commissioners in the counties where a recount is
15 requested and shall be signed by:

16 a. A candidate for that office or nomination whose
17 name was printed on the ballot of the precinct or pre-
18 cincts where the recount is requested; or

19 b. Any other person who receives at least ten per-
20 cent of the votes cast for that particular office or
21 nomination in the precinct or precincts where the re-
22 count is requested and who is legally qualified to
23 seek and to hold the office in question.

24 This section shall not apply to any election held
25 by a city which is not the final election for the of-
26 fice in question.

27 2. The candidate requesting a recount under this
28 section shall post a bond, unless the abstracts pre-
29 pared pursuant to section fifty point twenty-four
30 (50.24) of the Code, or section forty-three point
31 forty-nine (43.49) of the Code in the case of a pri-
32 mary election, indicate that the difference between
33 the total number of votes cast for the apparent win-
34 ner and the total number of votes cast for the can-
35 didate requesting the recount is less than the greater
36 of one hundred votes or one percent of the total num-
37 ber of votes cast for the office or nomination in
38 question. Where votes cast for that office or nom-
39 ination were canvassed in more than one county, the
40 abstracts prepared by the county boards in all of
41 those counties shall be totaled for purposes of this
42 subsection. If a bond is required, it shall be filed
43 with the state commissioner for recounts involving
44 a state office, including a seat in the general as-
45 sembly, or a seat in the United States Congress, and
46 with the commissioner responsible for conducting the
47 election in all other cases, and shall be in the
48 following amount:

49 a. For an office filled by the electors of the
50 entire state, two thousand dollars.

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1 b. For United States representative, five
2 hundred dollars.

3 c. For senator in the general assembly, two
4 hundred dollars.

5 d. For representative in the general
6 assembly, one hundred dollars.

7 e. For an office filled by the electors
8 of an entire county having a population of fifty
9 thousand or more, two hundred dollars.

10 f. For any elective office to which
11 paragraphs a through e of this subsection are not
12 applicable, one hundred dollars.

13 After all recount proceedings for a particular
14 office are completed and the official canvass of votes
15 cast for that office is corrected or completed pursuant
16 to subsections five (5) and six (6) of this section,
17 if necessary, any bond posted under this subsection
18 shall be returned to the candidate who requested the
19 recount if the apparent winner before the recount
20 is not the winner as shown by the corrected or
21 completed canvass. In all other cases, the bond shall
22 be deposited in the general fund of the state if filed
23 with the state commissioner or in the election fund
24 of the county with whose commissioner it was filed.

25 3. The recount shall be conducted by a board
26 which shall consist of:

27 a. A designee of the candidate requesting
28 the recount, who shall be named in the written request
29 when it is filed.

30 b. A designee of the apparent winning
31 candidate, who shall be named by that candidate at
32 or before the time the board is required to convene

33 c. A person chosen jointly by the members
34 designated under paragraphs a and b of this subsection

35 The county commissioner shall convene the
36 persons designated under paragraphs a and b of this
37 subsection not later than nine o'clock a.m. on the
38 tenth day following the county board's canvass of
39 the election in question. If those two members cannot
40 agree on the third member by eight o'clock a.m. on
41 the fourteenth day following the canvass, they shall
42 immediately so notify the chief judge of the judicial
43 district in which the canvass is occurring, who shall
44 appoint the third member not later than five o'clock
45 p.m. on the eleventh sixteenth day following the canvass.

46 4. When all members of the recount board
47 have been selected, the board shall undertake and
48 complete the required recount as expeditiously as
49 reasonably possible. Any member of the recount board
50 may at any time during the recount proceedings extend

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1 the recount of votes cast for the office or nomination
2 in question to any other precinct or precincts in
3 the same county, or from which the returns were
4 reported to the commissioner responsible for conducting
5 the election, without the necessity of posting
6 additional bond. At the conclusion of the recount,
7 the recount board shall make and file with the
8 commissioner a written report of its findings, which
9 shall be signed by at least two members of the recount
10 board. The recount board shall complete the recount
11 and file its report not later than the twenty-third
12 day following the county board's canvass of the
13 election in question.

14 5. If the recount board's report is that
15 the abstracts prepared pursuant to the county board's
16 canvass were incorrect as to the number of votes cast
17 for the candidates for the office or nomination in
18 question, in that county or district, the commissioner
19 shall at once so notify the county board. The county
20 board shall reconvene within three days after being
21 so notified, and shall correct its previous
22 proceedings.

23 6. The commissioner shall promptly notify
24 the state commissioner of any recount of votes for
25 an office to which section fifty point thirty (50.30)
26 of the Code, or section forty-three point sixty (43.60)
27 of the Code in the case of a primary election, is
28 applicable. If necessary, the state canvass required
29 by section fifty point thirty-eight (50.38) of the
30 Code, or by section forty-three point sixty-three
31 (43.63) of the Code, as the case may be, shall be
32 delayed with respect to the office or the nomination
33 to which the recount pertains. The commissioner shall
34 subsequently inform the state commissioner at the
35 earliest possible time whether any change in the
36 outcome of the election in that county or district
37 resulted from the recount.

38 Sec. 43. Section fifty-two point twelve
39 (52.12), Code 1977, is amended by striking the sec-
40 tion and inserting in lieu thereof the following:

41 52.12 USE OF PARTY LEVER PROHIBITED. A vot-
42 ing machine used at any election held in this state
43 shall not be prepared so that a voter may by pull-
44 ing a single lever cast votes for candidates for
45 more than one office, except for the offices of
46 president and vice president of the United States

47 Sec. 44. Section fifty-three point seventeen
48 (53.17), Code 1977, is amended to read as follows:

49 53.17 MAILING OR DELIVERING BALLOT. The
50 sealed envelope containing the absentee ballot shall

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1 be enclosed in a carrier envelope which shall be
2 securely sealed. The sealed carrier envelope shall
3 be delivered by the qualified elector or his or her
4 designee to the commissioner or a deputy in his or
5 her office, or mailed, postage paid, to the office
6 of the commissioner. The carrier envelope shall be
7 received by the commissioner until ~~eight o'clock p.m.~~
8 the time the polls are closed on election day. The
9 commissioner shall contact the post office serving
10 the commissioner's office at the latest practicable
11 hour on election day, and shall seek to arrange for
12 any absentee ballots received in that post office
13 but not yet delivered to the commissioner's office
14 to be brought to the commissioner's office prior to
15 the time the polls are closed.

16 Sec. 45. Section fifty-three point twenty-
17 two (53.22), subsection one (1), paragraph c, Code
18 1977, is amended to read as follows:

19 c. The special precinct election officers
20 shall both notarize each absent voter's affidavit
21 as required by section 53.16; any such officer who
22 is not a notary public shall be provided with a stamp
23 containing that person's name and the words "special
24 precinct election officer" and may notarize the
25 absentee affidavits so delivered by signing them and
26 applying the stamp. The special precinct election
27 officers shall travel together in the same vehicle
28 and both shall be present when an applicant casts
29 his or her absentee ballot. If either or both of
30 the special election officers fails to appear at the
31 time the duties set forth in this section are to be
32 performed, the commissioner shall at once appoint
33 some other person, giving preference to persons
34 designated by the respective county chairpersons of
35 the political parties described in section 49.13,
36 to carry out the requirements of this section. The
37 persons authorized by this subsection to deliver an
38 absentee ballot to an applicant may assist the
39 applicant in filling out the ballot as permitted by
40 section 49.90. The voted absentee ballots shall be
41 deposited in a sealed container which shall be returned
42 to the commissioner on the same day. On election
43 day the officers shall return the sealed container
44 by the time the polls are closed.

45 Sec. 46. Section fifty-six point eighteen
46 (56.18), Code 1977, is amended to read as follows:

47 56.18 CHECKOFF — INCOME TAX. Any person
48 whose state income tax liability for any taxable year
49 is one dollar or more may designate one dollar of
50 such liability to be paid over to the Iowa election

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1 campaign fund for the account of any specified
2 political party, as defined by section 43.2 when
3 submitting his or her state income tax return to the
4 department of revenue. In the case of the joint return
5 of husband and wife having a state income tax liability
6 of two dollars or more, each spouse may designate
7 that one dollar be paid to any such account in the
8 fund. The director of revenue shall revise the income
9 tax form to allow the designation of political
10 contributions to a political party provide a space
11 on the face of the tax return and immediately above
12 the signature lines which the taxpayer may use to
13 designate contributions under this section to a
14 specified political party as defined by section forty-
15 three point two (43.2) of the Code.

16 Sec. 47. Section fifty-six point nineteen
17 (56.19), Code 1977, is amended to read as follows:
18 56.19 FUND CREATED. The 'Iowa election
19 campaign fund' is created within the office of the
20 treasurer of state. The fund shall consist of funds
21 paid by persons having an Iowa income tax liability
22 as provided in section 56.18. The treasurer of state
23 shall maintain within the fund a separate account
24 for each political party as defined in section forty-
25 three point two (43.2) of the Code. The director
26 of revenue shall remit funds collected as provided
27 in section 56.18 to the treasurer of state who shall
28 deposit such funds in the appropriate account within
29 the Iowa election campaign fund. Any interest
30 income received by the treasurer of state from
31 investment of moneys deposited in the fund shall be
32 deposited in the Iowa election campaign fund. Such
33 funds shall be subject to payment to the chairperson
34 of the specified political party by the state
35 comptroller in the manner provided by section 56.22.

36 Sec. 48. Chapter fifty-six (56), Code 1977,
37 is amended by adding the following new section:

38 NEW SECTION. CONTRIBUTIONS AND CERTAIN
39 SERVICES AND ITEMS AUTHORIZED. A person, except
40 persons prohibited by section fifty-six point twenty-
41 nine (56.29), Code 1977, who offers, promises, or
42 makes a contribution as defined in subsection
43 four (4) of section fifty-six point two (56.2),
44 Code 1977, shall not commit bribery nor shall a
45 candidate or person who solicits accepts, or
46 receives a contribution under chapter fifty-six
47 (56), Code 1977, commit the crime of accepting a
48 bribe unless any such action occurs under an
49 agreement or with the understanding that either of
50 the following will take place:

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1 1. The act, vote, opinion, judgment, decision,
2 or exercise of discretion of a person acting in an
3 official capacity or of a candidate will be exer-
4 cised in a particular manner or upon a particular
5 side of a question, cause, or other proceeding
6 which is or may by law be brought before the can-
7 didate or the person in his or her official capac-
8 ity; or

9 2. In the person's official capacity, the per-
10 son will make a particular nomination or appoint-
11 ment.'

12 Sec. 49. Chapter fifty-six (56), Code 1977,
13 is amended by adding the following new section:

14 **NEW SECTION. POLITICAL ADVERTISING.** Whenever
15 any person makes an expenditure for the purpose of
16 financing communications either advocating the elec-
17 tion or defeat of a candidate or ballot issue or
18 soliciting political contributions, through any
19 radio or television broadcasting facility, news-
20 paper, magazine, outdoor advertising device, di-
21 rect mail or any other type of advertising di-
22 rected to the general public, the communication so
23 financed shall state the name of the person or the
24 committee and the name of the treasurer of the com-
25 mittee which authorized and financed the expendi-
26 ture. If the expenditure was authorized by a per-
27 son other than the person making the expenditure,
28 the names of both persons shall be given.

29 A person or committee which makes an expendi-
30 ture for the purpose of financing communications
31 on behalf of a certain candidate or attempts to
32 directly benefit the campaign of a candidate shall
33 obtain written authorization from the candidate
34 for the communications, or state in the communi-
35 cations that the material is not authorized by
36 the candidate.

37 This notice is not required on bumper stick-
38 ers, pins, buttons or similar small items speci-
39 fied by rule of the campaign finance disclosure
40 commission. The provisions of section fifty-six
41 point seventeen (56.17), subsection one (1), of
42 the Code shall apply to this section.

43 Sec. 50. Section fifty-seven point one
44 (57.1), subsection two (2), paragraph (c), Code
45 1977, is amended to read as follows:

46 c. That prior to the election the incumbent
47 had been duly convicted of an infamous crime, and
48 that the judgment had not been reverse, annulled
49 or set aside, nor the incumbent pardoned or restored
50 to the rights of citizenship by the governor under

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1 section two hundred forty-eight point twelve (248.12)
2 of the Code, at the time of the election.

3 Sec. 51. Section sixty-nine point eight
4 (69.8), Code 1977, is amended by striking subsection
5 five (5).

6 Sec. 52. Section sixty-nine point twelve
7 (69.12), unnumbered paragraph one (1), Code 1977,
8 is amended to read as follows:

9 When a vacancy occurs in any nonpartisan
10 elective office of a political subdivision of this
11 state, and the statutes governing the office in which
12 the vacancy occurs require that it be filled by
13 election or are silent as to the method of filling
14 the vacancy, it shall be filled pursuant to this
15 section. As used in this section, "pending election"
16 means any election at which there will be on the
17 ballot either the office in which the vacancy exists,
18 or any other office to be filled or any public question
19 to be decided by the voters of the same political
20 subdivision.

21 Sec. 53. Section two hundred seventy-four point
22 seven (284.7), Code 1977, is amended to read as
23 follows:

24 274.7 DIRECTORS. The affairs of each school
25 corporation shall be conducted by a board of directors,
26 the members of which in all community or independent
27 school districts shall be chosen for a term of three
28 four years.

29 Sec. 54. Section two hundred seventy-five
30 point twelve (275.12), subsection one (1), Code 1977
31 is amended to read as follows:

32 1. A petition describing the boundaries
33 or accurately describing the area included therein
34 by legal descriptions, of the proposed district, which
35 boundaries or area described shall conform to plans
36 developed or the petition shall request change of
37 the plan, shall be filed with the area education
38 agency administrator of the area education agency
39 in which the greatest number of electors reside.
40 Such petition shall be signed by voters eligible
41 electors who are (or would be, if registered) entitled
42 to vote for members of the board of directors in each
43 existing school district affected or portion thereof
44 equal in number to at least twenty percent of the
45 number of eligible voters or four hundred voters five
46 percent of the number of persons who voted at the
47 last preceding regular election at which candidates
48 for the office of school district director were on
49 the ballot, or fifty persons, whichever is the smaller
50 greater number. School districts affected or portion
51 thereof shall be defined to mean that area to be

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1 included in the plan of the proposed new school
2 district.

3 Sec. 55. Section two hundred seventy-five point
4 twelve (275.12), subsection two (2), paragraphs b,
5 c and d, Code 1977, is amended to read as follows:

6 b. Division of the entire school district into
7 designated geographical subdistricts on the basis
8 of population, to be known as director districts,
9 each of which director districts shall be represented
10 on the school board by one director who shall be a
11 resident of such director district but who shall be
12 elected by the vote of the electors of the entire
13 school district. The school district shall be divided
14 into the same number of director districts as the
15 number of school directors the district is authorized
16 by law. The boundaries of such director districts
17 and the area and population included within each
18 district shall be such as justice, equity, and the
19 interests of the people may require. Changes in the
20 boundaries of director districts shall not be made
21 during a period commencing sixty days prior to the
22 date of the annual biennial regular school election.
23 Insofar as may be practicable, the boundaries of such
24 districts shall follow established political or natural
25 geographical divisions.

26 c. Election of not more than one-half of the total
27 number of school directors at large from the entire
28 district and the remaining directors from and as
29 residents of designated single-member director
30 districts into which the entire school district shall
31 be divided on the basis of population. In such case,
32 all directors shall be elected by the electors of
33 the entire school district. Changes in the boundaries
34 of director districts shall not be made during a
35 period commencing sixty days prior to the date of
36 the annual biennial regular school election.

37 d. Division of the entire school district into
38 designated geographical subdistricts on the basis
39 of population, to be known as director districts,
40 each of which director districts shall be represented
41 on the school board by one director who shall be a
42 resident of such director district and who shall be
43 elected by the voters of said director district.
44 Place of voting in such director district shall be
45 designated by the commissioner of elections. Changes
46 in the boundaries of director districts shall not
47 be made during a period commencing sixty days prior
48 to the date of the annual biennial regular school
49 election.

50 Sec. 56. Section two hundred seventy-five point
51 thirty-seven (275.37), Code 1977, is amended to read

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1 as follows:

2 275.37 INCREASE IN NUMBER OF DIRECTORS. At the
3 next succeeding ~~annual~~ regular school election in
4 a district where the number of directors has been
5 increased from five to seven, and directors are elected
6 at large, there shall be elected a director to succeed
7 each incumbent director whose term is expiring in
8 that year, and two additional directors. Upon
9 organizing as required by section 279.1, the newly
10 elected director who received the fewest votes in
11 the election shall be assigned a term of ~~either one~~
12 ~~year or~~ two years if necessary in order that as nearly
13 as possible ~~one third half~~ of the members of the board
14 shall be elected ~~each year at each biennial regular~~
15 ~~school election.~~

16 Sec. 57. Section two hundred seventy-seven point
17 one (277.1), Code 1977, is amended to read as follows:

18 277.1 REGULAR ELECTION. The regular election
19 shall be held annually on the ~~second first~~ Tuesday
20 after the first Monday in ~~September June~~ of each odd-
21 ~~numbered year~~ in each school district for the election
22 of officers of the district, merged area, and county
23 school system and for the purpose of submitting to
24 the voters thereof any matter authorized by law.
25 A school district shall hold a run-off election when
26 so required by law.

27 Sec. 58. Section two hundred seventy-five
28 point eighteen (275.18), Code 1977, is amended to
29 read as follows:

30 275.18 SPECIAL ELECTION CALLED — TIME. When
31 the boundaries of the territory to be included in
32 a proposed school corporation and the number and
33 method of the election of the school directors of
34 such proposed school corporation have been determined
35 as herein provided, the area education agency
36 administrator with whom such petition is filed shall
37 call a special election in such proposed school
38 corporation within thirty days from the date of the
39 final determination of such boundaries and serve give
40 written notice on of the proposed date of the election
41 to the county commissioner of elections of the county
42 in the proposed school corporation which has the
43 greatest taxable base in the proposed school
44 corporation therein. The proposed date shall be as
45 soon as possible pursuant to sections thirty-nine
46 point two (39.2), subsections one (1) and two (2),
47 and forty-seven point six (47.6), subsections one
48 (1) and two (2), of the Code, but not later than
49 December thirty-first. The county commissioner of
50 elections shall give notice of the election by one

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1 publication in the same newspaper in which previous
2 notices have been published regarding the proposed
3 school reorganization, and in addition thereto, if
4 more than one county is involved, by one publication
5 in a legal newspaper in each county other than that
6 of the first publication, which publication shall
7 be not less than four nor more than twenty days prior
8 to the election. In the case of districts located
9 in more than one county, no notice for an election
10 shall be published until the time for appeal, which
11 shall be the same as that provided in section 285.12,
12 has expired; and in the event of an appeal, not until
13 the same has been disposed of.

14 Sec. 59. Section two hundred seventy-seven
15 point two (277.2), Code 1977, is amended to read as
16 follows:

17 277.2 SPECIAL ELECTION. The board of
18 directors in any school corporation may call a special
19 election at which election the voters shall have the
20 powers exercised at the regular election with reference
21 to the sale of school property and the application
22 to be made of the proceeds, the authorization of seven
23 members on the board of directors, the authorization
24 to establish or change the boundaries of directors
25 districts, and the authorization of a schoolhouse
26 tax or indebtedness, as provided by law, for the
27 purchase of a site and the construction of a necessary
28 schoolhouse, and for obtaining roads thereto.

29 Sec. 60. Section two hundred seventy-seven point
30 twenty (277.20), unnumbered paragraph one (1), Code
31 1977, is amended to read as follows:

32 On the next Friday Monday after the regular school
33 election, the county board of supervisors shall canvass
34 the returns made to the county commissioner of
35 elections from the several precinct polling places
36 and the absentee ballot counting board, ascertain
37 the result of the voting with regard to every matter
38 voter upon and cause a record to be made thereof as
39 required by section 50.24. Special elections held
40 in school districts shall be canvassed at the time
41 and in the manner required by that section. The board
42 shall declare the results of the voting for members
43 of boards of directors of school corporations nominated
44 pursuant to section 277.4; and the commissioner shall
45 at once; issue a certificate of election to each person
46 declared elected. The board shall also declare the
47 results of the voting on any public question submitted
48 to the voters of a single school district, and the
49 commissioner shall certify the result as required
50 by section 50.27.

51 Sec. 61. Section two hundred seventy-seven point

Page 29

1 twenty-eight (277.28), unnumbered paragraph one (1)

2 Code 1977, is amended to read as follows:

3 Each director elected at a regular district or
4 director district election, as the case may be, shall
5 qualify by taking the oath of office on or before
6 the time set by section two hundred seventy-nine point
7 one (279.1) of the Code for the organization meeting
8 of the board the third Monday in September, and, his
9 the director's election and qualification shall be
10 entered of record by the secretary. The oath may
11 be administered by any qualified member of the board
12 or the secretary of the board and may be taken in
13 substantially the following form:

14 Sec. 62. Chapter two hundred seventy-seven (277),
15 Code 1977, is amended by adding the following new
16 section:

17 NEW SECTION. RUN-OFF ELECTION.

18 1. A run-off election shall be held in each school
19 district for any office of the district for which
20 no candidate received a majority of the votes cast
21 for that office. In the case of at-large elections
22 to a board of directors, a majority is one vote more
23 than half the quotient found by dividing the total
24 number of votes cast for all candidates for the board
25 who do not receive a majority of the vote cast for
26 a position but who receive the highest number of votes
27 cast for that position, to the extent of twice the
28 number of unfilled positions, are the candidates in
29 the run-off election. Candidates in the run-off
30 election who receive the highest number of votes cast
31 for each position on the ballot are elected, to the
32 extent necessary to fill the positions open.

33 2. Run-off elections, when necessary under
34 subsection one (1) of this section, shall be held
35 three weeks after the regular school election. The
36 run-off elections shall be conducted in the same
37 manner as regular school elections.

38 Sec. 63. Section two hundred seventy-nine point
39 one (279.1), unnumbered paragraph one (1), Code 1977
40 is amended to read as follows:

41 The board of directors of each school corporation
42 shall meet and organize at two o'clock p.m., or at
43 seven-thirty o'clock p.m., if so ordered by the
44 president of the board, on the third second Monday
45 in September July of each odd-numbered year at some
46 suitable place to be designated by the secretary.
47 Notice of the place and hour of such meeting shall
48 be given by the secretary to each member and each
49 member-elect of the board."

50 Sec. 64. Section two hundred seventy-nine

Page 30

1 point six (279.6), Code 1977, is amended to read as
2 follows:

3 279.6 VACANCIES — QUALIFICATION — TENURE.

4 1. Vacancies occurring among the appointive
5 officers or members of a school board district shall
6 be filled by the board by appointment. A person so
7 appointed to fill a vacancy in an elective office
8 shall hold office until a successor is elected and
9 qualified pursuant to section 69.12. A person
10 appointed to fill a vacancy in an appointive office
11 shall hold such office for the residue remainder of
12 the unexpired term and until his or her successor
13 is appointed and qualified. Any person so appointed
14 shall qualify within ten days thereafter in the manner
15 required by section 277.28.

16 2. A vacancy in an elective school district
17 office during a term of office shall be filled, at
18 the board's option, by one of the two following
19 procedures.

20 a. By appointment by the remaining members
21 of the board, provided such remaining members
22 constitute a quorum of the full membership. The
23 appointment shall be for the period until the next
24 pending election as defined in section sixty-nine
25 point twelve (69.12) of the Code, and shall be made
26 within thirty days after the vacancy occurs. If the
27 board chooses to proceed under this paragraph, it
28 shall publish notice of its intent to fill the vacancy
29 in a newspaper of general circulation in the district.
30 The board may publish such notice in advance if a
31 board member submits a resignation to take effect
32 at a future date. The board may make an appointment
33 to fill the vacancy after the notice is published
34 or after the vacancy occurs, whichever date is later.
35 However, if within ten days after publication of the
36 notice the board is presented with a petition which
37 requests a special election to fill the vacancy and
38 which is signed by eligible electors who are (or would
39 be, if registered) entitled to vote to fill the office
40 in question, equal in number to two percent of those
41 who voted for candidates for the office at the last
42 preceding regular election at which the office was
43 on the ballot, but; not less than twenty-five persons,
44 any appointment to fill the vacancy shall be temporary
45 and the board shall call a special election to fill
46 the vacancy permanently, under paragraph b of this
47 subsection. Any appointment made under this subsection
48 is permanent unless the board is presented with a
49 petition requesting a special election.

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1 b. By a special election held to fill the
2 office for the remaining balance of the unexpired
3 term which may be held concurrently with any pending
4 election as provided by section sixty-nine point
5 twelve (69.12) of the Code if by so doing the vacancy
6 will be filled not more than ninety days after it
7 occurs. Otherwise, a special election to fill the
8 office shall be called at the earliest practical be
9 time after the board so opts, or is required to do
10 so under paragraph a of this subsection.

11 However, if 3. If a member of a school board
12 resigns from the board prior to the time for filing
13 nomination papers for office as a school board member,
14 as provided in section 277.4, and he specifies in
15 his the resignation that the resignation it will be
16 effective on the date the next term of office for
17 elective school officials begins, the president of
18 the board shall declare the office vacant as of that
19 date and nomination papers shall be received for the
20 unexpired term of the resigning member. The person
21 elected at the next regular school election to fill
22 the vacancy shall take office at the same time and
23 place as the other elected school board members.

24 Sec. 65. Section two hundred eighty A point
25 twelve (280A.12), Code 1977, is amended to read as
26 follows:

27 280A.12 GOVERNING BOARD. The governing board
28 of a merged area shall be a board of directors composed
29 of one member elected from each director district
30 in the area by the electors of the respective district.
31 Members of the board shall be residents of the district
32 from which elected. Successors shall be chosen at
33 the ~~annual~~ regular biennial school elections for
34 members whose terms expire on the first second Monday
35 in ~~October~~ July following such elections. Terms of
36 members of the board of directors shall be ~~three~~ four
37 years except that members of the initial board of
38 directors elected at the special election shall
39 determine their respective terms by lot so that the
40 terms of ~~one third~~ one-half of the members, as nearly
41 as may be, shall expire on the first second Monday
42 in ~~October~~ July of each succeeding odd-numbered year.
43 Vacancies on the board which occur more than ninety
44 days prior to the next regular school election may
45 be filled at the next regular meeting of the board
46 by appointment by the remaining members of the board.
47 A member so chosen shall be a resident of the district
48 in which the vacancy occurred and shall serve
49 until a member shall be elected pursuant to section
50 69.12 to fill the vacancy for the balance of the

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1 unexpired term. A vacancy shall be defined as in
2 section 277.29. No member shall serve on the board
3 of directors who is a member of a board of directors
4 of a local school district or a member of an area
5 education agency board.

6 Sec. 66. Section two hundred eighty A point
7 thirteen (280A.13), Code 1977, is amended to read
8 as follows:

9 280A.13 DIRECTORS OF MERGED AREA. In each merged
10 area, the initial board of directors elected at the
11 special election shall organize within fifteen days
12 following the election and may thereafter proceed
13 with the establishment of the designated area
14 vocational school or area community college. The
15 board of directors shall thereafter organize on the
16 first second Monday in October July of each odd-
17 numbered year. Organization of the board shall be
18 effected by the election of a president and such other
19 officers from the board membership as board members
20 so determine. The board of directors shall appoint
21 a secretary and a treasurer who shall each give bond
22 as prescribed; in section 291.2 and who shall each
23 receive such salary as shall be determined by the
24 board. The secretary and treasurer shall perform
25 such duties as are prescribed in chapter 291 and such
26 additional duties as the board of directors may deem
27 necessary. The frequency of meetings other than
28 organizational meetings shall be as determined by
29 the board of directors but the president or a majority
30 of the members may call a special meeting at any time.

31 Sec. 67. Section two hundred eighty A point
32 fifteen (280A.15), subsection one (1), Code 1977,
33 is amended to read as follows:

34 1. Regular elections held ~~annually~~ biennially
35 by the merged area for the election of members of
36 the board of directors as required by section 280A.12,
37 for the renewal of the twenty and one-fourth cents
38 per thousand dollars of assessed valuation levy
39 authorized in section 280A.22, or for any other matter
40 authorized by law and designated by election by the
41 board of directors of the merged area, shall be held
42 on the date of the school election as fixed by section
43 277.1. The election notice shall be made a part of
44 the local school election notice published as provided
45 in section 49.53 in each local school district where
46 voting is to occur in the merged area election, and
47 the election shall be conducted by the county
48 commissioner of elections pursuant to chapters 39
49 to 53 and section 277.20.

50 Sec. 68. Section two hundred eighty A point
51 fifteen (280A.15), subsection four (4), Code 1977,
52 is amended to read as follows:

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1 4. The votes cast in the election shall be
2 canvassed and abstracts of the votes cast shall be
3 certified as required by section 277.20. In each
4 county whose commissioner of elections is responsible
5 under section 47.2 for conducting elections held for
6 a merged area, the county board of supervisors shall
7 convene at ten o'clock a.m. on the last Monday in
8 September June, canvass the abstracts of votes cast
9 and declare the results of the voting. The
10 commissioner shall at once issue certificates of
11 election to each person declared elected, and shall
12 certify to the merged area board in substantially
13 the manner prescribed by section 50.27 the result
14 of the voting on any public question submitted to
15 the voters of the merged area. Members elected to
16 to board of directors of a merged area shall qualify
17 by taking the oath of office prescribed in section
18 277.28.

19 Sec. 69. Chapter three hundred three (303),
20 Code 1977, is amended by adding to the historical
21 preservation districts division the following new
22 section:

23 NEW SECTION. A district may annex additional
24 area or reduce its size by holding an election within
25 the district or, in the case of an annexation, in
26 both the district and in the area proposed to be
27 annexed. Such elections shall be held following the
28 procedures for the establishment of a historic
29 preservation district in sections three hundred three
30 point twenty-one (303.21) through three hundred three
31 point twenty-four (303.24) of the Code.

32 A person shall be allowed to vote at the
33 referendum if the person is a qualified elector of
34 the historical preservation district or the area
35 proposed for annexation.

36 If a majority of those voting favor the
37 proposal, or in the case of an annexation, a majority
38 of both those; in the district and in the area proposed
39 to be annexed are in favor, the referendum shall pass.

40 A vote under this section may occur no more
41 than once in a two year period.

42 Sec. 70. Chapter three hundred thirty-one
43 (331), Code 1977, is amended by inserting after section
44 three hundred thirty-one point nine (331.9) the
45 following new section:

46 NEW SECTION. VACANCIES ON BOARD. A vacancy
47 on the county board of supervisors during a term of
48 office shall be filled, at the board's option, by
49 one of the two following procedures.

50 1. By appointment by the remaining members

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1 of the board, provided such remaining members consti-
2 tute a quorum of the full membership. If the board
3 chooses to proceed under this subsection, the ap-
4 pointment shall be for the period until the next
5 pending election as defined in section sixty-nine
6 point twelve (69.12) of the Code, and shall be made
7 within thirty days after the vacancy occurs, but
8 only after publication in a newspaper of general cir-
9 culation in the county of notice of the board's in-
10 tent to fill the vacancy. The board may publish
11 such notice in advance if a board member submits a
12 resignation to take effect at a future date. The
13 board may make an appointment to fill the vacancy
14 after the notice is published or after the vacancy
15 occurs, whichever date is later. However, if
16 within fourteen days after publication of the no-
17 tice the board is presented with a petition which
18 is signed by eligible electors who are (or would
19 be, if registered) entitled to vote to fill the
20 office in question, equal in number to one percent
21 of those who voted for candidates for the office
22 at the last preceding regular election at which
23 the office was on the ballot, but not less than
24 fifty persons, any appointment to fill the vacancy
25 shall be temporary and the board shall call a spe-
26 cial election to fill the vacancy permanently, un-
27 der subsection two (2) of this section. Any ap-
28 pointment made under this subsection is permanent
29 unless the board is presented with a petition re-
30 questing a special election.

31 2. By a special election held to fill the office
32 for the remaining balance of the unexpired term,
33 which may be held concurrently with any pending
34 election as provided by section sixty-nine point
35 twelve (69.12) of the Code if by so doing the va-
36 cancy will be filled not more than ninety days af-
37 ter it occurs. Otherwise, a special election to
38 fill the office shall be called at the earliest
39 practicable time after the board so opts, or is
40 required to do so under subsection one (1) of this
41 section. If a special election is called, nomi-
42 nations for the vacant office may be made by po-
43 litical parties in the manner provided by section
44 forty-three point seventy-eight (43.78) of the
45 Code for filling general election ballot vacan-
46 cies for the office of county supervisor.
47 Sec. 71. Chapter three hundred thirty-one (331),
48 Code 1977, is amended by inserting before section
49 three hundred thirty-one point twelve (331.12)
50 the following new section:

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1 **NEW SECTION. CONCURRENT VACANCIES. If**
2 concurrent vacancies at any time reduce the membership
3 of the county board of supervisors below a quorum
4 of the full membership, the vacancies shall be filled
5 on an interim basis by the auditor, the clerk of the
6 district court and the recorder of the county on whose
7 board the vacancies exist. The county commissioner
8 of elections shall call a special election at the
9 earliest practicable time to fill the vacancies for
10 the balance of the unexpired term, unless the vacancies
11 occur within sixty days of the next succeeding general
12 election. Nominations to the vacant offices shall
13 be made for the special election in the manner provided
14 by section forty-three point seventy-eight (43.78),
15 subsection one (1), paragraph e of the Code.

16 Sec. 72. Section three hundred thirty-one
17 point twenty-six (331.26), subsection one (1), Code
18 1977, is amended to read as follows:

19 1. The board of supervisors shall, before
20 November 1, 1969, and before November 1 first of the
21 nonelection year following each federal decennial
22 census thereafter, if necessary, divide the county
23 into a number of supervisor districts corresponding
24 to the number of supervisors in such county. However,
25 if such plan is selected pursuant to section 331.9,
26 the board shall so divide the county before March
27 15 fifteenth of the election year. The board shall
28 make a goodfaith effort to achieve precise mathematical
29 equality in the population of such districts as
30 indicated by the most recent federal decennial census.

31 Such supervisor districts may be drawn on
32 the basis of existing natural or artificial divisions
33 and boundaries of the county; township and voting
34 precinct lines may be crossed; but in no event shall
35 the existence of convenient district boundaries justify
36 the designation of supervisor districts which are
37 not of as nearly precise mathematical equality in
38 population as is practicable, nor which do not consist
39 of contiguous territory.

40 Sec. 73. Section three hundred forty-seven
41 point twenty-five (347.25), unnumbered paragraph one
42 (1), Code 1977, is amended to read as follows:

43 The election of hospital trustees whose
44 offices are established by this chapter or chapter
45 145A or 347A shall take place at the general election
46 on ballots which shall not reflect a nominee's
47 political affiliation. Nomination shall be made by
48 petition in accordance with chapter 45. The petition
49 form shall be furnished by the county commissioner
50 of elections, signed by eligible electors of the

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1 county equal in number to one percent of the vote
2 cast for president of the United States or governor,
3 as the case may be, by both political parties at least
4 two percent of those who voted to fill the office
5 of hospital trustee in the last previous general
6 election; and at which the office was on the ballot,
7 but in no case fewer than ten persons. The petition
8 shall be filed with the county commissioner of
9 elections at least fifty-five days prior to the date
10 of said general election. A plurality shall be
11 sufficient to elect hospital trustees, it being the
12 intent that there be no primary election.

13 Sec. 74. Section three hundred sixty-four
14 point two (364.2), subsection four (4), paragraph
15 b, Code 1977, is amended to read as follows:

16 b. No such ordinance shall become effective
17 unless approved at an election. The proposal may
18 be submitted by the council on its own motion to the
19 voters at any city election. Upon receipt of a valid
20 petition as defined in section 362.4 requesting that
21 a proposal be submitted to the voters, the council
22 shall submit the proposal at the next regular city
23 election or at a special election called for that
24 purpose prior to the next regular city election.
25 If a majority of those voting on the ballot issue
26 approves the proposal the city may proceed as proposed.

27 Sec. 75. Section three hundred seventy-two
28 point thirteen (372.13), subsection two (2), Code
29 1977, is amended by striking the subsection and
30 inserting in lieu thereof the following:

31 2. A vacancy in an elective city office
32 during a term of office shall be filled, at the
33 council's option, by one of the two following
34 procedures.

35 a. By appointment by the remaining members
36 of the council, provided such remaining members
37 constitute a quorum of the full membership. The
38 appointment shall be for the period until the next
39 pending election as defined in section sixty-nine
40 point twelve (69.12) of the Code, and shall be made
41 within thirty days after the vacancy occurs. If the
42 council chooses to proceed under this paragraph, it
43 shall publish notice of its intent to fill the vacancy
44 in the manner prescribed by section three hundred
45 sixty-two point three (362.3) of the Code. The council
46 may publish notice in advance if a council member
47 submits a resignation to take effect at a future date.
48 The council may make an appointment to fill the vacancy
49 after the notice is published or after the vacancy
50 occurs, whichever is later. However, if within ten

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1 days after publication of the notice the council is
2 presented with a petition which requests a special
3 election to fill the vacancy and which is signed by
4 eligible electors who are (or would be, if registered)
5 entitled to vote to fill the office in question, equal
6 in number to two percent of those who voted for
7 candidates for the office of the last preceding regular
8 election at which the office was on the ballot, but
9 not less than twenty-five persons, any appointment
10 to fill the vacancy shall be temporary and the council
11 shall call a special election to fill the vacancy
12 permanently, under paragraph b of this subsection.
13 Any appointment made under this paragraph is permanent
14 unless the council is presented with a petition
15 requesting a special election.

16 b. By a special election held to fill the
17 office for the remaining balance of the unexpired
18 term, which may be held concurrently with any pending
19 election as provided by section sixty-nine point
20 twelve (69.12) of the Code if by so doing the vacancy
21 will be filled not more than ninety days after it
22 occurs. Otherwise, a special election to fill the
23 office shall be called at the earliest practicable
24 time after the council so opts, or is required to
25 do so under paragraph a of this subsection. A special
26 election held under this subsection is subject to
27 neither a primary nor run-off election even if such
28 an election is required when the office in question
29 is filled at a regular city election, and the candidate
30 receiving a plurality of the vote shall be declared
31 elected.

32 Sec. 76.

33 1. As used in this subsection, "board member"
34 means either a member of a school district board of
35 directors, referred to in section two hundred seventy-
36 four point seven (274.7) of the Code, or a member
37 of a merged area board of directors, referred to in
38 section two hundred eighty A point twelve (280A.12)
39 of the Code. The term of office of each board member
40 elected to or appointed to fill a vacancy in a term
41 which would have expired in September or October 1978,
42 except for the provisions of this Act, is extended
43 until the second Monday in July, 1979. The term of
44 office of each board member elected to or appointed
45 to fill a vacancy in a term which would have expired
46 in September or October, 1979, except for the
47 provisions of this Act, is terminated effective the
48 second Monday in July, 1979. The term of office of
49 each board member elected to or appointed to fill
50 a vacancy in a term which would have expired in

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1 September or October, 1980, except for the provisions
2 of this Act, is extended until the second Monday in
3 July, 1981.

4 2. There shall be elected at the regular biennial
5 school election on the first Tuesday after the first
6 Monday in June, 1979, a successor to each member of
7 a school district board of directors and each member
8 of a merged area board of directors whose term of
9 office is either extended to or terminated effective
10 upon the second Monday in July, 1979. Upon the
11 organizational meeting of each such board of directors
12 in July, 1979, the term or terms of the newly elected
13 member or members receiving the fewest votes in the
14 election shall be shortened from four years to two
15 years, to the extent necessary to insure that the
16 terms of one-half of the members of the board, as
17 nearly as possible, shall expire in each odd-numbered
18 year thereafter.

19 8. The chief clerk shall add to subsection one
20 (1) of section fifty-nine (59) of amendment H—6153
21 references to the sections added to amendment H—6153
22 by this amendment, so that the sections so added shall
23 take effect July 1, 1978.

24 Sec. 77. Section four hundred twenty-two point
25 nine (422.9), subsection two (2), paragraph "c", Code
26 1977, is amended to read as follows:

27 c. Add the amount donated to a political party
28 or parties as defined by section 43.2 as a political
29 contribution as defined in section forty-one c (41
30 (c)) of the Internal Revenue Code of 1954, not to
31 exceed one hundred dollars.

32 Sec. 78. Section forty-three point fifty-
33 six (43.56), forty-three point fifty-seven (43.57),
34 forty-three point fifty-eight (43.58), forty-three
35 point one hundred three (43.103), and two hundred
36 seventy-nine point seven (279.7), Code 1977, are
37 repealed.

38 Sec. 79. The director of revenue shall imple-
39 ment sections thirty-eight (38), thirty-nine (39)
40 and forty (40) of this Act beginning with indivi-
41 dual income tax returns required to be filed on
42 or after January 1, 1979.

43 Sec. 80. The provisions of this Act are
44 effective January 1, 1979."

45 2. Page 1, by striking lines 12 through 50.

46 3. By striking all of pages 2 through 32.

TAUKE of Dubuque
HARBOR of Mills
HALVORSON of Clayton
SCHROEDER of Pottawattamie
HANSEN of O'Brien

DAGGETT of Adams
WELDEN of Hardin
BROCKETT of Marshall
EVANS of Grundy

H—6348

1 Amend Senate File 2008 as follows:

2 1. Page 1, by inserting after line 10 the
3 following:

4 "Sec. . Section six hundred five point eleven
5 (605.11), Code 1977, is amended by striking the section
6 and inserting in lieu thereof the following:

7 605.11 TRANSCRIPT FEE. The supreme court shall
8 fix by rule fees for transcripts prepared by shorthand
9 reporters from their official notes which shall be
10 paid in all cases by the party requesting the
11 transcript. Shorthand reporters who are not full-
12 time shorthand reporters receiving an annual salary
13 as prescribed in section six hundred five point eight
14 (605.8) of the Code shall receive the fee as additional
15 compensation for preparing the transcript. Full-time
16 shorthand reporters who receive an annual salary as
17 prescribed in section six hundred five point eight
18 (605.8) of the Code shall not receive any compensation
19 in addition to their annual salary for transcribing
20 their official notes and fees collected for transcripts
21 prepared by full-time shorthand reporters shall be
22 deposited in the county general fund."

MONROE of Des Moines

H—6350

1 Amend Senate File 2216, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking page 2, line 26 through page 3,
4 line 11 and inserting in lieu thereof the following:

5 "1. There is created an environmental quality
6 commission consisting of seven members, not more than
7 four of whom shall be from the same political party,
8 and six ex officio, nonvoting members. The ex officio,
9 nonvoting members shall include the state geologist,
10 the director of the state hygienic laboratory, the
11 state conservation director, the director of the
12 department of land and water resources, the
13 commissioner of public health, and the secretary of
14 agriculture, or their respective designees. The
15 voting members shall be appointed by the governor
16 with the consent of two-thirds of the members of the
17 senate. Each voting member of the commission shall
18 be an elector of the state, and have interest and
19 knowledge of the subjects embraced in this chapter.
20 The voting members of the commission shall be appointed

21 to four-year terms of office commencing July 1, 1979,
22 except that three members appointed to the initial
23 commission shall be appointed to a two-year term.
24 Thereafter, all appointments shall be for four years.
25 Vacancies occurring during a term of office shall
26 be filled by appointment for the balance of the
27 unexpired term subject to the consent of two-thirds
28 of the members of the senate. Any vacancy on the
29 commission occurring while the general assembly is
30 not in session shall be filled by appointment by the
31 governor which appointment shall expire thirty days
32 after the general assembly next convenes. Within
33 the thirty-day period, the governor shall transmit
34 an appointment to the senate. A voting commission
35 member shall not be appointed to serve more than two
36 consecutive four-year terms."

PELLETT of Cass
HUSAK of Tama
WYCKOFF of Benton
DAGGETT of Adams
HINKHOUSE of Cedar
EVANS of Grundy

H-6351

1 Amend House File 2417 as follows:
2 1. Page 3, line 13, by adding the following new
3 paragraph: "This defense shall not apply to any manu-
4 facturer or seller of a product unless the manufactur-
5 er or seller designates by written report the advanced
6 technical knowledge, methods, standards and techniques
7 used. No person other than a registered engineer
8 shall draft the manufacturer's or seller's report."

SMALLEY of Polk
PATCHETT of Johnson

H-6354

1 Amend House File 2423 as follows:
2 1. Page 2, by inserting after line 24 the following:
3 "It is a condition of this appropriation that funds
4 appropriated for furniture, furniture components, and
5 office dividers for agencies to be located in the
6 Hoover building be purchased from Iowa state industries."

BRUNOW of Appanoose
HARGRAVE of Johnson
DOYLE of Woodbury
SPEAR of Lee

H—6355

- 1 Amend House File 2417 as follows:
- 2 1. Page 3, line 13, by inserting after the word
- 3 "produced" the words "unless it is shown that the
- 4 aforementioned advanced technical knowledge, methods,
- 5 standards and techniques used or available for use
- 6 are not sufficient protection for the consumer, user,
- 7 or any other individual who could foreseeably be
- 8 injured by said product".

PATCHETT of Johnson
SMALLEY of Polk

H—6357

- 1 Amend the Senate amendment H—6153 to House File
- 2 593, as passed by the House and reprinted, as follows:
- 3 1. Page 2, by striking lines 44 through 50.
- 4 2. Page 3, by striking lines 1 and 2 and insert-
- 5 ing in lieu thereof the words "is possible to do so."
- 6 3. Page 13, by striking line 33 and inserting
- 7 in lieu thereof the words "the authority".

BENNETT of Ida
WEST of Marshall

H—6362

- 1 Amend the Senate amendment, H—6153, to House File
- 2 593, as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 20, by inserting after line 45 the follow-
- 5 ing new sections:
- 6 "Sec. . . . Section fifty-two point twenty-six
- 7 (52.26), subsection two (2), Code 1977, is amended
- 8 to read as follows:
- 9 2. Permit each voter to vote at any election for
- 10 any candidate for each office and upon each public
- 11 question with respect to which the voter is entitled
- 12 by law to vote, while preventing the and be so arranged
- 13 that the computer or other device used to tabulate
- 14 votes shall disregard all votes cast upon a particular
- 15 public question or for a particular office by any
- 16 individual voter from voting more than once upon any
- 17 public question or casting more votes for any office
- 18 than there are persons to be elected to that office.
- 19 Sec. . . . Section fifty-two point twenty-six

20 (52.26), Code 1977, is amended by striking subsection
21 seven (7)."

22 2. Page 32, by adding after line 9 a new subsection
23 stating that the new sections added to amendment H—
24 6153 by this amendment are effective January 1, 1979.

HARVEY of Scott

H—6367

1 Amend the Senate amendment, H—6153, to House File
2 593 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 1, by striking lines 4 and 5 and insert-
5 in lieu thereof the following: "and inserting
6 in lieu thereof the following:

7 "Section 1. Section fifty-six point twenty-one
8 (56.21), Code 1977, is amended by striking the section
9 and inserting in lieu thereof the following:

10 56.21 REMITTANCE OF CAMPAIGN FUNDS TO POLITICAL
11 PARTIES. The money accumulated in the Iowa election
12 campaign fund to the account of each political party
13 in the state shall be remitted to the party on the
14 first business day of each month by warrant of the
15 state comptroller drawn upon the fund in favor of
16 the chairperson of the party. The money received
17 by each political party under this section shall be
18 used as directed by the party's state statutory
19 political committee, within the requirements of section
20 fifty-six point twenty-two (56.22) of the Code.

21 Sec. 2. Section fifty-six point twenty-two (56.22),
22 Code 1977, is amended by striking the section and
23 inserting in lieu thereof the following:

24 56.22 DISTRIBUTION OF CAMPAIGN FUND — RESTRIC-
25 TIONS ON USE.

26 1. Each political party shall allocate at least
27 twenty-five percent of all funds received by the party
28 from the Iowa election campaign fund to individual
29 candidates, who may use the funds so received for
30 campaign purposes only. Not more than half of the
31 total amount so allocated may be distributed by the
32 party to candidates for offices filled by the voters
33 of the entire state. All moneys allocated for
34 candidates for the offices of state representative
35 or state senator, or for the office of representative
36 in Congress if such allocation is permitted by this
37 Act, shall be distributed on a strictly equal basis
38 to all the party's candidates for those offices.

39 2. Funds distributed to statutory political com-
40 mittees pursuant to this chapter shall not be used
41 to support or oppose the nomination of any candidate.

42 Nothing in this subsection shall be construed to
43 prohibit a statutory political committee from using
44 such funds to pay expenses incurred in arranging and
45 holding a nominating convention.
46 Sec. 3. Section thirty-nine point three".

MILLER of Buchanan

H-6370

1 Amend Senate File 2216, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 31, by striking the word and
4 figures "January 1, 1980" and inserting in lieu thereof
5 the word and figures "July 1, 1979".
6 2. Page 14, line 2, by striking the word and
7 figures "January 1, 1980" and inserting in lieu thereof
8 the word and figures "July 1, 1979".
9 3. Page 18, line 22, by striking the word and
10 figures "January 1, 1980" and inserting in lieu thereof
11 the word and figures "July 1, 1979".
12 4. Page 21, line 25, by striking the word and
13 figures "January 1, 1980" and inserting in lieu thereof
14 the word and figures "July 1, 1979".
15 5. Page 24, line 25, by striking the word and
16 figures "January 1, 1980" and inserting in lieu thereof
17 the word and figures "July 1, 1979".
18 6. Page 25, line 33, by striking the word and
19 figures "January 1, 1980" and inserting in lieu thereof
20 the word and figures "July 1, 1979".
21 7. Page 26, by striking lines 16 through 35 and
22 inserting in lieu thereof the following: "commission,
23 department of soil conservation, department of public
24 defense, department of environmental quality, and
25 Iowa natural resources council."
26 8. By striking page 27, line 1 through page 43,
27 line 8.
28 9. By striking page 45, line 30 through page 52,
29 line 10.
30 10. By striking page 53, line 12 through page
31 86, line 2, and inserting in lieu thereof the
32 following:
33 "Sec. . Section four hundred fifty-five A point
34 twenty-five (455A.25). subsection three (3), Code
35 1977, is amended to read as follows:
36 3. Any person who diverts water or any material
37 from the surface directly into any underground
38 watercourse or basin. Provided, however, that any
39 diversion of water or material from the surface
40 directly into any underground watercourse or basin
41 existing upon May 16, 1957, shall not require a permit
42 if said diversion does not create waste or pollution.

43 No permit shall be issued under this subsection until
44 the approval of the ~~Iowa water pollution control~~
45 ~~commission department of environmental quality~~ has
46 been obtained."

47 11. Page 86, by striking lines 4 and 5 and insert-
48 ing in lieu thereof the words and figures "(467D.6),
49 subsection one (1), Code 1977, is amended to read
50 as follows:".

Page 2

1 12. Page 86, by striking lines 12 and 13 and
2 inserting in lieu thereof the words "of the council
3 and the ~~Iowa water quality commission department of~~
4 ~~environmental quality~~, as necessary to achieve".

5 13. By striking page 86, line 15 through page
6 91, line 4.

7 14. Page 91, line 12, by striking the words
8 "~~council department~~" and inserting in lieu thereof
9 the word "council".

10 15. Page 92, line 4, by striking the words "~~the~~
11 ~~commission~~" and inserting in lieu thereof the words
12 "~~the council~~".

13 16. By striking page 92, line 6 through page 94,
14 line 16, and inserting in lieu thereof the following:
15 "Sec. . Sections".

16 17. By striking page 94, line 25 through page
17 97, line 18 and inserting in lieu thereof the
18 following:

19 "Sec. . PRIOR ACTIONS. Any rule adopted or
20 approval given under section four hundred twenty-seven
21 point one (427.1), subsection thirty-two (32), of
22 the Code, before the effective date of this Act, by
23 air quality commission or the water quality commission
24 of the department of environmental quality shall
25 remain effective until modified or rescinded by action
26 of the department of environmental quality as provided
27 in this Act.

28 Sec. . EFFECTIVE DATE — TRANSITION. The
29 effective date of this Act shall be July 1, 1979,
30 except that after January 1, 1979, the governor may
31 appoint the members of the environmental quality
32 commission, authorize the environmental quality
33 commission to organize as provided in this Act, and
34 authorize the department of environmental quality
35 to plan for the transfer of powers, duties, records
36 and other property as provided in this Act. The terms
37 of persons appointed to the initial environmental
38 quality commission for four-year terms shall commence
39 July 1, 1979 and end June 30, 1983, and the terms
40 of persons initially appointed for two-year terms
41 shall commence July 1, 1979 and end June 30, 1981.

42 Such persons may be reappointed as provided in this
 43 Act. The members of the environmental quality
 44 commission authorized to meet before July 1, 1979,
 45 may be paid per diem and necessary expenses from funds
 46 appropriated to the department of environmental
 47 quality.
 48 The terms of office of the members of the executive
 49 committee, the water quality commission, air quality
 50 commission, solid waste disposal commission and the

Page 3

1 chemical technology commission of the department of
 2 environmental quality, which committee and commissions
 3 are abolished by this Act, shall expire on June 30,
 4 1979."
 5 18. By renumbering sections to conform to this
 6 amendment.
 7 19. Amend the title, by striking lines 1 through
 8 21 and inserting in lieu thereof the following: "An
 9 Act relating to the regulation of the environmental
 10 quality of the state, by reorganizing the department
 11 of environmental quality; creating an environmental
 12 quality commission; abolishing the executive committee,
 13 air quality commission, water quality commission,
 14 solid waste disposal commission and the chemical
 15 technology commission; redistributing the authority
 16 over agricultural chemicals between the department
 17 of environmental quality and the department of
 18 agriculture; and subjecting violators to penalties."

WELDEN of Hardin
 MILLEN of Van Buren
 DUNTON of Keokuk
 WYCKOFF of Benton
 SCHROEDER of Pottawattamie
 EVANS of Grundy
 HANSEN of O'Brien
 PELLETT of Cass
 HALVORSON of Clayton

MIDDLESWART of Warren
 HULLINGER of Decatur
 HARBOR of Mills
 GILSON of Guthrie
 LAGESCHULTE of Bremer
 TOFTE of Winneshiek
 DANKER of Pottawattamie
 MENKE of O'Brien
 DAGGETT of Adams
 WEST of Marshall

H-6371

1 Amend Senate File 2216 as follows:
 2 1. Page 1, by inserting after line 5 the follow-
 3 ing:
 4 "Sec. . Section four hundred fifty-five B
 5 point two (455B.2) is amended by striking the section
 6 and inserting in lieu thereof the following:
 7 "455B.2 DEPARTMENT CREATED.

There is created a department of environmental quality. The commission shall appoint a director who shall serve at the pleasure of the commission and who shall in no event be a member of the commission. The director shall not hold any other office under the laws of the United States or of this or any other state or hold any other position for profit. The director shall not engage in any occupation, business, or profession interfering with or inconsistent with his duties, serve on or under any committee of any political party or contribute to the campaign fund of any person or political party. The director shall be appointed on the basis of his executive and administrative abilities and he shall devote his entire time to the duties of his position.

The director shall receive a salary as fixed by the general assembly."

2. Page 3, line 14 by striking the words "meet monthly and" and inserting in lieu thereof the following:

"hold regular meetings monthly or semi-monthly as they may determine,".

3. Page 3, by striking lines 21 through 27 and inserting in lieu thereof the following:

"NEW SUBSECTION. Each member of the commission shall receive a salary as fixed by the general assembly. Members of the commission shall be allowed their actual expenses incurred in the performance of their duties. All salaries and expenses paid to members shall be paid from funds appropriated to the department."

MIDDLESWART of Warren
HULLINGER of Decatur
HARBOR of Mills
GILSON of Guthrie
LAGESCHULTE of Bremer
TOFTE of Winneshiek
DANKER of Pottawattamie
MENKE of O'Brien
DAGGETT of Adams

WELDEN of Hardin
MILLEN of Van Buren
DUNTON of Keokuk
WYCKOFF of Benton
SCHROEDER of Pottawattamie
EVANS of Grundy
HANSEN of O'Brien
PELLETT of Cass
HALVORSON of Clayton
WEST of Marshall

H—6374

1 Amend Senate File 2128 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1 by inserting after line 14 the follow-
4 ing:

- 5 "3. For salaries, support, maintenance and
 6 miscellaneous purposes to establish a liaison office
 7 in Washington, D. C. \$72,000"
 8 2. Renumber subsections as required by this
 9 amendment.

CUSACK of Scott
 MONROE of Des Moines
 STROMER of Hancock
 WEST of Marshall
 BRANDT of Black Hawk

H—6378

- 1 Amend Senate File 2216, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 26, lines 16 and 17, by striking the words
 4 "soil conservation land and water resources" and
 5 inserting in lieu thereof the words "soil and water
 6 conservation".
 7 2. Page 26, lines 22 and 23, by striking the words
 8 "land and water resources" and inserting in lieu
 9 thereof the words "soil and water conservation".
 10 3. Page 26, line 24, by striking the words "land
 11 and water resources" and inserting in lieu thereof
 12 the words "soil and water conservation".
 13 4. Page 39, lines 32 and 33, by striking the words
 14 "land and water resources" and inserting in lieu
 15 thereof the words "soil and water conservation".
 16 5. Page 40, lines 32 and 33, by striking the words
 17 "land and water resources" and inserting in lieu
 18 thereof the words "soil and water conservation".
 19 6. Page 41, line 5, by striking the words "land
 20 and water resources" and inserting in lieu thereof
 21 the words "soil and water conservation".
 22 7. Page 41, lines 18 and 19, by striking the words
 23 "land and water resources" and inserting in lieu
 24 thereof the words "soil and water conservation".
 25 8. Page 41, lines 32 and 33, by striking the words
 26 "land and water resources" and inserting in lieu
 27 thereof the words "soil and water conservation".
 28 9. Page 42, lines 5 and 6, by striking the words
 29 "LAND AND WATER RESOURCES" and inserting in lieu
 30 thereof the words "SOIL AND WATER CONSERVATION".
 31 10. Page 42, line 9, by striking the words "land
 32 and water resources" and inserting in lieu thereof
 33 the words "soil and water conservation".
 34 11. Page 42, line 11, by striking the words "land
 35 and water resources" and inserting in lieu thereof
 36 the words "soil and water conservation".
 37 12. Page 42, line 18, by striking the words "land

38 and water resources" and inserting in lieu thereof
39 the words "soil and water conservation".

40 13. Page 42, line 31, by striking the words "land
41 and water resources" and inserting in lieu thereof
42 the words "soil and water conservation".

43 14. Page 48, line 16, by striking the words "land
44 and water resources" and inserting in lieu thereof
45 the words "soil and water conservation".

46 15. Page 48, line 30, by striking the words "land
47 and water resources" and inserting in lieu thereof
48 the words "soil and water conservation".

49 16. Page 48, line 31, by striking the words "land
50 and water resources" and inserting in lieu thereof

Page 2

1 the words "soil and water conservation".

2 17. Page 50, line 19, by inserting after the word
3 "council" the words "state soil and water
4 conservation".

5 18. Page 50, line 28, by inserting after the word
6 "council" the words "state soil and water
7 conservation".

8 19. Page 51, line 16, by striking the words "land
9 and water resources" and inserting in lieu thereof
10 the words "soil and water conservation".

11 20. Page 52, line 8, by striking the words "land
12 and water resources" and inserting in lieu thereof
13 the words "soil and water conservation".

14 21. Page 53, line 29, by striking the words "land
15 and water resources" and inserting in lieu thereof
16 the words "soil and water conservation".

17 22. Page 54, line 21, by striking the words "land
18 and water resources" and inserting in lieu thereof
19 the words "soil and water conservation".

20 23. Page 54, lines 27 and 28, by striking the
21 words "land and water resources" and inserting in
22 lieu thereof the words "soil and water conservation".

23 24. Page 54, line 29, by striking the words "land
24 and water resources" and inserting in lieu thereof
25 the words "soil and water conservation".

26 25. Page 57, line 29, by striking the words "land
27 and water resources" and inserting in lieu thereof
28 the words "soil and water conservation".

29 26. Page 79, lines 31 and 32, by striking the
30 words "land and water resources" and inserting in
31 lieu thereof the words "soil and water conservation".

32 27. Page 79, line 33, by striking the words "land
33 and water resources" and inserting in lieu thereof
34 the words "soil and water conservation".

35 28. Page 80, lines 6 and 7, by striking the words

- 36 "land and water resources" and inserting in lieu
37 thereof the words "soil and water conservation".
38 29. Page 80, lines 10 and 11, by striking the
39 words "land and water resources" and inserting in
40 lieu thereof the words "soil and water conservation".
41 30. Page 80, line 13, by striking the words "land
42 and water resources" and inserting in lieu thereof
43 the words "soil and water conservation".
44 31. Page 85, line 9, by striking the words "land
45 and water resources" and inserting in lieu thereof
46 the words "soil and water conservation".
47 32. Page 85, lines 16 and 17, by striking the
48 words "land and water resources" and inserting in
49 lieu thereof the words "soil and water conservation".
50 33. Page 85, line 18, by striking the words "land

Page 3

- 1 and water resources" and inserting in lieu thereof
2 the words "soil and water conservation".
3 34. Page 89, lines 16 and 17, by striking the
4 words "land and water resources" and inserting in
5 lieu thereof the words "soil and water conservation".
6 35. Page 89, line 18, by striking the words "land
7 and water resources" and inserting in lieu thereof
8 the words "soil and water conservation".
9 36. Page 95, by striking lines 3 and 4 and insert-
10 ing in lieu thereof the words "soil and water
11 conservation commission or the department of soil
12 and water conservation as provided in this Act."
13 37. Page 95, line 19, by striking the words "land
14 and water resources" and inserting in lieu thereof
15 the words "soil and water conservation".
16 38. Page 95, line 20, by striking the words "land
17 and water resources" and inserting in lieu thereof
18 the words "soil and water conservation".
19 39. Page 95, line 24, by striking the words "land
20 and water resources" and inserting in lieu thereof
21 the words "soil and water conservation".
22 40. Page 95, lines 27 and 28, by striking the
23 words "land and water resources" and inserting in
24 lieu thereof the words "soil and water conservation".
25 41. Page 96, line 5, by striking the words "land
26 and water resources" and inserting in lieu thereof
27 the words "soil and water conservation".
28 42. Page 96, lines 6 and 7, by striking the words
29 "land and water resources" and inserting in lieu
30 thereof the words "soil and water conservation".
31 43. Page 96, line 9, by striking the words "land
32 and water resources" and inserting in lieu thereof
33 the words "soil and water conservation".

34 44. Page 96, lines 17 and 18, by striking the
35 words "land and water resources" and inserting in
36 lieu thereof the words "soil and water conservation".
37 45. Page 96, lines 19 and 20, by striking the
38 words "land and water resources" and inserting in
39 lieu thereof the words "soil and water conservation".
40 46. Page 96, line 26, by striking the words "land
41 and water resources" and inserting in lieu thereof
42 the words "soil and water conservation".
43 47. By striking page 96, line 31 through page
44 97, line 4 and inserting in lieu thereof the following:
45 "Notwithstanding the qualifications of persons
46 appointed to the state soil and water conservation
47 commission as provided in section one hundred thirty-
48 eight (138) of this Act, the governor shall appoint
49 to the initial state soil and water conservation
50 commission the six persons who are engaged in actual

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1 farming operations and voting members of the state
2 soil conservation committee at the time of their
3 appointment, the person who is a representative of
4 the mining industry and a voting member of the state
5 soil conservation committee at the time of appointment,
6 and six persons who are voting members of the Iowa
7 natural resources council at the time of their
8 appointment. The thirteen persons shall serve
9 concurrently as members of the commission and the
10 committee or the council until their respective terms
11 of office as members of the committee or council shall
12 expire as provided in this Act. After the initial
13 appointments, the appointees to the state soil and
14 water conservation commission shall be qualified as
15 provided in section one hundred thirty-eight (138)
16 of this Act."
17 48. Amend the title, by striking lines 5 through
18 11 and inserting in lieu thereof the following: "a
19 soil and water conservation commission; renaming the
20 department of soil conservation as the department
21 of soil and water conservation; transferring the
22 powers and duties of the Iowa natural resources council
23 and the state soil conservation committee to the
24 department of soil and water conservation and the
25 Iowa state commerce commission; abolishing the Iowa
26 natural resources council, the state soil
27 conservation".

H—6387

1 Amend House File 2389 as follows:

2 1. Page 17, by inserting after line 18 the follow-
3 ing section:

4 "Sec. . Section three hundred twenty-eight
5 point thirty-six (328.36), Code 1977, is amended to
6 read as follows:

7 328.36 STATE AVIATION FUND. There is hereby
8 created a fund to be known as the state aviation fund
9 which shall consist of all moneys received by the
10 department, together with all moneys appropriated
11 to said fund by the state.

12 Unless otherwise provided, the aeronautics fund
13 is hereby appropriated for airport construction all
14 moneys credited to the aviation fund arising from
15 the tax imposed on aviation turbine fuel under section
16 four (4) of this Act are hereby appropriated for
17 airport construction at any air carrier airport and
18 the remaining moneys in the aviation fund are hereby
19 appropriated for airport construction at any general
20 aviation airport."

MONROE of Des Moines

H—6389

1 Amend House File 468 as follows:

2 1. Page 1, line 13, by inserting after the word
3 "confidential." the words "Also excepted shall be mat-
4 erials excluded from this definition by rule adopted
5 by the state library commission."

EVANS of Grundy
BROCKETT of Marshall

H—6399

1 Amend Senate File 2216, as passed by the Senate
2 and reprinted, as follows:

3 1. Page 4, by striking line 2 through 4 and
4 inserting in lieu thereof the following: "commission.
5 A".

MIDDLESWART of Warren
WELDEN of Hardin

H-6403

- 1 Amend House File 2425 as follows:
- 2 1. Page 4, line 13 by inserting after the word
- 3 "all" the word "reporting".
- 4 2. Page 4, line 18 by inserting after the word
- 5 "all" the word "reporting".
- 6 3. Page 4, line 20 by inserting after the word
- 7 "all" the word "reporting".
- 8 4. Page 4, by striking line 35.
- 9 5. Page 5, by striking lines 1 through 3.

WELDEN of Hardin

H-6406

- 1 Amend House File 580 as follows:
- 2 1. Page 2, line 21 by striking the words "hire
- 3 or".
- 4 2. Page 2, by striking lines 25 through 28 and
- 5 inserting in lieu thereof the following:
- 6 "1. Maintain a list of firms requesting that
- 7 they receive notice of request for bids on materials
- 8 or services included in small business set-asides;"
- 9 3. Page 3, by striking line 4 and inserting
- 10 in lieu thereof the following:
- 11 "participation."
- 12 4. Page 3, by striking lines 5 through 7.

WELDEN of Harden

H-6407

- 1 Amend the amendment, H-6097, to the Committee on
- 2 Ways and Means amendment, H-6039, to House File 2341
- 3 as follows:
- 4 1. Page 1, by striking line 24 and inserting in
- 5 lieu thereof the following: "mical as possible.
- 6 Sec. . Section three hundred forty-seven point
- 7 seven (347.7), unnumbered paragraph one (1), Code
- 8 1977, is amended to read as follows:
- 9 If the hospital be established, the board of
- 10 supervisors, at the time of levying ordinary taxes,
- 11 shall levy a tax at the rate voted not to exceed
- 12 fifty-four cents per thousand dollars of assessed

13 value in any one year for the erection and equipment
14 thereof, and also a tax not to exceed twenty-seven
15 cents per thousand dollars of value for the
16 improvement, maintenance, and replacements of the
17 hospital, as certified by the board of hospital
18 trustees; provided, however, in counties having a
19 population of two hundred twenty-five thousand
20 inhabitants or over, the levy for improvements and
21 maintenance of the hospital shall not exceed one
22 dollar and ~~thirty-five~~ sixty cents per thousand dollars
23 of assessed value in any one year. The proceeds of
24 such taxes shall constitute the county public hospital
25 fund and such fund shall be subject to review by the
26 board of supervisors in counties over two hundred
27 twenty-five thousand. Provided, however, that the
28 board of trustees of a county hospital of said county
29 where funds are available in the county public hospital
30 fund of said county which are unappropriated, may
31 use such unappropriated funds for erecting and
32 equipping hospital buildings and additions thereto
33 without authority from the voters of said county." "
34 2. Page 1, by striking lines 30 through 33 and
35 inserting in lieu thereof the words "An Act authorizing
36 tax levies to provide fire protection, ambulance
37 service, and county hospital maintenance and repair,
38 and authorizing the board of supervisors or township
39 trustees to divide a county or township into taxing
40 districts." "

NIELSEN of Polk

H-6408

1 Amend Senate File 2022 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, line 10, by inserting after the word
4 "designate" the word "no".
5 2. Page 2, line 11, by striking the word "not".
6 3. Page 2, line 14, by inserting after the word
7 "subdivisions." the words "The person authorized to
8 designate no smoking areas in a facility shall
9 designate sufficient no smoking areas to reasonably
10 provide that an adequate portion of the facility is
11 free of smoke."

HARVEY of Scott

H-6410

1 Amend Senate File 2187, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 12, by inserting after line 6 the follow-

4 ing:
 5 "Sec. . . . Section three hundred twenty-one point
 6 one hundred sixty-six (321.166), Code 1977, as amended
 7 by Acts of the Sixty-seventh General Assembly, 1977
 8 Session, chapter one hundred three (103), section
 9 thirty-four (34), is amended by adding the following
 10 new subsection:
 11 NEW SUBSECTION. 6. Registration plates issued
 12 a disabled veteran under the provisions of section
 13 three hundred twenty-one point one hundred five
 14 (321.105) of the Code, shall display the word
 15 "DISABLED VET" and shall display the alphabetical
 16 characters "DV", which shall be of the same size as
 17 the characters in the registration plate number and
 18 shall precede the registration plate number."
 19 2. Renumber as necessary in conformance with this
 20 amendment.

HUSAK of Tama
 WYCKOFF of Benton
 HARBOR of Mills
 CRABB of Crawford
 HANSEN of O'Brien
 HINKHOUSE of Cedar
 WEST of Marshall

H-6411

1 Amend House File 2147 as follows:
 2 1. Page 1, line 3, by striking the words "Battered
 3 woman" means a woman" and inserting in lieu thereof
 4 the words " "Battered person" means a person".
 5 2. Page 1, line 5, by striking the word "her"
 6 and inserting in lieu thereof the word "a".
 7 3. Page 1, line 5, by striking the word "male"
 8 and inserting in lieu thereof the word "person".
 9 4. Page 1, by striking line 6 and inserting in
 10 lieu thereof the following: "related by blood or
 11 marriage, or by a person with whom he or".
 12 5. Page 1, line 9, by striking the word "women"
 13 and inserting in lieu thereof the word "persons".
 14 6. Page 1, line 10, by striking the word "women"
 15 and inserting in lieu thereof the word "persons".
 16 7. Page 1, line 15, by striking the word "WOMEN"
 17 and inserting in lieu thereof the word "PERSONS".
 18 8. Page 1, line 18, by striking the word "women"
 19 and inserting in lieu thereof the word "persons".
 20 9. Amend the title, line 2, by striking the word
 21 "women" and inserting in lieu thereof the word
 22 "persons".

EVANS of Grundy

H-6412

- 1 Amend House File 2425 as follows:
- 2 1. Page 1, lines 10 and 11, by inserting after
- 3 the word "property" the words "containing or to contain
- 4 four or fewer family dwelling units".

KRAUSE of Kossuth
CHIODO of Polk

H-6423

- 1 Amend House File 2224 as follows:
- 2 1. Page 1, by inserting after line 11 the
- 3 following unnumbered paragraph:
- 4 "The interest referred to in this section shall
- 5 commence from the date of the occurrence or breach
- 6 which created the cause of action resulting in the
- 7 above referred to judgment."

JESSE of Polk

H-6424

- 1 Amend House File 2419 as follows:
- 2 1. Page 3, line 34 by striking the word "actual"
- 3 and inserting in lieu thereof the word "legal".

JESSE of Polk

H-6426

- 1 Amend Senate File 149, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 1, by inserting after line 27, the
- 4 following:
- 5 "Sec. . Section six hundred forty-two point
- 6 twenty-one (642.21), subsection one (1), Code 1977,
- 7 is amended to read as follows:
- 8 1. The disposable earnings of an individual
- 9 shall be exempt from garnishment to the extent pro-
- 10 vided by the federal Consumer Credit Protection Act,
- 11 Title III. The term "Consumer Protection Act" means
- 12 the Act of Congress approved May 29, 1968, 82 Stat.
- 13 163, officially cited as the "Consumer Credit
- 14 Protection Act, Title III." The maximum amount of

15 an employee's earnings which may be garnished during
16 any one calendar year is two hundred fifty five
17 hundred dollars for each judgment creditor, except as
18 provided in section 627.12."

TAUKE of Dubuque

H-6427

1 Amend House File 191 as follows:
2 1. Page 8, line 26, by striking the words "or,
3 in such combinations as the commission may authorize, ".
4 2. Page 8, line 30, by inserting after the word
5 "first." the words "The commission shall not authorize
6 any betting combinations of horses or dogs in one
7 race or different races, by whatever names such
8 combination bets may be designated, whether as daily
9 double, exacta, perfecta, quinella, or by any other
10 name."
11 3. Page 10, line 5, by striking the word "five"
12 and inserting in lieu thereof the word "eight".

DIELEMAN of Marion

H-6428

1 Amend the amendment, H-6013, to House File 191
2 as follows:
3 1. Page 2, line 30, by inserting after the word
4 "Phenylbutazone" the words "and butazolidin".

DIELEMAN of Marion

H-6429

1 Amend House File 580 as follows:
2 1. Page 2, line 4, by inserting after the word
3 "director." the words "However, other businesses may
4 be invited to submit price quotations on a small bus-
5 iness set-aside in order to obtain data to be used for
6 comparative purposes only, and all timely solicited
7 or unsolicited submissions of comparative price quota-
8 tions shall be received and made a part of the procure-
9 ment record."
10 2. Page 2, line 15, by inserting following the
11 word "designation." the words "However, businesses

12 other than small businesses which submit comparative
13 price data on a small business set-aside shall not within
14 the following six (6) months submit a higher bid under
15 competitive procedures for identical or similar items,
16 and no such higher bid shall be accepted."

EVANS of Grundy
WEST of Marshall
BYERLY of Polk

H-6431

1 Amend House File 467 as follows:
2 1. Page 1 by striking all of lines 1 through
3 20.
4 2. Page 1, line 28, by striking the figure "1978"
5 and inserting in lieu thereof the figure "1979".

EVANS of Grundy

H-6434

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 24, by inserting after line 18 the
4 following new section:
5 "Sec. . House File 2289, as enacted by the
6 Sixty-seventh General Assembly, 1978 Session, section
7 26 (twenty-six) is amended by striking subsection 2
8 (two) and inserting in lieu thereof the following:
9 2. Any employee of the department of revenue
10 whose duty assignments will be affected by
11 this Act shall be transferred to the state department
12 of transportation. The Iowa merit employment com-
13 mission shall arbitrate and decide any written appeal
14 made by any employee concerning any transfer, reassign-
15 ment or reclassification made necessary by this Act.

KRAUSE of Kossuth
RINAS of Linn
ANDERSON of Jasper
BRUNOW of Appanoose

H-6435

1 Amend House File 2451 as follows:
2 1. Page 3, by inserting after line 16 the following
3 new section:
4 Sec. 2. This Act, being deemed of immediate

5 importance, shall take effect and be in force from and
6 after its publication in the Northeast Dallas County
7 Record, a newspaper published in Woodward, Iowa, and in
8 the West Des Moines Express, a newspaper published in
9 West Des Moines, Iowa.

KREWSON of Polk

H-6438

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 5, by inserting after line 30 the
4 following:
5 "Sec. . Section three hundred twenty-one point
6 thirty-four (321.34), subsection three (3), Code 1977,
7 is amended to read as follows:
8 3. VALIDATION STICKERS. In lieu of issuing new
9 registration plates each year for a vehicle renewing
10 registration, the department may reassign the
11 registration plates previously issued to such vehicle
12 and may adopt and prescribe an annual validation
13 sticker indicating payment of registration fee, which
14 annual validation sticker shall be attached on the
15 front and rear of the motor vehicle to said
16 registration plates bearing the numerals indicating
17 the year for which the original plates are validated."
18 2. Renumber the sections as necessary in
19 conformance with this amendment.

KRAUSE of Kossuth
NEWHARD of Jones
BINNEBOESE of Plymouth
JESSE of Polk
HULLINGER of Decatur

H-6441

1 Amend House File 2417 as follows:
2 1. Page 5, by inserting after line 6 the follow-
3 ing:
4 "Sec. . The provisions of sections three (3)
5 through eight (8) of this Act shall not apply when
6 the plaintiff proves by a preponderance of the evi-
7 dence (1) that the product was defective at the time
8 it was first purchased for use or consumption; (2)
9 that the defect was unreasonably dangerous to the
10 consumer; and (3) that the defect in the product was
11 the proximate cause of the injury."

JOCHUM of Dubuque
WALTER of Pottawattamie
CONNORS of Polk
TAUKE of Dubuque

MONROE of Des Moines
BAKER of Buena Vista
SHIMANEK of Jones

H-6445

1 Amend Senate File 2176 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section five hundred forty-two point
5 one (542.1), Code 1977, is amended by adding the
6 following new subsections:

7 NEW SUBSECTION. "Moisture weight shrinkage factor"
8 is the rate of weight reduction used in adjusting
9 the weight of grain determined on the basis of its
10 moisture content.

11 NEW SUBSECTION. "Grain probe" means any device
12 used to gather or collect, by inserting directly into
13 the grain, a sample of bulk grain for the purpose
14 of determining the kind, class, quality and condition
15 of the grain.

16 NEW SUBSECTION. "Official grain standards" means
17 the standards of quality and condition of grain used
18 to determine the grade of the grain promulgated by
19 the United States secretary of agriculture under the
20 provisions of the United States Grain Standards Act
21 as amended to and including January 1, 1978.

22 Sec. 2. Section five hundred forty-two point two
23 (542.2), Code 1977, is amended to read as follows:

24 542.2 DUTIES AND POWERS OF THE COMMISSION. The
25 commission may exercise general supervision over the
26 business operations of grain dealers. The supervisory
27 and regulatory powers authorized by this chapter shall
28 be the responsibility of the warehouse division of
29 the commission. The commission may inspect or cause
30 to be inspected any grain dealer operating in this
31 state and may require the filing of reports pertaining
32 to the operation of his or her business. The
33 commission shall adopt rules to provide for the
34 efficient administration and regulation of the
35 provisions of this chapter, and may designate an
36 employee of the commission to act for the commission
37 in any details connected with such administration,
38 including the issuance of licenses and approval of
39 grain dealers' bonds in the name of the commission.
40 The commission shall adopt as grades for grain those
41 grain grades as determined under the official grain
42 standards.

43 Sec. 3. Section five hundred forty-two point three
44 (542.3), Code 1977, is amended by adding the following
45 new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. Every applicant shall
47 file with the commission at the time of filing for
48 each license the moisture weight shrinkage factor
49 and shall publish the same. The publication shall
50 be made by posting the same in a conspicuous place

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1 in the place of business of the applicant. The posting
2 shall be done on a form prescribed by the commission
3 and shall become effective at the time the license
4 becomes effective. If a grain dealer wishes to change
5 the moisture weight shrinkage factor, the grain dealer
6 shall file with the commission the new factor and
7 after approval by the commission following a hearing
8 on such change shall post the same in the same place
9 and manner as the previous publication.

10 Sec. 4. Chapter five hundred forty-two (542),
11 Code 1977, is amended by adding the following new
12 sections:

13 NEW SECTIONS. USE OF GRAIN PROBES. The use of
14 mechanized grain probes utilizing vacuum or pneumatic
15 systems shall be limited only to those probes approved
16 by the commission. The commission shall work in
17 conjunction with the United States and Iowa departments
18 of agriculture to establish any additional standards
19 necessary to ensure accuracy and fairness in grain
20 samples.

21 NEW SECTION. USE OF MOISTURE WEIGHT SHRINKAGE
22 FACTOR. The moisture weight shrinkage factor used
23 by any grain dealer shall not be greater than one
24 point twenty-five percent for corn or for soybeans
25 of weight loss for each one percent of moisture
26 content.

27 NEW SECTION. DISCRIMINATION. Every grain dealer
28 licensed under this chapter shall not discriminate
29 amongst persons in the use of grain probes or moisture
30 weight shrinkage factors.

31 Sec. 5. Section five hundred forty-three point
32 one (543.1), Code 1977, is amended by adding the
33 following new subsections:

34 NEW SUBSECTION. "Moisture weight shrinkage factor"
35 is the rate of weight reduction used in adjusting
36 the weight of grain determined on the basis of its
37 moisture content.

38 NEW SUBSECTION. "Grain probe" means any device
39 used to gather or collect, by inserting directly into
40 the grain, a sample of bulk grain for the purpose
41 of determining the kind, class, quality and condition
42 of the grain.

43 NEW SUBSECTION. "Official grain standards" means
44 the standards of quality and condition of grain used
45 to determine the grade of the grain promulgated by
46 the United States secretary of agriculture under the
47 provisions of the United States Grain Standards Act
48 as amended to and including January 1, 1978.

49 Sec. 6. Section five hundred forty-three point
50 two (543.2), Code 1977, is amended to read as follows:

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1 543.2 DUTIES AND POWERS OF THE COMMISSION. The
2 commission is authorized to exercise general
3 supervision over the storage, warehousing, classifying
4 according to grade or otherwise, weighting, and
5 certification of agricultural products. The commission
6 may inspect or cause to be inspected any warehouse
7 and may require the filing of reports describing any
8 warehouse or the operation thereof. If upon any such
9 inspection a deficiency is found to exist as to the
10 quantity or quality of agricultural products stored,
11 the commission shall have the authority to, and may
12 require an employee to remain at the licensed ware-
13 house and supervise all operations conducted thereat
14 involving agricultural products stored under the
15 provisions of this chapter until the deficiency is
16 corrected. The commission shall inspect or cause
17 to be inspected every licensed warehouse and the
18 contents thereof not less than once every six months
19 and the commission shall have authority to make
20 available to the United States government, or any
21 of its agencies, including the Commodity Credit
22 Corporation, the results of inspections made and
23 inspection reports submitted to it by employees of
24 the commission, upon payment to it of such charges
25 as may be determined by the commission, but in no
26 event shall such charges be less than the actual cost
27 of such services rendered in regard thereto, as
28 determined by the commission. The commission shall
29 have authority to enter into contracts and agreements
30 for such purpose and shall keep a record of all money
31 thus received. All such money shall be paid over
32 to the treasurer of state as miscellaneous receipts.
33 The commission may classify any warehouse in accordance
34 with its suitability for the storage of agricultural
35 products and shall specify in any license issued for
36 the operation of any warehouse the type or types and
37 the quality of agricultural products which may be
38 exclusively stored in such warehouse. The commission
39 may prescribe, within the limitations of this chapter,
40 the duties of licensed warehousemen with respect to
41 the care of and responsibility for the contents of
42 licensed warehouses. The commission may from time
43 to time establish and publish standards for agricul-
44 tural products by which quality or value of such
45 products may be judged or determined. The commission
46 may from time to time publish such data in connection
47 with the administration of this chapter as may be
48 of public interest. The commission shall have the
49 duty of administration of the further provisions
50 of this chapter. The commission shall adopt as grades

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1 for grain those grain grades as determined under the
2 official grain standards.

3 Sec. 7. Section five hundred forty-three point
4 four (543.4), Code 1977, is amended by adding the
5 following new unnumbered paragraph:

6 **NEW UNNUMBERED PARAGRAPH.** Every applicant shall
7 file with the commission at the time of filing for
8 each license the moisture weight shrinkage factor
9 and shall publish the same. The publication shall
10 be made by posing the same in a conspicuous place
11 in the place of business of the applicant. The posting
12 shall be done on a form prescribed by the commission
13 and shall become effective at the time the license
14 becomes effective. If a warehouseman wishes to change
15 the moisture weight shrinkage factor, the warehouseman
16 shall file with the commission the new factor and
17 after approval by the commission following a hearing
18 on such change shall post the same in the same place
19 and manner as the previous publication.

20 Sec. 8. Chapter five hundred forty-three (543),
21 Code 1977, is amended by adding the following new
22 sections:

23 **NEW SECTION. USE OF GRAIN PROBES.** The use of
24 mechanized grain probes utilizing vacuum or pneumatic
25 systems shall be limited only to those probes approved
26 by the commission. The commission shall work in
27 conjunction with the United States and Iowa departments
28 of agriculture to establish any additional standards
29 necessary to ensure accuracy and fairness in grain
30 samples.

31 **NEW SECTION. USE OF MOISTURE WEIGHT SHRINKAGE**
32 **FACTOR.** The moisture weight shrinkage factor used
33 by any warehouseman shall not be greater than one
34 point twenty-five percent for corn or for soybeans
35 of weight loss for each one percent of moisture
36 content.

37 **NEW SECTION. DISCRIMINATION.** Every warehouseman
38 licensed under this chapter shall not discriminate
39 amongst persons in the use of grain probes or moisture
40 weight shrinkage factors.

41 Sec. 9. Section five hundred forty-three point
42 sixteen (543.16), Code 1977, is amended to read as
43 follows:

44 **543.16 LICENSE REQUIRED FOR THE STORAGE OF BULK**
45 **GRAIN.** It shall be unlawful for any person other
46 than a licensed warehouseman to place in storage or
47 to accept for storage any bulk grain, and it shall
48 be unlawful for any person to place bulk grain in
49 storage in a warehouse other than a licensed warehouse.
50 This section shall not apply to the acceptance and

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1 storage of bulk grain by a person bonded and licensed
 2 under the provisions of a federal law, if and to the
 3 extent that such person is authorized under federal
 4 law to accept and store bulk grain, provided, that
 5 person is authorized to do business in this state
 6 which authorization is dependent upon the compliance
 7 with the provisions of this Act but such person shall
 8 comply with all other provisions of this chapter which
 9 do not conflict with such federal law. This section
 10 shall not apply to the storage of bulk grain owned
 11 by the person storing the same.

12 Sec. 10. This Act is effective January 1, 1979."

13 2. Amend the title, line 2, by inserting after
 14 the word "content" the words ", the grading of grain
 15 and the use of weight reduction factors based upon
 16 moisture content".

DAVITT of Warren
 JESSE of Polk
 HOWELL of Floyd
 CHIODO of Polk
 NEWHARD of Jones
 CUSACK of Scott
 NORLAND of Worth
 JOCHUM of Dubuque
 WALTER of Pottawattamie
 DYRLAND of Clayton

BYERLY of Polk
 SCHEELHAASE of Woodbury
 BINNEBOESE of Plymouth
 WOODS of Polk
 GILLOON of Dubuque
 MILLER of Buchanan
 WELDEN of Hardin
 CONNORS of Polk
 ARNOULD of Scott
 GETTINGS of Wapello

H-6447

1 Amend Senate File 321 as follows:
 2 1. Page 4, line 15, by striking the word
 3 "fifteen" and inserting in lieu thereof the word
 4 "thirty".
 5 2. Page 10, line 16, by striking the word
 6 "minimum".

EVANS of Grundy

H-6451

1 Amend Senate File 2258 as follows:
 2 1. Page 7, by striking lines 8 through 18 and
 3 inserting in lieu thereof the following:
 4 "Sec. 6. Acts of the Sixty-seventh General
 5 Assembly, 1977 Session, chapter three (3), section
 6 three (3), is amended to read as follows:

SEC. 3. Section two point ten (2.10), subsections one (1), two (2), three (3), and five (5), Code 1977, are amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive ~~an annual~~ a salary of twelve thousand dollars for each year session of the general assembly while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house shall receive ~~an annual~~ a salary of fourteen thousand dollars for each year session of the general assembly while serving in such capacity. In addition, each such member shall receive the sum of thirty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred twenty calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred twenty calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive fifteen dollars per day. Travel expenses shall be paid at the rate established by section 79.9 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 79.9 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

2. The lieutenant governor shall receive ~~an annual~~ a salary of eighteen thousand dollars for service during each session of the general assembly. Personal expense and travel allowances shall be the same for the lieutenant governor as for a senator. The

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1 lieutenant governor while performing administrative
2 duties of the office of lieutenant governor when the
3 general assembly is not in session or serving as the
4 president of the senate during special sessions of

5 the general assembly shall receive sixty dollars per
6 diem and reimbursement for expenses incurred in
7 performing such duties. The salary, per diem, and
8 expenses of the lieutenant governor provided for under
9 this subsection, including office and staff expenses,
10 shall be paid from funds appropriated to the office
11 of the lieutenant governor by the general assembly.

12 3. The speaker of the house shall receive an
13 ~~annual~~ a salary of eighteen thousand dollars for each
14 ~~year legislative session~~ while serving as the speaker
15 of the house. Expense and travel allowances shall
16 be the same for the speaker of the house as provided
17 for other members of the general assembly.

18 5. The state comptroller shall pay the travel
19 and expenses of the members of the general assembly
20 and the lieutenant governor ~~semimonthly~~ commencing
21 with the first pay period after the names of such
22 persons are officially certified. The salaries of
23 the members of the general assembly and lieutenant
24 governor shall be paid pursuant to any of the following
25 alternative methods:

26 a. During each month of the year at the same time
27 state employees are paid.

28 b. During each pay period during the first six
29 months of each calendar year.

30 c. During during the first six months of each
31 calendar year by allocating two-thirds of the ~~annual~~
32 salary to each pay period during such time period
33 and one-third of the ~~annual~~ salary to each pay period
34 during the second six months of a calendar year.
35 Each member of the general assembly and the lieutenant
36 governor shall file with the state comptroller a
37 statement as to the method the member selects for
38 receiving payment of salary. The presiding officers
39 of the two houses of the general assembly shall jointly
40 certify to the state comptroller the names of the
41 members, officers, and employees of their respective
42 houses and the salaries and mileage to which each
43 is entitled. Travel and expense allowances shall
44 be paid upon the submission of vouchers to the state
45 comptroller indicating a claim for the same. Such
46 vouchers shall be submitted no more frequently than
47 once each month."

LIPSKY of Linn
HARBOR of Mills
SPEAR of Lee
WELDEN of Hardin

H-6452

1 Amend House File 2425 as follows:

2 1. Page 1, line 14, by striking the words "small
3 loan compnay, ".

4 2. Page 3, line 16, by striking the words "census
5 tract" and inserting in lieu thereof the words "zip
6 code".

7 3. Page 3, line 18, by striking the words "census
8 track" and inserting in lieu thereof the words "zip
9 code".

10 4. Page 4, by striking lines 13 and 14, and
11 inserting in lieu thereof the words "of this Act in
12 regard to all banks and credit unions".

13 5. Page 4, line 15, by striking the word "Code".

SCHROEDER of Pottawattamie

H-6469

1 Amend House File 2162 as follows:

2 1. Page 1, by inserting after line 19 the follow-
3 ing:

4 "Sec. 2. Section one hundred twenty-three point
5 twenty-four (123.24), Code 1977, is amended to read
6 as follows:

7 123.24 VENDORS — CASH SALES. In the conduct and
8 management of state liquor stores the director is
9 empowered to employ a person who shall be known as
10 a "vendor" who shall, subject to the directions of
11 the director, observe all provisions of this chapter
12 and the rules and regulations of the department.
13 No vendor of any state liquor store shall sell
14 alcoholic liquor to any person except for cash or
15 except as provided in this section.

16 A vendor may accept a check from and signed by
17 the holder of a retail liquor control license as
18 provided in section one hundred twenty-three point
19 thirty (123.30), subsection three (3), of the Code
20 in payment of alcoholic liquor purchased for resale.
21 In the event a check is subsequently dishonored for
22 good cause, the director shall, in accord with the
23 procedures of section one hundred twenty-three point
24 thirty-nine (123.39) of the Code, suspend the
25 licensee's liquor control license."

DYRLAND of Clayton

H-6479

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by inserting after line 34 the follow-
- 4 ing:
- 5 "Sec. . Chapter two hundred fourteen (214),
- 6 Code 1977, is amended by adding the following new
- 7 section:
- 8 "NEW SECTION. Self-service gasoline pumps and
- 9 self-service special fuel pumps at service stations
- 10 may be equipped with latch-open devices on the fuel
- 11 dispensing hose nozzle valves rather than the automatic
- 12 closing type."
- 13 2. Renumber as necessary in conformance with this
- 14 amendment.
- 15 3. Amend the title, line 22, by inserting after
- 16 the word "lots," the words "latch-open devices on
- 17 fuel hose nozzle valves,".

HORN of Linn

H-6487

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 18, by striking lines 15 and 16 and
- 4 inserting in lieu thereof the words "red light shall
- 5 not enter the roadway unless such entry can be made
- 6 safely and without interfering with any vehicular
- 7 traffic."
- 8 2. Page 18, line 26, by inserting after the word
- 9 "intersection" the words "unless the pedestrian can
- 10 proceed safely and without interfering with any
- 11 vehicular traffic".
- 12 3. Page 19, line 6, by inserting after the word
- 13 "signal" the words "or unless the pedestrian can
- 14 proceed safely and without interfering with any
- 15 vehicular traffic".

HORN of Linn

H-6488

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:

3 1. Page 22, by inserting after line 29 the follow-
4 ing:

5 "Sec. . Chapter three hundred twenty-one (321),
6 Code 1977, is amended by adding the following new
7 section:

8 **NEW SECTION.** A person shall not drive or operate
9 a new car, used car, light delivery truck, panel
10 delivery truck, or pickup upon a public highway which
11 has had the road clearance or center of gravity altered
12 or modified in any manner which is prohibited by rules
13 adopted by the director. The rules shall be based
14 upon original automobile manufacturer specifications."
15 2. Renumber as necessary in conformance with this
16 amendment.

MILLER of Buchanan
KRAUSE of Kossuth
LAGESCHULTE of Bremer
PELLETT of Cass
WYCKOFF of Benton
HARBOR of Mills
HUSAK of Tama
CRABB of Crawford

H-6489

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 11, by inserting after line 27 the follow-
4 ing:

5 "Sec. 19. Section three hundred twenty-one point
6 one hundred twenty-two (321.122), subsection one (1),
7 Code 1977, as amended by Acts of the Sixty-seventh
8 General Assembly, 1977 Session, chapter one hundred
9 four (104), section five (5), is amended by striking
10 the subsection and inserting in lieu thereof the
11 following:

12 1. The annual registration fee for motor trucks,
13 except special trucks, truck tractors, or road
14 tractors, shall be based on the combined gross weight
15 of the vehicle or combination of vehicles. All trucks,
16 truck tractors, semitrailers, or road tractors shall
17 be registered for a gross weight equal to or in excess
18 of the unladen weight of the vehicle or combination
19 of vehicles. The annual registration fee for such
20 vehicles or combination of vehicles shall be:

21 a. For a combined gross weight of four tons or
22 less forty-five dollars and after ten registrations
23 thirty-five dollars.

24 b. For a combined gross weight exceeding four
25 tons, the annual registration fee shall be as set

26 forth in the following schedule:

27	For a combined gross	And not	The annual
28	<u>weight exceeding:</u>	<u>exceeding:</u>	<u>registration fee shall be:</u>
29	4 Tons	5 Tons	\$ 60
30	5 Tons	6 Tons	\$ 75
31	6 Tons	7 Tons	\$ 100
32	7 Tons	8 Tons	\$ 135
33	8 Tons	9 Tons	\$ 170
34	9 Tons	10 Tons	\$ 205
35	10 Tons	11 Tons	\$ 240
36	11 Tons	12 Tons	\$ 275
37	12 Tons	13 Tons	\$ 310
38	13 Tons	14 Tons	\$ 335
39	14 Tons	15 Tons	\$ 380
40	15 Tons	16 Tons	\$ 415
41	16 Tons	17 Tons	\$ 450
42	17 Tons	18 Tons	\$ 485
43	18 Tons	19 Tons	\$ 520
44	19 Tons	20 Tons	\$ 580
45	20 Tons	21 Tons	\$ 622
46	21 Tons	22 Tons	\$ 671
47	22 Tons	23 Tons	\$ 720
48	23 Tons	24 Tons	\$ 772
49	24 Tons	25 Tons	\$ 907
50	25 Tons	26 Tons	\$ 968

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1	26 Tons	27 Tons	\$1,030
2	27 Tons	28 Tons	\$1,095
3	28 Tons	29 Tons	\$1,161
4	29 Tons	30 Tons	\$1,228
5	30 Tons	31 Tons	\$1,297
6	31 Tons	32 Tons	\$1,368
7	32 Tons	33 Tons	\$1,440
8	33 Tons	34 Tons	\$1,513
9	34 Tons	35 Tons	\$1,621
10	35 Tons	36 Tons	\$1,699
11	36 Tons	37 Tons	\$1,778
12	37 Tons	38 Tons	\$1,858
13	38 Tons	39 Tons	\$1,940
14	39 Tons	40 Tons	\$2,024

15 c. For a combined gross weight exceeding forty
 16 tons, the annual registration fee shall be two thousand
 17 twenty-four dollars plus eighty-five dollars for each
 18 ton over forty tons.

19 Where an auxiliary axle has been registered under
 20 the provisions of this chapter, the registered gross
 21 weight of the vehicle or combination of vehicles shall
 22 be the sum of the registered gross weight of such
 23 auxiliary axle or axles added to the registered gross

24 weight of the truck, truck tractor, or road tractor."

25 2. Page 22, by inserting after line 17 the follow-
26 ing:

27 "Sec. . Section three hundred twenty-one point
28 four hundred fifty-seven (321.457), subsection three
29 (3), Code 1977, is amended by striking the subsection
30 and inserting in lieu thereof the following:

31 3. No combination of vehicles coupled together
32 unladen or with load, shall have an overall length
33 inclusive of front and rear bumpers, in excess of
34 sixty-feet.

35 Sec. . Section three hundred twenty-one point
36 four hundred fifty-seven (321.457), subsection five
37 (5), Code 1977, is amended by striking the subsection
38 and inserting in lieu thereof the following:

39 5. Passenger vehicles, light delivery trucks,
40 panel delivery trucks, pickup trucks and boats being
41 transported on a combination of vehicles used
42 exclusively for the transportation of such vehicles
43 and boats may extend up to three feet beyond the front
44 and rear bumpers of the transporting vehicles when
45 the overall length of the vehicle with load does not
46 exceed sixty-five feet.

47 Sec. . Section three hundred twenty-one point
48 four hundred fifty-nine (321.459), Code 1977, is
49 amended by striking the section and inserting in lieu
50 thereof the following:

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1 321.459 DUAL AXLE REQUIREMENT. Axles of a motor
2 vehicle, trailer, or semitrailer which are less than
3 forty inches apart center to center shall be considered
4 as one axle for the purpose of determining permissible
5 weight under section three hundred twenty-one point
6 four hundred sixty-three (321.463) of the Code.

7 Sec. . Section three hundred twenty-one point
8 four hundred sixty-three (321.463), Code 1977, is
9 amended by striking the section and inserting in lieu
10 thereof the following:

11 321.463 MAXIMUM GROSS WEIGHT. An axle may be
12 divided into two or more parts, except that all parts
13 in the same vertical transverse plane shall be
14 considered as one axle.

15 The gross weight on any one axle of a vehicle,
16 or of a combination of vehicles, operated on the
17 highways of this state, shall not exceed twenty
18 thousand pounds on an axle equipped with pneumatic
19 tires, and shall not exceed fourteen thousand pounds
20 on an axle equipped with solid rubber tires. The
21 gross weight on any tandem axle of a vehicle, or any

22 combination of vehicles, shall not exceed thirty-four
23 thousand pounds on an axle equipped with pneumatic
24 tires.

25 A group of two or more consecutive axles of any
26 vehicle or combination of vehicles, shall not carry
27 a load in pounds in excess of the overall gross weight
28 determines by application of the following formula:
29 $W \text{ equals } 500 (LN/N-1 + 12N + 36)$ where W equals the
30 overall gross weight on any group of two or more
31 consecutive axles to the nearest five hundred pounds
32 L equals the distance in feet between the extreme
33 of any group of two or more consecutive axles, and
34 N equals the number of axles in group under
35 consideration, except that two consecutive sets of
36 tandem axles may carry a gross load of thirty-four
37 thousand pounds each providing the overall distance
38 between the first and last axles of such consecu-
39 tive sets of tandem axles is thirty-six feet or more.

40 In no event shall the maximum gross weight, includ-
41 ing the enforcement tolerances, exceed eighty thousand
42 pounds.

43 A tolerance above the maximum legal weight of any
44 axle or vehicle or combination of vehicles may be
45 allowed as follows:

46 Three percent on any axle, including tandem axles,
47 of any vehicle or combination of vehicles operated
48 on highways not part of the interstate system.

49 Eight percent of the gross weight on any particular
50 group of axles.

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1 Eight percent on the total gross weight of a vehicle
2 or combination of vehicles.

3 The weight on any one axle, including a tandem
4 axle, of a vehicle which is transporting livestock
5 on highways not part of the interstate system may
6 exceed the legal maximum weight given in this chapter
7 providing that the gross weight on any particular
8 group of axles on such vehicle does not exceed the
9 gross weight allowable under this chapter for such
10 group of axles.

11 Any person who operates any vehicle in violation
12 of the provisions of this section, and any owner
13 or any other person, employing or otherwise directing
14 the operator of any vehicle who requires or knowingly
15 permits the operation of any vehicle in violation
16 of the provisions of this section shall upon conviction
17 or a plea of guilty be punished in accordance with
18 the following schedule:

19 AXLE, TANDEM AXLE, GROUP OF AXLES, AND
20 GROSS WEIGHT VIOLATIONS

Percentage of Overload	Amount of Fine Per Hundred Pounds
Up to and including 8%	\$1.00
Over 8 to and including 10%	1.25
Over 10 to and including 12%	1.50
Over 12 to and including 14%	2.00
Over 14 to and including 16%	3.00
Over 16 to and including 18%	4.00
Over 18 to and including 20%	5.00
Over 20%	6.00

A fine shall not be assessed if the overload does not exceed the tolerance specified in this section. If the overload does exceed the tolerance specified in this section, the amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section without allowance of any tolerance, by applying the appropriate rate in the preceding schedule for the total percentage of overload. The total percentage of overload shall be determined by dividing the appropriate maximum legal weight as specified in this section without allowance for any tolerance into the amount of pounds overloaded.

Overloads on axles and tandem axles and overloads on groups of axles or on an entire vehicle or combination of vehicles shall be considered as separate violations of the provisions of this section.

The penalties provided in this section shall not be construed to be in lieu of any other penalties provided for violations of other provisions of this

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chapter.

Any person who issues or executes, or causes to be issued or executed, any bill of lading, manifest, or shipping document of any kind which states the false weight of the cargo set forth on such bill, manifest, or document, to be less than the actual weight of such cargo, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days."

3. Renumber as necessary in conformance with this amendment.

NIELSEN of Polk
SCHROEDER of Pottawattamie
SCHEELHAASE of Woodbury
WYCKOFF of Benton

H-6490

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 3, line 35, by inserting after the word
4 "business" the words "except during periods when the
5 license is surrendered for modifications".

6 2. Page 4, by inserting after line 34 the fol-
7 lowing:

8 "Sec. 9. The Code editor, in codifying the pro-
9 visions of this Act, is directed to codify sections
10 ten (10) through twenty-one (22) of this Act as a
11 new chapter.

12 Sec. 10. NEW SECTION. DEFINITIONS. For the
13 purposes of sections ten (10) through twenty-one (22)
14 of this Act:

15 1. "Commission" means the state conservation com-
16 mission.

17 2. "Dealer" means every person engaged in the
18 business of buying, selling, or exchanging off-road
19 motorcycles who has an established place of business.

20 3. "Established place of business" means a location
21 in this state actually occupied either continuously
22 or at regular periods by a dealer where books and
23 records are kept and a large share of the business
24 is transacted.

25 4. "Off-road motorcycle" means every motorcycle
26 as defined in section three hundred twenty-one point
27 one (321.1) of the Code, being used for off-road or
28 nonstreet riding and with an engine displacement of
29 seventy cubic centimeters or more.

30 5. "Nonresident" means every person who is not
31 a resident of this state.

32 6. "Operator" means any person who is in actual
33 physical control of an off-road motorcycle.

34 7. "Owner" means a person who holds the legal
35 title of an off-road motorcycle, or in the event an
36 off-road motorcycle is the subject of a security
37 agreement with an immediate right of possession vested
38 in the debtor, then such debtor shall be deemed the
39 owner for the purpose of this chapter.

40 8. "Off-road motorcycle permit" means the permit
41 issued under the provisions of this Act to operate
42 an off-road motorcycle in this state on designated
43 public land and on designated private lands.

44 9. "Special event" means an organized race, exhibi-
45 tion, or demonstration of limited duration which is
46 conducted according to a prearranged schedule and
47 in which general public interest is manifested.

48 10. "Writing fee" means the amount paid by the
49 off-road motorcycle owner to the county treasurer
50 for handling the permit transaction.

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1 11. "Designated public lands" means lands owned
2 by the state designated by the commission as lands
3 upon which off-road motorcycles may be used, but not
4 including public highways.

5 12. "Designated private lands" means lands owned
6 and operated by private persons but for which funds
7 from the off-road motorcycle fund are received for
8 maintenance or construction of off-road motorcycle
9 facilities.

10 Sec. 11. NEW SECTION. POWERS AND DUTIES OF THE
11 COMMISSION. The commission shall administer and
12 enforce the provisions of sections ten (10) through
13 twenty-one (22) of this Act. The commission shall
14 promulgate rules necessary to implement the provisions
15 of sections ten (10) through twenty-one (22) of this
16 Act.

17 Sec. 12. NEW SECTION. OFF-ROAD MOTORCYCLE PERMIT
18 REQUIRED.

19 1. The owner of an off-road motorcycle shall
20 obtain an annual off-road motorcycle permit from the
21 county treasurer of the county of residence of the
22 owner unless:

23 a. The off-road motorcycle is owned and operated
24 by the United States, another state, this state or
25 a political subdivision of this state.

26 b. The off-road motorcycle is owned by a
27 nonresident and is used in this state only at special
28 events for a total period of less than fourteen days
29 in the calendar year.

30 2. The nonresident owner operating an off-road
31 motorcycle in this state on designated public lands
32 or designated private lands or a nonresident owner
33 operating an off-road motorcycle at special events
34 in this state for more than fourteen days in a calendar
35 year shall obtain an off-road motorcycle permit from
36 the county treasurer in which the off-road motorcycle
37 is primarily used.

38 Sec. 13. NEW SECTION. OFF-ROAD MOTORCYCLE PERMIT
39 ISSUANCE. On or after September first and prior to
40 January first in each year an owner required to obtain
41 an off-road motorcycle permit shall apply to the
42 appropriate county treasurer for an off-road motorcycle
43 permit. An off-road motorcycle permit shall be valid
44 for a one-year period from January first to December
45 thirty-first of each calendar year. Beginning January
46 1, 1979, the owner of any new off-road motorcycle
47 placed in service or used off-road motorcycle
48 brought into Iowa from another state shall obtain
49 an off-road motorcycle permit, without penalty. The
50 owner of any off-road motorcycle in service in Iowa

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1 on December 31, 1978 who fails to comply with the
2 provisions of this Act, in addition to any other
3 penalties provided, shall be subject to a penalty
4 of one dollar for each two months of delinquency,
5 or any portion of a two-month delinquency period,
6 from January 1, 1979 to the date of application for
7 the off-road motorcycle permit. Any motorcycle
8 registered under the provisions of chapter three
9 hundred twenty-one (321) of the Code, may be permitted
10 as an off-road motorcycle in addition to the
11 registration or in lieu of the registration, by paying
12 the required fee for the current registration period.
13 without any penalty.

14 Sec. 14. NEW SECTION. COUNTY TREASURER DUTIES.

15 The owner of each off-road motorcycle required to
16 obtain an off-road motorcycle permit shall make an
17 annual application for an off-road motorcycle permit
18 to the appropriate county treasurer on forms provided
19 by the commission. The application shall be
20 accompanied by a fee of six dollars and a writing
21 fee of fifty cents, which writing fee shall not be
22 reduced, prorated or refunded. The county treasurer
23 shall issue to the applicant a pocket-size off-road
24 motorcycle permit and an off-road motorcycle plate
25 or decal. The off-road motorcycle permit shall be
26 signed by the owner, executed in triplicate with one
27 copy to the owner, one copy to the commission and
28 one copy to be retained by the county treasurer.
29 The off-road motorcycle permit and off-road motorcycle
30 plate or decal shall bear the identification num-
31 ber assigned to the off-road motorcycle. The off-
32 road motorcycle permit shall bear the name and address
33 of the owner, the vehicle identification number, if
34 available, of the off-road motorcycle and such other
35 information required by the commission.

36 Sec. 15. NEW SECTION. OFF-ROAD MOTORCYCLE PLATE
37 OR DECAL DISPLAYED AND OFF-ROAD MOTORCYCLE PERMIT

38 EXHIBITED. The off-road motorcycle plate or decal
39 shall be affixed to the off-road motorcycle for which
40 it was issued in the manner prescribed by the
41 commission. The owner shall exhibit the off-road
42 motorcycle permit issued for an off-road motorcycle
43 upon the request of any peace officer, or a park
44 manager or his or her designee.

45 Sec. 16. NEW SECTION. OFF-ROAD MOTORCYCLE PERMIT
46 EXPIRATION, PENALTY AND REPLACEMENT. If application

47 for the annual renewal of the off-road motorcycle
48 permit for the subsequent year is not made before
49 January first of each year, the applicant shall be
50 charged a penalty of one dollar for each two-month

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1 period of delinquency, or any portion of such two-
2 month period, in addition to the off-road motorcycle
3 permit fee.

4 In the event of any off-road motorcycle permit or
5 off-road motorcycle plate or decal becomes lost
6 mutilated or illegible, a replacement may be issued
7 upon application and payment of a fee of one dollar
8 plus a writing fee of fifty cents.

9 Sec. 17. NEW SECTION. OPERATION PENDING PERMIT.

10 The commission shall furnish off-road motorcycle
11 dealers issued a special dealer permit, upon request
12 free of charge, cards bearing the legend, "permit
13 applied for". For any off-road motorcycle sold by
14 a dealer, display by the operator of one of the cards
15 furnished by the commission shall entitle the pur-
16 chaser to operate the off-road motorcycle for twenty
17 days after the date of delivery without displaying
18 an off-road motorcycle plate or decal. The card shall
19 display the special dealer permit number from whom
20 the off-road motorcycle was purchased and the date
21 of delivery of the vehicle.

22 Sec. 18. NEW SECTION. TRANSFER OF OWNERSHIP.

23 Upon transfer of ownership of any off-road motorcycle,
24 the owner shall complete the "notice of transfer"
25 section of the off-road motorcycle permit and deliver
26 the permit to the purchaser or transferee at the time
27 of delivery of the off-road motorcycle together with
28 the certificate of title for the vehicle. The
29 purchaser or transferee, within seven calendar days
30 after the date of transfer, shall make an application
31 to the county treasurer for a transfer of off-road
32 motorcycle permit and apply for a certificate of title
33 unless otherwise acquired and transferred, in the
34 manner and in the form provided in sections three
35 hundred twenty-one point twenty (321.20) and three
36 hundred twenty-one point forty-six (321.46) through
37 three hundred twenty-one point forty-eight (321.48)
38 of the Code. The transfer of the off-road motorcycle
39 permit shall be accomplished in the manner provided
40 for issuance of the off-road motorcycle permit and
41 shall be accompanied by a fee of one dollar and a
42 writing fee of fifty cents.

43 Upon transfer from a dealer of an off-road
44 motorcycle, the dealer shall provide the transferee
45 with a manufacturer's or importer's certificate which
46 shall be surrendered to the county treasurer upon
47 application for a certificate of title for the off-
48 road motorcycle.

49 Sec. 19. NEW SECTION. SPECIAL DEALER PERMITS.

50 A dealer, upon application to the commission

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1 accompanied by a fee of fifteen dollars, may be issued
2 a "special dealer permit" which entitles the dealer
3 to transport, test or demonstrate an off-road
4 motorcycle without displaying an off-road motorcycle
5 plate or decal.

6 Special dealer permits shall expire December thirty-
7 first of each year and shall be renewed in the same
8 manner as the original issuance. The fee for special
9 dealer permits may not be reduced, prorated or
10 refunded. A dealer having an established place of
11 business in more than one location shall obtain a
12 special dealer permit for each established place of
13 business.

14 Sec. 20. NEW SECTION. FEES TO SPECIAL FUND.

15 All off-road motorcycle permit fees collected, except
16 writing fees, all gifts and other funds from the
17 state, a political subdivision or any federal aid
18 shall be credited to the "off-road motorcycle" fund.
19 The off-road motorcycle fund is hereby appropriated
20 for all salaries and expenses incurred by the
21 commission in administering sections ten (10) through
22 twenty-two (22) of this Act, the balance of this fund
23 shall be used for the planning, acquiring, developing,
24 constructing, improving, maintaining and administering
25 off-road motorcycle facilities approved by the
26 commission.

27 Sec. 21. NEW SECTION. NOTICE OF APPROVAL OF

28 SPECIAL EVENTS. Persons approved by the department
29 to hold special events at specific locations shall
30 provide the commission with notice of such special
31 event at least seven days prior to the event. Per-
32 sons not otherwise approved by the commission to
33 conduct special events at specific locations shall
34 apply to the commission at least thirty days prior
35 to the scheduled event, upon forms provided by the
36 commission, for approval to hold the special event.
37 A person shall not conduct a special event unless
38 approval or notice is given as provided in this
39 section.

40 Sec. 22. NEW SECTION. PROHIBITIONS.

41 1. Any dealer or any owner or operator violating
42 the provisions of sections ten (10) through twenty-
43 one (21) of this Act, shall be guilty of a schedule
44 violation as prescribed in section eight hundred five
45 point eight (805.8), subsection eight (8), of the
46 Code as amended by this Act. Notwithstanding the
47 provisions of section three hundred twenty-one point
48 two hundred (321.200) of the Code, convictions under
49 the provisions of sections ten (10) through twenty-
50 one (21) of this Act shall not be forwarded to or

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1 recorded by the state department of transportation.
2 In lieu of issuing a citation the individual may be
3 issued a warning for violations of sections ten (10)
4 through twenty-one (21) of this Act.

5 2. a person shall not operate an off-road
6 motorcycle upon public lands or private lands for
7 which state funds are received while under the
8 influence of an alcoholic beverage, a narcotic,
9 hypnotic or other drug, or any combination of such
10 substances. A violation of this subsection shall
11 be punishable in the manner provided in section three
12 hundred twenty-one point two hundred eighty-one
13 (321.281) of the Code, for each conviction.

14 Sec 23. The commission is authorized to employ
15 if necessary two people in addition to the current
16 staff to administer the provisions of sections ten
17 (10) through twenty-two (22) of this Act."

18 3. Page 4, by inserting after line 34 the follow-
19 ing:

20 "Sec. Chapter three hundred twenty-one (321),
21 Code 1977, is amended by adding the following new
22 section:

23 NEW SECTION.

24 1. Upon conviction and the suspension or revoca-
25 tion of a person's motor vehicle license under sections
26 three hundred twenty-one point two hundred nine
27 (321.209), subsections six (6) and seven (7), three
28 hundred twenty-one point two hundred ten (321.210)
29 or three hundred twenty-one point five hundred fifty-
30 five (321.555), subsection two (2), of the Code, and
31 upon the denial by the director of an application
32 for a temporary restricted license, a person may apply
33 to the district court having jurisdiction for the
34 residence of the person for a temporary restricted
35 permit to operate a motor vehicle to and from work.
36 The application may be granted only if all the
37 following criteria is satisfied:

38 a. The restricted temporary permit is requested
39 only for a case of extreme hardship where alternative
40 means of transportation does not exist.

41 b. The permit applicant has not made an application
42 for such a permit in any other district court in the
43 state which was denied or revoked.

44 c. The permit is restricted for travel to and
45 from work at times specified in the permit.

46 d. Proof of financial responsibility is established
47 as defined in chapter three hundred twenty-one A
48 (321A) of the Code.

49 2. The district court shall forward a record of
50 each application for such temporary restricted permit

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1 to the department, together with the results of the
2 disposition of the request by the court.

3 3. A temporary restricted permit shall be valid
4 only if the department is in receipt of records
5 required by this section. The permit shall be canceled
6 upon conviction of a moving traffic violation as
7 defined in section three hundred twenty-one point
8 one hundred eighty-one (321.181) of the Code, or upon
9 any violation of the terms of the permit."

10 4. Page 11, by inserting after line 27 the
11 following:

12 "Sec. . Chapter three hundred twenty-one (321),
13 Code 1977, is amended by adding the following new
14 section as section three hundred twenty-one point
15 one hundred nineteen (321.119) of the Code:

16 NEW SECTION. CHURCH BUS REGISTRATION FEES. A

17 motor vehicle designed to carry nine passengers or
18 more which is owned and used exclusively by a church
19 or religious organization to transport passengers
20 to and from activities of or sponsored by the church
21 or religious organization and which is not for rent
22 or hire for purposes which are unrelated to the
23 activities of the church or religious organization
24 shall be exempt from motor vehicle registration fees
25 except as provided in this section. Upon application
26 and payment of an annual fee of thirty-five dollars,
27 the department shall issue a registration certificate
28 and shall also issue registration plates. The plates
29 shall be attached to the front and rear of each vehicle
30 registered under this section. A registration under
31 the provisions of this section shall not be issued
32 unless the motor vehicle has been issued a certificate
33 of inspection under the provisions of section three
34 hundred twenty-one point two hundred thirty-eight
35 (321.238) of the Code, within the two-year period
36 prior to the effective date for the registration.
37 The provision of this section shall be effective
38 November 1, 1978 for registration fees payable on
39 or after November 1, 1978 for registration plates
40 issued for the calendar year 1979."

41 5. Page 12, by inserting after line 6 the
42 following:

43 "Sec. . Section three hundred twenty-one point
44 one hundred eighty (321.180), Code 1977, is amended
45 by adding the following new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. A permittee shall not
47 be penalized for failing to have his or her permit
48 in immediate possession if the permittee produces
49 in court, within a reasonable time, an instruction
50 permit issued to him or her and valid at the time

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1 of the permittee's arrest."

2 6. Page 13, by inserting after line 29 the
3 following:

4 "Sec. . Section three hundred twenty-one point
5 one hundred eighty-nine (321.189), subsection three
6 (3), Code 1977, is amended to read as follows:

7 3. CARRIED AND EXHIBITED. Every licensee shall
8 have his or her operator's or chauffeur's, or motorized
9 bicycle license or instruction permit in his immediate
10 possession at all times when operating a motor vehicle
11 and shall display the same, upon demand of a judicial
12 magistrate or district associate judge, a peace
13 officer, or a field deputy or examiner of the
14 department. However, no person charged with violating
15 this section shall be convicted if he or she produces
16 in court, within a reasonable time, an operator's
17 or chauffeur's or motorized bicycle license or
18 instruction permit issued to him or her and valid
19 at the time of his the person's arrest."

20 7. Page 13, by inserting after line 35 the follow-
21 ing:

22 "Sec. . Section three hundred twenty-one point
23 two hundred ten (321.210), unnumbered paragraph five
24 (5), Code 1977, is amended to read as follows:

25 If the department assesses any points against an
26 operator or chauffeur of a motor vehicle under any
27 point system devised by the department for the purpose
28 of suspending operators' or chauffeurs' licenses,
29 the department must notify the licensee by ordinary
30 mail that such points have been assessed and the
31 reason therefor. Such notice shall also contain a
32 reference to all code sections under which the person's
33 motor vehicle license may be suspended, revoked,
34 canceled or denied. Provided that no license shall
35 be suspended on the basis of any point system devised
36 by the department without notice of proposed suspension
37 to the licensee and a reasonable opportunity for a
38 preliminary hearing before a member of the department
39 who shall have authority in meritorious cases to
40 revoke the suspension."

41 8. Page 18, lines 15 and 16, by striking the words
42 "otherwise allowed by a pedestrian signal" and
43 inserting in lieu thereof the words "the pedestrian
44 can safely cross the roadway without interfering with
45 any vehicular traffic".

46 9. Page 18, by striking lines 24 through 26, and
47 inserting in lieu thereof the words "intersection
48 and any pedestrian starting to cross the roadway shall
49 yield the right of way to all vehicles"

50 10. Page 18, by striking lines 32 through 34 and

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1 inserting in lieu thereof the word "intersection."

2 11. Page 19, by striking lines 5 and 6 and

3 inserting in lieu thereof the words "the intersection."

4 12. Page 20, line 15, by inserting after the word

5 "owner" the words ", a peace officer".

6 13. Page 22, by inserting after line 17 the

7 following:

8 "Sec. . Section three hundred twenty-one point

9 three hundred seventy-two (321.372), subsection one

10 (1), Code 1977, is amended to read as follows:

11 1. The driver of any school bus used to transport

12 ~~children people~~ to and from a public or private school

13 or other location shall, when stopping to receive

14 or discharge pupils a person, turn on flashing warning

15 lamps at a distance of not less than three hundred

16 feet nor more than five hundred feet from the point

17 where said pupils are the person is to be received

18 or discharged from the bus. At the point of receiving

19 or discharging pupils a person the driver of the bus

20 shall bring bus to a stop, turn off the amber flashing

21 warning lamps, turn on the red flashing warning lamps,

22 and extend the stop arm. After receiving or

23 discharging pupils a person, the bus driver shall

24 turn off all flashing warning lamps, retract the stop

25 arm and proceed on the route. No school bus shall

26 stop to load or unload pupils a person unless there

27 is at least three hundred feet of clear vision in

28 each direction.

29 A school bus, when operating on a highway with

30 four or more lanes shall not stop to load or unload

31 pupils a person who must cross the highway, except

32 at designated stops where pupils a person who must

33 cross the highway may do so at points where there

34 are official traffic control devices or police peace

35 officers.

36 A school bus shall, while carrying passengers,

37 have its headlights turned on.

38 Sec. . Section three hundred twenty-one point

39 three hundred ninety-three (321.393), unnumbered

40 paragraph one (1), Code 1977, is amended to read as

41 follows:

42 No lighting device or reflector, when mounted on

43 or near the front of any motor truck or trailer,

44 except school buses shall display any other color

45 than white, yellow, or amber; provided that

46 installations heretofore in place and otherwise

47 complying with the law may display a green light until

48 replacements are made, however, such green light shall

49 be replaced with the appropriate color when replacement

50 is made or prior to January 1, 1980, whichever is

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1 earlier.

2 Sec. . Section three hundred twenty-one point
3 four hundred thirty-seven (321.437), Code 1977, is
4 amended to read as follows:

5 321.437 MIRRORS. Every motor vehicle shall be
6 equipped with a mirror so located as to reflect to
7 the driver a view of the highway for a distance of
8 at least two hundred feet to the rear of such vehicle.
9 Any motor vehicle so loaded, or towing another vehicle
10 in such manner, as to obstruct the view in a rear
11 view mirror located in the driver's compartment shall
12 be equipped with a side mirror so located that the
13 view to the rear will not be obstructed however when
14 such vehicle is not loaded or towing another vehicle
15 the side mirrors shall be retracted or removed. All
16 van or van type motor vehicles shall be equipped with
17 outside mirrors of unit magnification, each with not
18 less than nineteen point five square inches of
19 reflective surface, installed with stable supports
20 on both sides of the vehicle, located so as to provide
21 the driver a view to the rear along both sides of
22 the vehicle, and adjustable in both the horizontal
23 and vertical directions to view the rearward scene.

24 Sec. . Section three hundred twenty-one point
25 four hundred ninety-four (321.494), Code 1977, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. However, the owner or operator
28 of a carpool or vanpool as defined in section three
29 hundred twenty-five point one (325.1) of the Code,
30 as amended by Acts of the Sixty-seventh General
31 Assembly, 1977 Session, chapter one hundred three
32 (103), section fifty-seven (57), shall not be liable
33 unless damage is caused as a result of the driver
34 of the carpool or vanpool being under the influence
35 of an alcoholic beverage, a narcotic, hypnotic or
36 other drug, or any combination of such substances,
37 or because of the reckless operation of the carpool
38 or vanpool vehicle by the operator. The legislature
39 finds that to preserve increasingly scarce natural
40 resources of petroleum products, and to encourage
41 a cooperative effort from the public to share the
42 costs incurred to transport individuals in shared
43 transportation facilities to and from work, it is
44 in the interest of the health, safety and welfare
45 of the state to adopt the provisions of this
46 paragraph."

47 14. Page 24, by inserting after line 9 the
48 following:

49 "A motor vehicle dealer may display new motor
50 vehicles at fairs, vehicle shows and vehicle

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1 exhibitions. Motor vehicle dealers, in addition to
2 selling vehicles at their principal place of business
3 and car lots, may, upon receipt of a temporary permit
4 approved by the department, display and offer new
5 motor vehicles for sale and negotiate sales of new
6 motor vehicles only at county fairs, as defined in
7 chapter one hundred seventy-four (174) of the Code,
8 vehicle shows and vehicle exhibitions which fairs,
9 shows and exhibitions are approved by the department
10 and are held in the county of the motor vehicle
11 dealer's principal place of business. Application
12 for temporary permits shall be made upon forms provided
13 by the department and shall be accompanied by a ten
14 dollar permit fee. Permits shall be issued for periods
15 of not to exceed fourteen days. No sale of a motor
16 vehicle by a motor vehicle dealer shall be completed
17 nor any sales agreement signed at any such fair, show
18 or exhibition. All such sales shall be consummated
19 at the motor vehicle dealer's principal place of
20 business."

21 15. Page 24, by inserting before line 10 the
22 following:

23 "Sec. . Chapter three hundred twenty-eight
24 (328), Code 1977, is amended by adding the following
25 new section:

26 NEW SECTION. The owner or operator of an aircraft
27 shall not be liable for any damages to any passenger
28 or person riding in the aircraft as a guest or by
29 invitation and not for hire unless damage is caused
30 as a result of the operator of the aircraft being
31 under the influence of an alcoholic beverage, a
32 narcotic, hypnotic or other drug, or any combination
33 of such substances, or because of the reckless
34 operation by the operator of the aircraft."

35 16. Page 24, by inserting after line 18 the follow-
36 ing:

37 "Sec. . Section seven hundred twenty-one point
38 eight (721.8), Code 1977 Supplement, is amended to
39 read as follows:

40 721.8 LABELING PUBLICLY OWNED MOTOR VEHICLES.

41 All publicly owned motor vehicles shall bear at least
42 two labels in a conspicuous place, one on each side
43 of said vehicle. This label shall be designed to
44 cover not less than one square foot of surface. This
45 section shall not apply to any motor vehicle which
46 shall be specifically assigned by the head of the
47 department or office owning or controlling it, to
48 enforcement of police regulations and shall not apply
49 to any motor vehicle exempted under the provisions
50 of section eighteen point one hundred fifteen (18.115),

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1 subsection seven (7), of the Code.

2 Sec. . Section eight hundred five point eight
3 (805.8), Code 1977 Supplement, is amended by adding
4 the following new subsection:

5 **NEW SUBSECTION. 8. OFF-ROAD MOTORCYCLE VIOLATIONS.**

6 a. For violations of the provisions of sections
7 ten (10) through twenty-one (21) of this Act by an
8 owner or operator of an off-road motorcycle, the
9 schedule fine is ten dollars.

10 b. For violations by a dealer of off-road
11 motorcycles under the provisions of sections ten (10)
12 through twenty-one (21) of this Act, the schedule
13 fine is twenty dollars.

14 Sec. . Section eight hundred five point eight
15 (805.8), subsection two (2), paragraph b, Code 1977
16 Supplement, is amended to read as follows:

17 b. For registration violations under sections
18 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and
19 ~~321.190~~ section three hundred twenty-one point thirty-
20 two (321.32) and section three hundred twenty-one
21 point one hundred eighty-nine (321.189) of the Code,
22 the scheduled fine is five dollars. For violations
23 of section ~~321.190~~ sections three hundred twenty-
24 one point thirty-two (321.32) and three hundred twenty-
25 one point one hundred eighty-nine (321.189), subsection
26 three (3), of the Code, the case shall be dismissed
27 without imposition of fine or costs if a license or
28 registration valid at the time of the issuance of
29 the citation is presented by the defendant to the
30 magistrate or scheduled violations office.

31 Sec. . Section eight hundred five point eight
32 (805.8), subsection two (2), paragraph c, Code 1977
33 Supplement, is amended to read as follows:

34 c. For improperly used or nonused, or defective
35 or improper equipment, other than brakes, driving
36 lights and brakelights, under sections 321.317,
37 321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
38 three hundred twenty-one point three hundred ninety-
39 three (321.393) of the Code, 321.399, 321.422, 321.432,
40 321.435, 321.436, 321.437, 321.438, 321.439, 321.440,
41 321.441, 321.442, 321.444, 321.445, and 321.447 the
42 scheduled fine is ten dollars.

43 Sec. . Section nine hundred seven point four
44 (907.4), Code 1977 Supplement, is amended to read
45 as follows:

46 **907.4 DEFERRED JUDGMENT DOCKET.** Any deferment
47 of judgment under section 907.3 shall be reported
48 promptly by the district clerk of court to the supreme
49 court administrator who shall maintain a permanent
50 record thereof including the name of the defendant,

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1 the district court docket number, the nature of the
2 offense, and the date of the deferment. Before
3 granting deferment in any case, the court shall request
4 of the supreme court administrator a search of the
5 deferred judgment docket and shall consider any prior
6 record of a deferment of judgment against the de-
7 fendant. The permanent record provided for in this
8 section shall constitute a confidential record exempted
9 from public access under section 68A.7 and shall be
10 available only to justices of the supreme court,
11 judges of the court of appeals, district judges,
12 district associate judges, and judicial magistrates
13 requesting information pursuant to this section or
14 the designee of each judge or magistrate.

15 Sec. . The state department of transportation
16 is directed to promulgate rules to establish a maximum
17 brake horsepower rating for motorized bicycles and
18 such other motorized bicycle equipment requirements.
19 The state department of transportation shall promulgate
20 rules to provide for the placement of motor vehicle
21 registration validation stickers on all registration
22 plates issued for the motor vehicle when such valida-
23 tion stickers are issued in lieu of issuing new
24 registration plates under the provisions of section
25 three hundred twenty-one point thirty-four (321.34)
26 of the Code."

27 17. Renumber as necessary in conformance with
28 this amendment.

BRUNOW of Appanoose
KRAUSE of Kossuth
DOYLE of Woodbury
LAGESCHULTE of Bremer
DAVITT of Warren
SCHROEDER of Pottawattamie

H-6499

1 Amend amendment H-6385 to Senate File 2111 as
2 passed by the Senate as follows:

3 1. Page 3, by inserting after line 39 the
4 following:

5 "Sec. 10. NEW SECTION. PURPOSE. It is the public
6 policy of this state that all beneficial interest
7 in land trusts be a matter of public record so that
8 a person may not conceal a conflict of interest or
9 other interest detrimental to the public welfare,
10 or avoid the duties or liabilities imposed by law
11 upon the holder of such an interest within a

12 conveyancing device which does not require a public
13 record disclosure of beneficial interests in those
14 trusts.

15 Sec. 11. NEW SECTION. DEFINITIONS. As used in
16 sections ten (10) through fifteen (15) of this Act
17 unless the context otherwise requires:

18 1. "Beneficiary" means each person having a
19 beneficial interest, regardless of how small or minimal
20 the interest may be, in a land trust. If a partnership
21 is a designated beneficiary of the trust, each partner
22 is a beneficiary. If an association is a designated
23 beneficiary of the trust, each individual having a
24 controlling interest of ten percent or more, however
25 control is held, is a beneficiary. If a corporation
26 is a beneficiary each individual having an inter-
27 est of ten percent or more in the corporation is a
28 beneficiary. If the designated beneficiary is a
29 corporation the controlling interest of which is held
30 by other corporations, associations or partnerships,
31 any individual who holds an interest of ten percent
32 or more in such a partnership, association or corpora-
33 tion, whether directly or by means of successive
34 corporate entities or other associations or
35 partnerships, is a beneficiary.

36 2. "Land trust" means any express agreement or
37 arrangement whereby a use, confidence or trust is
38 declared of any land, or of any charge upon land,
39 for the use or benefit of any person, under which
40 the legal title to real property is held by a trustee,
41 subject only to the execution of the trust.

42 3. "Recorded" means that a land trust has been
43 filed of record in the county wherein the real property
44 described in the land trust is located. A land trust
45 is not filed of record unless all of the information
46 relating to beneficiaries which is required by sections
47 ten (10) through fifteen (15) of this Act has been
48 recorded.

49 Sec. 12. NEW SECTION. SECRET BENEFICIAL INTERESTS
50 IN LAND TRUSTS ABOLISHED.

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1 1. Any right to the secrecy of ownership of any
2 beneficial interest in any land trust is abolished
3 as of January 1, 1979, including such interest in
4 land trusts created prior to January 1, 1979.

5 2. In every land trust created on or after January
6 1, 1979, each beneficiary must be identified by name
7 and address and his or her interest defined. Such
8 information shall appear in a prominent place on the
9 face of the deed in trust.

10 3. Every land trust in existence on January 1,
11 1979 is modified to require the public disclosure
12 of beneficial interests therein so as to conform them
13 to the recording requirements for land trust
14 established by sections ten (10) through fifteen (15)
15 of this Act. The responsibility for the recording
16 of such conformed land trusts shall be upon the trustee
17 and the beneficiaries jointly and severally as to
18 the execution of the documents necessary to accomplish
19 such conformation and upon the trustee for the actual
20 recording of such documents, which shall be done as
21 soon as reasonably practicable, but not later than
22 March 31, 1979.

23 Where the trustee is required to make disclosure
24 of beneficial ownership interests under this
25 subsection, he or she shall also file affidavits of
26 the names of such beneficial owners and their interests
27 with the clerk of the district court, and county
28 attorney.

29 Sec. 13. NEW SECTION. FAILURE TO COMPLY WITH
30 ACT. Any violation of sections ten (10) through
31 fifteen (15) of this Act shall render the land trust
32 void and all interests in the rest of the trust shall
33 be in the record titleholder as they existed prior
34 to the execution of the land trust agreement.

35 Sec. 14. NEW SECTION. PENALTY. Any person who
36 knowingly fails or refuses to make disclosure of
37 beneficial interests in real property as required
38 of him or her by sections ten (10) through fifteen
39 (15) of this Act is guilty of a misdemeanor and shall
40 be fined not less than one thousand dollars nor more
41 than five thousand dollars.

42 Sec. 15. NEW SECTION. ENFORCEMENT. Actions or
43 claims in actions to enforce the provisions of sections
44 ten (10) through fifteen (15) of this Act shall be
45 in equity, and may be brought by any person aggrieved
46 by a land trust in violation of sections ten (10)
47 through fifteen (15) of this Act, including but not
48 limited to, the attorney general, an agency of this
49 state, a political subdivision of this state, and
50 a citizen of this or another state."

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- 1 2. Page 3, line 40, by striking the numerals "10."
- 2 and inserting in lieu thereof the numerals "16."
- 3 3. Page 3, line 43, by striking the numerals "11."

- 4 and inserting in lieu thereof the numerals "17".
5 4. Page 3, by inserting after line 43 the
6 following:
7 "2. Amend the title by striking lines 1 and 2
8 and inserting in lieu thereof the words "An Act
9 relating to the ownership of land and providing
10 penalties."

HARGRAVE of Johnson
JOCHUM of Dubuque

H-6500

- 1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 11, by inserting after line 27 the follow-
4 ing:
5 "Sec. 19. Section three hundred twenty-one point
6 one hundred thirteen (321.113), Code 1977, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. A motor vehicle used
9 primarily by a person with a physical handicap which
10 substantially interferes with normal physical movement
11 and registered by such person and a motor vehicle
12 used primarily by a person over sixty-two years of
13 age and registered by such person shall have the
14 registration fee otherwise computed under the
15 provisions of section three hundred twenty-one point
16 one hundred nine (321.109) of the Code, reduced by
17 fifty percent if such person had a taxable income
18 as defined in section four hundred twenty-two point
19 nine (422.9) of the Code, of less than eight thousand
20 dollars for the year preceding the year for which
21 the registration shall apply. Application for reduction
22 shall be made upon forms not exceeding one page in
23 length provided by the department. The reduction
24 provided under this paragraph shall be available only
25 for applications made after January first of the year
26 for which the registration will apply."
27 2. By renumbering the sections and cross-references
28 to conform with this amendment.

PELTON of Clinton

H-6501

- 1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 24, by inserting after line 18 the follow-

- 4 ing:
5 "Sec. . . . Section three hundred six point eight
6 (306.8), Code 1977, is amended by adding the following
7 new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. When agreements are
9 entered into between jurisdictions where moneys are
10 transferred for repair of roads, streets and structures
11 on the road, the moneys shall be used only on those
12 streets, roads and structures transferred."
13 2. Renumber as necessary in conformance with this
14 amendment.

MILLER of Buchanan
RINAS of Linn
WYCKOFF of Benton
HARVEY of Scott
GETTINGS of Wapello
KRAUSE of Kossuth

H—6502

- 1 Amend Senate File 2187, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 23, by inserting after line 4 the
4 following:
5 "Sec. . . . Chapter three hundred twenty-one (321),
6 Code 1977, is amended by adding the following new
7 section:
8 NEW SECTION. OPERATING AN OFF—ROAD MOTORCYCLE.
9 A person shall not operate an off-road motorcycle on
10 any public lands or any private lands for which
11 state funds are received unless in possession of a
12 motor vehicle license valid for operation of
13 motorcycles or a safety certificate from a motorcycle
14 safety course approved by the commission."

WYCKOFF of Benton

H—6503

- 1 Amend amendment H—6489, to Senate File 2187, as
2 passed by the Senate and reprinted, as follows:
3 1. Page 1, line 22, by striking the word "forty-
4 five" and inserting in lieu thereof the word "forty".
5 2. Page 1, line 23, by striking the word "thirty-
6 five" and inserting in lieu thereof the word "thirty".

SCHNEKLOTH of Scott

H-6504

- 1 Amend amendment H-6434 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, line 10, by striking the words "affected
4 by" and inserting in lieu thereof the words "terminated
5 by".

KRAUSE of Kossuth

H-6507

- 1 Amend House File 2440 as follows:
2 1. Page 4, by inserting after line 29 the following
3 new section:
4 "Sec. Chapter two hundred twenty-six (226),
5 Code 1977, is amended by adding the following new
6 section:
7 NEW SECTION. PREADMISSION DIAGNOSTIC EVALUATIONS.
8 1. It shall be the policy of this state that,
9 to the greatest extent feasible, a person shall be
10 admitted to a state mental health institute as an
11 inpatient only after a preadmission diagnostic
12 evaluation by a community mental health center has
13 confirmed that the admission is appropriate to that
14 person's needs, and that no suitable alternative
15 method of providing the services needed by that person
16 in a less restrictive setting, or in or nearer to
17 the person's home community, is currently available.
18 2. In each case in which a county is supporting
19 a community mental health center, directly or in
20 affiliation with other counties, it shall be presumed
21 to be a part of that center's responsibilities to
22 perform the preliminary diagnostic evaluations required
23 by that county in order to implement the policy
24 established by subsection one (1) of this section.
25 However, if performance of such evaluations is not
26 covered by the agreement entered into by the county
27 and the center under section two hundred thirty A
28 point twelve (230A.12) of the Code, and the center's
29 director certifies to the county board of supervisors
30 that the center does not have the capacity to perform
31 the needed evaluations, the board of supervisors may
32 proceed as provided by subsection four (4) of this
33 section.
34 3. In accordance with the policy established by
35 subsection one (1) of this section:
36 a. The superintendent or clinical director of
37 a state mental health institute, or that officer's

38 physician designee, shall advise any person who applies
39 for voluntary admission, or any person applying for
40 the voluntary admission of another person, in
41 accordance with section two hundred twenty-nine point
42 forty-one (229.41) of the Code of the policy
43 established by subsection one (1) of this section,
44 and shall advise that a preadmission diagnostic
45 evaluation of the proposed patient be sought from
46 the appropriate community mental health center or
47 alternative diagnostic facility, if that has not
48 already been done. This subsection shall not apply
49 when voluntary admission is sought in accordance with
50 section two hundred twenty-nine point forty-one

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1 (229.41) of the Code under circumstances which, in
2 the opinion of the superintendent or clinical director
3 of a state mental institute or that officer's
4 physician designee, constitute a medical emergency
5 within the meaning of section two hundred twenty-nine
6 point two (229.2), subsection two (2), paragraph a,
7 of the Code.

8 b. The clerk of the district court shall refer
9 any person applying for authorization for voluntary
10 admission, or for authorization for voluntary admission
11 of another person, in accordance with section two
12 hundred twenty-nine point forty-two (229.42) of the
13 Code to the appropriate community mental health center
14 or alternative diagnostic facility for preadmission
15 diagnostic evaluation unless the applicant furnishes
16 a written statement from that center or facility that
17 such an evaluation has been performed and indicates
18 that the person's admission to a state mental health
19 institute is appropriate. This subsection shall not
20 apply when authorization for voluntary admission is
21 sought under circumstances which, in the opinion of
22 a state mental health institute superintendent or
23 clinical director or that officer's physician designee,
24 constitute a medical emergency within the meaning
25 of section two hundred twenty-nine point two (229.2),
26 subsection two (2), paragraph a, of the Code.

27 c. Judges of the district court, or the judicial
28 hospitalization referees, as the case may be, shall
29 so far as possible arrange for a physician on the
30 staff of or designated by the appropriate community
31 mental health center or alternative diagnostic facility
32 to perform each prehearing examination of a respondent
33 required under section two hundred twenty-nine point
34 eight (229.8), subsection three (3), paragraph b,
35 of the Code.

36 d. When the proposed admission of a person to
37 a state mental health institute, on either a voluntary
38 or an involuntary basis, is primarily for treatment
39 of alcoholism or drug abuse, each reference to a
40 community mental health center or alternative
41 diagnostic facility in subparagraphs a, b and c of
42 this subsection may be deemed a reference to a facility
43 as defined in section one hundred twenty-five point
44 two (125.2), subsection two (2), of the Code as amended
45 by Acts of the Sixty-seventh General Assembly, 1977
46 Session, chapter seventy-four (74), section three
47 (3). However, this paragraph shall not be construed
48 so as to contravene the last sentence of section one
49 hundred twenty-five point nineteen (125.19), subsection
50 one (1), as amended by Acts of the Sixty-seventh

Page 3

1 General Assembly, 1977 Session, chapter seventy-four
2 (74), section thirty (30).

3 4. In cases where a county is not served by a
4 community mental health center having the capacity
5 to perform the required preliminary diagnostic
6 evaluations, the board of supervisors shall arrange
7 for such evaluations to be performed by an alternative
8 diagnostic facility. An alternative diagnostic
9 facility may be the outpatient service of a state
10 mental health institute or any other mental health
11 facility or service able to furnish the requisite
12 professional skills to properly perform preadmission
13 diagnostic evaluation of a person whose admission
14 to a state mental health institute is being sought
15 or considered on either a voluntary or an involuntary
16 basis. The committee on mental hygiene, with the
17 advice and assistance of the director of the department
18 of social services division of mental health resources
19 and the director of the Iowa mental health authority,
20 shall expeditiously prepare and promulgate
21 administrative rules governing the kind and quality
22 of services which must be offered by an alternative
23 diagnostic facility in performing preadmission
24 diagnostic evaluations. The objective of these rules
25 shall be to make such evaluations at least equivalent
26 to those performed by community mental health centers
27 in terms of both professional quality and orientation
28 to the best interests of the person being evaluated
29 and of the county."

H-6508

- 1 Amend House File 2425 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "and" the words "act in a manner contrary to the
- 4 principles set forth in section four (4) of this
- 5 Act to".

EVANS of Grundy

H-6510

- 1 Amend the amendment, H-6379, to House File 2440
- 2 as follows:
- 3 1. Page 4, by inserting after line 19 the follow-
- 4 ing:
- 5 "Sec. . Section one hundred twenty-three point
- 6 ninety-six (123.96), Code 1977, is amended by striking
- 7 subsections one (1) and two (2).
- 8 Sec. . The director of the Iowa beer and liquor
- 9 control department shall increase the price of every
- 10 alcoholic beverage sold in state liquor stores
- 11 effective January 1, 1979, by marking up the price
- 12 being charged for each such beverage on December
- 13 31, 1978, by the percentage determined by the director
- 14 under this section. The director shall determine
- 15 the percentage of markup by dividing (a) the gross
- 16 revenue derived during the fiscal year ending June
- 17 30, 1978 from the special tax imposed by subsection
- 18 one (1) of section one hundred twenty-three point
- 19 ninety-six (123.96) of the Code by (b) the gross
- 20 revenue derived during the fiscal year ending June
- 21 30, 1978 from sales of alcoholic beverages in state
- 22 liquor stores, but not including any revenue derived
- 23 from the special tax imposed upon such sales.
- 24 It is the purpose and intent of the general assembly
- 25 that the price increases for alcoholic beverages that
- 26 are required by this section shall supplant the
- 27 revenues previously derived from the special tax.
- 28 The beer and liquor control department shall not cause
- 29 any adjustments in the prices of alcoholic liquors
- 30 after January 1, 1979, if such adjustments reasonably
- 31 could be expected to decrease the total revenue from
- 32 the sale of alcoholic liquors."

HALVORSON of Clayton
CHIDO of Polk
DYRLAND of Clayton
WOODS of Polk

H-6512

1 Amend Senate File 2258 as follows:

2 1. Page 7, by striking lines 10 through 18 and
3 inserting in lieu thereof the following: "section
4 two point ten (2.10), subsections one (1), two (2),
5 three (3), and five (5), Code 1977, are amended to
6 read as 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 a salary of twelve ten thousand dollars
11 for each year session of the general assembly while
12 serving as a member of the general assembly. The
13 majority and minority floor leaders of the senate
14 and house shall receive an annual a salary of fourteen
15 eleven thousand five hundred dollars for each year
16 session of the general assembly while serving in such
17 capacity. In addition, each such member shall receive
18 the sum of thirty dollars per day for expenses of
19 office, except travel, for each day the general
20 assembly is in session commencing with the first day
21 of a legislative session and ending with the day of
22 final adjournment of each legislative session as
23 indicated by the journals of the house and senate,
24 except that in the event the length of the first
25 regular session of the general assembly exceeds one
26 hundred twenty calendar days and the second regular
27 session exceeds one hundred calendar days, such
28 payments shall be made only for one hundred twenty
29 calendar days for the first session and one hundred
30 calendar days for the second session. However, members
31 from Polk county shall receive fifteen dollars per
32 day. Travel expenses shall be paid at the rate
33 established by section 79.9 for actual travel in going
34 to and returning from the seat of government by the
35 nearest traveled route for not more than one time
36 per week during a legislative session. However, any
37 increase from time to time in the mileage rate
38 established by section 79.9 shall not become effective
39 for members of the general assembly until the convening
40 of the next general assembly following the session
41 in which the increase is adopted; and this provision
42 shall prevail over any inconsistent provision of any
43 present or future statute.

44 2. The lieutenant governor shall receive an annual
45 a salary of eighteen fifteen thousand dollars for
46 service during each session of the general assembly.
47 Personal expense and travel allowances shall be the
48 same for the lieutenant governor as for a senator.
49 The lieutenant governor while performing administrative
50 duties of the office of lieutenant governor when the

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1 general assembly is not in session or serving as the
2 president of the senate during special sessions of
3 the general assembly shall receive sixty dollars per
4 diem and reimbursement for expenses incurred in
5 performing such duties. The salary, per diem, and
6 expenses of the lieutenant governor provided for under
7 this subsection, including office and staff expenses,
8 shall be paid from funds appropriated to the office
9 of the lieutenant governor by the general assembly.

10 3. The speaker of the house shall receive an
11 ~~annual~~ a salary of ~~eighteen~~ fifteen thousand dollars
12 for each ~~year~~ legislative session while serving as
13 the speaker of the house. Expense and travel
14 allowances shall be the same for the speaker of the
15 house as provided for other members of the general
16 assembly.

17 5. The state comptroller shall pay the travel
18 and expenses of the members of the general assembly
19 and the lieutenant governor ~~semimonthly~~ commencing
20 with the first pay period after the names of such
21 persons are officially certified. The salaries of
22 the members of the general assembly and lieutenant
23 governor shall be paid pursuant to any of the following
24 alternative methods:

25 a. During each month of the year at the same time
26 state employees are paid.

27 b. During each pay period during the first six
28 months of each calendar year.

29 c. ~~During~~ during the first six months of each
30 calendar year by allocating two-thirds of the ~~annual~~
31 salary to each pay period during such time period
32 and one-third of the ~~annual~~ salary to each pay period
33 during the second six months of a calendar year.

34 Each member of the general assembly and the lieutenant
35 governor shall file with the state comptroller a
36 statement as to the method the member selects for
37 receiving payment of salary. The presiding officers
38 of the two houses of the general assembly shall jointly
39 certify to the state comptroller the names of the
40 members, officers, and employees of their respective
41 houses and the salaries and mileage to which each
42 is entitled. Travel and expense allowances shall
43 be paid upon the submission of vouchers to the state
44 comptroller indicating a claim for the same. Such
45 vouchers shall be submitted no more frequently than
46 once each month."

LIPSKY of Linn
HARBOR of Mills
SPEAR of Lee
WELDEN of Hardin

H-6513

- 1 Amend Senate File 2187, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 2, by striking lines 29 through 35.

MONROE of Des Moines

H-6514

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 20, by inserting after line 21 the follow-
- 4 ing:
- 5 "Sec. . Section three hundred twenty-one point
- 6 two hundred eighty-one (321.281), unnumbered paragraph
- 7 one (1), Code 1977 Supplement, is amended to read
- 8 as follows:
- 9 Whoever operates a motor vehicle upon the public
- 10 highways of this state having ten-hundredths of one
- 11 percentum or more by weight of alcohol in his or her
- 12 blood or while under the influence of an alcoholic
- 13 beverage, a narcotic, hypnotic or other drug, or any
- 14 combination of such substances shall, upon conviction
- 15 or a plea of guilty, be guilty of a serious misdemeanor
- 16 for the first offense and shall be imprisoned in the
- 17 county jail for not less than two days; be guilty of an
- 18 aggravated misdemeanor for the second offense and
- 19 shall be imprisoned in the county jail not less than
- 20 seven days; and be guilty of a class "D" felony for
- 21 a third offense and each offense thereafter.
- 22 Sec. . Section three hundred twenty-one point
- 23 two hundred eighty-one (321.281), unnumbered paragraph
- 24 five (5), Code 1977 Supplement, is amended to read
- 25 as follows:
- 26 For the purposes of this section, evidence that
- 27 there was, at the time, more than ten-hundredths of
- 28 one percentum by weight of alcohol in his blood shall
- 29 be admitted as presumptive evidence that the defendant
- 30 was under the influence of an alcoholic beverage.
- 31 No previous conviction for, or plea of guilty to,
- 32 an offense under this section occurring more than
- 33 six years prior to the date of the violation being
- 34 charged shall be used to determine that the violation
- 35 being charged is a second, third, or subsequent
- 36 offense."
- 37 2. Page 23, by inserting after line 13 the follow-
- 38 ing:
- 39 "Sec. . Section three hundred twenty-one B

40 point three (321B.3), Code 1977, is amended to read
41 as follows:
42 321B.3 IMPLIED CONSENT TO TEST. Any person who
43 operates a motor vehicle in this state upon a public
44 highway, under such circumstances as to give reasonable
45 grounds to believe the person to have been operating
46 a motor vehicle while under the influence of an
47 alcoholic beverage, shall be deemed to have given
48 consent to the withdrawal from his or her body of
49 specimens of his or her blood, breath, saliva, or
50 urine, and to a chemical test or tests thereof, for

Page 2

1 the purpose of determining the alcoholic content of
2 his or her blood, subject to the provisions hereinafter
3 set out. The withdrawal of such body substances,
4 and the test or tests thereof, shall be administered
5 at the written request of a peace officer having
6 reasonable grounds to believe the person to have been
7 operating a motor vehicle upon a public highway of
8 this state while under the influence of an alcoholic
9 beverage, and only after the peace officer has placed
10 such person under arrest for the offense of operating
11 a motor vehicle while under the influence of an
12 alcoholic beverage. The peace officer shall determine
13 which of the four substances, breath, blood, saliva,
14 or urine, shall be tested. Refusal to submit to a
15 chemical test of urine, saliva or breath shall be
16 deemed a refusal to submit, and the provisions of
17 section 321B.7 shall apply. A refusal to submit to
18 a chemical test of blood shall not be deemed a refusal
19 to submit, but in that case, the peace officer shall
20 then determine which one of the other three substances
21 shall be tested, and shall offer such test. If such
22 peace officer fails to provide a test within two hours
23 after such arrest, no test shall be required, and
24 there shall be no revocation under the provisions
25 of section 321B.7.

26 Sec. . Section three hundred twenty-one B point
27 four (321B.4), Code 1977, is amended to read as
28 follows:

29 321B.4 TAKING SAMPLE FOR TEST. Only a licensed
30 physician, or a medical technologist or registered
31 nurse designated by a licensed physician as his or
32 her representative, acting at the written request
33 of a peace officer may withdraw such body substances
34 for the purpose of determining the alcoholic content
35 of the person's blood. However, any peace officer,
36 using devices and methods approved by the commissioner
37 of public safety, may take or request to be taken

38 a specimen of a person's breath or urine for the
39 purpose of determining the alcoholic content of the
40 person's blood. Only new, originally factory wrapped,
41 disposable syringes and needles, kept under strictly
42 sanitary and sterile conditions shall be used for
43 drawing blood. Such person may have an independent
44 chemical test or tests administered in addition to
45 any administered at the direction of a peace officer.
46 The failure or inability of the person to obtain an
47 independent chemical test or tests shall not preclude
48 the admission in evidence of the results of the test
49 or tests taken at the direction of the peace officer.
50 Upon the request of the person who is tested, the

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1 results of the test or tests taken at the direction
2 of the peace officer shall be made available to ~~him~~
3 that person.

4 Sec. . Section three hundred twenty-one B point
5 five (321B.5), Code 1975, is amended to read as
6 follows:

7 321B.5 DEAD OR UNCONSCIOUS PERSONS. Any person
8 who is dead, unconscious or who is otherwise in a
9 condition rendering him or her incapable of consent
10 or refusal shall be deemed not to have withdrawn the
11 consent provided by section 321B.3, and the test may
12 be given; provided that a licensed physician shall
13 certify in advance of such test writing that such
14 person is was dead, unconscious or otherwise in a
15 condition rendering him that person incapable of
16 consent or refusal. In such case such condition shall
17 obviate the requirements of arrest and advice pursuant
18 to section 321B.6."

19 3. Renumber as necessary in conformance with this
20 amendment.

LAGESCHULTE of Bremer

H-6515

1 Amend amendment H-6490, to Senate File 2187 as
2 passed by the Senate and reprinted, as follows:

3 1. Page 10, by striking lines 49 and 50.

4 2. Page 11, by striking lines 1 through 20

5 and inserting in lieu thereof the following:

6 "Dealers licensed with a principal place of busi-
7 ness in the state may apply to the department for
8 a temporary permit to operate a car lot in a place
9 other than the city or township in which the principal
10 place of business is located. Applications shall

11 be made upon forms provided by the department and
12 accompanied by a ten-dollar permit fee. Temporary
13 permits shall be approved only for operations as a
14 dealer at fairs, vehicle exhibitions and vehicle shows
15 at which vehicles are displayed and offered for sale.
16 Temporary permits shall be issued for periods not
17 to exceed fourteen days."

MILLER of Buchanan
NORLAND of Worth

H—6516

1 Amend Senate File 2187 as amended, passed and re-
2 printed by the Senate as follows:
3 1. Page 4, by inserting after line 34 the following
4 new section:
5 "Sec. . . . Section sixty-eight A point seven
6 (68A.7), Code 1977, is amended by adding the following
7 new subsection:
8 NEW SUBSECTION. 12. Any reports, informations,
9 citations or warnings issued for traffic violations
10 for exceeding the posted speed limit by ten miles
11 per hour or less and any court reports of convictions
12 of a traffic violation for exceeding the posted speed
13 limit by ten miles per hour or less."
14 2. Page 13, by inserting after line 29 the
15 following new section:
16 "Sec. . . . Section three hundred twenty-one point
17 two hundred seven (321.207), Code 1977, is amended
18 to read as follows:
19 321.207 RECORD FORWARDED. Every court having
20 jurisdiction over offenses committed under this
21 chapter, or any other law of this state or any city
22 traffic ordinances, other than parking regulations,
23 regulating the operation of motor vehicles on highways,
24 shall forward to the department a record of the
25 conviction of any person in said court for a violation
26 of any said laws except violations of the posted speed
27 limit by ten miles per hour or less, and may recommend
28 the suspension of the operator's or chauffeur's license
29 of the person so convicted, and the department shall
30 thereupon consider and act upon such recommendation
31 in such manner as may seem to it best."
32 3. Page 13, by inserting after line 35 the
33 following:
34 "Sec. . . . Section three hundred twenty-one point
35 two hundred ten (321.210), unnumbered paragraph two
36 (2), Code 1977, is amended to read as follows:

37 For the purpose of determining when to suspend
38 a license under this section the director may, in
39 accordance with the provisions of chapter 17A,
40 promulgate a point system for the purpose of weighing
41 traffic convictions, or offenses by their seriousness
42 and may change such weighted scale from time to time
43 as experience or the accident frequency in the state
44 makes necessary or desirable. However, points shall
45 not be awarded for violations of the posted speed
46 limits by ten miles per hour or less."
47 4. Page 24, by inserting after line 18 the follow-
48 ing new section:
49 "Sec. . Section eight hundred five point eight
50 (805.8), subsection two (2), paragraph f, unnumbered

Page 2

1 paragraph one (1), Code 1977 Supplement, is amended
2 to read as follows:
3 For excessive speed violations when not more than
4 ten miles per hour in excess of the limit under
5 sections 111.36, 321.236, subsections 5 and 11,
6 321.285, 321.286 and 321.287, the scheduled fine is
7 ten twenty dollars."
8 5. Renumber sections and correct internal refer-
9 ences as are necessary in accordance with this
10 amendment.
11 6. Amend the title, line 22, by inserting after
12 the word "lots," the words "and the administration
13 of traffic offenses,".

HORN of Linn

H-6517

1 Amend Senate File 2187, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 11, by inserting after line 27 the
4 following:
5 "Sec. . Section three hundred twenty-one point
6 one hundred twenty-two (321.122), Code 1977, is amended
7 by adding the following new subsection:
8 **NEW SUBSECTION. 5.** However, motor trucks or truck
9 tractors towing disabled motor vehicles shall be
10 registered for the gross weight of the motor truck
11 or truck tractor without consideration of the weight
12 of the vehicle being towed."
13 2. Renumber as necessary in conformance with this
14 amendment.

HARVEY of Scott
SCHROEDER of Pottawattamie

H-6522

- 1 Amend the amendment, H-6379, to House File 2440
- 2 as follows:
- 3 1. Page 1, by striking lines 2 and 3 and insert-
- 4 ing in lieu thereof the following:
- 5 "1. Page 1, by striking lines 27 through 35.
- 6 2. Page 2, by striking lines 1 through 29.
- 7 3. Page 4, by inserting after line 33 the follow-
- 8 ing sections:"
- 9 2. Page 1, line 4, by striking the word and numeral
- 10 "Section 1. " and inserting in lieu thereof the word
- 11 and numeral "Sec. 10."
- 12 3. Page 1, lines 11 and 12, by striking the words
- 13 and numerals "two (2) and three (3)" and inserting
- 14 in lieu thereof the words and numerals "eleven (11)
- 15 and twelve (12)".
- 16 4. Page 1, line 13 by inserting after the word
- 17 "fund." the words "Moneys deposited in the fund shall
- 18 be appropriated by the general assembly for substance
- 19 abuse programs and services."
- 20 5. Page 1, line 14, by striking the numeral "2"
- 21 and inserting in lieu thereof the numeral "11".
- 22 6. Page 1, line 37, by striking the numeral "3"
- 23 and inserting in lieu thereof the numeral "12".
- 24 7. Page 2, by striking lines 3 through 50.
- 25 8. Page 3, by striking lines 1 through 14.
- 26 9. Page 3, line 15, by striking the numeral "6"
- 27 and inserting in lieu thereof the numeral "13".
- 28 10. Page 3, by striking lines 41 through 50.
- 29 11. Page 4, by striking lines 1 through 31.

BENNETT of Ida

H-6523

- 1 Amend the amendment H-6379, to House File 2440
- 2 as follows:
- 3 1. Page 3, lines 46 and 47, by striking the words
- 4 and figure "seven hundred thirty thousand (730,000)"
- 5 and inserting in lieu thereof the words and figure
- 6 "one million five hundred sixty-two thousand two
- 7 hundred fifty-eight (1,562,258)".
- 8 2. Page 4, by inserting after line 19 the follow-
- 9 ing section:
- 10 "Sec. . Funds distributed to the Iowa depart-
- 11 ment of substance abuse pursuant to section one
- 12 (1) of section four (4) of this Act during the fiscal
- 13 period beginning January 1, 1979 and ending June 30,
- 14 1979 shall not exceed one million five hundred sixty-

15 two thousand two hundred fifty-eight (1,562,258)
 16 dollars. Funds available for distribution during
 17 that fiscal period in excess of one million five
 18 hundred sixty-two thousand two hundred fifty-eight
 19 (1,562,258) dollars shall be deposited in the general
 20 fund of the state."

HUSAK of Tama

H—6524

1 Amend Senate File 2187 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 24, by inserting after line 18 the
 4 following:
 5 "Sec. . Section nine hundred seven point three
 6 (907.3), subsection one (1), Code 1977 Supplement,
 7 is amended by adding the following new paragraph:
 8 NEW PARAGRAPH. e. The offense is a violation
 9 of section three hundred twenty-one point two hundred
 10 eighty-one (321.281) of the Code."
 11 2. Renumber as necessary in conformance with this
 12 amendment.

LAGESCHULTE of Bremer
 GILSON of Guthrie
 PELLETT of Cass
 KOOGLER of Mahaska
 DUNTON of Keokuk
 JUNKER of Woodbury
 HARBOR of Mills
 WELDEN of Hardin
 SPENCER of Clay
 HINKHOUSE of Cedar
 DIELEMAN of Marion
 WEST of Marshall
 GRIFFEE of Chickasaw

KRAUSE of Kossuth
 MILLER of Buchanan
 BRANSTAD of Winnebago
 MILLEN of Van Buren
 DAGGETT of Adams
 HANSEN of O'Brien
 GETTINGS of Wapello
 WYCKOFF of Benton
 STROMER of Hancock
 SPEAR of Lee
 CLARK of Cerro Gordo
 EVANS of Grundy
 CHIODO of Polk
 BRUNOW of Appanoose

H—6525

1 Amend Senate File 2187, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 24, by inserting after line 9 the follow-
 4 ing new section:
 5 "Section 1. Section four hundred fifty-five point
 6 one hundred eighteen (455.118), Code 1977, is amended

7 to read as follows:

8 455.118 BRIDGES. When such levee, ditch, drain,
9 or change of any natural watercourse crosses a public
10 highway, necessitating moving or building or rebuilding
11 any secondary road bridge upon, or ditch or drain
12 crossing such road, the board of supervisors shall
13 move, build, or rebuild the same, paying furnish
14 specifications for the work and pay the costs and
15 expenses thereof incurred in moving or building or
16 rebuilding the same, including construction,
17 maintenance, repair and improvement costs, from the
18 secondary road fund.

19 If the bridge or crossing be upon or across a
20 primary or interstate road, the work aforesaid shall
21 be done by the state department of transportation
22 and paid for shall furnish specifications for the
23 work and pay the cost incurred in performing the
24 aforesaid work out of the primary road fund."

25 2. Renumber sections and correct internal
26 references as are necessary in accordance with this
27 amendment.

28 3. Amend the title, line 22, by inserting after
29 the word "lots," the words "relating to the
30 responsibility for paying the cost of moving, building
31 or rebuilding certain facilities at points where a
32 drainage district improvement crosses a public road,".

NORLAND of Worth
WEST of Marshall

H-6526

1 Amend the amendment, H-6490, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 10, by striking lines 24 through 46 and
5 inserting in lieu thereof the following:

6 "Sec. . Section three hundred twenty-one point
7 four hundred ninety-four (321.494), Code 1977, is
8 amended to read as follows:

9 321.494 GUEST STATUTE. The owner or operator of
10 a motor vehicle shall not be liable for any damages
11 to any passenger or person riding in said motor vehicle
12 as a guest or by invitation and not for hire unless
13 damage is caused as a result of the driver of said
14 motor vehicle being under the influence of an alcoholic
15 beverage, a narcotic, hypnotic or other drug, or any
16 combination of such substances, or because of the
17 reckless operation by him of such motor vehicle. The

18 owner or operator of a carpool or vanpool as defined
19 in section three hundred twenty-five point one (325.1)
20 of the Code, as amended by Acts of the Sixty-seventh
21 General Assembly, 1977 Session, chapter one hundred
22 three (103), section fifty-seven (57), shall not be
23 liable unless damage is caused as a result of the
24 driver of the carpool or vanpool being under the
25 influence of an alcoholic beverage, a narcotic,
26 hypnotic or other drug, or any combination of such
27 substances, or because of the reckless operation of
28 the carpool or vanpool vehicle by the operator. The
29 legislature finds that to preserve increasingly scarce
30 natural resources of petroleum products, and to
31 encourage a cooperative effort from the public to
32 share the costs incurred to transport individuals
33 in shared transportation facilities to and from work,
34 it is in the interest of the health, safety and welfare
35 of the state to adopt the provisions of this section."

GENTLEMAN of Polk
BINA of Scott
KOOGLER of Mahaska

H-6527

1 Amend Senate File 2187, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 22, by inserting after line 17 the follow-
4 ing:

5 "Sec. . Section three hundred twenty-one point
6 three hundred seventy-six (321.376), unnumbered
7 paragraph two (2), Code 1977, is amended by striking
8 the paragraph and inserting in lieu thereof the
9 following:

10 Each school bus driver who is applying for a school
11 bus driver's permit for the first time shall have
12 either completed the Iowa state school bus driver's
13 training course offered through a merged area school
14 corporation or shall complete the course during the
15 first six months of employment. A certificate showing
16 successful completion of the course shall be certified
17 by the area school and submitted to the department
18 of public instruction. Failure of the driver to
19 successfully complete the course shall be reported
20 by the area school to the department of public
21 instruction and to the school for which the bus driver
22 is employed. A beginning driver who fails to
23 successfully complete the course within the first
24 six months of employment shall not be issued a

25 subsequent permit until evidence is submitted to the
26 department certifying the driver has successfully
27 completed the course."

28 2. Renumber as necessary in conformance with this
29 amendment.

LIPSKY of Linn

H—6528

1 Amend the amendment, H—6490, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 2, line 36, by inserting after the word
5 "treasurer" the words "of the county".

DOYLE of Woodbury

H—6530

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, line 11, by inserting after the word
4 "Code," the words "people engaged in a hobby not for
5 profit,".

MONROE of Des Moines
LIND of Black Hawk

H—6534

1 Amend House File 2365 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing new section:
4 "Section 1. Section four hundred fifty-five point
5 one hundred eighteen (455.118), Code 1977, is amended
6 to read as follows:

7 455.118 BRIDGES. When such levee, ditch, drain,
8 or change of any natural watercourse crosses a public
9 highway, necessitating moving or building or rebuilding
10 any secondary road bridge upon, or ditch or drain
11 crossing such road, the board of supervisors shall
12 move, build, or rebuild the same, paying furnish
13 specifications for the work and pay the costs and
14 expenses thereof incurred in moving or building or
15 rebuilding the same, including construction,
16 maintenance, repair and improvement costs, from the

17 secondary road fund.

18 If the bridge or crossing be upon or across a
19 primary or interstate road, the ~~work aforesaid shall~~
20 ~~be done by the state department of transportation~~
21 ~~and paid for shall furnish specifications for the~~
22 ~~work and pay the cost incurred in performing the~~
23 ~~aforesaid work out of the primary road fund."~~

24 2. Renumber sections and correct internal
25 references as are necessary in accordance with this
26 amendment.

27 3. Amend the title, line 5, by inserting after
28 the word "district," the words "relating to the
29 responsibility for paying the cost of moving, building
30 or rebuilding certain facilities at points where a
31 drainage district improvement crosses a public road".

NORLAND of Worth
WEST of Marshall

H—6535

1 Amend the amendment, H—6379, to House File 2440
2 as follows:

3 1. Page 1, by striking lines 2 through 13 and
4 inserting in lieu thereof the following:

5 "1. Page 1, by inserting before line 1 the follow-
6 ing:"

7 2. Page 1, by striking line 32.

8 3. Page 1, line 33, by striking the word "fund"
9 and inserting in lieu thereof the words "the general
10 fund of the state".

11 4. Page 2, by striking lines 1 and 2 and inserting
12 in lieu thereof the words "deposited in the general
13 fund of the state."

14 5. Page 2, by striking lines 3 through 50.

15 6. Page 3, by striking lines 1 through 50.

16 7. Page 4, by striking lines 1 through 31.

HUSAK of Tama

H—6537

1 Amend Senate File 2184 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 5, by inserting after line 23 the follow-
4 ing:

5 "Sec. . NEW SECTION. ESTABLISHMENT OF
6 AUTHORITY.

7 1. The Iowa railroad car authority is established,

8 and constituted a public instrumentality and agency
9 of the state exercising public and essential
10 governmental functions, established to undertake
11 programs which assist in attainment of an adequate
12 supply of railroad cars in the state. The powers
13 of the authority shall be vested in and exercised
14 by the state transportation commission.

15 2. The net earnings of the authority, beyond that
16 necessary for retirement of its notes, bonds or other
17 obligations, or to implement the public purposes and
18 programs herein authorized, shall not inure to the
19 benefit of any person other than the state. Upon
20 termination of the existence of the authority, title
21 to all property owned by the authority, including
22 any such net earnings of the authority, shall vest
23 in the state. The state reserves the right at any
24 time to alter, amend, repeal, or otherwise change
25 the structure, organization, programs or activities
26 of the authority, including the power to terminate
27 the authority, except that no law shall ever be passed
28 impairing the obligation of any contract or contracts
29 entered into by the authority to the extent that any
30 such law would contravene article one (I), section
31 twenty-one (21) of the Constitution of the state of
32 Iowa or article one (I), section ten (10) of the
33 Constitution of the United States.

34 Sec. NEW SECTION. LEGISLATIVE FINDINGS.

35 The general assembly finds and declares as follows:

36 1. The establishment of the railroad car authority
37 is in all respects for the benefit of the people of
38 the state of Iowa, for the improvement of the state
39 rail transportation system, and for the promotion
40 of the economy of the state, which are public purposes.

41 2. The authority will be performing an essential
42 governmental function in the exercise of the powers
43 and duties conferred upon it by this chapter.

44 3. There exists a serious shortage of safe and
45 efficient railroad cars to move Iowa produced
46 agricultural and manufactured goods and to move raw
47 materials into the state.

48 4. This shortage creates waste, interferes with
49 the distribution, increases delays and increases
50 costs.

Page 2

1 5. One major cause of this condition has been
2 recurrent shortages of funds in private channels.

3 6. These shortages have contributed to reductions
4 in the purchases of new equipment by railroad
5 companies.

6 7. The ordinary operations of private enterprise
7 have not in the past corrected these shortages.

8 8. A stable supply of railroad cars in the state
9 is necessary for efficient rail transportation of
10 Iowa products.

11 9. All of the purposes stated in this section
12 are public purposes and uses for which public moneys
13 may be borrowed, expended, advanced, loaned or granted.

14 Sec. NEW SECTION. GENERAL POWERS. The
15 authority has all of the general powers needed to
16 carry out its purposes and duties, and exercise its
17 specific powers, including but not limited to the
18 power to:

19 1. Issue its negotiable bonds and notes in a
20 manner provided in sections two hundred twenty point
21 twenty-six (220.26) to two hundred twenty point thirty
22 (220.30) of the Code, in order to finance its programs.

23 2. Sue and be sued in its own name.

24 3. Have and alter a corporate seal.

25 4. Make and alter bylaws for its management
26 consistent with the provisions of this chapter.

27 5. Make and execute agreements, contracts and
28 other instruments, with any public or private entity.
29 All political subdivisions, rail companies, other
30 public agencies and state departments and agencies
31 may enter into contracts and otherwise cooperate with
32 the authority.

33 6. Acquire, hold, improve, mortgage, lease and
34 dispose of real and personal property, including,
35 but not limited to, the power to sell at public or
36 private sale, with or without public bidding, any
37 such property, mortgage loan, or other obligation
38 held by it.

39 7. Procure insurance against any loss in connection
40 with its operations and property interests.

41 8. Fix and collect fees and charges for its
42 services.

43 9. Subject to any agreement with bondholders or
44 noteholders, invest or deposit moneys of the authority
45 in any manner determined by the authority,
46 notwithstanding the provisions of chapter four hundred
47 fifty-two (452), four hundred fifty-three (453) or
48 four hundred fifty-four (454) of the Code.

49 10. Accept appropriations, gifts, grants, loans,
50 or other aid from public or private entities. A

Page 3

1 record of all gifts or grants, stating the type,
2 amount and donor, shall be clearly set out in the
3 authority's annual report along with the record of

4 other receipts.

5 11. Provide technical assistance and counseling
6 related to the authority's purposes, to public and
7 private entities.

8 12. In cooperation with other local, state or
9 federal governmental agencies, conduct research
10 studies, develop estimates of unmet railroad car
11 needs, and gather and compile data useful to facilitate
12 decision making.

13 13. Cooperate in development of, and initiate
14 railroad transportation.

15 14. Contract with architects, engineers, attorneys,
16 accountants, railroad companies, railroad car
17 manufacturers, and other advisors. However, the
18 authority may enter into contracts or agreements for
19 such services with local, state or federal governmental
20 agencies.

21 15. Make, alter and repeal rules consistent with
22 the provisions of this chapter, and subject to chapter
23 seventeen A (17A) of the Code.

24 Sec. NEW SECTION. STAFF.

25 1. The executive director of the authority shall
26 be the director of transportation of this state.

27 2. The executive director shall advise the
28 authority on matters relating to rail transportation
29 and railroad car purchases, carry out all directives
30 from the authority, and hire and supervise the
31 authority's staff pursuant to its directions and under
32 the provisions of chapter nineteen A (19A) of the
33 Code and the staff shall be considered to be a part
34 of the state department of transportation.

35 3. The executive director, as secretary of the
36 authority, shall keep a record of the proceedings
37 of the authority and shall be custodian of all books,
38 of its minute book and seal. He shall have authority
39 to cause to be made copies of all minutes and other
40 records and documents of the authority and to give
41 certificates under the seal of the authority to the
42 effect that such copies are true copies and all persons
43 dealing with the authority may rely upon such
44 certificates.

45 Sec. NEW SECTION. BONDING LIMIT AND PURPOSES.

46 The railroad car authority may issue bonds in amounts
47 not to exceed an aggregate outstanding principal of
48 thirty million dollars. Records of bonds, reports,
49 accounts, fund, lease purchase agreements, bonding
50

1 and exemptions of competitive bid laws shall be
2 applicable to the railroad car authority in the same

3 manner as applicable to the housing authority under
 4 chapter two hundred twenty (220) of the Code. Bonds
 5 may be issued for the purchase of railroad cars and
 6 other railroad rolling stock to be leased to shippers
 7 in the state of Iowa and to other shippers when the
 8 rolling stock is not needed by Iowa shippers or when
 9 this will promote the economy of the state. In order
 10 to maintain flexibility in meeting shipper requirements
 11 the emphasis shall be on short-term lease agreements,
 12 and no leases shall be longer than one year. Revenue
 13 of the lease agreements shall be used to amortize
 14 all bonds issued by the railroad car authority. Bonds
 15 issued under the authority of this Act shall not
 16 constitute a general obligation of the state or its
 17 political subdivisions."
 18 2. Renumber sections and correct internal
 19 references in conformance with this amendment.

WEST of Marshall
 MILLEN of Van Buren
 SHIMANEK of Jones
 HANSEN of O'Brien
 TOFTE of Winneshiek
 BENNETT of Ida
 TAUKE of Dubuque
 LAGESCHULTE of Bremer
 CONLON of Muscatine
 HARBOR of Mills
 KREWSON of Polk
 CLARK of Cerro Gordo
 SMALLEY of Polk
 SCHNEKLOTH of Scott
 LIND of Black Hawk
 GENTLEMAN of Polk
 EGENES of Story

EVANS of Grundy
 BROCKETT of Marshall
 STROMER of Hancock
 SCHROEDER of Pottawattamie
 CLARK of Lee
 CRABB of Crawford
 THOMPSON of Polk
 DAGGETT of Adams
 PELTON of Clinton
 PELLETT of Cass
 HALVORSON of Clayton
 HARVEY of Scott
 LINDEEN of Henry
 STEPHENS of Plymouth
 BRANSTAD of Winnebago
 MENKE of O'Brien
 JUNKER of Woodbury
 HOFFMANN of Muscatine

H-6538

1 Amend Senate File 2187 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 11, by inserting after line 27 the follow-
 4 ing:
 5 "Sec. 19. Section three hundred twenty-one point
 6 one hundred twenty-two (321.122), subsection one (1),
 7 Code 1977, as amended by Acts of the Sixty-seventh
 8 General Assembly, 1977 Session, chapter one hundred
 9 four (104), section five (5), is amended by striking
 10 the subsection and inserting in lieu thereof the
 11 following:

12 1. The annual registration fee for motor trucks,
 13 except special trucks, truck tractors, or road
 14 tractors, shall be based on the combined gross weight
 15 of the vehicle or combination of vehicles. All trucks,
 16 truck tractors, semitrailers, or road tractors shall
 17 be registered for a gross weight equal to or in excess
 18 of the unladen weight of the vehicle or combination
 19 of vehicles. The annual registration fee for such
 20 vehicles or combination of vehicles shall be:

21 a. For a combined gross weight of four tons or
 22 less forty-five dollars and after ten registrations
 23 thirty-five dollars.

24 b. For a combined gross weight exceeding four
 25 tons, the annual registration fee shall be as set
 26 forth in the following schedule:

For a combined gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
4 Tons.....	5 Tons.....	\$ 60
5 Tons.....	6 Tons.....	75
6 Tons.....	7 Tons.....	100
7 Tons.....	8 Tons.....	135
8 Tons.....	9 Tons.....	170
9 Tons.....	10 Tons.....	205
10 Tons.....	11 Tons.....	240
11 Tons.....	12 Tons.....	275
12 Tons.....	13 Tons.....	310
13 Tons.....	14 Tons.....	335
14 Tons.....	15 Tons.....	380
15 Tons.....	16 Tons.....	415
16 Tons.....	17 Tons.....	450
17 Tons.....	18 Tons.....	485
18 Tons.....	19 Tons.....	520
19 Tons.....	20 Tons.....	578
20 Tons.....	21 Tons.....	617
21 Tons.....	22 Tons.....	660
22 Tons.....	23 Tons.....	704
23 Tons.....	24 Tons.....	749
24 Tons.....	25 Tons.....	875
25 Tons.....	26 Tons.....	927

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1	26 Tons.....	27 Tons.....	\$ 981
2	27 Tons.....	28 Tons.....	1,036
3	28 Tons.....	29 Tons.....	1,091
4	29 Tons.....	30 Tons.....	1,148
5	30 Tons.....	31 Tons.....	1,206
6	31 Tons.....	32 Tons.....	1,264
7	32 Tons.....	33 Tons.....	1,324
8	33 Tons.....	34 Tons.....	1,384
9	34 Tons.....	35 Tons.....	1,475

10	35 Tons.....	36 Tons.....	1,538
11	36 Tons.....	37 Tons.....	1,601
12	37 Tons.....	38 Tons.....	1,666
13	38 Tons.....	39 Tons.....	1,731
14	39 Tons.....	40 Tons.....	1,798

15 c. For a combined gross weight exceeding forty
 16 tons, the annual registration fee shall be two thousand
 17 twenty-four dollars plus eighty-five dollars for each
 18 ton over forty tons.

19 Where an auxiliary axle has been registered under
 20 the provisions of this chapter, the registered gross
 21 weight of the vehicle or combination of vehicles shall
 22 be the sum of the registered gross weight of such
 23 auxiliary axle or axles added to the registered gross
 24 weight of the truck, truck tractor, or road tractor."

25 2. Page 22, by inserting after line 17 the follow-
 26 ing:

27 "Sec. 33. Section three hundred twenty-one point
 28 four hundred fifty-seven (321.457), Code 1977, as
 29 amended by Acts of the Sixty-seventh General Assembly,
 30 1977 Session, chapter one hundred three (103), section
 31 fifty-one (51), is amended by adding the following
 32 new subsection:

33 NEW SUBSECTION. No semitrailer registered for
 34 the first time for the calendar year beginning January
 35 1, 1979, or for a subsequent period shall have an
 36 overall length in excess of forty-five feet.

37 Sec. 34. Section three hundred twenty-one point
 38 four hundred fifty-seven (321.457), subsection three
 39 (3), Code 1977, is amended by striking the subsection
 40 and inserting in lieu thereof the following:

41 3. No combination of vehicles coupled together,
 42 unladen or with load, shall have an overall length,
 43 inclusive of front and rear bumpers, in excess of
 44 sixty feet.

45 Sec. 35. Section three hundred twenty-one point
 46 four hundred fifty-seven (321.457), subsection five
 47 (5), Code 1977, is amended by striking the subsection
 48 and inserting in lieu thereof the following:

49 5. Passenger vehicles, light delivery trucks,
 50 panel delivery trucks, pickup trucks and boats being

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1 transported on a combination of vehicles used
 2 exclusively for the transportation of such vehicles
 3 and boats may extend up to three feet beyond the front
 4 and rear bumpers of the transporting vehicles when
 5 the overall length of the vehicle with load does not
 6 exceed sixty-five feet.

7 Sec. 36. Section three hundred twenty-one point
8 four hundred fifty-nine (321.459), Code 1977, is
9 amended by striking the section and inserting in lieu
10 thereof the following:

11 321.459 DUAL AXLE REQUIREMENT. Axles of a motor
12 vehicle, trailer, or semitrailer which are less than
13 forty inches apart center to center shall be considered
14 as one axle for the purpose of determining permissible
15 weight under section three hundred twenty-one point
16 four hundred sixty-three (321.463) of the Code.

17 Sec. 37. Section three hundred twenty-one point
18 four hundred sixty-three (321.463), Code 1977, is
19 amended by striking the section and inserting in lieu
20 thereof the following:

21 321.463 MAXIMUM GROSS WEIGHT. An axle may be
22 divided into two or more parts, except that all parts
23 in the same vertical transverse plane shall be
24 considered as one axle.

25 The gross weight on any one axle of a vehicle,
26 or of a combination of vehicles, operated on the
27 highways of this state, shall not exceed twenty
28 thousand pounds on an axle equipped with pneumatic
29 tires, and shall not exceed fourteen thousand pounds
30 on an axle equipped with solid rubber tires. The
31 gross weight on any tandem axle of a vehicle, or any
32 combination of vehicles, shall not exceed thirty-four
33 thousand pounds on an axle equipped with pneumatic
34 tires.

35 A group of two or more consecutive axles of any
36 vehicle or combination of vehicles, shall not carry
37 a load in pounds in excess of the overall gross weight
38 determined by application of the following formula:
39 $W \text{ equals } 500 \text{ times } (LN/N-1 + 12N + 36) \text{ where } W \text{ equals}$
40 the overall gross weight on any group of two or more
41 consecutive axles to the nearest five hundred pounds,
42 $L \text{ equals the distance in feet between the extreme}$
43 of any group of two or more consecutive axles, and
44 $N \text{ equals the number of axles in group under}$
45 consideration, except that two consecutive sets of
46 tandem axles may carry a gross load of thirty-four
47 thousand pounds each providing the overall distance
48 between the first and last axles of such consecu-
49 tive sets of tandem axles is thirty-six feet or more.

50 In no event shall the maximum gross weight, includ-

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1 ing the enforcement tolerances, exceed eighty thousand
2 pounds.

3 A tolerance above the maximum legal weight of any
4 axle or vehicle or combination of vehicles may be

5 allowed as follows:

6 Three percent on any axle, including tandem axles,
7 of any vehicle or combination of vehicles operated
8 on highways not part of the interstate system.

9 Eight percent of the gross weight on any particular
10 group of axles.

11 Eight percent on the total gross weight of a vehicle
12 or combination of vehicles.

13 The weight on any one axle, including a tandem
14 axle, of a vehicle which is transporting livestock
15 on highways not part of the interstate system may
16 exceed the legal maximum weight given in this chapter
17 providing that the gross weight on any particular
18 group of axles on such vehicle does not exceed the
19 gross weight allowable under this chapter for such
20 group of axles.

21 Any person who operates any vehicle in violation
22 of the provisions of this section, and any owner,
23 or any other person, employing or otherwise directing
24 the operator of any vehicle who requires or knowingly
25 permits the operation of any vehicle in violation
26 of the provisions of this section shall upon conviction
27 or a plea of guilty be punished in accordance with
28 the following schedule:

29 **AXLE, TANDEM AXLE, GROUP OF AXLES, AND**
30 **GROSS WEIGHT VIOLATIONS**

31 Percentage of	Amount of Fine
32 Overload	Per Hundred Pounds
33 Up to and including 8%	\$1.00
34 Over 8% to and including 10%	1.25
35 Over 10% and including 12%	1.50
36 Over 12% and including 14%	2.00
37 Over 14% and including 16%	3.00
38 Over 16% and including 18%	4.00
39 Over 18% and including 20%	5.00
40 Over 20%	6.00

41 A fine shall not be assessed if the overload does
42 not exceed the tolerance specified in this section.

43 If the overload does exceed the tolerance specified
44 in this section, the amount of the fine to be assessed
45 shall be computed on the difference between the actual
46 weight and the maximum legal weight specified in this
47 section without allowance of any tolerance, by applying
48 the appropriate rate in the preceding schedule for
49 the total percentage of overload. The total percentage
50 of overload shall be determined by dividing the

1 appropriate maximum legal weight as specified in this
2 section with allowance for any tolerance into the
3 amount of pounds overloaded.

Overloads on axles and tandem axles and overloads on groups of axles or on an entire vehicle or combination of vehicles shall be considered as separate violations of the provisions of this section.

The penalties provided in this section shall not be construed to be in lieu of any other penalties provided for violations of other provisions of this chapter.

Any person who issues or executes, or causes to be issued or executed, any bill of lading, manifest, or shipping document of any kind which states the false weight of the cargo set forth on such bill, manifest, or document, to be less than the actual weight of such cargo, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days."

3. Page 24, by inserting after line 9 the following:

"Sec. 39. Chapter three hundred twenty-four (324), Code 1977, is amended by adding the following new division:

DIVISION V

MOTOR FUEL AND SPECIAL FUEL USE TAX FOR HEAVY MOTOR VEHICLE OPERATIONS

NEW SECTION. PURPOSE. The purpose of this division is to provide a method of collecting additional fuel taxes from interstate and intrastate operators of motor vehicles registered at a gross weight of twenty tons or more commensurate with their operations on Iowa highways.

NEW SECTION. LEVY OF HEAVY VEHICLE FUEL TAX.

For the privilege of operating a motor vehicle registered at a gross weight of twenty tons or more in this state, an excise tax of two cents a gallon is imposed upon the use of all motor fuel and special fuel used in said vehicles. This excise tax is in addition to those taxes provided for in Division I and II of this chapter.

NEW SECTION. PERMIT—BOND. No person shall operate a motor vehicle registered for a gross weight of twenty tons or more on Iowa highways without a heavy vehicle fuel tax permit. The department shall issue a permit annually upon the posting of an indemnity bond in a sum to be fixed by the department to assure the required reporting, tax payments and record keeping. The department may audit persons not holding permits who are suspected of evading the heavy vehicle

(324.55). The annual permit fee shall be five dollars. Each vehicle operated under the provisions of this division shall carry a duplicate or evidence of the permit. A fee of fifty cents shall be charged for each duplicate issued. Any person holding a heavy vehicle fuel tax permit shall not be required for vehicles registered at twenty tons and over to hold an Iowa interstate fuel permit issued under section three hundred twenty-four point fifty-three (324.53) of the Code.

NEW SECTION. FUEL TAX COMPUTATION—REPORTING AND PAYMENT. To determine the amount of fuel taxes due under this provision, a quarterly report shall be filed not later than the last day of the month following the quarter reported and each quarter thereafter. Reports shall be on forms prescribed by the department and be required of all persons who have been issued a permit under this division. Reports shall cover actual operation and fuel consumption in Iowa. Taxes shall be based on the permittee's average fuel consumption. Average fuel consumption shall be determined by the total miles traveled and the total fuel purchased and consumed for highway use by the permittee's motor vehicle in its entire operation in all states to establish an overall miles per gallon ratio, which ratio shall be used to compute the gallons used for the miles traveled in Iowa."

4. Renumber as necessary in conformance with this amendment.

NIELSEN of Polk
SCHROEDER of Pottawattamie
SCHEELHAASE of Woodbury
WYCKOFF of Benton

H—6542

Amend Senate File 2187 as amended, passed and reprinted by the Senate as follows:

1. Page 22, line 19, by striking the word "section" and inserting in lieu thereof the word "sections".

2. Page 22, by inserting after line 29 the following:

"NEW SECTION. PROOF OF FINANCIAL RESPONSIBILITY.

1. Notwithstanding the provisions of chapter three hundred twenty-one A (321A) of the Code, as it pertains to who is required to maintain proof of financial responsibility to operate a motor vehicle on the highways of this state, a person shall not operate 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. A county treasurer shall not issue vehicle
18 registration plates to the owner of a motor vehicle
19 in this state unless the applicant has demonstrated
20 proof of financial responsibility in a manner provided
21 in this section or such other manner as prescribed
22 by the department to substantiate that a person has
23 the ability to respond in damages for liability in
24 the 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 notify the treasurer of the county
39 who issued the vehicle registration plates to the
40 owner who has cancelled the insurance coverage or
41 failed to maintain proof of financial responsibility
42 in a manner required in section three hundred twenty-
43 one A point eighteen (321A.18) of the Code. The
44 county treasurer shall notify the owner of the
45 revocation of the vehicle registration plates effective
46 thirty days from the date the notice is mailed and
47 that the owner of the vehicle shall surrender the
48 vehicle registration plates to the county treasurer.
49 If the owner provides proof of financial responsibility
50 as required by law, the vehicle registration plates

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1 shall not be revoked or surrendered.
2 4. The state department of transportation and
3 the insurance department shall promulgate rules to
4 implement the provisions of this Act."
5 3. Renumber the sections and correct internal
6 references as necessary.

MILLER of Buchanan

H—6543

1 Amend the amendment, H—6538, to Senate File 2187
 2 as amended, passed and reprinted by the Senate as
 3 follows:

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

5 " Page 4, by inserting after line 34 the
 6 following:

7 "Sec. 9. Chapter three hundred twelve (312), Code
 8 1977, is amended by adding the following new sections:

9 NEW SECTION. PAVEMENT WEAR FUND. There is created
 10 in the state treasury a pavement wear fund.

11 NEW SECTION. PAVEMENT WEAR FUND DISTRIBUTION.

12 The department shall recommend to the legislature
 13 on or before February first of each year, a formula
 14 distribution of the funds in the pavement wear fund.
 15 The formula shall be based on studies of the relative
 16 wear on routes designated by the functional
 17 classification review board. Funds shall be dis-
 18 tributed from the pavement wear fund pursuant to the
 19 established formula beginning January 1, 1980 and
 20 each subsequent year.

21 Sec. 10. Section three hundred twelve point two
 22 (312.2), Code 1977, is amended by adding the following
 23 new subsection:

24 NEW SUBSECTION. 8. Each month the treasurer of
 25 the state, before making the allotments provided for
 26 in this section, shall compute and credit to the
 27 pavement wear fund the proceeds from the two cents
 28 per gallon excise tax as set forth in the second new
 29 section added by section thirty-nine (39) of this
 30 amendment and the portion of the registration fees
 31 collected under section nineteen (19) of this
 32 amendment, according to the following schedule:

33 For a combined gross	And not	The portion to be
34 weight exceeding	exceeding	allocated shall be:
35 19 Tons	20 Tons	\$ 3
36 20 Tons	21 Tons	\$ 7
37 21 Tons	22 Tons	\$ 15
38 22 Tons	23 Tons	\$ 24
39 23 Tons	24 Tons	\$ 34
40 24 Tons	25 Tons	\$ 50
41 25 Tons	26 Tons	\$ 62
42 26 Tons	27 Tons	\$ 76
43 27 Tons	28 Tons	\$ 91
44 28 Tons	29 Tons	\$106
45 29 Tons	30 Tons	\$123
46 30 Tons	31 Tons	\$141
47 31 Tons	32 Tons	\$159
48 32 Tons	33 Tons	\$179
49 33 Tons	34 Tons	\$199
50 34 Tons	35 Tons	\$225

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1	35 Tons	36 Tons	\$248
2	36 Tons	37 Tons	\$271
3	37 Tons	38 Tons	\$296
4	38 Tons	39 Tons	\$321
5	39 Tons	40 Tons	\$348
6	For a combined gross weight exceeding forty tons,		
7	the portion to be allocated shall be three hundred		
8	and forty-eight dollars and in addition thereto twenty-		
9	seven dollars for each ton over forty tons." "		
10	2. Renumber the section and correct internal		
11	references as necessary in conformance with this		
12	amendment.		

KRAUSE of Kossuth

H—6544

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, by inserting after line 18 the
- 4 following:
- 5 "Sec. . . . Section three hundred twenty-one point
- 6 one (321.1), subsection three (3), paragraph b, Code
- 7 1977 Supplement, is amended by striking the paragraph
- 8 and inserting in lieu thereof the following:
- 9 b. "Motorized bicycle" or "motor bicycle" means
- 10 a two or three wheeled vehicle with fully operative
- 11 pedals for propulsion by human power, an automatic
- 12 transmission, and a motor with a cylinder capacity
- 13 not exceeding fifty cubic centimeters, which produces
- 14 no more than one and one-half brake horsepower, and
- 15 is capable of propelling the vehicle at a maximum
- 16 design speed of not more than twenty-five miles per
- 17 hour on level ground."
- 18 2. Renumber as necessary in conformance with this
- 19 amendment.

TOFTE of Winneshiek

H—6545

- 1 Amend amendment H—6538, to Senate File 2187, as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 4, line 2, by inserting after the word
- 4 "pounds." the following: "A vehicle or combination
- 5 of vehicles exceeding the gross weight, including

6 the enforcement tolerances, of seventy-three thousand
7 two hundred eighty (73,280) pounds shall be limited
8 to travel on the interstate system and no more than
9 five miles therefrom."

GARRISON of Black Hawk
KOOGLER of Mahaska
MILLER of Buchanan
LIND of Black Hawk

H—6546

1 Amend the amendment, H—6538, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 2, by striking lines 15 through 18 and
5 inserting in lieu thereof the following:
6 "c. For a combined gross weight exceeding forty
7 tons, the annual registration fee shall be one thousand
8 seven hundred ninety-eight dollars plus eighty-five
9 dollars for each ton over forty tons."
10 2. Page 2, by striking lines 27 through 36.
11 3. Renumber as necessary in conformance with this
12 amendment.

WYCKOFF of Benton
SCHEELHAASE of Woodbury
HARBOR of Mills
SCHROEDER of Pottawattamie

H—6547

1 Amend amendment H—6538 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 2, line 36 by striking the period and
5 inserting in lieu thereof the following: "except
6 semitrailers transporting livestock, semitrailers
7 transporting implements of husbandry, and those
8 semitrailers used exclusively for the transporta-
9 tion of passenger vehicles, light delivery trucks,
10 panel delivery trucks, pickup trucks and boats."

KRAUSE of Kossuth

H—6548

1 Amend amendment H—6538 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 4, by striking lines 9 through 12.

KRAUSE of Kossuth

H—6549

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 5, by inserting after line 30 the follow-
4 ing:

5 "Sec. . Section three hundred twenty-one point
6 thirty-eight (321.38), Code 1977, is amended to read
7 as follows:

8 321.38 PLATES, METHOD OF ATTACHING. Every
9 registration plate shall at all times be securely
10 fastened in a horizontal position to the vehicle for
11 which it is issued so as to prevent the plate from
12 swinging and at a height of not less than twelve
13 inches from the ground, measuring from the bottom
14 of such plate, in a place and position to be clearly
15 visible and shall be maintained free from foreign
16 materials or imitation plate or plates imitating or
17 purporting to imitate the official license plate of
18 any other state or territory of the United States
19 or of any foreign government and in a condition to
20 be clearly legible. Registration plates attached
21 to a motor vehicle shall not have the view of such
22 plates from the rear of the motor vehicle obstructed
23 by a trailer towing connection when a vehicle is not
24 being towed."

25 2. Renumber as necessary in conformance with this
26 amendment.

DOYLE of Woodbury

H—6550

1 Amend amendment H—6538 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 4, line 6, by striking the word "Three"
5 and inserting in lieu thereof the word "One".

KRAUSE of Kossuth

H-6556

- 1 Amend House File 2456 as follows:
- 2 1. Page 2, line 15, by inserting after the word
- 3 "only." the words "The state conservation commission
- 4 shall not initiate any further negotiations to acquire
- 5 land at Lake MacBride and shall acquire additional
- 6 land at Lake MacBride only from willing sellers."

PATCHETT of Johnson
WELLS of Linn
HINKHOUSE of Cedar
SVOBODA of Iowa
HARGRAVE of Johnson
RINAS of Linn

H-6558

- 1 Amend the amendment H-6445 to Senate File 2176
- 2 as follows:
- 3 1. Page 2, line 7, by striking the words
- 4 "following a hearing".

MIDDLESWART of Warren
DAVITT of Warren

H-6561

- 1 Amend the amendment H-6445 to Senate File 2176
- 2 as follows:
- 3 1. Page 2, line 24, by inserting after the word
- 4 "or" the words "one point thirty-five percent".

GILSON of Guthrie

H-6562

- 1 Amend House File 2425 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "area" the words ", in contrast to the usual and
- 4 acceptable practice of making or rejecting loans on
- 5 grounds as set forth in section four (4) of this Act".

EVANS of Grundy

H—6569

1 Amend House File 2417 as follows:

2 1. Page 2, line 10, by striking the word
3 "subsection" and inserting in lieu thereof the
4 word "subsections".

5 2. Page 2, by inserting after line 21 the
6 following:

7 "NEW SUBSECTION. IMPROVEMENTS TO REAL PROPERTY.

8 In addition to limitations contained elsewhere in
9 this section, an action arising out of the unsafe or
10 defective condition of an improvement to real property,
11 including but not limited to actions in contract, tort,
12 and warranty and actions for contribution and indem-
13 nity, and founded on injury to property, real or per-
14 sonal, or injury to the person or wrongful death,
15 shall not be brought more than ten years after the date
16 on which occurred the act or omission of the defendant
17 alleged in the action to have been the cause of the
18 injury or death complained of."

TAUKE of Dubuque
THOMPSON of Polk

H—6570

1 Amend House File 2456 as follows:

2 1. Page 5, line 1, by inserting after the word
3 "project." the words "It is the intent of the general
4 assembly to commemorate the steadfast support of
5 former state senator Hilarius L. Heying for this
6 project. The state conservation commission is directed
7 to designate the lake to be constructed on the Frog
8 Hollow watershed of the Volga River as Lake Hilarius."

HALVORSON of Clayton

H—6571

1 Amend amendment H—6538 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 2, line 44 by striking "sixty" and
5 inserting "sixty-five".

WOODS of Polk

H—6572

- 1 Amend House File 2425 as follows:
- 2 1. Page 3, line 28, by striking the word "may"
- 3 and by inserting in lieu thereof the word "shall".
- 4 2. Page 5, by striking lines 11 through 20.

CONLON of Muscatine

H—6573

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 24, by inserting after line 18 the
- 4 following:
- 5 "Sec. . . . For new motor vehicles registered for
- 6 the first time for the calendar year beginning
- 7 January 1, 1980 and each subsequent year, the state
- 8 department of transportation shall promulgate rules
- 9 to establish a standard bumper height for all new
- 10 motor vehicles. The standard bumper height shall
- 11 provide that the front and rear bumpers of all motor
- 12 vehicles shall have the impact area of the bumper
- 13 equally distant from the road surface for all motor
- 14 vehicles. Operation of a motor vehicle other than
- 15 in conformance with this section and registered for
- 16 the first time for the calendar year beginning
- 17 January 1, 1980 or a subsequent calendar year shall
- 18 be a simple misdemeanor."
- 19 2. Renumber as necessary.

MILLER of Buchanan

H—6594

- 1 Amend the amendment, H—6544, to Senate File 2187,
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 10 through 12 and
- 5 inserting in lieu thereof the following: "a two or
- 6 three wheeled vehicle with a motor with a cylinder
- 7 capacity".

DYRLAND of Clayton

H—6596

- 1 Amend the amendment, H—6490, to Senate File 2187
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 13, by striking lines 15 through 18 and
- 5 inserting in lieu thereof the following:
- 6 "Sec. ."

DYRLAND of Clayton

H—6597

- 1 Amend the amendment, H—6445, to Senate File 2176
- 2 as follows:
- 3 1. Page 1, by striking lines 11 through 15 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SUBSECTION. "Grain probe" means any device
- 6 used to gather or collect a representative sample
- 7 of bulk grain for the purpose of determining the kind,
- 8 class, quality and condition of the grain by inserting
- 9 the device directly into the grain."
- 10 2. Page 2, by striking lines 38 through 42 and
- 11 inserting in lieu thereof the following:
- 12 "NEW SUBSECTION. "Grain probe" means any device
- 13 used to gather or collect a representative sample
- 14 of bulk grain for the purpose of determining the kind,
- 15 class, quality and condition of the grain by inserting
- 16 the device directly into the grain."

HOWELL of Floyd

H—6598

- 1 Amend amendment H—6538, to Senate File 2187 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 21 through 23.

SCHNEKLOTH of Scott

H—6600

- 1 Amend amendment H—6489, to Senate File 2187 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 21 through 23.

SCHNEKLOTH of Scott

H-6601

- 1 Amend amendment H-6538, to Senate File 2187 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, line 22, by striking the word "forty-
- 4 five" and inserting in lieu thereof the word "forty".
- 5 2. Page 1, line 23, by striking the word "thirty-
- 6 five" and inserting in lieu thereof the word "thirty".

SCHNEKLOTH of Scott

H-6602

- 1 Amend the amendment H-6445 to Senate File 2176
- 2 as follows:
- 3 1. Page 2, line 7, by striking the words
- 4 "following a hearing".
- 5 2. Page 4, line 17, by strikikng the words
- 6 "following a hearing".

MIDDLESWART of Warren
DAVITT of Warren

H-6626

- 1 Amend House File 2417 as follows:
- 2 1. Page 2, line 21, by inserting after the
- 3 period the following: "Any person may refuse to
- 4 work with a product which was first sold, leased,
- 5 bailed or installed for use or consumption more
- 6 than eight years prior to the date of refusal.
- 7 Refusal of an employee to work under such con-
- 8 ditions shall not be cause for the employee's
- 9 dismissal, loss in security or any other disci-
- 10 plinary action by the employer."

CONNORS of Polk
GILLOON of Dubuque
JOCHUM of Dubuque

H-6627

- 1 Amend the amendment H-6445 to Senate File 2176
- 2 as follows:
- 3 1. Page 2, line 24, by inserting after the word

- 4 "or" the words "one point thirty-five percent".
5 2. Page 4, line 34, by inserting after the word
6 "or" the words "one point thirty-five percent"

GILSON of Guthrie

H-6628

- 1 Amend the amendment H-6445 to Senate File
2 2176 as follows:
3 1. Page 2, by adding after line 20, the
4 following:
5 "NEW SECTION. HAND PROBES. Every grain
6 dealer licensed under this chapter shall afford to
7 all interested parties the right to demand use of
8 a hand grain probe, and shall post a notice declaring
9 this right at each place of business in the manner
10 prescribed by the commission."
11 2. Page 4, by inserting after line 30, the
12 following:
13 "NEW SECTION. HAND PROBES. Every warehouseman
14 licensed under this chapter shall afford to all
15 interested parties the right to demands use of a
16 hand grain probe, and shall post a notice declaring
17 this right at each place of business in the manner
18 prescribed by the commission."

DUNTON of Keokuk

H-6633

- 1 Amend House File 2058 as follows:
2 1. Amend the title page, line 3, by inserting
3 after the word "district," the words "laboratory
4 school,".

LIND of Black Hawk

H-6635

- 1 Amend amendment H-6445, to Senate File 2176 as
2 passed by the Senate and reprinted, as follows:
3 1. Page 2, line 2, by striking the words "on a
4 form" and inserting in lieu thereof the words "in
5 the manner".
6 2. Page 4, line 12, by striking the words "on a
7 form" and inserting in lieu thereof the words "in
8 the manner".

DIELEMAN of Marion

H-6637

1 Amend the amendment, H-6636, to Senate File 2187
 2 as amended, passed and reprinted by the Senate as
 3 follows:

4 1. Page 4, by inserting after line 16 the
 5 following:

6 "Sec. 9. Chapter three hundred twelve (312), Code
 7 1977, is amended by adding the following new sections:
 8 **NEW SECTION. PAVEMENT WEAR FUND.** There is created
 9 in the state treasury a pavement wear fund.

10 **NEW SECTION. PAVEMENT WEAR FUND DISTRIBUTION.**

11 The department shall recommend to the legislature
 12 on or before February first of each year, a formula
 13 distribution of the funds in the pavement wear fund.
 14 The formula shall be based on studies of the relative
 15 wear on routes designated by the functional
 16 classification review board. Funds shall be dis-
 17 tributed from the pavement wear fund pursuant to the
 18 established formula beginning January 1, 1980 and
 19 each subsequent year.

20 Sec. 10. Section three hundred twelve point two
 21 (312.2), Code 1977, is amended by adding the following
 22 new subsection:

23 **NEW SUBSECTION. 8.** Each month the treasurer of
 24 the state, before making the allotments provided for
 25 in this section, shall compute and credit to the
 26 pavement wear fund the proceeds from the two cents
 27 per gallon excise tax as set forth in the second new
 28 section added by section fifty-one (51) of this
 29 amendment and the portion of the registration fees
 30 collected under section twenty-one (21) of this
 31 amendment, according to the following schedule:

32	For a combined gross	And not	The portion to be
33	<u>weight exceeding:</u>	<u>exceeding:</u>	<u>allocated shall be:</u>
34	19 Tons	20 Tons	\$ 3
35	20 Tons	21 Tons	\$ 7
36	21 Tons	22 Tons	\$ 15
37	22 Tons	23 Tons	\$ 24
38	23 Tons	24 Tons	\$ 34
39	24 Tons	25 Tons	\$ 50
40	25 Tons	26 Tons	\$ 62
41	26 Tons	27 Tons	\$ 76
42	27 Tons	28 Tons	\$ 91
43	28 Tons	29 Tons	\$106
44	29 Tons	30 Tons	\$123
45	30 Tons	31 Tons	\$141
46	31 Tons	32 Tons	\$159
47	32 Tons	33 Tons	\$179
48	33 Tons	34 Tons	\$199
49	34 Tons	35 Tons	\$225
50	35 Tons	36 Tons	\$248

Page 2

1	36 Tons	37 Tons	\$271
2	37 Tons	38 Tons	\$296
3	38 Tons	39 Tons	\$321
4	39 Tons	40 Tons	\$348

5 For a combined gross weight exceeding forty tons,
 6 the portion to be allocated shall be three hundred
 7 and forty-eight dollars and in addition thereto twenty-
 8 seven dollars for each ton over forty tons."

9 2. Page 10, by inserting after line 39 the
 10 following:

11 "Sec. 21. Section three hundred twenty-one point
 12 one hundred twenty-two (321.122), subsection one (1),
 13 Code 1977, as amended by Acts of the Sixty-seventh
 14 General Assembly, 1977 Session, chapter one hundred
 15 four (104), section five (5), is amended by striking
 16 the subsection and inserting in lieu thereof the
 17 following:

18 1. The annual registration fee for motor trucks,
 19 except special trucks, truck tractors, or road
 20 tractors, shall be based on the combined gross weight
 21 of the vehicle or combination of vehicles. All trucks,
 22 truck tractors, semitrailers, or road tractors shall
 23 be registered for a gross weight equal to or in excess
 24 of the unladen weight of the vehicle or combination
 25 of vehicles. The annual registration fee for such
 26 vehicles or combination of vehicles shall be:

27 a. For a combined gross weight of three tons or
 28 less forty dollars and after ten registrations thirty
 29 dollars.

30 b. For a combined gross weight exceeding three
 31 tons, the annual registration fee shall be as set
 32 forth in the following schedule:

33	For a combined gross	And not	The annual
34	<u>weight exceeding:</u>	<u>exceeding:</u>	<u>registration fee shall be:</u>
35	3 Tons	4 Tons	\$ 45
36	4 Tons	5 Tons	\$ 60
37	5 Tons	6 Tons	\$ 75
38	6 Tons	7 Tons	\$100
39	7 Tons	8 Tons	\$135
40	8 Tons	9 Tons	\$170
41	9 Tons	10 Tons	\$205
42	10 Tons	11 Tons	\$240
43	11 Tons	12 Tons	\$275
44	12 Tons	13 Tons	\$310
45	13 Tons	14 Tons	\$335
46	14 Tons	15 Tons	\$380
47	15 Tons	16 Tons	\$415
48	16 Tons	17 Tons	\$450
49	17 Tons	18 Tons	\$485
50	18 Tons	19 Tons	\$520

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1	19 Tons	20 Tons	\$ 578
2	20 Tons	21 Tons	\$ 617
3	21 Tons	22 Tons	\$ 660
4	22 Tons	23 Tons	\$ 704
5	23 Tons	24 Tons	\$ 749
6	24 Tons	25 Tons	\$ 875
7	25 Tons	26 Tons	\$ 927
8	26 Tons	27 Tons	\$ 981
9	27 Tons	28 Tons	\$1,036
10	28 Tons	29 Tons	\$1,091
11	29 Tons	30 Tons	\$1,148
12	30 Tons	31 Tons	\$1,206
13	31 Tons	32 Tons	\$1,264
14	32 Tons	33 Tons	\$1,324
15	33 Tons	34 Tons	\$1,384
16	34 Tons	35 Tons	\$1,475
17	35 Tons	36 Tons	\$1,538
18	36 Tons	37 Tons	\$1,601
19	37 Tons	38 Tons	\$1,666
20	38 Tons	39 Tons	\$1,731
21	39 Tons	40 Tons	\$1,798

22 c. For a combined gross weight exceeding forty
 23 tons, the annual registration fee shall be one thousand
 24 seven hundred ninety-eight dollars plus eighty-five
 25 dollars for each ton over forty tons.

26 Where an auxiliary axle has been registered under
 27 the provisions of this chapter, the registered gross
 28 weight of the vehicle or combination of vehicles shall
 29 be the sum of the registered gross weight of such
 30 auxiliary axle or axles added to the registered gross
 31 weight of the truck, truck tractor, or road tractor."

32 3. Page 21, by inserting after line 33 the
 33 following:

34 "Sec. 43. Section three hundred twenty-one point
 35 four hundred fifty-seven (321.457), Code 1977, as
 36 amended by Acts of the Sixty-seventh General Assembly,
 37 1977 Session, chapter one hundred three (103), section
 38 fifty-one (51), is amended by adding the following
 39 new subsection:

40 NEW SUBSECTION. No semitrailer registered for
 41 the first time for the calendar year beginning January
 42 1, 1979, or for a subsequent period shall have an
 43 overall length in excess of forty-five feet except
 44 semitrailers transporting livestock, semitrailers
 45 transporting implements of husbandry, and those
 46 semitrailers used exclusively for the transportation
 47 of passenger vehicles, light delivery trucks, panel
 48 delivery trucks, pickup trucks and boats. The
 49 department may issue permits to operate such
 50 semitrailers in excess of forty-five feet but not

Page 4.

1 exceeding forty-seven and one half feet, pursuant
2 to rules adopted by the department.

3 Sec. 44. Section three hundred twenty-one point
4 four hundred fifty-seven (321.457), subsection three
5 (3), Code 1977, is amended by striking the subsection
6 and inserting in lieu thereof the following:

7 3. No combination of vehicles coupled together,
8 unladen or with load, shall have an overall length,
9 inclusive of front and rear bumpers, in excess of
10 sixty feet.

11 Sec. 45. Section three hundred twenty-one point
12 four hundred fifty-seven (321.457), subsection five
13 (5), Code 1977, is amended by striking the subsection
14 and inserting in lieu thereof the following:

15 5. Passenger vehicles, light delivery trucks,
16 panel delivery trucks, pickup trucks and boats being
17 transported on a combination of vehicles used
18 exclusively for the transportation of such vehicles
19 and boats may extend up to three feet beyond the front
20 and rear bumpers of the transporting vehicles when
21 the overall length of the vehicle with load does not
22 exceed sixty-five feet.

23 Sec. 46. Section three hundred twenty-one point
24 four hundred fifty-nine (321.459), Code 1977, is
25 amended by striking the section and inserting in lieu
26 thereof the following:

27 321.459 DUAL AXLE REQUIREMENT. Axles of a motor
28 vehicle, trailer, or semitrailer which are less than
29 forth inches apart center to center shall be considered
30 as one axle for the purpose of determining permissible
31 weight under section three hundred twenty-one point
32 four hundred sixty-three (321.463) of the Code.

33 Sec. 47. Section three hundred twenty-one point
34 four hundred sixty-three (321.463), Code 1977, is
35 amended by striking the section and inserting in lieu
36 thereof the following:

37 321.463 MAXIMUM GROSS WEIGHT. An axle may be
38 divided into two or more parts, except that all parts
39 in the same vertical transverse plane shall be
40 considered as one axle.

41 The gross weight on any one axle of a vehicle,
42 or of a combination of vehicles, operated on the
43 highways of this state, shall not exceed twenty
44 thousand pounds on an axle equipped with pneumatic
45 tires, and shall not exceed fourteen thousand pounds
46 on an axle equipped with solid rubber tires. The
47 gross weight on any tandem axle of a vehicle, or any
48 combination of vehicles, shall not exceed thirty-four
49 thousand pounds on an axle equipped with pneumatic
50 tires.

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1 A group of two or more consecutive axles of any
 2 vehicle or combination of vehicles, shall not carry
 3 a load in pounds in excess of the overall gross weight
 4 determined by application of the following formula:
 5 $W \text{ equals } 500 \text{ times } (LN/N - 1 + 12N + 36) \text{ where } W \text{ equals}$
 6 the overall gross weight on any group of two or more
 7 consecutive axles to the nearest five hundred pounds,
 8 L equals the distance in feet between the extreme
 9 of any group of two or more consecutive axles, and
 10 N equals the number of axles in group under
 11 consideration, except that two consecutive sets of
 12 tandem axles may carry a gross load of thirty-four
 13 thousand pounds each providing the overall distance
 14 between the first and last axles of such consecu-
 15 tive sets of tandem axles is thirty-six feet or more.

16 In no event shall the maximum gross weight, includ-
 17 ing the enforcement tolerances, exceed eighty thousand
 18 pounds.

19 A tolerance above the maximum legal weight of any
 20 axle or vehicle or combination of vehicles may be
 21 allowed as follows:

22 Three percent on any axle, including tandem axles,
 23 of any vehicle or combination of vehicles operated
 24 on highways not part of the interstate system.

25 Eight percent of the gross weight on any particular
 26 group of axles.

27 Eight percent on the total gross weight of a vehicle
 28 or combination of vehicles.

29 The weight on any one axle, including a tandem
 30 axle, of a vehicle which is transporting livestock
 31 on highways not part of the interstate system may
 32 exceed the legal maximum weight given in this chapter
 33 providing that the gross weight on any particular
 34 group of axles on such vehicle does not exceed the
 35 gross weight allowable under this chapter for such
 36 group of axles.

37 Any person who operates any vehicle in violation
 38 of the provisions of this section, and any owner,
 39 or any other person, employing or otherwise directing
 40 the operator of any vehicle who requires or knowingly
 41 permits the operation of any vehicle in violation
 42 of the provisions of this section shall upon conviction
 43 or a plea of guilty be punished in accordance with
 44 the following schedule:

45 AXLE, TANDEM AXLE, GROUP OF AXLES, AND
 46 GROSS WEIGHT VIOLATIONS

47 Percentage of	Amount of Fine
48 Overload	Per Hundred Pounds
49 Up to and including 8%	\$1.00
50 Over 8% to and including 10%	\$1.25

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1	Over 10% to and including 12%	\$1.50
2	Over 12% to and including 14%	\$2.00
3	Over 14% to and including 16%	\$3.00
4	Over 16% to and including 18%	\$4.00
5	Over 18% to and including 20%	\$5.00
6	Over 20%	\$6.00

7 A fine shall not be assessed if the overload does
8 not exceed the tolerance specified in this section.
9 If the overload does exceed the tolerance specified
10 in this section, the amount of the fine to be assessed
11 shall be computed on the difference between the actual
12 weight and the maximum legal weight specified in this
13 section without allowance of any tolerance, by applying
14 the appropriate rate in the preceding schedule for
15 the total percentage of overload. The total percentage
16 of overload shall be determined by dividing the
17 appropriate maximum legal weight as specified in this
18 section without allowance for any tolerance into the
19 amount of pounds overloaded.

20 Overloads on axles and tandem axles and overloads
21 on groups of axles or on an entire vehicle or
22 combination of vehicles shall be considered as separate
23 violations of the provisions of this section.

24 The penalties provided in this section shall not
25 be construed to be in lieu of any other penalties
26 provided for violations of other provisions of this
27 chapter.

28 Any person who issues or executes, or causes to
29 be issued or executed, any bill of lading, manifest,
30 or shipping document of any kind which states the
31 false weight of the cargo set forth on such bill,
32 manifest, or document, to be less than the actual
33 weight of such cargo, shall be punished by a fine
34 of not more than one hundred dollars or by imprisonment
35 for not more than thirty days."

36 4. Page 24, by inserting after line 46 the
37 following:

38 "Sec. 51. Chapter three hundred twenty-four (324),
39 Code 1977, is amended by adding the following new
40 division:

DIVISION V

42 MOTOR FUEL AND SPECIAL FUEL USE TAX
43 FOR HEAVY MOTOR VEHICLE OPERATIONS
44 NEW SECTION. PURPOSE. The purpose of this division
45 is to provide a method of collecting additional fuel
46 taxes from interstate and intrastate operators of
47 motor vehicles registered at a gross weight of twenty
48 tons or more commensurate with their operations on
49 Iowa highways. This division shall be administered
50 by the state department of transportation, referred

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1 to as the department in this division.

2 NEW SECTION. LEVY OF HEAVY VEHICLE FUEL TAX.

3 For the privilege of operating a motor vehicle
4 registered at a gross weight of twenty tons or more
5 in this state, an excise tax of two cents a gallon
6 is imposed upon the use of all motor fuel and special
7 fuel used in said vehicles. This excise tax is in
8 addition to those taxes provided for in Division I
9 and II of this chapter.

10 NEW SECTION. PERMIT – BOND. No person shall operate
11 a motor vehicle registered for a gross weight of
12 twenty tons or more on Iowa highways without a heavy
13 vehicle fuel tax permit. The department shall issue
14 a permit annually upon the posting of an indemnity
15 bond in a sum to be fixed by the department to assure
16 the required reporting, tax payments and record
17 keeping. The department may audit persons not holding
18 permits who are suspected of evading the heavy vehicle
19 fuel tax. Audits shall be conducted pursuant to
20 section three hundred twenty-four point fifty-five
21 (324.55). The annual permit fee shall be five dollars.
22 Each vehicle operated under the provisions of this
23 division shall carry a duplicate or evidence of the
24 permit. A fee of fifty cents shall be charged for
25 each duplicate issued. Any person holding a heavy
26 vehicle fuel tax permit shall not be required for
27 vehicles registered at twenty tons and over to hold
28 an Iowa interstate fuel permit issued under section
29 three hundred twenty-four point fifty-three (324.53)
30 of the Code.

31 NEW SECTION. FUEL TAX COMPUTATION – REPORTING AND

32 PAYMENT. To determine the amount of fuel taxes due
33 under this provision, a quarterly report shall be
34 filed not later than the last day of the month
35 following the quarter reported and each quarter
36 thereafter. Reports shall be on forms prescribed
37 by the department and be required of all persons who
38 have been issued a permit under this division. Reports
39 shall cover actual operation and fuel consumption
40 in Iowa. Taxes shall be based on the permittee's
41 average fuel consumption. Average fuel consumption
42 shall be determined by the total miles traveled and
43 the total fuel purchased and consumed for highway
44 use by the permittee's motor vehicle in its entire
45 operation in all states to establish an overall miles
46 per gallon ratio, which ratio shall be used to compute
47 the gallons used for the miles traveled in Iowa."

48 5. Page 26, by inserting after line 44 the
49 following:

50 "Sec. 60. The provisions of sections nine (9),

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- 1 ten (10), twenty-one (21), forty-three (43), forty-
- 2 four (44), forty-five (45), forty-six (46), forty-
- 3 seven (47), and fifty-one (51), of this Act shall
- 4 apply to registrations to be issued for the calendar
- 5 year beginning January 1, 1979."
- 6 6. Renumber as necessary.

NIELSEN of Polk
SCHROEDER of Pottawattamie
WYCKOFF of Benton
SCHEELHAASE of Woodbury
DAVITT of Warren

H—6639

- 1 Amend House File 402 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. NEW SECTION. ESTABLISHMENT OF A FORCE
- 5 OF RESERVE PEACE OFFICERS. The governing body of
- 6 a city, county, or the state of Iowa may provide for
- 7 the establishment of a force of reserve peace offi-
- 8 cers. Members of a reserve force shall be appointed
- 9 at the discretion of the governing body. The governing
- 10 body may limit the size of the reserve force. In
- 11 the case of the state, the department of public safety
- 12 shall act as the governing body.
- 13 This Act shall constitute the only procedure for
- 14 appointing reserve peace officers.
- 15 Sec. 2. NEW SECTION. PERSONAL STANDARDS. The
- 16 director of the law enforcement academy with the
- 17 approval of the law enforcement academy council shall
- 18 establish minimum standards of physical, educational,
- 19 mental, and moral fitness for members of the reserve
- 20 force.
- 21 Sec. 3. NEW SECTION. TRAINING STANDARDS. The
- 22 Iowa law enforcement academy with the approval of
- 23 the law enforcement academy council shall establish
- 24 minimum training standards for members of the reserve
- 25 force.
- 26 Sec. 4. NEW SECTION. TRAINING. Individuals
- 27 appointed to the reserve force shall receive training
- 28 under the supervision of the Iowa law enforcement
- 29 academy. Training may be obtained in a merged area
- 30 school or any other facility approved by the law
- 31 enforcement academy council. Upon satisfactory comple-
- 32 tion of training, the academy shall certify the
- 33 individual as a reserve peace officer. Initial
- 34 training must be completed within one year from the
- 35 date of appointment.

36 Sec. 5. NEW SECTION. NO EXEMPTIONS. There shall
37 be no exceptions from the personal and training
38 standards provided for in this Act except as provided
39 in section seven (7) of this Act.

40 Sec. 6. NEW SECTION. ACTIVATION — STATUS OF RESERVE
41 PEACE OFFICERS. Reserve peace officers shall serve
42 as peace officers on the orders and at the discretion
43 of the chief of police, sheriff, or commissioner of
44 public safety or at the discretion of a designee of
45 the chief of police, sheriff, or commissioner of
46 public safety, as the case may be.

47 Upon being activated and while on assigned duty,
48 reserve peace officers shall be vested with the same
49 rights, privileges, obligations, and duties as any
50 other peace officers.

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1 Sec. 7. NEW SECTION. CARRYING WEAPONS. A member
2 of a reserve force shall not carry a weapon in the
3 line of duty or otherwise act as a peace officer until
4 he or she has been approved by the governing body
5 and certified by the Iowa law enforcement academy
6 council. Individuals serving as reserve peace officers
7 shall be exempt from the provisions of this section
8 pending completion of approved training or one year
9 from the effective date of this Act, whichever comes
10 first. After approval and certification, a reserve
11 peace officer may carry a weapon in the line of duty
12 only when authorized by the chief of police, sheriff,
13 or commissioner of public safety or by a designee
14 of the chief of police, sheriff, or commissioner of
15 public safety, as the case may be, and only when
16 activated and on assigned duty.

17 Sec. 8. NEW SECTION. SUPPLEMENTARY CAPACITY.
18 Reserve peace officers shall act only in a
19 supplementary capacity to the regular force and shall
20 not assume full-time duties of regular peace officers
21 without first complying with all requirements for
22 regular peace officers.

23 Sec. 9. NEW SECTION. SUPERVISION OF RESERVE PEACE
24 OFFICERS. Reserve peace officers shall be subordinate
25 to regular peace officers, shall not serve as a peace
26 officer unless under the direction of regular peace
27 officers, and shall wear no insignia of rank. Each
28 department for which a reserve force is established
29 shall appoint a regular force peace officer as the
30 reserve force coordinating and supervising officer.
31 That regular peace officer shall report directly to
32 the chief of police, sheriff, or commissioner of
33 public safety or to a designee of the chief of police,
34 sheriff, or commissioner of public safety, as the

35 case may be.

36 Sec. 10. NEW SECTION. NO REDUCTION OF REGULAR
37 FORCE. The governing body shall not reduce the
38 authorized size of a regular law enforcement department
39 or office because of the establishment or utilization
40 of reserve peace officers.

41 Sec. 11. NEW SECTION. EMPLOYEE—PAY. While
42 activated and on assigned duty, each reserve peace
43 officer shall be considered an employee of the govern-
44 ing body which he or she represents and shall be paid
45 a minimum of one dollar per year. The governing body
46 of a city, county, or the state may provide additional
47 monetary assistance for the purchase and maintenance
48 of uniforms and equipment used by reserve peace
49 officers but not to exceed allowances provided in
50 section three hundred thirty-seven A point two (337A.2)

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1 of the Code.

2 Sec. 12 NEW SECTION. BENEFITS WHEN INJURED.
3 Hospital and medical assistance and benefits shall
4 be provided by the governing body to members of the
5 reserve force who sustain injury in the course of
6 performing official duties. Benefits shall be as
7 provided in chapter eighty-five (85) of the Code.

8 Sec. 13. NEW SECTION. INSURANCE. Liability and
9 false arrest insurance shall be provided by the
10 governing body to members of the reserve force while
11 performing official duties in the same manner as for
12 a regular peace officer.

13 Sec. 14. NEW SECTION. NO PARTICIPATION IN A
14 PENSION FUND OR RETIREMENT SYSTEM. Nothing in this
15 Act shall be construed to authorize or permit a reserve
16 peace officer to become eligible for participation
17 in a pension fund or retirement system created by
18 the laws of this state of which regular peace officers
19 may become members.

20 Sec. 15. Section eighty-five point one (85.1),
21 subsection four (4), Code 1977, is amended to read
22 as follows:

23 4. As between a municipal corporation or city,
24 and any person or persons receiving any benefits
25 under, or who may be entitled to benefits from, any
26 "firemen's pension fund" or "policemen's pension fund"
27 of any municipal corporation or city, under the
28 provisions of chapter 411, except volunteer firemen,
29 reserve peace officers, and except as otherwise
30 provided by law.

31 Sec. 16. This Act is effective January 1, 1979."

32 2. By amending the title, line 2, by striking
33 the word "counties" and inserting in lieu thereof
34 the words "cities, counties,".

COMMITTEE ON SIFTING
FITZGERALD of Webster, Chair

H—6645

1 Amend the amendment, H—6636, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 22, by inserting after line 19 the follow-
5 ing:
6 "Sec. . Chapter three hundred twenty-one (321),
7 Code 1977, is amended by adding the following new
8 section:
9 NEW SECTION. RADAR DETECTION DEVICES—PENALTY.
10 1. A person shall not operate or possess a radar
11 detection device, except as otherwise provided in
12 this section, when the device is used in a vehicle
13 operated on the highways of this state.
14 2. The provisions of this section shall not apply
15 to any receiver of radio waves of any frequency
16 lawfully licensed by any state or federal agency.
17 This section shall not apply to radar detection devices
18 purchased by, held for purchase for or operated by
19 peace officers using such devices in their official
20 duties.
21 3. Any person convicted of violating this section
22 shall be guilty of a simple misdemeanor. Possession
23 of a radar detection device in a privately owned motor
24 vehicle shall be prima-facie evidence of a violation
25 of this section.
26 4. For the purposes of this section "radar
27 detection device" means any mechanism used to detect
28 the emission of radio microwaves in the electromagnetic
29 spectrum, which are emitted from a device used by
30 peace officers of this state to measure the speed
31 of motor vehicles on the highways of this state."
32 2. Renumber as necessary.

PELTON of Clinton

H—6648

1 Amend amendment H—6636 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:

- 4 1. Page 26, by inserting after line 40
5 the following section:
6 Sec. . It is the intent of the General
7 Assembly that the department study mechanisms of
8 increasing the truck registration fee schedule on
9 an annualized basis in order to maintain an
10 equitable relationship between those fees and
11 registration fees for passenger class motor vehicles.
12 Such study shall be presented to the
13 Sixty-eighth session of the General Assembly no
14 later than January 15, 1979.

SMALL of Johnson

H-6649

- 1 Amend the amendment, H-6636, to Senate File 2187,
2 as amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 20, by inserting after line 47 the follow-
5 ing:
6 "Sec. . Section three hundred twenty-one point
7 three hundred seventy-six (321.376), unnumbered
8 paragraph two (2), Code 1977, is amended by striking
9 the paragraph and inserting in lieu thereof the
10 following:
11 Each school bus driver who is applying for a school
12 bus driver's permit for the first time shall have
13 either completed the Iowa state school bus driver's
14 training course offered through a merged area school
15 corporation or shall complete the course during the
16 first six months of employment. A certificate showing
17 successful completion of the course shall be certified
18 by the area school and submitted to the department
19 of public instruction. Failure of the driver to
20 successfully complete the course shall be reported
21 by the area school to the department of public
22 instruction and to the school for which the bus driver
23 is employed. A beginning driver who fails to
24 successfully complete the course within the first
25 six months of employment shall not be issued a
26 subsequent permit until evidence is submitted to the
27 department certifying the driver has successfully
28 completed the course."
29 2. Renumber as necessary in conformance with this
30 amendment.

LIPSKY of Linn

H-6659

1 Amend the Senate amendment, H-6656, to House File
2 2290, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 18 the follow-
5 ing:

6 " . Page 14, by inserting after line 20 the
7 following new sections:

8 "Sec. 24. Chapter three hundred twenty-four (324),
9 Code 1977, is amended by adding sections twenty-five
10 (25) through thirty-one (31) of this Act as division
11 five (V).

12 Sec. 25. NEW SECTION. SHORT TITLE. This division
13 shall be known and may be cited as the aviation fuel
14 tax law and referred to in this Act as a division.

15 Sec. 26. NEW SECTION. DEFINITIONS. As used in
16 this division:

17 1. "Aviation fuel" means and includes all
18 combustible fuels suitable for the generation of power
19 for the propulsion of any aircraft. Aviation fuel
20 includes aviation gasoline and aviation turbine fuel
21 commonly known as jet fuel.

22 2. "Aviation gasoline" means motor fuel which
23 has been produced, compounded or blended to meet the
24 standards and requirements of reciprocating internal
25 combustion aircraft engines.

26 3. "Aviation turbine fuel" means fuel of kerosene
27 base which has been produced, compounded or blended
28 to meet the standards and requirements of turbine
29 aircraft engines.

30 4. "Aviation fuel distributor" means and includes
31 any person who:

32 a. Makes aviation fuel available in bulk quantities
33 for receipt at a refinery, marine or pipeline terminal
34 within or outside Iowa or from any other sources
35 outside Iowa and which fuel after being received
36 thereat will be sold or used in the state or exported
37 therefrom.

38 b. First receives aviation fuel, within the meaning
39 of the term "received" as defined in section three
40 hundred twenty-four point two (324.2) of the Code,
41 from an aviation fuel distributor set out in paragraph
42 a of this subsection and who will subsequently
43 distribute the aviation fuel in bulk quantities in
44 the state or export it in bulk quantities from
45 the state.

46 5. "Aviation fuel dealer" means any person in
47 the business of handling aviation fuel who delivers
48 any part of the aviation fuel into a fuel supply tank
49 of any aircraft.

50 6. "Aviation fuel user" means the owner or other

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1 person responsible for the operation of an aircraft
2 at the time aviation fuel is placed in the fuel supply
3 tank of the aircraft.

4 7. "Licensee" means any person who holds an
5 uncanceled aviation gasoline distributor or aviation
6 turbine fuel distributor license issued pursuant
7 to this division.

8 8. "Aircraft" means aircraft as defined in section
9 three hundred twenty-eight point one (328.1) of the
10 Code. Aircraft while used in agricultural aircraft
11 operations shall not be deemed to be an aircraft.

12 9. "Receive" or "received" shall have the same
13 meaning as the term "motor fuel deemed received"
14 defined in section three hundred twenty-four point
15 two (324.2) of the Code.

16 10. "Use" means use as defined in section four
17 hundred twenty-three point one (423.1) of the Code.

18 11. "Agricultural aircraft operation" means the
19 operation of an aircraft for which a valid agricultural
20 aircraft operator certificate or a valid rotorcraft
21 external-load operator certificate has been issued
22 to the operator by the federal aviation administration
23 which is in effect for the purposes of:

24 a. Dispensing any substance for preventing,
25 destroying, repelling or mitigating any insects,
26 rodents, nematodes, fungi, weeds and other forms of
27 plant or animal life or viruses or for use as a plant
28 regulator, defoliant or desiccant.

29 b. Dispensing any other substance intended for
30 plant nourishment, soil treatment, propagation of
31 plant life, or pest control.

32 c. Engaging in dispensing activities directly
33 affecting agriculture, horticulture, or forest
34 preservation, but not including the dispensing of
35 live insects.

36 d. Transporting agricultural grain storage
37 containers.

38 e. Aiding in the construction of agricultural
39 buildings.

40 Sec. 27. NEW SECTION. TAX IMPOSED. For the
41 privilege of operating aircraft in this state, there
42 is imposed an excise tax on the use of aviation fuel
43 in any aircraft. The rate of tax on aviation gasoline
44 shall be seven cents per gallon. The rate of tax
45 on aviation turbine fuel shall be one cent per gallon.
46 The tax on aviation gasoline shall be paid in the
47 first instance by the aviation gasoline distributor
48 upon the invoiced gallonage of all aviation gasoline
49 received by the distributor in this state less
50 deductions authorized in this Act. Thereafter, the

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1 per gallon amount of such tax shall be added to the
2 selling price of each gallon of aviation gasoline
3 sold in this state and collected from the purchaser
4 in order that the ultimate consumer shall bear the
5 burden of the tax. The tax on aviation turbine fuel
6 shall be imposed upon and paid in the first instance
7 by the aviation turbine fuel distributor upon the
8 invoice gallonage of all aviation turbine fuel received
9 in this state less deductions authorized in this Act.
10 Thereafter, the per gallon amount of the aviation
11 turbine fuel tax may be added to the selling price
12 of each gallon of aviation fuel sold in this state
13 and collected from the purchaser in order that the
14 ultimate consumer may bear the burden of the tax.
15 The tax owing under this section shall be paid to
16 the department of revenue in the form of remittances
17 payable to the treasurer of state. The tax imposed
18 under this section is expressly declared to be a tax
19 upon the use of aviation fuel in this state.

20 Sec. 28. NEW SECTION. REFUNDS. Aviation fuel
21 shall be sold tax paid to the state of Iowa, any of
22 its agencies, or to any political subdivision of the
23 state. Tax on aviation fuel which is used for public
24 purposes shall be subject to refund. Claims for
25 refunds will be filed with the department on a
26 quarterly basis and in no case will the director grant
27 a refund of aviation fuel tax where a claim is not
28 filed within one year from the date the tax was due.
29 The claim shall contain the number of gallons pur-
30 chased, the calculation of the amount of aviation
31 fuel tax subject to refund and any other information
32 required by the department necessary to process the
33 refund.

34 Sec. 29. NEW SECTION. DISTRIBUTOR LICENSE.
35 It is unlawful for any person to (a) make aviation
36 gasoline available in bulk quantities received in
37 this state or to receive aviation gasoline in bulk
38 quantities in this state unless such person holds
39 an uncanceled aviation gasoline distributor license
40 issued by the department of revenue or (b) to make
41 aviation turbine fuel available in bulk quantities
42 received in this state or to receive aviation turbine
43 fuel in bulk quantities in this state unless such
44 person holds an uncanceled aviation turbine fuel
45 distributor license issued by the department of
46 revenue. To obtain either an aviation gasoline or
47 aviation turbine fuel distributor license a person
48 shall file with the department of revenue an
49 application signed under penalty for false certificate
50 and in such form as the department may prescribe

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1 information listed in section three hundred twenty-
2 four point four (324.4) of the Code.

3 Sec. 30. NEW SECTION. STATUTES APPLICABLE. The
4 provisions of sections three hundred twenty-four point
5 four (324.4), three hundred twenty-four point five
6 (324.5), three hundred twenty-four point eight (324.8)
7 to three hundred twenty-four point fifteen (324.15)
8 and three hundred twenty-four point twenty (324.20)
9 of the Code, consistent with the provisions of this
10 division, shall apply with respect to the tax imposed
11 under this division in the same manner and with the
12 same effect as if the aviation fuel tax was a motor
13 fuel tax within the meaning of those statutes. However
14 the deductions allowed in section three hundred twenty-
15 four point eight (324.8) of the Code for the percentage
16 allowance for evaporation, shrinkage and losses, other
17 than those provided for in section three hundred
18 twenty-four point three (324.3) of the Code, and the
19 distributor's expenses and losses in accounting for,
20 collecting and paying the tax shall not apply to the
21 tax on aviation turbine fuel.

22 Sec. 31. NEW SECTION. AVIATION FUEL DEALERS AND
23 USERS. It shall be unlawful (a) for a dealer of
24 aviation gasoline to procure original bulk supplies
25 of aviation gasoline to be resold under a dealership
26 from other than a licensed gasoline
27 distributor, (b) for a bulk user of aviation gasoline
28 to procure bulk supplies of aviation gasoline from
29 other than a licensed aviation distributor, (c) for
30 a dealer of aviation turbine fuel to procure original
31 bulk supplies of aviation turbine fuel to be resold
32 under a dealership from other than a licensed aviation
33 turbine fuel distributor and (d) for a bulk user of
34 aviation turbine fuel to procure bulk supplies of
35 aviation turbine fuel from other than a licensed
36 aviation turbine fuel distributor. All sales of
37 aviation gasoline made in bulk, or other quantities,
38 by an aviation gasoline distributor shall be made
39 to include, as a part of the purchase price, the
40 applicable fuel tax imposed thereon. All sales of
41 aviation turbine fuel made in bulk, or other quantities
42 by an aviation turbine distributor may be made to
43 include, as a part of the purchase price, the
44 applicable fuel tax imposed thereon.

45 Sec. 32. Section three hundred twenty-four point
46 two (324.2), subsection one (1), Code 1977, is amended
47 to read as follows:

48 1. "Motor fuel" shall mean (a) all products
49 commonly or commercially known or sold as gasoline
50 (including casinghead and absorption or natural

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1 gasoline) regardless of their classifications or uses;
2 and (b) any liquid advertised, offered for sale, sold
3 for use as, or commonly or commercially used as a
4 fuel for propelling motor vehicles, which when
5 subjected to distillation of gasoline, naphtha,
6 kerosene and similar petroleum products (American
7 Society of Testing Materials Designation D-86), show
8 not less than ten per centum distilled (recovered)
9 below three hundred forty-seven degrees Fahrenheit
10 (one hundred seventy-five degrees Centigrade) and
11 not less than ninety-five per centum distilled
12 (recovered) below four hundred sixty-four degrees
13 Fahrenheit (two hundred forty degrees Centigrade);
14 provided, that the term "motor fuel" shall not include
15 special fuel as defined in section 324.33, subsection
16 1, aviation fuel as defined in section twenty-six
17 (26) of this Act and shall not include liquefied gases
18 which would not exist as liquids at a temperature
19 of sixty degrees Fahrenheit and a pressure of fourteen
20 and seven-tenths pounds per square inch absolute,
21 nor naphthas and solvents as hereinafter defined
22 unless the liquefied gases or naphthas and solvents
23 are used as a component in the manufacture,
24 compounding, or blending of a liquid within (b) above,
25 in which event the resulting product shall be deemed
26 to be motor fuel.

27 Sec. 33. Section three hundred twenty-four point
28 eleven (324.11), subsection one (1), Code 1977, as
29 amended by Acts of the Sixty-seventh General Assembly,
30 1977 Session, chapter one hundred seven (107), section
31 two (2), is amended to read as follows:

32 1. Any person operating as a common or contract
33 carrier and any distributor who is also engaged in
34 transportation within this state of motor fuel,
35 aviation fuel or special fuel for others, shall
36 register with the department of revenue on or before
37 the first day of the third calendar month which begins
38 after the effective date of this division and current-
39 ly thereafter as additional equipment is put to use,
40 each vehicle used in aforesaid transportation in this
41 state, except railroad, water-vessel or pipe-line
42 equipment. The registration shall be on forms
43 furnished by and shall contain such information as
44 may reasonably be required by the department of
45 revenue. A fee of five dollars shall be paid to the
46 department of revenue for original registration of
47 each vehicle. The department of revenue shall furnish
48 to the registrant for each vehicle registered suitable
49 identification which shall be permanently attached
50 to the vehicle and shall be available for inspection

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1 at all times. Currently as any vehicle is retired
2 or its use for the transportation of motor fuel or
3 aviation fuel for others is discontinued, the
4 registrant shall notify the department of revenue
5 or at the direction of the department of revenue shall
6 either surrender to the department of revenue or
7 destroy the vehicle identification issued under this
8 section. Annually on or before the first day of July
9 of each year, each carrier as aforesaid shall file
10 with the department of revenue a statement showing
11 each registered vehicle then in use for transportation
12 of motor fuel or aviation fuel for others.

13 Sec. 34. Section three hundred twenty-four point
14 sixteen (324.16), Code 1977, is amended to read as
15 follows:

16 324.16 CREDIT TO LICENSEE—NONMOTOR VEHICLE OR
17 WATERCRAFT USE—CASUALTY LOSSES—NONTAXABLE PRODUCTS-
18 REFUNDS. A licensee as defined under division one
19 (I), two (II) or five (V) of this chapter having
20 received motor fuel, aviation fuel or special fuel
21 which thereafter (1) he or she uses for any purpose
22 other than as fuel for propelling motor vehicles,
23 aircraft or watercraft or (2) while owned by him or
24 her is lost or destroyed through accountable leakage
25 or through fire, accident, lightning, flood, storm,
26 act of war or public enemy or other like cause, shall
27 upon application to the department of revenue supported
28 by two notarized affidavits covering circumstances
29 of loss as proof, be entitled to a memorandum of
30 credit which he may apply be applied against subsequent
31 liability under this chapter, or, if an applicant
32 having paid the tax on the gallonage covered in the
33 application is no longer engaged in activity for which
34 his a license was issued, the department of revenue
35 shall refund the appropriate amount to the applicant.

36 Sec. 35. Section three hundred twenty-four point
37 seventeen (324.17), unnumbered paragraph one (1),
38 Code 1977, is amended to read as follows:

39 Any person other than a licensee as defined under
40 division one (I), two (II) or five (V) of this chapter
41 who shall use motor fuel for the purpose of operating
42 or propelling farm tractors, corn shellers, roller
43 mills, truck-mounted feed grinders, stationary gas
44 engines, ~~aircraft~~, for cleaning or dyeing, for use
45 in agricultural aircraft operations or for any purpose
46 other than in watercraft, ~~aircraft~~ or in motor vehicles
47 operated or intended to be operated upon the public
48 highways and having paid the motor fuel tax on the
49 fuel either directly to the department of revenue
50 or by having the tax added to the price of the fuel,

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1 and who has a refund permit shall, upon presentation
2 to and approval by the department of revenue of a
3 claim for refund be reimbursed and repaid the amount
4 of the tax which the claimant has paid on the gallonage
5 so used. Every claim filed subsequent to July 4, 1957,
6 shall be subject to the following conditions:

7 Sec. 36. Section three hundred twenty-four point
8 seventeen (324.17), subsections four (4), five (5),
9 and six (6), Code 1977, are amended to read as follows:

10 4. The claim shall state the gallonage of motor
11 fuel that was used or will be used by the claimant
12 other than in watercraft, aircraft or motor vehicles,
13 the manner in which the motor fuel was used or will
14 be used and the equipment in which it was used or
15 will be used.

16 5. The claim shall also state whether or not the
17 claimant used fuel for watercraft, aircraft or motor
18 vehicles from the same tanks or receptacles in which
19 the claimant kept the motor fuel on which the refund
20 is claimed.

21 6. ~~No A~~ refund will not be paid with respect to
22 any motor fuel taken out of this state in fuel supply
23 tanks of motor vehicles or aircraft.

24 Sec. 37. Section three hundred twenty-four point
25 seventeen (324.17), Code 1977, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. Refund may also be made on aviation
28 fuel taxes paid on fuel used for any purpose other
29 than in aircraft, watercraft or motor vehicles operated
30 or intended to be operated upon the public highways
31 under the same conditions as provided by law for
32 refunds on motor vehicle fuel tax.

33 Sec. 38. Section three hundred twenty-four point
34 eighteen (324.18), Code 1977, is amended to read as
35 follows:

36 324.18 REFUND PERMIT. ~~No A~~ person may not claim
37 a refund under section 324.17 until he the person
38 shall have obtained a refund permit from the department
39 of revenue and paid the fee therefor. A special
40 permit shall be obtained by applicants claiming a
41 refund under the provisions of this chapter on account
42 of motor fuel or aviation fuel used for the purpose
43 of operating aircraft in agricultural aircraft
44 operations. Application for a refund permit shall
45 be made to the department of revenue on a form provided
46 by the department of revenue, shall be certified by
47 the applicant under penalty for false certificate
48 and shall contain among other things, the name, the
49 address and occupation of the applicant, the nature
50 of ~~his~~ the applicant's business and a sufficient

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1 description for identification of the machines and
2 equipment in which is to be used the motor fuel or
3 aviation fuel is to be used and for which refund may
4 be claimed under the permit. Each permit shall bear
5 a separate number and each claim for refund shall
6 bear the number of the permit under which it is made.
7 The department of revenue shall keep a permanent
8 record of all permits issued and a cumulative record
9 of the amount of refund claimed and paid under each.
10 A fee of one dollar shall be collected by the
11 department of revenue from each person to whom a
12 refund permit is issued. A refund permit shall
13 continue in effect until revoked as hereinafter
14 provided or until the claimant shall have moved move
15 from the county with which his the refund permit is
16 identified.

17 Sec. 39. Section three hundred twenty-four point
18 thirty-three (324.33), subsection one (1), Code 1977,
19 is amended to read as follows:

20 1. "Special fuel" means and includes fuel oils
21 and all combustible gases and liquids suitable for
22 the generation of power for propulsion of motor
23 vehicles also any substance used for that purpose,
24 except that it does not include motor fuel as defined
25 in the motor fuel tax law or aviation fuel as defined
26 in the aviation fuel tax law.

27 Sec. 40. Section three hundred twenty-four point
28 fifty-seven (324.57), subsections one (1) and two
29 (2), Code 1977, are amended to read as follows:

30 1. "Fuel taxes" means and includes the per gallon
31 excise taxes imposed under divisions I, II, and III
32 and five (V) of this chapter with respect to motor
33 fuel, and special fuel and aviation fuel.

34 2. "Motor vehicle" shall mean and include all
35 vehicles (except those operated on rails) which are
36 propelled by internal combustion engines and are of
37 such design as to permit their mobile use on public
38 highways for transporting persons or property. A
39 farm tractor while operated on a farm or for the
40 purpose of hauling farm machinery, equipment or produce
41 shall not be deemed to be a motor vehicle. "Motor
42 vehicle" shall not include "mobile machinery and
43 equipment" as hereinafter defined or an aircraft as
44 defined in section three hundred twenty-eight point
45 one (328.1) of the Code.

46 Sec. 41. Section three hundred twenty-four point
47 fifty-seven (324.57), Code 1977, is amended by adding
48 the following new subsections:

49 NEW SUBSECTION. "Licensee" shall mean any person
50 holding an uncanceled license issued under division

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1 one (I), two (II) or five (V) of this chapter.

2 NEW SUBSECTION. "Distributor" shall mean any
3 person who is a distributor as defined in division
4 one (I) or five (V) of this chapter.

5 Sec. 42. Section three hundred twenty-four point
6 sixty (324.60), unnumbered paragraph one (1), Code
7 1977, is amended to read as follows:

8 The department of revenue shall prescribe and
9 furnish all forms upon which reports and applications
10 shall be made and claims for refund presented under
11 this chapter and may prescribe forms of record to
12 be kept by motor fuel distributors, motor fuel dealers,
13 motor fuel carriers, special fuel dealers, special
14 fuel users, aviation fuel distributors, dealers and
15 users and interstate commercial motor vehicle
16 operators.

17 Sec. 43. Section three hundred twenty-four point
18 sixty-two (324.62), unnumbered paragraph one (1),
19 Code 1977, is amended to read as follows:

20 The department of revenue is hereby given the
21 authority within the time prescribed for keeping
22 records (1) to examine, during the usual business
23 hours of the day, the records, books, papers, receipts,
24 invoices, storage tanks, and any other equipment of
25 (a) any distributor, dealer, purchaser, or common,
26 contract or other carrier, pertaining to motor fuel
27 or aviation fuel received, used, sold, delivered,
28 or otherwise disposed of, or (b) of any special fuel
29 dealer, special fuel user or person supplying special
30 fuel to any dealer therein or user thereof and (c)
31 of any interstate operator of motor vehicles to verify
32 the truth and accuracy of any statement, report or
33 return, or to ascertain whether or not the taxes
34 imposed by this chapter have been paid; (d) any person
35 selling fuel oil that can be used for highway use;
36 (e) any aviation fuel dealer, user or person supplying
37 aviation fuel to any dealer or user; and (2) to examine
38 the records, books, papers, receipts, and invoices
39 of any distributor, special fuel dealer or special
40 fuel user or aviation fuel dealer or user to determine
41 financial responsibility for the payment of the taxes
42 imposed by this chapter.

43 Sec. 44. Section three hundred twenty-four point
44 sixty-three (324.63), unnumbered paragraph (1), Code
45 1977 Supplement, is amended to read as follows:

46 All information obtained by the department of
47 revenue from the examining of reports or records
48 required to be filed or kept under the provisions
49 of this chapter shall be treated as confidential and
50 shall not be divulged except to other state officers,

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1 a member or members of the general assembly or any
2 duly appointed committee of either or both houses
3 thereof or to a representative of the state having
4 some responsibility in connection with the collection
5 of the taxes imposed or in proceedings brought under
6 the provisions of this chapter; provided, however,
7 that the department of revenue shall make available
8 for public information on or before the last day of
9 the month following the month in which the tax is
10 required to be paid the names of the distributors
11 and as to each of them the total gallons received
12 in the state and separately, the received gallons
13 (1) exported or sold for export, (2) sold tax-free
14 in the state to entities that are exempt from the
15 tax and (3) sold tax-free in the state to entities
16 required to report and account for the tax thereon.
17 The department of revenue shall also make available
18 to the public information with respect to special
19 fuel dealers and users and as to each of them the
20 gallonage used and taxes paid. The department of
21 revenue, upon request of officials entrusted with
22 enforcement of the motor vehicle fuel tax laws of
23 the federal government or any other state, may forward
24 to such officials any pertinent information which
25 the department may have relative to motor fuel,
26 aviation fuel, and special fuel provided the officials
27 of the other state furnish to the department of revenue
28 like information.

29 Sec. 45. Section three hundred twenty-four point
30 sixty-five (324.65), Code 1977, is amended to read
31 as follows:

32 **324.65 PENALTY FOR FAILURE TO PROMPTLY REPORT**

33 **OR PAY FUEL TAXES.** If a licensee or other person
34 fails to file a required report with the department
35 of revenue on or before the due date, unless it is
36 shown that such failure was due to reasonable cause
37 there shall be added to the amount required to be
38 shown as tax due on the return five percent of the
39 amount of the tax if the failure is for not more than
40 one month, with an additional five percent for each
41 additional month or fraction of a month during which
42 such failure continues, not exceeding twenty-five
43 percent in the aggregate. If a licensee or other
44 person fails to remit the tax due with the filing
45 of the return on or before the due date or fails to
46 pay any amount of the tax required to be shown on
47 the return, there shall be added to the tax a penalty
48 of five percent of the amount of the tax due, unless
49 it is shown that such failure was due to reasonable
50 cause. The taxpayer shall also pay interest on the

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1 tax or additional tax at the rate of three-fourths
2 of one percent per month counting each fraction of
3 a month as an entire month, computed from the date
4 the return was required to be filed. The department
5 of revenue shall not remit any part of a penalty for
6 delinquent payment where the delinquency results from
7 the fact that a check given in payment is not honored
8 because of insufficient funds in the account upon
9 which the check was drawn. Provided, further, that
10 if it appears as a result of investigation by the
11 department of revenue or from a preponderance of the
12 evidence adduced at a hearing before the department
13 of revenue that there has been a deliberate attempt
14 on the part of a licensee or other person to evade
15 payment of fuel taxes there shall be added to the
16 assessment against the offending person and collected
17 a penalty of fifty percent of the tax due. When
18 penalties are applicable for failure to file a return
19 and failure to pay the tax due or required on the
20 return, the penalty provision for failure to file
21 shall be in lieu of the penalty for failure to pay
22 the tax due or required on the return, except in the
23 case of a deliberate attempt on the part of the
24 licensee or other person to evade payment of fuel
25 taxes. Any report required of licensees or persons
26 operating under divisions I, II, and III and five
27 (V), upon which no tax may be due, shall be subject
28 to a penalty of ten dollars if such report is not
29 timely filed.

30 Sec. 46. Section three hundred twenty-four point
31 sixty-seven (324.67), subsection one (1), Code 1977,
32 is amended to read as follows:

33 1. It shall be unlawful for any distributor to
34 sell or offer for sale motor fuel or aviation fuel
35 or for any special fuel dealer or user to dispense
36 or offer to dispense special fuel into a fuel supply
37 tank of a motor vehicle, while in default of or
38 delinquent in the payment of the whole or any part
39 of fuel taxes imposed under this chapter, and in the
40 event of the failure or refusal to pay the whole of
41 any of these taxes after assessment and notice thereof
42 by the department of revenue, the delinquent fuel
43 taxes, together with penalties and interest provided
44 for shall be recovered by and in the name of the
45 state of Iowa and the attorney general of the state
46 of Iowa or the county attorney of any county in which
47 the distributor, dealer or user resides or is engaged
48 in business is hereby authorized and directed to
49 institute suit therefor in any court of competent
50 jurisdiction against the distributor, or special fuel

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1 dealer or user or his or her surety or sureties, if
2 any, or both.

3 Sec. 47. Section three hundred twenty-four point
4 seventy-one (324.71), Code 1977, is amended to read
5 as follows:

6 324.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS.

7 Any person other than a distributor who has paid or
8 has had charged to his or her account with a
9 distributor, dealer or special fuel dealer fuel taxes
10 imposed under this chapter with respect to motor fuel,
11 aviation fuel or special fuel in excess of one hundred
12 gallons, which is subsequently lost or destroyed,
13 while he or she shall be the owner thereof, through
14 leakage, fire, explosion, lightning, flood, storm,
15 or other casualty, except evaporation, shrinkage,
16 or unknown causes, shall be entitled to a refund of
17 the tax so paid or charged. To qualify for the refund,
18 he the owner shall notify the department of revenue
19 in writing of the loss or destruction and the gallonage
20 lost or destroyed within ten days from the date of
21 discovery of the loss or destruction. Within sixty
22 days after filing the notice, he the owner shall file
23 with the department of revenue an affidavit sworn
24 to by the person having immediate custody of the motor
25 fuel, aviation fuel or special fuel at the time of
26 the loss or destruction setting forth in full the
27 circumstances and amount of the loss or destruction
28 and such other information with respect thereto as
29 the department of revenue may require.

30 Sec. 48. Section three hundred twenty-four point
31 seventy-three (324.73), Code 1977 Supplement, is
32 amended to read as follows:

33 324.73 EMBEZZLEMENT OF FUEL TAX MONEY—PENALTY.

34 Every sale of motor fuel or aviation fuel in this
35 state and every sale of special fuel or aviation fuel
36 dispensed by the seller into a fuel supply tank of
37 a motor vehicle or aircraft shall, unless otherwise
38 provided, be presumed to include as a part of the
39 purchase price the fuel tax due the state of Iowa
40 under the provisions of this chapter. Every person
41 collecting fuel tax money as part of the selling price
42 of motor fuel, aviation fuel or special fuel, shall
43 hold the tax money in trust for the state of Iowa
44 unless the fuel tax on the fuel has been previously
45 paid to the state of Iowa. Any person receiving fuel
46 tax money in trust and failing to remit it to the
47 department of revenue on or before time required shall
48 be guilty of theft.

49 Sec. 49. Section three hundred twenty-four point
50 seventy-four (324.74), subsections two (2), three.

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1 (3), five (5) and six (6) and unnumbered paragraph
2 two (2), Code 1977, are amended to read as follows:

3 2. For any person to knowingly make any false,
4 incorrect or materially incomplete record required
5 to be kept or made under the provisions of this
6 chapter, to refuse to offer his or her books and
7 records to the department of revenue for inspection
8 on demand or to refuse to permit the department of
9 revenue to examine his or her motor fuel, aviation
10 fuel or special fuel storage tanks and handling or
11 dispensing equipment.

12 3. For any seller to issue or any purchaser to
13 receive and retain any incorrect or false invoice
14 or sales ticket in connection with the sale or
15 purchase of motor fuel, aviation fuel or special
16 fuel.

17 5. For any person to act as a ~~motor fuel~~
18 distributor, special fuel dealer or special fuel user
19 without the required license.

20 6. For any person to use motor fuel, aviation
21 fuel or special fuel with respect to which he or she
22 knowingly has not paid or had charged to his or her
23 account with a distributor or dealer, or with respect
24 to which does not within the time required in this
25 chapter report and pay the applicable fuel tax.

26 Any person found guilty of any of the foregoing
27 illegal acts shall for the first offense be fined
28 three hundred dollars, and for the second and
29 subsequent offenses shall be fined five hundred dollars
30 and all of his the licenses held under the "Iowa Motor
31 Fuel Tax Law" or the "Aviation Fuel Tax Law" may,
32 at the discretion of the court, be suspended for a
33 period of up to six months.

34 Sec. 50. Section three hundred twenty-four point
35 seventy-four (324.74), Code 1977, is amended by adding
36 after subsection eight (8) the following new
37 subsection:

38 NEW SUBSECTION. Any person violating section
39 thirty (30) of this Act.

40 Sec. 51. Section three hundred twenty-four point
41 seventy-seven (324.77), Code 1977, is amended by
42 adding the following new unnumbered paragraph:

43 NEW UNNUMBERED PARAGRAPH. However, the provisions
44 of this section shall not apply to any fees, taxes,
45 interest, penalties, transfers, refunds or
46 administrative expenses imposed, required or incurred
47 under division five (V) of this chapter.

48 Sec. 52. Section three hundred twenty-four point
49 seventy-eight (324.78), Code 1977, is amended to read
50 as follows:

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1 324.78 OTHER REMEDIES AVAILABLE. The special
2 remedies provided under the provisions of this chapter
3 to enable the state to collect ~~motor vehicle~~ fuel
4 ~~excise tax~~ taxes shall not be construed as depriving
5 the state of any other remedy it might have either
6 at law or in equity independent of this chapter.
7 The state shall have the right to maintain an action
8 at law for the collection of said taxes required
9 to be paid herein and in connection therewith shall
10 be entitled to a writ of attachment without bond.

11 Sec. 53. Section three hundred twenty-four point
12 seventy-nine (324.79), unnumbered paragraph one (1),
13 Code 1977, is amended to read as follows:

14 The net proceeds of seven and one-half cents per
15 gallon excise tax on the diesel special fuel and six
16 and one-half cents per gallon excise tax on motor
17 fuel and other special fuel and penalties collected
18 under the provision of this chapter, except penalties
19 collected as a result of the tax imposed under division
20 five (V) of this chapter, shall be credited to the
21 road use tax fund.

22 Sec. 54. Section three hundred twenty-four point
23 eighty (324.80), Code 1977, is amended to read as
24 follows:

25 324.80 MICROFILM OR PHOTOGRAPHIC COPIES—ORIGINALS
26 DESTROYED. The department of revenue shall have the
27 power and authority to record, copy or reproduce by
28 any photographic, photostatic, microfilm, microcard,
29 miniature photographic or other process which
30 accurately reproduces or forms a durable medium for
31 so reproducing the original of any forms or records
32 pertaining to ~~motor fuel tax or special fuel tax~~ fuel
33 taxes, or any paper or document with respect to refund
34 of such ~~tax~~ taxes, and when such forms and records
35 shall have been so reproduced, the department of
36 revenue shall have the power to destroy the originals
37 and such reproductions shall be competent evidence
38 in any court in accordance with the provision of
39 section 622.30.

40 Sec. 55. Section three hundred twenty-four point
41 eighty-two (324.82), Code 1977, is amended to read
42 as follows:

43 324.82 AVIATION GAS TAX FUND. The portion of
44 the moneys collected under the provisions of this
45 chapter received on account of aviation gasoline fuel
46 shall be deposited in a separate fund to be maintained
47 by the treasurer. All moneys reimbursed and repaid
48 pursuant to section 324.17 or transferred pursuant
49 to section 422.88 on account of motor fuel used for
50 the purpose of operating aircraft shall be paid from

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1 said separate fund and all moneys remaining in said
2 separate fund after all claims for refund and the
3 cost of administering said fund have been paid shall
4 be credited to the state aviation fund.

5 Sec. 56. Section three hundred twenty-eight point
6 thirty-six (328.36), Code 1977, is amended to read
7 as follows:

8 328.36 STATE AVIATION FUND. There is hereby
9 created a fund to be known as the state aviation fund,
10 which shall consist of all moneys received by the
11 department, together with all moneys appropriated
12 to said fund by the state.

13 Unless otherwise provided, the aeronautics state
14 aviation fund is hereby appropriated for airport
15 construction and the department shall give priority
16 in the distribution of funds to those airports which
17 need construction or modernization of facilities to
18 meet state and federal safety standards.

19 Sec. 57. Section four hundred twenty-two point
20 forty-five (422.45), subsection eleven (11), Code
21 1977 Supplement, is amended to read as follows:

22 11. The gross receipts from the sale of motor
23 fuel and special fuel consumed for highway use or
24 in watercraft or the gross receipts from the sale
25 of aviation gasoline, as defined in section twenty-
26 six (26) of this Act, where the fuel tax has been
27 imposed and paid and no refund has been or will be
28 allowed.

29 Sec. 58. Section four hundred twenty-two point
30 eighty-six (422.86), subsection one (1), Code 1977,
31 is amended to read as follows:

32 1. Motor fuel as defined in section 324.2,
33 subsection 1, used for the purpose of operating or
34 propelling farm tractors, corn shellers, roller mills,
35 truck-mounted feed grinders, stationary engines,
36 aircraft, for cleaning or dyeing, for use in
37 agricultural aircraft operations or for any purpose
38 other than in watercraft, aircraft or in motor vehicles
39 operated or intended to be operated upon the public
40 highways.

41 Sec. 59. Section four hundred twenty-two point
42 eighty-six (422.86), Code 1977, is amended by adding
43 the following new subsection:

44 NEW SUBSECTION. Aviation fuel as defined in section
45 twenty-six (26) of this Act used for the purpose for
46 which an income tax credit is allowed under this
47 section for the tax paid on motor fuel.

48 Sec. 60. Section four hundred twenty-two point
49 eighty-seven (422.87), unnumbered paragraph one (1),
50 Code 1977, is amended to read as follows:

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1 The fuel tax credit may be applied against the
2 income tax liability of the person or corporation
3 as determined on the tax return filed for the year
4 in which the fuel tax was paid. The fuel tax credit
5 for tax paid on motor aviation fuel used for the
6 purpose of operating aircraft in agricultural air-
7 craft operations must be itemized separately. The
8 department shall provide forms for claiming the fuel
9 tax credit. If the fuel tax credit would result in
10 an overpayment of income tax, the person or corporation
11 may apply for a refund of the amount of overpayment
12 or may have the overpayment credited to income tax
13 due in subsequent years. Each person or corporation
14 that claims a fuel tax credit shall maintain the
15 original invoices showing the purchase of the fuel
16 on which a credit is claimed. No invoice is acceptable
17 in support of a claim for credit unless it is a
18 separate serially numbered invoice covering no more
19 than one purchase of motor fuel, aviation fuel or
20 special fuel, prepared by the seller on a form approved
21 by the department, nor unless it is legibly written
22 with no corrections or erasures and shows the date
23 of sale, the name and address of the seller and of
24 the purchaser, the kind of fuel, the gallonage in
25 figures, the per gallon price of the fuel, the total
26 purchase price including the Iowa fuel tax, and that
27 the total purchase price has been paid. However,
28 as to refund invoices made on a billing machine the
29 department may waive these requirements. If an
30 original invoice is lost or destroyed, the department
31 may approve a credit supported by a copy identified
32 and certified by the seller as being a true copy of
33 the original. Each person or corporation that claims
34 a fuel tax credit shall maintain complete records
35 of purchases of motor fuel, aviation fuel or special
36 fuel on which Iowa fuel tax was paid, and for which
37 a fuel tax credit is claimed.

38 Sec. 61. Section four hundred twenty-two point
39 eighty-eight (422.88), Code 1977, is amended to read
40 as follows:

41 422.88 AIRCRAFT FUEL TAX TRANSFER. The department
42 shall certify quarterly to the treasurer of state
43 the amount of credit that has been taken against
44 income tax liability since the time of the last
45 certification, for the Iowa fuel tax paid on motor
46 fuel, special fuel and motor fuel used for the purpose
47 of operating aircraft aviation fuel, and the treasurer
48 of state shall transfer the amount of the total credit
49 from the motor fuel tax fund, or in the case of
50 aircraft motor aviation fuel, from the separate fund

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1 established by section 324.82, to the general fund
2 of the state.

3 Sec. 62. Any licensed distributor, dealer, user,
4 or unlicensed retailer having title on January 1,
5 1979 to aviation turbine fuel upon which the aviation
6 turbine fuel tax has not been paid shall take an
7 inventory of gallonage on hand as of the close of
8 business December 31, 1978. All inventoried gallonage
9 sold or dispersed on and after January 1, 1978 shall
10 be taxed at the rate of one cent per gallon as
11 established by this Act. The licensed distributor,
12 dealer, user or licensed retailer shall pay to the
13 treasurer of the state such tax on the gallonage on
14 hand as of December 31, 1978. All those falling
15 within the purview of this legislation shall report
16 gallonage on hand on forms provided by the department
17 of revenue and remit the tax due by January 10, 1979.
18 The department of revenue shall have authority to
19 make such rules in accordance with chapter seventeen
20 A (17A) of the Code as shall be necessary to carry
21 out the provisions of this section." "

22 2. Page 5, by inserting after line 18 the follow-
23 ing:

24 " . Amend the title, by striking all of the
25 title after the word "Act" and inserting in lieu
26 thereof the words "financing agencies whose
27 responsibilities relate to transportation, public
28 safety, and public defense by making appropriations
29 and providing for the imposition of an excise tax
30 on the use of aviation fuel and providing penalties." "

RINAS of Linn
TAUKE of Dubuque

H—6660

1 Amend Senate amendment H—6656 to House File 2290
2 as follows:

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

4 " . Page 14, by inserting after line 9 the
5 following:

6 "Sec. 9. Chapter three hundred twelve (312), Code
7 1977, is amended by adding the following new sections:

8 NEW SECTION. PAVEMENT WEAR FUND. There is created
9 in the state treasury a pavement wear fund.

10 NEW SECTION. PAVEMENT WEAR FUND DISTRIBUTION.

11 The department shall recommend to the legislature
12 on or before February first of each year, a formula
13 distribution of the funds in the pavement wear fund.
14 The formula shall be based on studies of the relative

15 wear on routes designated by the functional
 16 classification review board. Funds shall be dis-
 17 tributed from the pavement wear fund pursuant to the
 18 established formula beginning January 1, 1980 and
 19 each subsequent year.

20 Sec. 10. Section three hundred twelve point two
 21 (312.2), Code 1977, is amended by adding the following
 22 new subsection:

23 NEW SUBSECTION. 8. Each month the treasurer of
 24 the state, before making the allotments provided for
 25 in this section, shall compute and credit to the
 26 pavement wear fund the proceeds from the two cents
 27 per gallon excise tax as set forth in the second new
 28 section added by section fifty-one (51) of this
 29 amendment and the portion of the registration fees
 30 collected under section twenty-one (21) of this
 31 amendment, according to the following schedule:

32 For a combined gross	And not	The portion to be
33 <u>weight exceeding:</u>	<u>exceeding:</u>	<u>allocated shall be:</u>
34 19 Tons	20 Tons	\$ 3
35 20 Tons	21 Tons	\$ 7
36 21 Tons	22 Tons	\$ 15
37 22 Tons	23 Tons	\$ 24
38 23 Tons	24 Tons	\$ 34
39 24 Tons	25 Tons	\$ 50
40 25 Tons	26 Tons	\$ 62
41 26 Tons	27 Tons	\$ 76
42 27 Tons	28 Tons	\$ 91
43 28 Tons	29 Tons	\$106
44 29 Tons	30 Tons	\$123
45 30 Tons	31 Tons	\$141
46 31 Tons	32 Tons	\$159
47 32 Tons	33 Tons	\$179
48 33 Tons	34 Tons	\$199
49 34 Tons	35 Tons	\$225
50 35 Tons	36 Tons	\$248

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1 36 Tons	37 Tons	\$271
2 37 Tons	38 Tons	\$296
3 38 Tons	39 Tons	\$321
4 39 Tons	40 Tons	\$348

5 For a combined gross weight exceeding forty tons,
 6 the portion to be allocated shall be three hundred
 7 and forty-eight dollars and in addition thereto twenty-
 8 seven dollars for each ton over forty tons."

9 2. Page 10, by inserting after line 39 the
 10 following:

11 "Sec. 21. Section three hundred twenty-one point
 12 one hundred twenty-two (321.122), subsection one (1),
 13 Code 1977, as amended by Acts of the Sixty-seventh

14 General Assembly, 1977 Session, chapter one hundred
 15 four (104), section five (5), is amended by striking
 16 the subsection and inserting in lieu thereof the
 17 following:

18 1. The annual registration fee for motor trucks,
 19 except special trucks, truck tractors, or road
 20 tractors, shall be based on the combined gross weight
 21 of the vehicle or combination of vehicles. All trucks,
 22 truck tractors, semitrailers, or road tractors shall
 23 be registered for a gross weight equal to or in excess
 24 of the unladen weight of the vehicle or combination
 25 of vehicles. The annual registration fee for such
 26 vehicles or combination of vehicles shall be:

27 a. For a combined gross weight of three tons or
 28 less forty dollars and after ten registrations thirty
 29 dollars.

30 b. For a combined gross weight exceeding three
 31 tons, the annual registration fee shall be as set
 32 forth in the following schedule:

33 For a combined gross	And not	The annual
34 weight exceeding:	exceeding:	registration fee shall be:
35 3 Tons	4 Tons	\$ 45
36 4 Tons	5 Tons	\$ 60
37 5 Tons	6 Tons	\$ 75
38 6 Tons	7 Tons	\$ 100
39 7 Tons	8 Tons	\$ 135
40 8 Tons	9 Tons	\$ 170
41 9 Tons	10 Tons	\$ 205
42 10 Tons	11 Tons	\$ 240
43 11 Tons	12 Tons	\$ 275
44 12 Tons	13 Tons	\$ 310
45 13 Tons	14 Tons	\$ 335
46 14 Tons	15 Tons	\$ 380
47 15 Tons	16 Tons	\$ 415
48 16 Tons	17 Tons	\$ 450
49 17 Tons	18 Tons	\$ 485
50 18 Tons	19 Tons	\$ 520

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1	19 Tons	20 Tons	\$ 578
2	20 Tons	21 Tons	\$ 617
3	21 Tons	22 Tons	\$ 660
4	22 Tons	23 Tons	\$ 704
5	23 Tons	24 Tons	\$ 749
6	24 Tons	25 Tons	\$ 875
7	25 Tons	26 Tons	\$ 927
8	26 Tons	27 Tons	\$ 981
9	27 Tons	28 Tons	\$1036
10	28 Tons	29 Tons	\$1091
11	29 Tons	30 Tons	\$1148

12	30 Tons	31 Tons	\$1206
13	31 Tons	32 Tons	\$1264
14	32 Tons	33 Tons	\$1324
15	33 Tons	34 Tons	\$1384
16	34 Tons	35 Tons	\$1475
17	35 Tons	36 Tons	\$1538
18	36 Tons	37 Tons	\$1601
19	37 Tons	38 Tons	\$1666
20	38 Tons	39 Tons	\$1731
21	39 Tons	40 Tons	\$1798

22 c. For a combined gross weight exceeding forty
 23 tons, the annual registration fee shall be one thousand
 24 seven hundred ninety-eight dollars plus eighty-five
 25 dollars for each ton over forty tons.

26 Where an auxiliary axle has been registered under
 27 the provisions of this chapter, the registered gross
 28 weight of the vehicle or combination of vehicles shall
 29 be the sum of the registered gross weight of such
 30 auxiliary axle or axles added to the registered gross
 31 weight of the truck, truck tractor, or road tractor."

32 3. Page 21, by inserting after line 33 the
 33 following:

34 "Sec. 43. Section three hundred twenty-one point
 35 four hundred fifty-seven (321.457), Code 1977, as
 36 amended by Acts of the Sixty-seventh General Assembly,
 37 1977 Session, chapter one hundred three (103), section
 38 fifty-one (51), is amended by adding the following
 39 new subsection:

40 NEW SUBSECTION. No semitrailer registered for
 41 the first time for the calendar year beginning January
 42 1, 1979, or for a subsequent period shall have an
 43 overall length in excess of forty-five feet except
 44 semitrailers transporting livestock, semitrailers
 45 transporting implements of husbandry, and those
 46 semitrailers used exclusively for the transportation
 47 of passenger vehicles, light delivery trucks, panel
 48 delivery trucks, pickup trucks and boats. The
 49 department may issue permits to operate such
 50 semitrailers in excess of forty-five feet but not

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1 exceeding forty-seven and one-half feet, pursuant
 2 to rules adopted by the department.

3 Sec. 44. Section three hundred twenty-one point
 4 four hundred fifty-seven (321.457), subsection three
 5 (3), Code 1977, is amended by striking the subsection
 6 and inserting in lieu thereof the following:

7 3. No combination of vehicles coupled together,
 8 unladen or with load, shall have an overall length,
 9 inclusive of front and rear bumpers, in excess of

10 sixty feet.

11 Sec. 45. Section three hundred twenty-one point
12 four hundred fifty-seven (321.457), subsection five
13 (5), Code 1977, is amended by striking the subsection
14 and inserting in lieu thereof the following:

15 5. Passenger vehicles, light delivery trucks,
16 panel delivery trucks, pickup trucks and boats being
17 transported on a combination of vehicles used
18 exclusively for the transportation of such vehicles
19 and boats may extend up to three feet beyond the front
20 and rear bumpers of the transporting vehicles when
21 the overall length of the vehicle with load does not
22 exceed sixty-five feet.

23 Sec. 46. Section three hundred twenty-one point
24 four hundred fifty-nine (321.459), Code 1977, is
25 amended by striking the section and inserting in lieu
26 thereof the following:

27 321.459 DUAL AXLE REQUIREMENT. Axles of a motor
28 vehicle, trailer, or semitrailer which are less than
29 forty inches apart center to center shall be considered
30 as one axle for the purpose of determining permissible
31 weight under section three hundred twenty-one point
32 four hundred sixty-three (321.463) of the Code.

33 Sec. 47. Section three hundred twenty-one point
34 four hundred sixty-three (321.463), Code 1977, is
35 amended by striking the section and inserting in lieu
36 thereof the following:

37 321.463 MAXIMUM GROSS WEIGHT. An axle may be
38 divided into two or more parts, except that all parts
39 in the same vertical transverse plane shall be
40 considered as one axle.

41 The gross weight on any one axle of a vehicle,
42 or of a combination of vehicles, operated on the
43 highways of this state, shall not exceed twenty
44 thousand pounds on an axle equipped with pneumatic
45 tires, and shall not exceed fourteen thousand pounds
46 on an axle equipped with solid rubber tires. The
47 gross weight on any tandem axle of a vehicle, or any
48 combination of vehicles, shall not exceed thirty-four
49 thousand pounds on an axle equipped with pneumatic
50 tires.

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1 A group of two or more consecutive axles of any
2 vehicle or combination of vehicles, shall not carry
3 a load in pounds in excess of the overall gross weight
4 determined by application of the following formula:
5 $W \text{ equals } 500 \text{ times } (LN/N-1 + 12N + 36)$ where W equals
6 the overall gross weight on any group of two or more
7 consecutive axles to the nearest five hundred pounds,

8 L equals the distance in feet between the extreme
 9 of any group of two or more consecutive axles, and
 10 N equals the number of axles in group under
 11 consideration, except that two consecutive sets of
 12 tandem axles may carry a gross load of thirty-four
 13 thousand pounds each providing the overall distance
 14 between the first and last axles of such consecu-
 15 tive sets of tandem axles is thirty-six feet or more.

16 In no event shall the maximum gross weight, includ-
 17 ing the enforcement tolerances, exceed eighty thousand
 18 pounds.

19 A tolerance above the maximum legal weight of any
 20 axle or vehicle or combination of vehicles may be
 21 allowed as follows:

22 Three percent on any axle, including tandem axles,
 23 of any vehicle or combination of vehicles operated
 24 on highways not part of the interstate system.

25 Eight percent of the gross weight on any particular
 26 group of axles.

27 Eight percent on the total gross weight of a vehicle
 28 or combination of vehicles.

29 The weight on any one axle, including a tandem
 30 axle, of a vehicle which is transporting livestock
 31 on highways not part of the interstate system may
 32 exceed the legal maximum weight given in this chapter
 33 providing that the gross weight on any particular
 34 group of axles on such vehicle does not exceed the
 35 gross weight allowable under this chapter for such
 36 group of axles.

37 Any person who operates any vehicle in violation
 38 of the provisions of this section, and any owner,
 39 or any other person, employing or otherwise directing
 40 the operator of any vehicle who requires or knowingly
 41 permits the operation of any vehicle in violation
 42 of the provisions of this section shall upon conviction
 43 or a plea of guilty be punished in accordance with
 44 the following schedule:

45 AXLE, TANDEM AXLE, GROUP OF AXLES, AND
 46 GROSS WEIGHT VIOLATIONS

47 Percentage of	Amount of Fine
48 Overload	Per Hundred Pounds
49 Up to and including 8%	\$1.00
50 Over 8% to and including 10%	\$1.25

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1 Over 10% to and including 12%	\$1.50
2 Over 12% to and including 14%	\$2.00
3 Over 14% to and including 16%	\$3.00
4 Over 16% to and including 18%	\$4.00
5 Over 18% to and including 20%	\$5.00
6 Over 20%	\$6.00

A fine shall not be assessed if the overload does not exceed the tolerance specified in this section. If the overload does exceed the tolerance specified in this section, the amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section without allowance of any tolerance, by applying the appropriate rate in the preceding schedule for the total percentage of overload. The total percentage of overload shall be determined by dividing the appropriate maximum legal weight as specified in this section without allowance for any tolerance into the amount of pounds overloaded.

Overloads on axles and tandem axles and overloads on groups of axles or on an entire vehicle or combination of vehicles shall be considered as separate violations of the provisions of this section.

The penalties provided in this section shall not be construed to be in lieu of any other penalties provided for violations of other provisions of this chapter.

Any person who issues or executes, or causes to be issued or executed, any bill of lading, manifest, or shipping document of any kind which states the false weight of the cargo set forth on such bill, manifest, or document, to be less than the actual weight of such cargo, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days."

4. Page 24, by inserting after line 46 the following:

"Sec. 51. Chapter three hundred twenty-four (324), Code 1977, is amended by adding the following new division:

DIVISION V.

MOTOR FUEL AND SPECIAL FUEL USE TAX FOR HEAVY MOTOR VEHICLE OPERATIONS

NEW SECTION. PURPOSE. The purpose of this division is to provide a method of collecting additional fuel taxes from interstate and intrastate operators of motor vehicles registered at a gross weight of twenty tons or more commensurate with their operations on Iowa highways. This division shall be administered by the state department of transportation, referred

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to as the department in this division.

NEW SECTION. LEVY OF HEAVY VEHICLE FUEL TAX.

For the privilege of operating a motor vehicle

registered at a gross weight of twenty tons or more

5 in this state, an excise tax of two cents a gallon
6 is imposed upon the use of all motor fuel and special
7 fuel used in said vehicles. This excise tax is in
8 addition to those taxes provided for in Division I
9 and II of this chapter.

10 NEW SECTION. PERMIT—BOND. No person shall operate
11 a motor vehicle registered for a gross weight of
12 twenty tons or more on Iowa highways without a heavy
13 vehicle fuel tax permit. The department shall issue
14 a permit annually upon the posting of an indemnity
15 bond in a sum to be fixed by the department to assure
16 the required reporting, tax payments and record
17 keeping. The department may audit persons not holding
18 permits who are suspected of evading the heavy vehicle
19 fuel tax. Audits shall be conducted pursuant to
20 section three hundred twenty-four point fifty-five
21 (324.55). The annual permit fee shall be five dollars.
22 Each vehicle operated under the provisions of this
23 division shall carry a duplicate or evidence of the
24 permit. A fee of fifty cents shall be charged for
25 each duplicate issued. Any person holding a heavy
26 vehicle fuel tax permit shall not be required for
27 vehicles registered at twenty tons and over to hold
28 an Iowa interstate fuel permit issued under section
29 three hundred twenty-four point fifty-three (324.53)
30 of the Code.

31 NEW SECTION. FUEL TAX COMPUTATION—REPORTING AND
32 PAYMENT. To determine the amount of fuel taxes due
33 under this provision, a quarterly report shall be
34 filed not later than the last day of the month
35 following the quarter reported and each quarter
36 thereafter. Reports shall be on forms prescribed
37 by the department and be required of all persons who
38 have been issued a permit under this division. Reports
39 shall cover actual operation and fuel consumption
40 in Iowa. Taxes shall be based on the permittee's
41 average fuel consumption. Average fuel consumption
42 shall be determined by the total miles traveled and
43 the total fuel purchased and consumed for highway
44 use by the permittee's motor vehicle in its entire
45 operation in all states to establish an overall miles
46 per gallon ratio, which ratio shall be used to compute
47 the gallons used for the miles traveled in Iowa."

NIELSEN of Polk
SCHROEDER of Pottawattamie
WYCKOFF of Benton
SCHEELHAASE of Woodbury
DAVITT of Warren

H-6663

- 1 Amend Senate File 44, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "judgments." the words "However, all documents
- 5 affecting property filed or recorded in the office
- 6 of the county recorder shall remain public records."

DOYLE of Woodbury
HARVEY of Scott

H-6666

- 1 Amend House File 2045 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "discrimination." the words "The state board shall
- 4 reimburse a school district for any increase in costs
- 5 resulting from the adoption of rules pursuant to this
- 6 subsection."

WOODS of Polk

H-6667

- 1 Amend amendment H-6637 to Senate File 2187 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 4, line 10 by striking "sixty" and
- 5 inserting "sixty-five".

WOODS of Polk

H-6668

- 1 Amend amendment H-6639 to House File 402 as
- 2 follows:
- 3 1. Page 2, by striking lines 1 through 16, and
- 4 inserting in lieu thereof the following:
- 5 "Sec. . NEW SECTION. WEAPONS. A member of the
- 6 reserve forces shall not carry a weapon in the line
- 7 of duty."

LIPSKY of Linn

H—6669

1 Amend amendment H—6085, to Senate File 353 as
2 passed by the Senate and reprinted, as follows:

3 1. Page 1, by inserting after line 40, the
4 following:

5 "b. The provisions of this Act notwithstanding,
6 the state vehicle dispatcher may purchase from the
7 lowest responsible bidder only if the motor vehicle
8 is manufactured in the United States."

CONNORS of Polk
CRABB of Crawford
BYERLY of Polk
JUNKER of Woodbury

H—6671

1 Amend amendment H—6085, to Senate File 353 as
2 passed by the Senate and reprinted, as follows:

3 1. Page 1, by inserting after line 40 the
4 following:

5 "b. Any other provision of the Code notwith-
6 standing, those agencies or subdivisions of state
7 and local government, otherwise exempt by law from
8 purchasing motor vehicles through the state vehicle
9 dispatcher, shall purchase only those motor vehicles
10 manufactured in the United States."

CONNORS of Polk
CRABB of Crawford
BYERLY of Polk
JUNKER of Woodbury

H—6672

1 Amend amendment H—6637, to amendment H—6636, to
2 Senate File 2187, as passed by the Senate and re-
3 printed, as follows:

4 1. Page 2, line 28 by striking the word "forty"
5 and inserting in lieu thereof the word "thirty-five".

6 2. Page 2, line 28 by striking the word "thirty"
7 and inserting in lieu thereof the word "twenty-five".

SCHNEKLOTH of Scott

H-6673

- 1 Amend amendment H-6660, to Senate amendment
- 2 H-6656, to House File 2290, as follows:
- 3 1. Page 2, line 28, by striking the word "forty"
- 4 and inserting in lieu thereof the word "thirty-five".
- 5 2. Page 2, line 28, by striking the word "thirty"
- 6 and inserting in lieu thereof the word "twenty-five".

SCHNEKLOTH of Scott

H-6674

- 1 Amend H-6660 to the Senate amendment H-6656 to
- 2 House File 2290 as follows:
- 3 1. Page 5, line 18, by inserting after the word
- 4 "pounds." the following: "A vehicle or a combination
- 5 of vehicles exceeding the gross weight, including the
- 6 enforcement tolerances, of seventy-three thousand
- 7 two hundred eighty (73,280) pounds shall be limited
- 8 to travel on the interstate system and no more than
- 9 five miles therefrom."

GARRISON of Black Hawk
KOOGLER of Mahaska
MILLER of Buchanan
LIND of Black Hawk

H-6675

- 1 Amend House File 2058 as follows:
- 2 1. Page 1, line 9, by inserting after the period
- 3 the words "The provisions of this section shall apply
- 4 to the state board of regents in offering contracts
- 5 of employment to teachers and administrators of a
- 6 laboratory school established pursuant to chapter
- 7 two hundred sixty-five (265) of the Code."
- 8 2. Amend the title, line 3, by inserting after
- 9 the word "district," the words "laboratory school,".

LIND of Black Hawk

H-6676

- 1 Amend the amendment, H-6202, to House File 2417
- 2 as follows:

3 1. Page 1, line 6, by striking the word "paragraph"
 4 and inserting in lieu thereof the word "paragraphs".

5 2. Page 1, by inserting after line 38 the follow-
 6 ing:

7 "NEW UNNUMBERED PARAGRAPH. Any admitted or surplus
 8 line insurer failing to comply with the requirements
 9 of this section shall be deemed to have voluntarily
 10 forfeited its permission to write insurance in the
 11 state of Iowa. This shall not affect policies already
 12 in existence, but shall preclude the renewal of such
 13 policies at their next renewal date and shall preclude
 14 such insurer from writing new policies until the above
 15 required reports are filed. The provisions of this
 16 section shall not apply to any company for a particular
 17 year in which the company did not write policies of
 18 insurance as stated above."

BAKER of Buena Vista
 DAVITT of Warren

H-6678

1 Amend the amendment, H-6085, to Senate File 353
 2 as amended, passed and reprinted by the Senate as
 3 follows:

4 1. Page 1, line 3, by striking the numeral "31"
 5 and inserting in lieu thereof the numeral "35".

6 2. Page 1, by striking lines 10 through 50 and
 7 inserting in lieu thereof the words "any other agencies
 8 exempted by law. Before purchasing any motor vehicle
 9 he the state vehicle dispatcher shall make requests
 10 for public bids by advertisement and he shall purchase
 11 the vehicles from the lowest responsible bidder for
 12 the type and make of motor vehicle designated at a
 13 purchase price approved by the executive council.
 14 The state vehicle dispatcher and purchasing agents
 15 for state agencies that are not required to purchase
 16 motor vehicles through the state vehicle dispatcher
 17 shall consider fuel efficiency when purchasing motor
 18 vehicles and shall purchase motor vehicles that are
 19 energy efficient compared to alternative models
 20 considered for purchase and suitable for the purposes
 21 for which the vehicle will be used."

22 3. Page 2, by striking lines 1 through 3 and
 23 inserting in lieu thereof the following:

24 " Page 2, by striking lines 1 through 7."

LIND of Black Hawk

H—6679

1 Amend amendment H—6085 to Senate File 353 as
2 amended, passed and reprinted by the Senate as fol-
3 lows:

4 1. Page 1 by striking lines 16 through 50
5 and inserting in lieu thereof the following:

6 "a. The state vehicle dispatcher and those
7 state agencies which purchase motor vehicles for
8 their own use shall establish classes of motor ve-
9 hicles as provided under paragraph c of this sub-
10 section. As used in this subsection "life cycle cost
11 analysis" means a procurement technique which may mod-
12 ify the acquisition price by the estimated fuel con-
13 sumption over the length of time ownership is intended
14 by the department.

15 b. The state vehicle dispatcher shall adver-
16 tise for bids for vehicles of the specified class and
17 shall purchase from the lowest responsible bidder the
18 motor vehicle that has the lowest life cycle cost."

WELDEN of Hardin
HULLINGER of Decatur

H—6680

1 Amend House File 2417 as follows:

2 1. Page 3, by inserting after line 13, the
3 following:

4 "If the product fails to meet the requirements of
5 the advanced technical knowledge, methods, standards
6 and techniques used or available for use heretofore
7 enumerated, it shall be conclusive evidence that
8 said product was in a defective condition unreason-
9 ably dangerous to the user.

10 If the evidence further shows that the manufacturer
11 or seller of a product, or any employee had notice
12 thereof of the requirements of the advance technical
13 knowledge, methods, standards and techniques used or
14 available for use heretofore enumerated and failed
15 to meet these requirements, said manufacturer or
16 seller of a product, or any employee thereof shall
17 be subject to exemplary damages which shall be
18 awarded by the trier of fact."

JESSE of Polk

H—6681

1 Amend House File 2417 as follows:

- 2 1. Page 3, by striking lines 30 through 35.
- 3 2. Page 4, by striking lines 1 through 24.

JESSE of Polk

H—6682

- 1 Amend the amendment H—6445 to Senate File
- 2 2176 as follows:
- 3 1. Page 2, line 15, by striking the words
- 4 "limited only to those probes" and inserting in
- 5 lieu thereof the words "in a manner".
- 6 2. Page 4, line 25, by striking the words
- 7 "limited only to those probes" and inserting in
- 8 lieu thereof the words "in a manner".

WYCKOFF of Benton

H—6683

- 1 Amend the amendment, H—6445, to Senate File 2176
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking lines 16 through 20 and
- 5 inserting in lieu thereof the following: "by the
- 6 department of agriculture. The department of
- 7 agriculture shall work in conjunction with the United
- 8 States department of agriculture to establish any
- 9 additional standards necessary to ensure accuracy
- 10 and fairness in grain samples."
- 11 2. Page 4, by striking lines 26 through 30 and
- 12 inserting in lieu thereof the following: "by the
- 13 department of agriculture. The department of
- 14 agriculture shall work in conjunction with the United
- 15 States department of agriculture to establish any
- 16 additional standards necessary to ensure accuracy
- 17 and fairness in grain samples."
- 18 3. Page 4, line 34, by inserting after the word
- 19 "or" the words "one point thirty-five percent".

HARBOR of Mills

H—6687

- 1 Amend the Senate amendment, H—6656, to House File
- 2 2290 as amended, passed and reprinted by the Senate

3 as follows:

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

5 " Page 14, by inserting after line 9 the
6 following:

7 "Sec. . Section three hundred twenty-one point
8 two hundred eighty-one (321.281), unnumbered paragraph
9 one, (1), Code 1977 Supplement, is amended to read
10 as follows:

11 Whoever operates a motor vehicle upon the public
12 highways of this state having ten-hundredths of one
13 percentum or more by weight of alcohol in his or her
14 blood or while under the influence of an alcoholic
15 beverage, a narcotic, hypnotic or other drug, or any
16 combination of such substances shall, upon conviction
17 or a plea of guilty, be guilty of a serious misdemeanor
18 for the first offense and shall be imprisoned in the
19 county jail not less than two days; be guilty of an
20 aggravated misdemeanor for the second offense and
21 shall be imprisoned in the county jail not less than
22 seven days; and be guilty of a class "D" felony for
23 a third offense and each offense thereafter.

24 Sec. . Section three hundred twenty-one point
25 two hundred eighty-one (321.281), unnumbered paragraph
26 five (5), Code 1977 Supplement, is amended to read
27 as follows:

28 For the purposes of this section, evidence that
29 there was, at the time, more than ten hundredths of
30 one per centum by weight of alcohol in his blood shall
31 be admitted as presumptive evidence that the defendant
32 was under the influence of an alcoholic beverage.
33 No previous conviction for, or plea of guilty to,
34 an offense under this section occurring more than
35 six years prior to the date of the violation being
36 charged shall be used to determine that the violation
37 being charged is a second, third, or subsequent
38 offense.

39 Sec. . Section three hundred twenty-one B point
40 three (321B.3), Code 1977, is amended to read as
41 follows:

42 321B.3 IMPLIED CONSENT TO TEST. Any person who
43 operates a motor vehicle in this state upon a public
44 highway, under such circumstances as to give reasonable
45 grounds to believe the person to have been operating
46 a motor vehicle while under the influence of an
47 alcoholic beverage, shall be deemed to have given
48 consent to the withdrawal from his or her body of
49 specimens of his or her blood, breath, saliva, or
50 urine, and to a chemical test or tests thereof, for

Page 2

1 the purpose of determining the alcoholic content of

2 his or her blood, subject to the provisions hereinafter
3 set out. The withdrawal of such body substances,
4 and the test or tests thereof, shall be administered
5 at the written request of a peace officer having
6 reasonable grounds to believe the person to have been
7 operating a motor vehicle upon a public highway of
8 this state while under the influence of an alcoholic
9 beverage, and only after the peace officer has placed
10 such person under arrest for the offense of operating
11 a motor vehicle while under the influence of an
12 alcoholic beverage. The peace officer shall determine
13 which of the four substances, breath, blood, saliva,
14 or urine, shall be tested. Refusal to submit to a
15 chemical test of urine, saliva or breath shall be
16 deemed a refusal to submit, and the provisions of
17 section 321B.7 shall apply. A refusal to submit to
18 a chemical test of blood shall not be deemed a refusal
19 to submit, but in that case, the peace officer shall
20 then determine which one of the other three substances
21 shall be tested, and shall offer such test. If such
22 peace officer fails to provide a test within two hours
23 after such arrest, no test shall be required, and
24 there shall be no revocation under the provisions
25 of section 321B.7.

26 Sec. . Section three hundred twenty-one B point
27 four (321B.4), Code 1977, is amended to read as
28 follows:

29 321B.4 TAKING SAMPLE FOR TEST. Only a licensed
30 physician, or a medical technologist, a physician's
31 assistant or registered nurse designated by a licensed
32 physician as his representative employed in the testing
33 facility, acting at the written request of a peace
34 officer may withdraw such body substances for the
35 purpose of determining the alcoholic content of the
36 person's blood. However, any peace officer, using
37 devices and methods approved by the commissioner of
38 public safety, may take or request to be taken a
39 specimen of a person's breath or urine for the purpose
40 of determining the alcoholic content of the person's
41 blood. Only new, originally factory wrapped,
42 disposable syringes and needles, kept under strictly
43 sanitary and sterile conditions shall be used for
44 drawing blood. Such person may have an independent
45 chemical test or tests administered in addition to
46 any administered at the direction of a peace officer.
47 The failure or inability of the person to obtain an
48 independent chemical test or tests shall not preclude
49 the admission in evidence of the results of the test
50 or tests taken at the direction of the peace officer.

Page 3

1 Upon the request of the person who is tested, the
2 results of the test or tests taken at the direction
3 of the peace officer shall be made available to him
4 that person. " "

5 2. Renumber as necessary in conformance with this
6 amendment.

DAGGETT of Adams
KOOGLER of Mahaska

H-6695

1 Amend Senate File 2201 as passed by the Senate
2 and reprinted as follows:

3 1. Page 8, by striking line 33 through page
4 10, line 34, and inserting in lieu thereof the
5 following:

6 "5. A public official shall not have a sub-
7 stantial interest, either directly or indirectly, in
8 furnishing goods, services, or in a contract to fur-
9 nish anything of value to any state department, div-
10 ision, agency, board, regulatory authority, commission,
11 or political subdivision of the state to which the
12 public official is elected or appointed, except:

13 a. Purchases or rentals of goods, space and
14 services from the same supplier at a total cost of
15 less than \$500.00 within any 12-month period.

16 b. Purchase or rentals of goods or services if
17 there is no other supplier within the political sub-
18 division served by the public official.

19 c. Purchases or rentals of goods, space or
20 services from the lowest bidder in accordance with
21 rules for open, public, and competitive bidding.

22 d. Purchases or rentals of standardized goods
23 at the lowest price offered after all local suppliers
24 in the political subdivision served by the official
25 have been contacted for quotations.

26 e. Contracts not normally entered into on a bid
27 basis.

28 6. Any public official who has a substantial
29 interest in any official action within the meaning of
30 this chapter shall immediately publicly disclose such
31 interest and shall abstain from taking part in any vote
32 on any matter that may involve such substantial interest."

TAUKE of Dubuque

H—6747

- 1 Amend House amendment H—6730 to House File 2467
- 2 as follows:
- 3 1. Page 1, line 29, by striking the word "The".
- 4 2. Page 1, by striking lines 30 through 35
- 5 and inserting in lieu thereof the following:
- 6 "Any written agreement for the payment of in-
- 7 terest made pursuant to a prior written agreement
- 8 by a lender to lend money in the future, either to
- 9 the other party to such prior written agreement or
- 10 a third party beneficiary of such prior agreement,
- 11 may provide for payment of interest at the lawful
- 12 rate of interest at the time of the execution of the
- 13 prior agreement, regardless of whether the subsequent
- 14 agreement is executed before, on or after July 1,
- 15 1979."

SCHROEDER of Pottawattamie

H—6766

- 1 Amend the Senate Amendment, H—6761, to House File
- 2 2467 as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "area" the following: "or make statements which
- 5 discourage loan applications, loan requests, or
- 6 inquiries about mortgage loans with respect to property
- 7 located in a certain area".

KRAUSE of Kossuth
GARRISON of Black Hawk

H—6767

- 1 Amend the Senate Amendment, H—6761, to House File
- 2 2467 as follows:
- 3 1. Page 2, by inserting after line 33 the follow-
- 4 ing:
- 5 "c. Show the results of the determination by
- 6 the financial institution of the existence or non-
- 7 existence of underserved census tracts, in the form
- 8 and manner required by section six (6) of this Act."
- 9 2. Page 3, by inserting after line 41 the follow-
- 10 ing:
- 11 "Sec. 6. NEW SECTION. PRACTICES REVIEWED. Each
- 12 financial institution annually shall review its adver-
- 13 tising and marketing practices to ascertain the extent
- 14 to which its lending services are available throughout
- 15 the area which it serves. Each financial institution

16 shall develop advertising practices designed to
17 encourage and to increase the number of loans made
18 in any census tract within the prime service area
19 of the financial institution when that census tract
20 is determined to be underserved.

21 As used in this section, a census tract shall be
22 underserved if the financial institution has made
23 significantly fewer mortgage loans within that census
24 tract than in other census tracts within the prime
25 service area of that financial institution, when
26 adjusted to reflect the difference in numbers of
27 properties containing four or fewer dwelling units
28 which are within each census tract. The director
29 of the Iowa housing finance authority, with the advice
30 of the enforcement agencies designated in section
31 five (5) of this Act, shall promulgate rules to es-
32 tablish the methods and procedures by which financial
33 institutions shall determine whether or not census
34 tracts are underserved within the meaning of this
35 section, and shall report those determinations under
36 section four (4) of this Act.

37 The agency to which a financial institution submits
38 its annual report under section four (4) of this Act
39 shall review the determinations made by the financial
40 institution as required by this section, and in the
41 event underservicing of a census tract exists the
42 regulatory agency shall require the financial
43 institution to develop new marketing procedures
44 designed to increase the number of mortgage loans
45 in that census tract."

46 3. By renumbering sections and subsections of
47 the Act as necessary and correcting internal references
48 as necessary.

KRAUSE of Kossuth

SUPPLEMENT TO THE HOUSE JOURNAL

The following is a record of the action of the Governor on bills passed by the 1978 Regular Session of the Sixty-seventh General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 2467—Relating to the authority, procedures, practices and transactions of persons who lend money or extend credit, and providing penalties. Approved July 26, 1978.
- S.F. 397—To increase the fee for recording instruments. Approved August 2, 1978.
- S.F. 2020—Relating to the remission of excess funds from the soybean promotion fund. Approved August 2, 1978.

COMMUNICATIONS FROM THE SECRETARY OF STATE

July 18, 1977

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I Hereby certify that House File 463, was published in The Sun and The Hawkeye Record-Herald, Mount Vernon, Iowa on June 22, 1978 and the Lenox Time Table, Lenox, Iowa on June 22, 1978.

I further certify that House File 2190, was published in The Hamburg Reporter, Hamburg, Iowa on June 15, 1978 and in the Bellevue Herald-Leader, Bellevue, Iowa on June 15, 1978.

I further certify that House File 2454, was published in The Des Moines Register, Des Moines, Iowa on July 3, 1978 and in The New Hampton Tribune, New Hampton, Iowa on July 6, 1978.

I further certify that Senate File 2184, and Governor Robert D. Ray's item veto message were published in entirety in The Titonka Topic, Titonka, Iowa on July 6, 1978 and in The Bancroft Register, Bancroft, Iowa on July 5, 1978.

I further certify that Senate File 2263, was published in the Northeast Dallas County Record, Woodward, Iowa on June 1, 1978 and in the West Des Moines Express, West Des Moines, Iowa on June 1, 1978.

Respectfully submitted
MELVIN D. SYNHORST
Secretary of State

July 21, 1978.

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2035, was published in The Aurelia Sentinel, Aurelia Iowa on June 14, 1978, and in The Sioux City Journal, Sioux City, Iowa on July 2, 1978.

I further certify that House File 2433, was published in The Council Bluffs Nonpareil, Council Bluffs, Iowa on June 22, 1978 and in the Ames Daily Tribune, Ames, Iowa on June 16, 1978.

Respectfully submitted
MELVIN D. SYNHORST
Secretary of State

August 7, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2467, was published in The Waterloo Courier, Waterloo, Iowa on July 28, 1978 and republished on August 2, 1978, and in The Hawk Eye, Burlington, Iowa, on July 28, 1978, and republished on August 2, 1978.

Respectfully submitted
MELVIN D. SYNHORST
Secretary of State

APPOINTMENTS ANNOUNCED AFTER CLOSE OF SESSION

Speaker Cochran announced the appointment of Representative Frank Crabb to the Fiscal Committee of the Legislative Council effective August 22, 1978.

Speaker Cochran announced the appointment of Representative W. R. (Bill) Monroe, Jr., to the Legislative Council effective September 26, 1978 replacing Representative William Hargrave who resigned.

Pursuant to Section 93.2, Code 1977, Speaker Cochran announced the appointment of Representative Linda Svoboda and Representative Cooper Evans to the Energy Policy Council replacing Representative Mary O'Halloran and Representative Andrew Varley.

Pursuant to Chapter 80B, Code 1977, Speaker Cochran announced the reappointment of Representative Lyle Scheelhaase and Representative Roger A. Halvorson to the Law Enforcement Academy Council.

IN MEMORIAM**House**

Memorials adopted by the House of Representatives, 1978 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.

FRED R. BLYTHE	November 6, 1890 — August 27, 1977
ELMER H. DEN HERDER	August 14, 1908 — June 2, 1978
FREDERICK B. GILBERT	July 27, 1889 — May 10, 1978
HOWARD A. HAMILTON	April 5, 1909 — May 17, 1978
EDNA C. LAWRENCE	April 28, 1906 — March 1, 1978
AZEL McILRATH	March 3, 1897 — March 3, 1978
HUGH ALFRED MEACHAM	August 20, 1921 — March 3, 1978
WARREN E. SIMONSEN	April 29, 1887 — December 3, 1977
A. GORDON STOKES	February 16, 1898 — May 28, 1978
DEWEY SUMMA	August 4, 1898 — November 3, 1977

FRED R. BLYTHE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Fred R. Blythe, begs leave to submit the following memorial:

Fred R. Blythe was born November 6, 1890, in Troy township near Williamsburg. He was graduated from Williamsburg High School, the University of Iowa in 1913, and Columbia Law School in 1916. He was admitted to the Illinois bar and briefly practiced law before returning to his former community Williamsburg and farming for the majority of his life.

He married Bertha von Schrader in 1916. Two daughters and two sons were born to this union.

Mr. Blythe served as a trustee of the Williamsburg Presbyterian Church, was a member of the Masonic Lodge and Delta Chi fraternity, was a board member of the York creamery for many years, and served as a member of the Williamsburg school board. Mr. Blythe, a Republican, was a member of the Forty-first, Forty-second and Forty-second Extra General Assemblies, representing Iowa County.

Mr. Blythe passed away on August 27, 1977 at his home. He is survived by his wife, Bertha; his daughters, Mrs. Jane Barton, Mt. Prospect, Illinois, and Mrs. Imogene Crebbin, Richmond, California; two sons, Frederick C. Blythe, Springfield, Illinois, and William S. Blythe, Williamsburg, Iowa; two sisters, Mrs. C.G. Baird, Palo Alto, California and Mrs. Louis Penningroth, Iowa City, Iowa; one brother, John Blythe, Williamsburg, Iowa; and fourteen grandchildren.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Fred R. Blythe, 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.

LINDA SVOBODA
KEITH H. DUNTON
EMIL J. HUSAK

Committee

ELMER H. DEN HERDER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Elmer H. Den Herder, begs leave to submit the following memorial:

Elmer H. Den Herder was born August 14, 1908 in Sioux Center, son of Gerrit E. and Janet Te Grotenhuis Den Herder. He was educated in the Sioux Center Public School, Orange City Academy and Hope College. He married Christine Vreeman in 1931 and to this union were born six children: Paul, Phil, Mary, Carol, James and Roger. James and Roger preceded him in death.

Mr. Den Herder was past president of the Sioux County Youth Fair Board, former Sioux County Farm Bureau president, past 4-H Club chairman and leader, past chairman of the Sioux Center Hospital and Nursing Wing twenty-two years, first elected president of the Sioux Center Hospital Association in 1946 and past lifetime officer, serving as deacon and elder, of the First Reformed Church. He was a retired livestock and dairy farmer.

Representative Den Herder, a Republican, was a member of the Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh and Sixty-seventh Extra sessions of the General Assembly.

Mr. Den Herder passed away on June 2, 1978, and is survived by his wife, Christine, and their children, Paul, Phil, Mary and Carol.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Elmer H. Den Herder, 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.

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.

INGWER L. HANSEN
LESTER D. MENKE
FLOYD H. MILLEN

Committee

FREDERICK B. GILBERT

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Frederick B. Gilbert, begs leave to submit the following memorial:

Frederick B. Gilbert was born July 27, 1889, in State Center, Iowa, and was a lifelong resident of the area. He was a graduate of State Center High School and the University of Michigan Law School in Ann Arbor, Michigan. He was admitted to the bar in 1914 and practiced law in Marshalltown. Mr. Gilbert enlisted and was first lieutenant in command of the 264th aero squadron.

Mr. Gilbert was active on county and state politics, serving as chairman of the Republican county and state central committees. He was a member of the Thirty-ninth and Fortieth General Assemblies, representing Marshall County. He was an aide to Governor Robert D. Blue and accompanied Governor Blue on the shakedown cruise of the battleship Iowa to Hawaii.

Mr. Gilbert was a chairman of the state highway commission, charter member of the State Center Lions Club, fifty-year member of Terrestrial Lodge 276 AF & AM, and a member of the United Methodist Church of State Center.

Mr. Gilbert passed away on May 10, 1978.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Frederick B. Gilbert, 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.

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.

JAMES C. WEST
GLENN F. BROCKETT
COOPER EVANS

Committee

HOWARD A. HAMILTON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Howard A. Hamilton, begs leave to submit the following memorial:

Howard A. Hamilton was born April 5, 1909 in Hampton, Iowa. He was the son of Grace L. and A. T. Hamilton. He attended rural school, graduated from Hampton High School in 1928 and from Iowa State University in 1932.

He married Edna L. Hambright July 7, 1940 and to this union were born four children: Bryce H., Dennis R., James R. and Jerry L.

Mr. Hamilton was a county extension director for thirty-four years; five years in Monroe County and twenty-nine years in Cedar County. He was a member of the Sixty-third and Sixty-fourth sessions of the General Assembly representing Cedar County and was a member of the Republican party.

He was an agent for the Hawkeye National Life Insurance Company and cited for outstanding sales records. Mr. Hamilton was a member of the United Methodist Church in Tipton, serving as a director of the board of directors of the First National Bank in Tipton, a member of the building committee of St. Luke's Hospital, Cedar Rapids, and past president of Rotary Club and Iowa Extension Directors Association. He was a lifelong tennis player, teaching the sport to his sons and many other young people.

Mr. Hamilton passed away on May 17, 1978 and is survived by his wife, Edna and their children, Bryce of Minneapolis, Minnesota; Dennis of Naperville, Illinois and James of San Diego, California.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Howard A. Hamilton, 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.

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
SCOTT D. NEWHARD
EMIL J. HUSAK

Committee

EDNA C. LAWRENCE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Edna C. Lawrence, begs leave to submit the following memorial:

Edna C. Lawrence was born in Wapello County on April 28, 1906 to Jack and Elsie Neal Caldwell. She attended Iowa State Teachers College at Cedar Falls and Northeast Missouri State Teachers College at Kirksville. She received a bachelor's degree from Parsons College.

Mrs. Lawrence married Matt L. Lawrence on February 3, 1934 at Washington, Iowa, and to this union were born a son and a daughter.

Mrs. Lawrence was past president of the Wapello County Republican Women's Club. She owned and operated a real estate business, taught at Eldon, Eddyville, Selma and Agency, was acting principal of Cardinal Junior High School and was president of Cardinal Community School Classroom Teachers Organization.

Mrs. Lawrence, a Republican, was a member of the Fifty-second, Fifty-second Extra and Fifty-third General Assemblies, representing Wapello County.

After her legislative terms, Mrs. Lawrence was elected Commissioner of Finance for the Ottumwa City Council.

In 1971, she was the first woman elected to head Iowa Pioneer Lawmakers Association. She was appointed to the state's Comprehensive Health Planning Advisory Council in 1973. She was a member of the Methodist Church, Wapello County Cancer Crusade Chairman in 1975, a member of the New Century Club, Delta Kappa Gamma Society, Wapello County Chapter of the American Red Cross, Iowa State Education Association, National Education Association and Professional Women's Club.

Mrs. Lawrence passed away on March 1, 1978, and is survived by her husband, Matt; her daughter, Mrs. Charles L. Benson of Ames, Iowa and her son, Matt L. Lawrence III of Bismarck, North Dakota; a brother, Lester N. Caldwell of Fort Madison, Iowa, and four grandchildren.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Edna C. Lawrence, 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 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.

CHARLES N. PONCY
FLOYD H. MILLEN
DONALD GETTINGS

Committee

AZEL McILRATH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Azel Hull McIlrath, begs leave to submit the following memorial:

Azel Hull McIlrath was born March 3, 1897 near Hartwick, Iowa to J. L. and Lizzie A. Korns McIlrath. He graduated in 1913 from Grinnell High School and from Iowa State University in 1919.

Mr. McIlrath married Gay M. Huston on January 12, 1920. To this union were born two daughters and one son.

Mr. McIlrath married Reatha Burke of Blairstown on March 19, 1938 and to this union were born two daughters.

Mr. McIlrath was an auctioneer, with his father, in his early years. He was associated with Poweshiek County newspapers and served as editor of the Brooklyn Chronicle. In 1933 he joined the Mortgage and Loan Department of National Life of Vermont as a field representative, a position he held for twenty years. Mr. McIlrath was a member of the First Congregational Church, the Masonic Lodge at Brooklyn and High Twelve Club of Cedar Rapids, a veteran of World War I, a life member of the American Legion in Cedar Rapids and past commander of Francis-Gallagher Post of the American Legion at Brooklyn.

Mr. McIlrath, a Republican, was a member of the Forty-second, Forty-second Extra and Forty-third General Assemblies, representing Poweshiek County.

Mr. McIlrath passed away on March 3, 1978 and is survived by his wife, Reatha; his five children, Mildred Moses of Hollidaysburg, Pennsylvania; Peggy Liddle of Mountain View, California; Sara Whelpley of Doylestown, Pennsylvania; Nancy Preston of Green Bay, Wisconsin; Paul M. McIlrath of Cedar Rapids, Iowa; eighteen grandchildren and two great-grandchildren.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Azel Hull McIlrath, 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.

EMIL J. HUSAK
KEITH H. DUNTON
DONALD V. DOYLE

Committee

HUGH ALFRED MEACHAM

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Hugh Alfred (Al) Meacham, begs leave to submit the following memorial:

Hugh Alfred Meacham was born August 20, 1921 on a farm near Malcom, Iowa. He was a graduate of Grinnell High School and graduated from Grinnell College in 1947.

Mr. Meacham married Lois Clifton on March 11, 1945 and to this union were born a daughter and two sons.

Mr. Meacham was a veteran of World War II, serving in the United States Navy.

He began farming, in partnership with his father, in 1947 in Washington township, south of Grinnell.

Mr. Meacham, a Democrat, was a member of the Sixtieth Extra and Sixty-first General Assemblies, representing Poweshiek County.

Mr. Meacham was a member of the Grinnell Chamber of Commerce, Rotary International, Toastmasters International and the Eagles Lodge. He served on the Grinnell-Newburg Board of Education from 1962-1964. In 1962 he was the Poweshiek County Representative to the State Assembly of School Boards. He also served as chairman of the House Commerce Committee while in the Legislature. He was chairman of the Steering Committee and was ranking member of the Sifting Committee. He was a member of the National Legislative Conference, served on the Iowa Development Commission in 1965-1966 and was Secretary of the Iowa Senate for the 1967 session. On July 1, 1967, he was appointed by Governor Harold Hughes to the Iowa Merit Employment Commission for a six year term. He was the first president of the Poweshiek County NFO. Since 1972, Mr. Meacham had devoted full time to his farm operations.

Mr. Meacham passed away on March 3, 1978 and is survived by his wife, Lois; their three children, Connie A. Meacham, Urbana, Illinois; Casey E. Meacham, Grinnell, Iowa and Michael A. Meacham, Des Moines, Iowa; two grandchildren, Chad and Hilary; and his mother, Mrs. Hugh A. Meacham, Sr. of Grinnell, Iowa.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Hugh Alfred Meacham, 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 services, 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.

EMIL J. HUSAK
KEITH H. DUNTON
DONALD V. DOYLE

Committee

DR. WARREN E. SIMONSEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Dr. Warren E. Simonsen, begs leave to submit the following memorial:

Warren E. Simonsen was born on a farm near Danbury, Nebraska, on April 29, 1887, the son of Soren and Nettie Simonsen. He was graduated from Danbury High School. He received his D.V.M. degree from Kansas State College in 1912.

Dr. Simonsen served in the first World War, as Lieutenant in Veterinary Corps.

Dr. Simonsen married Elma Dean at Ames, Iowa, in 1916. They had four sons, two of which served in World War II.

Dr. Simonsen lived in Cherokee County since 1916, engaging in veterinary practice and farming. In 1927, he formed a partnership and engaged in operation of a rendering plant, a soybean mill and feed business at Quimby.

Dr. Simonsen, a Republican, was a member of the Fifty-first General Assembly, representing Cherokee County.

About 1944, Dr. Simonsen developed some heart trouble and retired to Tucson, Arizona in 1946.

Dr. Simonsen passed away on December 3, 1977, and is survived by his wife, Elma D.; three sons, Doyle W. Simonsen, Quimby, Iowa; E. Dean Simonsen, Quimby, Iowa and Merle W. Simonsen, Cherokee, Iowa; two brothers, Dr. R. E. Simonsen, Cherokee, Iowa and Alton P. Simonsen, Tucson, Arizona. A fourth son of Dr. Simonsen, Marlo W. Simonsen, preceded him in death.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Dr. Warren E. Simonsen, 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.

DONALD H. BINNEBOESE
KEITH BAKER
LESTER D. MENKE

Committee

A. GORDON STOKES

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable A. Gordon Stokes, begs leave to submit the following memorial.

A. Gordon Stokes was born February 16, 1898, in Plymouth County. He received his education in the schools of Plymouth County and started farming for himself in 1920.

Mr. Stokes married Laura (Dollie) Bixby in 1930. He was a past president of the County Farm Bureau, president of Oyen Cooperative Elevator Company, charter member of the Northwest Iowa Farm Business Association and a director of the First National Bank of Le Mars. Mr. Stokes was a member and elder of the Presbyterian Church, a member of the Masonic Bodies, Shrine and Eastern Star, and of the Rotary.

A Republican, Mr. Stokes served in the Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, and Sixty-fourth sessions of the General Assembly representing Plymouth County.

Mr. Stokes passed away on May 28, 1978, and is survived by his wife Dollie, his brother Carleton of Le Mars and his sister Hazel M. Stokes of Vermillion, South Dakota.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable A. Gordon Stokes, 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.

LYLE R. STEPHENS
LESTER D. MENKE
WILLIS E. JUNKER

Committee

DEWEY SUMMA

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Dewey Summa, begs leave to submit the following memorial:

Dewey Summa was born August 4, 1898 in Vallonia, Indiana, and later moved with his parents to Mills Schoals, Illinois where he attended school.

Mr. Summa moved to Rockwell City in 1917, making his home on a farm south of Rockwell City.

Mr. Summa married Neva Reed of Rockwell City, Iowa, on September 20, 1922 and to this union were born one daughter and three sons. His daughter preceded him in death.

Mr. Summa served on various school, farm and church boards, was director of the Calhoun County Mutual Insurance Company, was a member of the I.O.O.F. Lodge and the Methodist Church.

As a Democrat, Mr. Summa was active in county and state politics, and was a member of the Fifty-eighth and Fifty-ninth General Assemblies, representing Calhoun County.

Mr. Summa passed away on November 3, 1977, and is survived by his wife Neva; three sons, Ralph Summa, Des Moines, Iowa; Ray Summa, Paxton, Massachusetts and Larry Summa, Long Island, New York; four grandchildren and two great-grandsons.

Therefore, Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of Iowa: That in the passing of the Honorable Dewey Summa, 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.

OPAL MILLER SERGEANT
KEITH H. DUNTON
DONALD V. DOYLE

Committee

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Amendments offered—960, 2028, 2282, 2310

Reports—35-36, 139, 159, 352, 411-412, 555, 610-611, 751, 1052-1054, 1301-1309

ANDERSON, ROBERT T.—Representative Jasper-Marion-Polk-Warren Counties, Assistant Majority Floor Leader

Bills introduced—J.R. 2002 - 2001, 2088, 2129, 2160, 2166, 2220, 2233, 2242

Amendments filed—284-285, 290-291, 346, 354, 449, 998, 1247, 1427, 1471, 1486,
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Bills introduced—J.R. 2002 - 2088, 2101, 2160, 2163, 2376

Amendments filed—178-179, 284-285, 290-291, 354, 358, 380, 499, 499-500, 557, 763,
941, 1426, 1860-1863, 1879, 2005, 2160-2161, 2252, 2352-2353, 2354, 2524-2525

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 (See Anderson, Robert T.—Representative Jasper-Marion-Polk-Warren Counties, Assistant Majority Floor Leader)
 Donald D. Avenson, Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties
 (See Avenson, Donald D.—Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties, Assistant Majority Floor Leader)
 William J. Hargrave, Representative Johnson County
 (See Hargrave, William J.—Representative Johnson County, Assistant Majority Floor Leader)

ASSISTANT MINORITY FLOOR LEADERS—

Joan Lipsky, Representative Linn County
 (See Lipsky, Joan—Representative Linn County, Assistant Minority Floor Leader)
 Delwyn Stromer, Representative Cerro Gordo-Franklin-Hancock-Wright Counties
 (See Stromer, Delwyn—Representative Cerro Gordo-Franklin-Hancock-Wright Counties, Assistant Minority Floor Leader)
 Andrew Varley, Representative Adair-Dallas-Guthrie Counties
 (See Varley, Andrew—Representative Adair-Dallas-Guthrie Counties, Assistant Minority Floor Leader)

AVENSON, DONALD D.—Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties, Assistant Majority Floor Leader

Bills introduced—J.R. 2002 - 2160, 2202, 2209, 2253, 2358, 2375, 2376
 Amendments filed—167-168, 193, 197, 205, 284-285, 290-291, 354, 355, 380, 449, 470-472, 677-679, 941, 966, 1078, 1247, 1535, 1536, 1541, 1555, 1611, 1690, 1767-1768, 1780, 1789, 1849-1851, 1852, 1877-1878, 2145-2146, 2177-2178, 2252, 2524-2525
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Bills introduced—2001, 2087, 2090, 2096, 2160, 2253, 2273, 2306, 2376

Amendments filed—65, 109, 141, 175, 179, 204, 245, 273-274, 314, 380, 556, 557, 671, 790, 807, 959, 1160, 1164, 1222, 1457, 1581-1582, 1703, 1739, 1780, 1906-1907, 2005, 2104, 2134-2141, 2252, 2465, 2569, 2570, 2582-2586, 2725

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BENNETT, WAYNE—Representative Buena Vista-Carroll-Cherokee-Crawford-Ida-Sac Counties

Bills introduced—2001, 2096, 2153, 2191, 2221, 2241, 2253

Amendments filed—65, 151, 178, 205, 216, 217, 300-301, 361, 394, 507, 619, 728, 751, 852, 1199, 1202, 1222, 1229, 1245, 1276, 1456, 1525, 1593, 1780-1781, 1803, 1823-1824, 1902, 1916, 2252, 2253

Amendments offered—261, 361, 1199, 1202, 1245, 1747, 1803, 2520

Amendments withdrawn—1204, 1396, 1804

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Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

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BINA, ROBERT F.—Representative Scott County

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Amendments filed—178, 195, 254, 274, 284-285, 290-291, 354, 394, 414, 557, 619, 620, 729, 852, 941-942, 942, 966, 1060, 1228, 1258, 1426, 1860-1863, 1879, 2096-2097, 2252, 2253, 2343, 2358, 2436, 2522, 2582-2586, 2848-2851

Amendments offered—194, 195, 700, 841, 843, 844, 864, 1091, 1092, 1124, 1868, 2282, 2389

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BINNEBOESE, DONALD H.—Representative Cherokee-Plymouth-Woodbury Counties

Bills introduced—2001, 2096, 2110, 2111, 2152, 2160, 2253, 2285, 2343, 2376

Amendments filed—178-179, 355, 394, 535, 790, 1426, 1456, 1780-1781, 1809-1810, 1817-1819, 1821-1822, 1879, 1902, 1915, 2033-2034, 2050, 2104, 2134-2141, 2160, 2252, 2582-2583

Amendments offered—2665, 2666

Committee appointments—1029

Petitions presented—419, 730-731

Resolutions offered—210, 1029, 1581-1582, 2105-2106, 2256-2257, 2280-2282, 2643-2644

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Bills introduced—J.R. 2002 - 2014, 2058, 2062, 2067, 2081, 2087, 2101, 2147 2148, 2160, 2171, 2188, 2253, 2256, 2257, 2267

Amendments filed—284-285, 290-291, 353, 354, 449, 557, 620, 1247, 1556, 1563-1565, 1570-1571, 1577, 1611, 1614-1647, 1653, 1664, 1675, 1849-1851, 2005, 2365, 2399, 2465, 2524-2525, 2570, 2582-2586

Amendments offered—1563, 1570, 1574, 1653, 1675, 2576

Amendments withdrawn—1577, 1675, 2040

Committee appointments—44, 1695

Petitions presented—396, 1557, 2778

Reports—811-812, 2289

Resolutions offered—210, 961-962, 1581-1582, 2256-2257, 2643-2644

BRANSTAD, TERRY E.—Representative Emmett-Hancock-Kossuth-Winnebago Counties

Bills introduced—2001, 2007, 2083, 2085, 2096, 2153, 2181, 2191, 2241, 2248, 2253, 2255, 2446

Amendments filed—105, 178-179, 205, 506-507, 557, 751-752, 852, 874, 1191, 1426, 1456, 1702, 2111-2112, 2134-2141, 2160, 2177-2178, 2252, 2253

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Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee — 1607

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BRUNOW, JOHN B. — Representative Appanoose-Clarke-Lucas-Monroe-Wayne Counties

Bills introduced — J.R. 2002, 2006, 2007 - 2001, 2003, 2004, 2012, 2101, 2106, 2160, 2229, 2237, 2253, 2303, 2387, 2394, 2395, 2457

Amendments filed — 284-285, 290-291, 354-355, 380, 435-436, 580, 852, 990-991, 1069, 1276, 1365, 1369, 1386, 1474, 1780, 1780-1781, 1854-1855, 1878, 1915, 1916, 1977, 2104, 2225, 2252, 2252-2253, 2299, 2338, 2509, 2552-2553, 2569, 2570, 2702-2725, 2726

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Amendments withdrawn — 865

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Bills introduced—2088, 2115, 2131, 2160, 2167 2221, 2274, 2411, 2427, 2444

Amendments filed—354, 354-355, 380, 444, 449, 462, 478-479, 484, 583, 832, 892, 999, 1069, 1074, 1149, 1150, 1222, 1247, 1250, 1313, 1393, 1611, 1614-1647, 1647-1648, 1648, 1649, 1664, 1809-1810, 1810, 1849-1851, 1877-1878, 2104, 2160, 2329, 2524-2525, 2570, 2582-2586

Amendments offered—443, 444, 464, 465, 478, 659, 660, 832, 858, 892, 1069, 1074, 1247, 1250, 1325, 1614, 1647, 1648, 1649, 1809, 2310, 2311, 2640

Amendments withdrawn—895, 2759

Petitions presented—152, 218, 558

Resolutions offered—210, 280-281, 733-734, 972-973, 1581-1582, 2280-2282, 2643-2644

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CHIEF JUSTICE OF THE SUPREME COURT, The Honorable C. Edwin Moore—
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CHIODO, NED F.—Representative Polk County

Bills introduced—J.R. 2002 - 2001, 2066, 2069, 2087, 2088, 2096, 2101, 2129, 2160,
2215, 2229, 2253, 2260, 2376

Amendments filed—205, 238, 354, 380, 394, 751-752, 852, 1026, 1083, 1131, 1149,
1571, 1577, 1702, 1772, 1780-1781, 2051, 2160-2161, 2225, 2252-2253, 2524-2525,
2582-2586, 2823-2824, 2827, 2832-2833

Amendments offered—1172, 1571, 1577, 1772, 2819, 2823, 2827, 2832

Amendments withdrawn—1577, 2831-2832

Committee appointments—40, 2778, 2900

Reports—898-930

Request that his name be added as a sponsor of House File 2001—136-137

Request that his name be added as a sponsor of House File 419—224

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement
Committee—1607

Resolutions offered—210, 279-280, 735-736, 1581-1582, 2256-2257, 2643-2644

CITIES, COMMITTEE ON—

Appointed—20

Bills introduced—2219, 2222, 2327, 2406, 2419, 2448

Amendments filed—177, 234, 326, 847-848

Amendments offered—757, 1091, 1241, 2239

Amendments withdrawn—2239

Reports—85-86, 139-140, 176-178, 233, 325-326, 353, 531-532, 613, 846-849, 851-852,
1274-1275, 1384, 1452-1453, 2002-2003

Resolutions offered—2025-2026, 2026

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(See Judiciary Committee)

(See Claims Filed)

(See Comptroller of Iowa)

(See State Appeal Board)

CLAIMS, COMMITTEE ON—

Bills introduced—2466

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(See also State Appeal Board)

(See also Comptroller of Iowa)

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Claims approved—123-132

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Communications from State Appeal Board—114, 240-241

Communications from State Comptroller—122

CLARK, BETTY JEAN—Representative Cerro Gordo County

Bills introduced—2001, 2007, 2026, 2163, 2253, 2315, 2351

Amendments filed—178-179, 217, 284-285, 290-291, 301, 354, 394, 557, 644, 762-763, 819, 874, 941, 998-999, 1235-1237, 1332, 1426, 1456, 1486, 1593, 1780, 1780-1781, 1876, 1877, 1878, 1902, 1903, 2096-2097, 2252, 2252-2253, 2253

Amendments offered—762, 1343, 1496, 2030, 2311, 2312

Petitions presented—67, 142, 731

Reports—2375

Request that her name be added as a sponsor of House File 2001—136-137

Request that her name be added as a sponsor of amendment H—5608 to House File 2296—1299

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 1987-1988, 2256-2257, 2384, 2643-2644

Presented to the House, Dr. Zaidu Aliyu, Planning Officer of Livestock Production from Nigeria—1127

Presented to the House, Sylvia de Leon and Poncho Leon from Maracaibo, Venezuela—1609

CLARK, JOHN H.—Representative Lee-Henry Counties

Bills introduced—2007, 2241, 2253, 2254, 2255, 2347

Amendments filed—65, 83, 175, 178, 238, 284-285, 290-291, 380, 394, 413, 557, 580, 751-752, 852, 941, 942, 998, 1026, 1780-1781, 1801-1802, 1834, 2253, 2436

Amendments offered—83, 1801, 2239

Amendments withdrawn—2017

Resolutions offered—210, 1581-1582, 2027, 2643-2644

COCHRAN, DALE M.—

(See Speaker of the House—Dale M. Cochran, Representative Humboldt-Webster Counties)

COMMERCE, COMMITTEE ON—

Appointed—40

Bills introduced—2217, 2224, 2322, 2323, 2324, 2330, 2334, 2362, 2363, 2364, 2381, 2414, 2417, 2425, 2441

Amendments filed—937

Amendments offered—1014

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Escort Representatives-elect Robert C. Arnould and Thomas A. Lind—3

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Crime Commission—377

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Communications from—122

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Appointed—17, 1169, 1269, 1449, 1695, 1773, 2045, 2088, 2210, 2243, 2244, 2365,
2483, 2566, 2900

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CONLON, WALTER—Representative Muscatine-Scott Counties

Bills introduced—2001, 2007, 2028, 2085, 2096, 2105, 2153, 2163, 2191, 2255, 2286, 2446

Amendments filed—65, 109, 178, 238, 264, 354, 372, 379-380, 380, 413, 499-500, 557, 619, 751, 762, 852, 862, 874, 999, 1026, 1042, 1214, 1276, 1284, 1378, 1456, 1457, 1524, 1571, 1578, 1780-1781, 1834, 1876, 1877, 1878, 1879, 1902, 2134-2141, 2182, 2253, 2329, 2391-2392, 2509

Amendments offered—82, 372, 496, 762, 862, 1214, 1289, 1378, 1578, 2121, 2182, 2391, 2494, 2496, 2509

Amendments withdrawn—373, 762

Committee appointments—2365

Petitions presented—33

Request that his name be added as a sponsor of House File 2028—136

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 211-212, 586-587, 1046-1047, 1047-1048, 1481-1482, 1581-1582, 2027, 2643-2644

CONNORS, JOHN H.—Representative Polk County

Bills introduced—J.R. 2002 - 2069, 2087, 2088, 2096, 2101, 2110, 2129, 2140, 2160, 2168, 2176, 2215, 2253, 2413, 2444

Amendments filed—205, 284-285, 290-291, 354, 380, 619, 666, 729, 832, 941, 942, 993-994, 998, 1006, 1076, 1377, 1614-1647, 1702, 1780-1781, 1854-1855, 1916, 1978, 2008, 2096-2097, 2104, 2160-2161, 2252, 2465, 2570, 2582-2586

Amendments offered—387, 666, 777, 993, 1669, 2008

Committee appointments—45, 1658, 2088

Petitions presented—152, 485

Presided at sessions of the House—2490

Reports—2220

Resolutions offered—210, 1581-1582, 2105-2106, 2256-2257, 2285-2287, 2643-2644

Rulings made—2491, 2500

Special presentation—2645-2646

COUNTY GOVERNMENT, COMMITTEE ON—

Bills introduced—2112, 2227, 2246, 2293, 2341, 2421, 2434

Amendments filed—446-447, 533-534, 814-815, 1661

Amendments offered—651, 1317, 1429

Reports—62, 98, 138-139, 162, 238, 304, 446-447, 533-534, 640-641, 814-815, 938, 1024, 1147, 1452, 1515-1516, 1661-1662

CRABB, FRANK—Representative Crawford-Harrison-Monona Counties

Bills introduced—2001, 2013, 2083, 2096, 2102, 2121, 2191, 2195, 2221, 2241, 2248, 2253, 2285, 2343, 2376

Amendments filed—178-179, 205, 379-380, 556, 619, 728, 751-752, 790, 795, 852, 966, 1065, 1456, 1471-1472, 1702, 1740, 1780-1781, 1817-1819, 1821-1822, 1823-1824, 1877, 1878, 1902, 2050, 2051, 2161, 2224-2225, 2253, 2569, 2570, 2582-2586, 2725

Amendments offered—622, 1740, 2480

Committee appointments—1, 3333

Petitions presented—791, 1487

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—4, 101-102, 136, 210, 493, 608-609, 733-734, 1089-1090, 1581-1582, 1987-1988, 2105-2106, 2280-2282, 2643-2644

Official delegate to attend the funeral services of the Honorable Elmer Den Herder—2778

Presented to the House, the Honorable William E. Darrington, former member of the House—1001

CRAWFORD, REID W.—Representative Boone-Polk-Story Counties

Bills introduced—J.R. 2002 - 2105, 2153, 2241, 2248, 2253, 2255, 2301, 2399, 2446

Amendments filed—178, 186-187, 189-190, 205, 284-285, 290-291, 353, 354, 394, 557, 941-942, 1593, 1610, 1780, 1780-1781, 1877, 1878, 2252, 2474-2476

Amendments offered—186, 1650, 1689, 2474

Amendments withdrawn—222, 1653

Committee appointments—1658

Petitions presented—180-181

Reports—2297

Request that his name be added as a sponsor of House Resolution 128—1224

Resolutions offered—210, 1991-1992, 2643-2644

CREDENTIALS, COMMITTEE ON—

Reports—2

CUSACK, GREGORY D.—Representative Scott County

Bills introduced—J.R. 2002 - 2001, 2053, 2087, 2088, 2129, 2160, 2163, 2188, 2256, 2267, 2376

Amendments filed—284-285, 290-291, 354, 556, 941-942, 966, 1034, 1035, 1036, 1228, 1247, 1474, 1475-1476, 1690, 1779, 1780-1781, 1815-1816, 1849-1851, 1860-1863, 1877-1878, 2005, 2160-2161, 2252, 2437-2438, 2465, 2472, 2524-2525

Amendments offered—880, 1034, 2437

Amendments withdrawn—2507

Committee appointments—2365

Presentation of visitors—2328-2329

Presided at sessions of the House—433, 805, 1320, 2093, 2312, 2394

Reports—2565

Request that his name be added as a sponsor of House File 2053—113

Request that his name be added as a sponsor of House File 2001—136-137

Resolutions offered—101-102, 210, 211-212, 342-343, 453-454, 586-587, 1046-1047, 1047-1048, 1481-1482, 1581-1582, 2027, 2256-2257, 2382-2384, 2643-2644

Rulings made—438, 442, 808

Remarks in honor of the Honorable Elmer Den Herder—880-881

DAGGETT, HORACE—Representative Adams-Montgomery-Page-Ringgold-Taylor Counties

Bills introduced—2001, 2007, 2096, 2154, 2163, 2192, 2221, 2253, 2457

Amendments filed—178, 205, 217, 243, 273, 274, 354, 355, 372, 380, 394, 424-425, 449, 478-479, 506-507, 535, 556, 557, 751-752, 852, 949-952, 959, 966, 1222, 1426, 1456, 1571, 1780-1781, 1876, 1877, 1878-1879, 1879, 1902, 1915, 2004, 2004-2005, 2005, 2050, 2051, 2134-2141, 2160, 2252, 2253, 2417-2418, 2524, 2581, 2582-2586

Amendments offered—243, 372, 374, 2020, 2022, 2581

Committee appointments—1169, 1695, 2210

Petitions presented—89, 152, 207, 218-219, 275, 558

Reports—2, 1410-1421, 2235, 2417

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—210, 607-608, 733-734, 1581-1582, 2027, 2027-2028, 2280-2282, 2643-2644

Presented to the House Nancy Gray, former Page to the Speaker—376

DANKER, ARLYN E.—Representative Harrison-Pottawattamie-Shelby Counties

Bills introduced—J.R. 2005 - 2001, 2007, 2083, 2088, 2096, 2121, 2125, 2153, 2191, 2198, 2206, 2221, 2239, 2241, 2248, 2253, 2285, 2337, 2446

Amendments filed—105, 106-107, 109, 178, 205, 274, 295, 380, 394, 535, 542-543, 547-548, 619, 620, 852, 1426, 1456, 1457, 1780-1781, 1817-1819, 1821-1822, 1879, 1902, 2004, 2050, 2051, 2134-2141, 2332, 2524-2525, 2582-2586, 2816-2817, 2823, 2842-2843

Amendments offered—106, 547, 891, 2520

Committee appointments—2243, 2244

Petitions presented—67, 152, 180

Reports—2441

Request that his name be added as a sponsor of House File 2001—136-137

Request that his name be added as a sponsor of House Concurrent Resolution 103—667

Resolutions offered—101-102, 733-734, 1581-1582, 2280-2282, 2643-2644

DAVITT, PHILIP A.—Representative Adair-Clarke-Dallas-Madison-Warren Counties

Bills introduced—J.R. 2002, 2004 - 2001, 2095, 2101, 2160, 2163, 2196, 2252, 2253

Amendments filed—134, 284-285, 290-291, 300, 354, 355, 433, 556, 557, 677-679, 751-752, 807, 1222, 1456, 1536, 1809-1810, 1823-1824, 2005, 2017-2018, 2034, 2051, 2096-2097, 2145-2146, 2225, 2299, 2377, 2524, 2524-2525, 2569, 2570, 2582-2586, 2702-2725, 2736

Amendments offered—1222, 1340, 1480, 1823, 1902, 2017, 2145, 2210

Amendments withdrawn—634

Committee appointments—20, 1658, 1695, 1696, 2243

Petitions presented—309-310

Reports—2235-2441

Request that his name be added as a sponsor of House File 2001—136-137

Resolutions offered—101-102, 210, 1581-1582, 2105-2106, 2256-2257, 2280-2282, 2643-2644, 2772

Escorted to the Speaker's station and presented to the House Mrs. Robert D. Ray, 1978 Easter Seal Chairperson, who introduced to the House the 1978 Easter Seal Poster Child, Scott Hausschildt—206

DEN HERDER, ELMER H.—Representative Lyon-Sioux Counties

Bills introduced—2001, 2121, 2183, 2191, 2253, 2299, 2446

Amendments filed—178, 216, 619, 1690

Amendments offered—337

Petitions presented—275

Resolutions offered—101-102, 2643-2644

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

DIELEMAN, WILLIAM W. "Bill"—Representative Jasper-Mahaska-Marion-Poweshiek Counties

Bills introduced—J.R. 2002 - 2001, 2007, 2082, 2096, 2123, 2160, 2253, 2371

Amendments filed—71, 178, 205, 354-355, 379-380, 394, 542-543, 557, 619, 620, 671, 751-752, 1269, 1369, 1457, 1466, 1468-1469, 1524, 1563, 1571, 1665, 1703, 1780, 1876, 1879, 1902, 1922, 1985, 2096-2097, 2103, 2111-2112, 2252-2253, 2465

Amendments offered—71, 82, 1466, 1468, 1470, 1572, 1886, 1887, 1920, 1921, 1924, 2111, 2168, 2169

Amendments withdrawn—1466, 1468

Petitions presented—275, 309-310

Request that his name be added as a sponsor of House File 2001—136-137

Request that his name be added as a sponsor of House File 2082—304

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—210, 586-587, 1047-1048, 1048, 1581-1582, 2027, 2027-2028, 2105-2106, 2256-2257, 2643-2644

Presented to the House Miss Mindy Roozeboom, Queen of the 1978 Tulip Festival and her court—1608-1609

DOYLE, DONALD V.—Representative Woodbury County

Bills introduced—2040, 2076, 2087, 2088, 2111, 2126, 2129, 2140, 2204, 2221, 2253, 2285

Amendments filed—178, 354-355, 361-362, 535, 575, 818, 853, 874, 980-981, 1034, 1036, 1083, 1117, 1177, 1247, 1312, 1426, 1486, 1593, 1817-1819, 1902, 1915-1916, 1916, 2005, 2133-2134, 2225, 2253, 2299, 2569, 2570, 2582-2586, 2702-2725, 2832-2833

Amendments offered—977, 980, 1132, 1126, 2133, 2232, 2635, 2665

Amendments withdrawn—980, 2664

Committee appointments—1017, 1018, 1658, 1790-1791

Petitions presented—419

Presided at sessions of House—2170

Reports—2297

Resolutions offered—1581-1582, 1987-1988, 2105-2106, 2256-2257, 2643-2644

Official delegate to attend the funeral services of the Honorable Elmer Den Herder—2778

DUNTON, KEITH H.—Representative Keokuk-Washington Counties

Bills introduced—2001, 2087, 2096, 2129, 2141, 2144, 2158, 2160, 2161, 2163, 2221, 2260, 2428

Amendments filed—178, 354, 394, 424-425, 557, 620, 751-752, 874, 998-999, 1026, 1065, 1091, 1244, 1247, 1555, 1690, 1740, 1780, 2004, 2050, 2134-2141, 2252, 2419, 2465, 2524-2525, 2582-2586

Amendments offered—1091

Committee appointments—1017, 1018, 1374, 1790-1791, 2566

Reports—2670

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 1880, 1992-1993, 2027, 2027-2028, 2256-2257, 2643-2644

Official delegate to attend the funeral services of the Honorable Elmer Den Herder—2778

Presented to the House the Honorable Floyd Edgington, former member of the House—1333

DYRLAND, TERRY E.—Representative Clayton-Delaware-Dubuque-Fayette Counties

Bills introduced—2088, 2160, 2163, 2253, 2260, 2269, 2270, 2271, 2376

Amendments filed—82, 98, 284-285, 290-291, 334, 353, 354-355, 358, 499, 506-507, 557, 566, 763, 852, 874, 941, 1369, 1386, 2005, 2160-2161, 2161, 2225, 2252, 2272-2276, 2299, 2356-2357, 2377, 2552-2553, 2736

Amendments offered—82, 165, 2265, 2334, 2337, 2348, 2349, 2350, 2351, 2356

Amendments withdrawn—888, 2170

Resolutions offered—210, 586-587, 1047-1048, 1334, 1581-1582, 2382-2384, 2643-2644, 2774

EDUCATION, COMMITTEE ON—

Appointed—20

Bills introduced—2045, 2048, 2136, 2137, 2172, 2277, 2278, 2359, 2360, 2361, 2366, 2367, 2368, 2430, 2431, 2432, 2437

Amendments filed—1554

Reports—39-40, 64, 86, 161, 212, 377-378, 392, 504, 725-726, 1022, 1058-1059, 1147-1148, 1553-1554, 1777-1778

EGENES, SONJA—Representative Boone-Hamilton-Story-Webster Counties

Bills introduced—2001, 2007, 2096, 2149, 2183, 2191, 2199, 2214, 2238, 2239, 2241, 2248, 2255, 2287, 2299, 2336, 2376, 2399

Amendments filed—284-285, 290-291, 354-355, 506-507, 507, 853, 889-890, 1201-1202, 1427, 1702, 1780, 1780-1781, 1876, 1902, 2253, 2524-2525, 2842

Amendments offered—889, 1201, 2842

Amendments withdrawn—1079

Request that her name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—210, 733-734, 1991-1992, 2285-2287, 2643-2644

EMPLOYEES—

(See Officers and Employees)

ENERGY, COMMITTEE ON—

Appointed—1912

Bills introduced—2084, 2169, 2298, 2354, 2392

Amendments filed—447-448, 614, 935-936, 1055-1056, 1517-1523, 1593

Amendments offered—546, 1206, 2096, 2665

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EVANS, COOPER—Representative Black Hawk-Butler-Franklin-Grundy-Marshall-Tama Counties

Bills introduced—2007, 2051, 2092, 2096, 2110, 2121, 2139, 2140, 2163, 2183, 2191-2221, 2229, 2239, 2253, 2338, 2376

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FITZGERALD, JEROME D.—Representative Webster County, Majority Floor Leader

Bills introduced—2160, 2267, 2443
Amendments filed—284-285, 290-291, 941-942, 1247, 1780, 1877-1878, 2252
Amendments withdrawn—390
Committee appointments—44, 1658
Ethics Committee appointed—870
Petitions presented—135, 218
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Reports—44
Resolutions offered—3, 101-102, 1144, 1581-1582, 1696-1699, 1986-1987, 1992, 2643-2644, 2865
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GARRISON, ALBERT L.—Representative Black Hawk County

Bills introduced—2001, 2087, 2096, 2129, 2160, 2221, 2253, 2255, 2260
Amendments filed—178, 284-285, 290-291, 354-355, 557, 751-752, 818, 941, 998-999, 1291-1292, 1472, 1593, 1767, 1780, 1789, 1846-1847, 1879, 1902, 1978, 2252, 2298, 2390-2391, 2524-2525, 2570, 2582-2586, 2823-2824, 2846-2847, 2886, 2890
Amendments offered—1291, 1472, 1846, 1888, 1978, 2846
Amendments withdrawn—1978
Committee appointments—1449
Reports—2559, 2698
Request that his name be added as a sponsor of House File 2001—136-137
Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607
Resolutions offered—2256-2257, 2643-2644

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(See House Concurrent Resolutions, House Resolutions, and Senate Concurrent Resolutions listed in Legislative Index Volume)

GENTLEMAN, JULIA B.—Representative Polk County

Bills introduced—J.R. 2002 - 2007, 2088, 2101, 2109, 2186, 2188, 2199, 2214, 2248, 2253, 2255, 2267, 2282, 2304, 2351, 2376, 2401, 2446

Amendments filed—189-190, 284-285, 290-291, 354, 394, 535, 801-802, 818, 819, 941-942, 1235, 1332, 1486, 1492, 1493, 1610-1611, 1611, 1799, 1876, 1877, 1902, 2164, 2252, 2253, 2343

Amendments offered—578, 801, 1489, 1492, 1493, 1799, 2092, 2119, 2164

Committee appointments—1658, 1695-1696

- Petitions presented—396

Reports—2744

Resolutions offered—210, 1145, 1987-1988, 2256-2257, 2382-2384, 2643-2644

Presented to the House Seppo Sarlund, Editor-in-Chief of Suomenmaa newspaper, Helsinki, Finland—1370

GETTINGS, DON—Representative Appanoose-Davis-Wapello Counties

Bills introduced—2001, 2087, 2096, 2129, 2160, 2253, 2376

Amendments filed—178-179, 354, 355, 763, 941-942, 1369, 1780-1781, 1915, 2033-2034, 2050, 2051, 2134-2141, 2160-2161, 2225, 2252, 2524-2525, 2582-2586

Amendments offered—2033

Committee appointments—1105

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 1581-1582, 1583, 2105-2106, 2280-2282, 2643-2644

GILLOON, THOMAS J.—Representative Dubuque-Jackson Counties

Bills introduced—J.R. 2002 - 2101, 2124, 2160, 2215, 2260

Amendments filed—284-285, 290-291, 354, 566, 894, 941-942, 1486, 1702, 2160-2161, 2465, 2524-2525

Amendments offered—566, 839, 894

Resolutions offered—210, 2256-2257, 2643-2644

GILSON, ERNEST W.—Representative Audubon-Carroll-Cass-Crawford-Greene-Guthrie-Shelby Counties

Bills introduced—2001, 2090, 2096, 2110, 2111, 2120, 2160, 2163, 2221, 2253, 2268, 2276, 2321, 2370

Amendments filed—175, 178, 354, 354-355, 355, 506-507, 556, 557, 751, 752, 852, 949-952, 959, 1117, 1332, 1456, 1766-1767, 1767, 1780, 1877, 2004, 2050, 2134-2141, 2252, 2299, 2332, 2465, 2524, 2524-2525, 2823-2824

Amendments offered—1766, 2332

Amendments withdrawn—1499

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 343, 645-646, 646, 1581-1582, 2105-2106, 2256-2257, 2280-2282, 2643-2644

Presented to the House Brenda Richter, former Page, 1977 Session—1828

GOVERNMENT OPERATIONS COMMITTEE—

Appointed—2939

Resolution relating to, HCR 147—2751, 2753-2756 adopted

GOVERNOR RAY, ROBERT D.—

Committee to notify—1, 45

Committee to escort—45, 61

Resolution relating to State of the State and Budget Messages, HCR 101—3 adopted

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Veto Messages—2768-2770, 2801-2803, 2868-2869

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House Concurrent Resolution 111—453-454

House Concurrent Resolution 138—2381-2382

GRIFFEE, WILLIAM B.—Representative Chickasaw-Floyd-Howard-Mitchell Counties

Bills introduced—J.R. 2002, 2101, 2103, 2122, 2160, 2163

Amendments filed—191, 197, 197-198, 199, 205, 220, 284-285, 290-291, 354, 535, 941-942, 967, 993-994, 1005, 1006, 1426, 1537, 1541, 1555, 1780, 1785, 2005, 2008, 2085, 2096-2097, 2177-2178, 2252-2253, 2524-2525, 2582-2586

Amendments offered—191, 197, 199, 249, 1537, 1541, 1785, 2008, 2550

Amendments withdrawn—197, 253, 256

Committee appointments—20, 1658, 1773, 2243

Presided at sessions of the House—1477

Reports—2431

Resolutions offered—1152-1153, 1699-1700, 2256-2257, 2280-2282, 2643-2644

Presented to the House the Honorable Edgar H. Bittle, former member of the House—1873

HALVORSON, ROGER A.—Representative Allamakee-Clayton-Winneshiek Counties

Bills introduced—2001, 2007, 2065, 2077, 2083, 3096, 2105, 2153, 2157, 2159, 2199, 2213, 2241, 2248, 2253, 2311, 2376, 2385, 2399

Amendments filed—134, 178, 217, 340, 346, 380, 394, 449, 557, 619, 671, 852, 966, 1026, 1132, 1135, 1139, 1332, 1610-1611, 1649, 1852, 1876, 1877, 1878, 1902, 1915, 2004, 2004-2005, 2005, 2134-2141, 2177-2178, 2225, 2253, 2329, 2524-2525, 2552-2553, 2582-2586, 2823, 2825, 2853, 2853-2854

Amendments offered—196, 340, 455, 1135, 1852, 2271, 2825

Committee appointments—1449, 2045, 3333

Petitions presented—207

Reports—2220, 2698

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 453, 1581-1582, 1667-1668, 2256-2257, 2280-2282, 2643-2644

Presented to the House the Honorable Harley J. Palas, former member of the House—1068

HANSEN, INGWER L.—Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties

Bills introduced—2001, 2007, 2043, 2061, 2096, 2105, 2110, 2121, 2145, 2153, 2163, 2183, 2191, 2199, 2206, 2214, 2221, 2239, 2241, 2248, 2287, 2399, 2446

Amendments filed—106, 109, 178-179, 205, 353, 354-355, 395, 506-507, 507, 556, 557, 619, 751-752, 795, 852, 949-952, 1065, 1247, 1369, 1474, 1475-1476, 1486, 1563, 1563-1565, 1575, 1593, 1611, 1614-1647, 1664-1665, 1780-1781, 1876, 1877, 1878, 1879, 1902, 1903-1904, 1915, 2004, 2005, 2051, 2083, 2252, 2253, 2569, 2582-2586, 2725

Amendments offered—246, 400, 466, 1474, 1492, 1563, 1676, 1677, 2083

Amendments withdrawn—106, 1677

Committee appointments—2566, 2808

Petitions presented—218-219

Reports—2297, 2670

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 386, 733-734, 1080-1081, 1581-1582, 2105-2106, 2256-2257, 2381-2382, 2643-2644, 2808

Official delegate to attend the funeral services of the Honorable Elmer Den Herder—2778

HARBOR, WILLIAM H.—Representative Fremont-Mills-Montgomery-Page Counties

Bills introduced—2001, 2007, 2065, 2083, 2110, 2121, 2127, 2154, 2191, 2206, 2221, 2253, 2319, 2376, 2399

Amendments filed—178, 179, 205, 217, 354, 375, 379, 380, 394, 413, 542-543, 556, 619, 620, 751-752, 795, 807, 959, 966, 1026, 1031, 1072, 1094-1096, 1222, 1228, 1294-1295, 1486, 1524, 1592, 1593, 1649, 1809-1810, 1810, 1815-1816, 1834, 1876, 1877, 1878, 1879, 1902, 1915, 2004, 2034, 2051, 2090, 2160, 2161, 2224, 2225, 2252, 2253, 2298, 2332, 2524, 2552-2553, 2569, 2571, 2582-2586, 2725, 2823, 2842-2843, 2853-2854

Amendments offered—375, 798, 1094, 1294, 1649, 1810, 1869, 2034, 2283, 2284

Amendments withdrawn—1096

Committee appointments—2483

Petitions presented—673

Reports—2700

Request that his name be added as a sponsor of House File 2001—136-137

Request that his name be added as a sponsor of House Concurrent Resolution 103—667

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Request that his name be added as a sponsor of amendment H—6206 to Senate File 2066—1828

Resolutions offered—101-102, 493, 733-734, 1581-1582, 2027, 2105-2106, 2280-2282, 2381-2382, 2643-2644

Escorted to the Speaker's station, Miss Tammy Brown, 1978 Iowa Heart Fund Princess—6

Official delegate to attend the funeral services of the Honorable Elmer Den Herder—2778

Presented to the House the Honorable George N. Pierson, former member of the House—1873

Presented to the House foreign exchange student Heikki Seppala from Finland—1660

HARGRAVE, WILLIAM J., JR.—Representative Johnson County, Assistant Majority Floor Leader

Bills introduced—J.R. 2001, 2002 - 2001, 2106, 2110, 2160, 2175, 2260, 2376

Amendments filed—284-285, 290-291, 556, 564, 941, 956, 1241-1242, 1247, 1258, 1321, 1449, 1702, 1768, 1772, 1780, 1877-1878, 1915, 1916, 2225, 2299, 2390-2391, 2524-2525, 2582-2586

Amendments offered—564, 956, 1241, 1449, 1741, 1768, 1772, 2390

Amendments withdrawn—1738, 2202

Presided at sessions of the House—1903

Reports—43, 113

Request that his name be added as a sponsor of House File 2001—136-137

Resolutions offered—1119-1120, 1174, 1696-1699, 2166, 2256-2257, 2643-2644

HARVEY, LAVERN R.—Representative Scott County

Bills introduced—2001, 2087, 2088, 2096, 2101, 2153, 2163, 2191, 2230, 2239, 2255, 2376, 2410

Amendments filed—65, 82, 98, 134, 178, 179, 188, 199, 204, 205, 220, 334, 354-355, 369, 379-380, 380, 394, 557, 644, 751-752, 763, 999, 1102, 1149, 1228, 1427, 1456, 1471, 1486, 1524, 1556, 1563-1565, 1565-1566, 1569, 1575, 1703, 1816, 1860-1863, 2016-2017, 2096-2097, 2134-2141, 2225, 2252, 2253, 2465, 2570

Amendments offered—188, 263, 369, 401, 1099, 1102, 1172, 1562, 1565, 1569, 2016, 2518

Amendments withdrawn—263, 401, 1575, 1817, 2017, 2520

Committee appointments—20, 1449, 1695, 2566, 2900

Reports—811-812, 2289, 2670

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 211-212, 453, 586-587, 733-734, 1046-1047, 1047-1048, 1481-1482, 1696-1699, 2100-2101, 2256-2257, 2643-2644

HINES, NEAL—Representative Story County

Bills introduced—2105, 2114, 2129, 2160, 2275

Amendments filed—284-285, 290-291, 358, 380, 547, 548, 550, 801, 941, 942, 1369, 1702, 1780, 1814, 2524, 2524-2525

Amendments offered—312, 358, 547, 548, 801, 1755, 1814, 2011

Amendments withdrawn—358

Reports—898-930

Resolutions offered—210, 1991-1992, 2105-2106, 2256-2257, 2643-2644

HINKHOUSE, HERBERT C.—Representative Cedar-Clinton-Johnson-Scott Counties

Bills introduced—2064, 2101, 2160, 2228, 2376, 2403

Amendments filed—88, 178-179, 205, 273, 344-345, 354-355, 355, 379, 535, 557, 728, 751-752, 818, 966, 1117, 1426, 1770, 1780, 1860-1863, 1902, 1915, 2050, 2051, 2096-2097, 2177-2178, 2252-2253, 2299, 2313, 2329, 2569, 2582-2586, 2725

Amendments offered—344, 368, 369, 651, 1770, 2116, 2310

Amendments withdrawn—369

Committee appointments—2243, 2809

Petitions presented—41

Reports—43, 113, 2441

Request that his name be added as a sponsor of House Concurrent Resolution 103—667

Resolutions offered—101-102, 586-587, 608-609, 960, 1047-1048, 1581-1582, 2256-2257, 2280-2282, 2381-2382, 2643-2644, 2770-2771, 2809

HOFFMANN, BETTY A.—Representative Johnson-Louisa-Muscatine Counties

Bills introduced—2001, 2007, 2028, 2096, 2101, 2191, 2206, 2214, 2248, 2255, 2332, 2351, 2446

Amendments filed—178-179, 284-285, 290-291, 301, 353, 355, 394, 557, 751-752, 942, 1065, 1091, 1426, 1456, 1457, 1780-1781, 1902, 2253, 2816-2817, 2823

Committee appointments—45, 2939

Petitions presented—89, 111

Request that her name be added as a sponsor of House File 2028—136

Request that her name be added as a sponsor of House File 2001—136-137

Request that her name be added as a sponsor of House File 2255—962

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 1581-1582, 2256-2257, 2643-2644

Escorted to the Speaker's station and presented to the House Tammy Cornick, Iowa's Junior Miss for 1978—335

HORN, WALLY E.—Representative Linn County

Bills introduced—J.R. 2002 - 2079, 2083, 2087, 2088, 2096, 2160, 2162, 2215, 2253, 2261, 2266, 2308, 2318, 2376

Amendments filed—110, 174, 284-285, 290-291, 354, 380, 394, 449, 557, 583, 620, 627-628, 644, 752, 941, 955, 957-958, 966, 1149, 1228, 1332, 1376, 1426, 1664, 1690, 1702, 1780-1781, 1877-1878, 2005, 2160-2161, 2224, 2252, 2396, 2524-2525, 2582-2586

Amendments offered—174, 424, 425, 627, 721, 955, 957, 1210, 1344, 1357, 1358, 1375, 1678, 1690, 1869, 1870, 2086, 2396

Committee appointments—1169, 2210

Petitions presented—1180, 1557, 1612

Reports—2417

Resolutions offered—210, 2186, 2256-2257, 2643-2644

HOUSE ADMINISTRATION COMMITTEE—

Appointed—20, 2045

Resolution relating to:

House Concurrent Resolution 109—365-367, 418, 662-667 adopted, 749

Reports—7-8, 20-27, 153, 281-282, 335-336, 365-366, 398, 873, 947, 1117, 1146, 1253, 1482-1483, 1523, 1872-1873, 2221-2222, 2224, 2806-2807, 2828-2829

Resolutions offered—365-367

HOWELL, ROLLIN K.—Representative Cerro Gordo-Floyd-Mitchell Counties

Bills introduced—2001, 2007, 2096, 2101, 2110, 2160, 2163, 2181, 2194, 2253, 2262

Amendments filed—178, 205, 334, 354-355, 379, 535, 557, 575, 677-679, 941, 959, 1026, 1083, 1117, 1177, 1426, 1555, 1770, 1780, 1780-1781, 1809-1810, 2096-2097,

2134-2141, 2160-2161, 2161, 2177-2178, 2252, 2377, 2524, 2842-2843

Amendments offered — 1770, 2178

Committee appointments — 2244

Petitions presented — 396, 485

Reports — 2374

Request that his name be added as a sponsor of House File 2001 — 136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee — 1607

Resolutions offered — 210, 607-608, 1581-1582, 2027, 2027-2028, 2105-2106, 2256-2257, 2280-2282, 2384, 2643-2644, 2773-2774

HULLINGER, ARLO — Representative Clarke-Decatur-Madison-Ringgold-Union-Wayne Counties

Bills introduced — 2001, 2087, 2091, 2195, 2221, 2253

Amendments filed — 217, 274, 284-285, 290-291, 334, 355, 379-380, 380, 424-425, 433, 535, 556, 575, 632-633, 644, 751-752, 852, 998-999, 1026, 1065, 1317-1318, 1389, 1426, 1779, 1780, 1879, 1902, 2004, 2005, 2050, 2096-2097, 2104, 2524-2525, 2570, 2823-2824

Amendments offered — 433, 632, 1317, 1429, 2478, 2498

Committee appointments — 1658, 2483

Petitions presented — 152

Presided at sessions of the House — 1397, 2342

Reports — 2748

Request that his name be added as a sponsor of House File 2001 — 136-137

Resolutions offered — 101-102, 210, 586-587, 1047-1048, 1581-1582, 2256-2257, 2643-2644, 2773-2774

Rulings made — 2343, 2344

HUMAN RESOURCES, COMMITTEE ON —

Appointed — 20

Bills introduced — 2333, 2404

Amendments filed — 615-617, 1034, 2079-2080

Amendments offered — 2079

Reports — 38, 63-64, 133-134, 150, 307-308, 379, 615-617, 787-788, 873-874, 1058, 1311, 1485

Resolutions offered — 3

HUSAK, EMIL J. — Representative Benton-Iowa-Poweshiek-Tama Counties

Bills introduced — 2001, 2046, 2071, 2083, 2087, 2090, 2101, 2110, 2160, 2195, 2253, 2429

Amendments filed — 65, 178-179, 238, 355, 379-380, 380, 394, 424-425, 475, 575, 620, 728, 751-752, 795, 941-942, 949-952, 998, 1072, 1222, 1247, 1376-1377, 1426, 1471-1472, 1486, 1524, 1770, 1780, 1780-1781, 1815-1816, 1823-1824, 1834, 1902, 1915, 2050, 2051, 2224-2225, 2252, 2253, 2276-2277, 2524-2525, 2569, 2725

Amendments offered — 367, 475, 575, 737, 795, 1376, 1471, 2264, 2276, 2623, 2643, 2725

Committee appointments — 1017, 1018, 1374, 2809

Petitions presented — 152, 1612

Request that his name be added as a sponsor of House File 2001 — 136-137

Request that his name be added as a sponsor of House Concurrent Resolution 103 — 667

Resolutions offered—101-102, 210, 733-734, 1017, 1048, 1581-1582, 1669, 2105-2106,
2256-2257, 2280-2282, 2378-2379, 2379-2380, 2380-2381, 2381-2382, 2643-2644
Presented to the House Roberto Borgatti, AFS student from Italy—2103

INTEREST RATES, JOINT STANDING COMMITTEE ON—

Appointed—2778
Bills introduced—2467
Amendments filed—2810-2816, 2819-2823, 2837-2842
Amendments offered—2810, 2819, 2837
Final report—2779-2780

INTERIM COMMITTEES—

(See Legislative Council and/or Study Committees)

JESSE, NORMAN G.—Representative Polk County

Bills introduced—J.R. 2002 - 2088, 2160
Amendments filed—178-179, 205, 265, 266, 354, 557, 567, 757, 819, 874, 941-942,
1258, 1276, 1286, 1321, 1457, 1568, 1572, 1575, 1577, 1611, 1690, 1779, 1780-1781,
1834, 2051, 2103, 2104, 2161, 2200, 2252, 2329, 2347, 2419, 2513, 2570, 2582-2586
Amendments offered—262, 567, 757, 975, 1262, 1263, 1284, 1285, 1321, 1972, 2121,
2122, 2126, 2127, 2132, 2195, 2200, 2471, 2493, 2513, 2635
Amendments withdrawn—974, 1262, 1978, 2195
Announcement (conference committee appointed)—2210
Committee appointments—1695-1696, 1773, 2483, 2939
Presentation of visitors—2223-2224
Presided at sessions of the House—1440, 2206
Reports—2, 2375, 2700, 2744
Resolutions offered—184, 2643-2644

JOCHUM, THOMAS J.—Representative Dubuque County

Bills introduced—J.R. 2002 - 2059, 2069, 2101, 2129, 2151, 2160, 2215, 2260, 2376
Amendments filed—284-285, 290-291, 334, 358, 380, 499, 557, 763, 894, 941, 1229,
1258, 1332, 1702, 1780, 1878, 2104, 2160-2161, 2225, 2252, 2336, 2338, 2345, 2358,
2465, 2524, 2582-2586
Amendments offered—1395, 1881, 2029, 2336, 2338, 2345
Amendments withdrawn—1395
Committee appointments—1695-1696
Petitions presented—2162
Reports—2744
Resolutions offered—210, 1581-1582, 2256-2257, 2643-2644

JOINT CONVENTION—

Resolution relating to, HCR 101—3 adopted
Condition of the State Message—44-61
Lieutenant Governor Arthur A. Neu presided—44

JOINT RULES—

Resolution relating to, HCR 110—453
Rule 11;
House File 2033, H-5052—1097
Senate File 94—2551

Rule 16:

House File 2113—587
 House File 2164, point of order raised—1041
 House File 2218—1270
 House File 2352, fiscal notes—2480

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

Appointed—20
 Bills introduced—2116, 2164, 2223, 2265, 2279, 2280, 2345, 2349, 2377, 2378, 2382, 2383, 2384, 2388, 2393, 2405
 Amendments filed—938-940, 1025, 1227, 1585-1586, 1587, 1587-1588, 1588, 1589, 1590-1592, 1779
 Amendments offered—1262, 1530, 2089, 2092, 2121, 2554
 Reports—139, 273, 417-418, 534, 641, 815-816, 938-940, 1025, 1225-1227, 1255-1258, 1585-1592
 Request House File 2001 be withdrawn—1607

JUNKER, WILLIS E.—Representative Woodbury County

Bills introduced—2001, 2007, 2011, 2027, 2069, 2088, 2096, 2110, 2111, 2121, 2153, 2191, 2199, 2206, 2214, 2221, 2248, 2255, 2285, 2317, 2343, 2350, 2376, 2399
 Amendments filed—65, 72, 134, 151, 178, 200, 204, 205, 295, 474, 476, 484, 499-500, 542-543, 557, 619, 620, 818, 853, 998, 1213, 1258, 1703, 1742, 1780-1781, 1817-1819, 1821-1822, 1834, 1902, 2005, 2252, 2253, 2277, 2524, 2570, 2582-2586
 Amendments offered—72, 253, 256, 474, 844, 865, 1010-1011, 1741, 1742, 2277
 Amendments withdrawn—479, 1010
 Committee appointments—2809
 Petitions presented—135, 419
 Request that his name be added as a sponsor of House File 2001—136-137
 Request that his name be added as a sponsor of House Concurrent Resolution 103—667
 Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607
 Resolutions offered—101-102, 210, 733-734, 2105-2106, 2280-2282, 2643-2644

KOOGLER, FRED—Representative Keokuk-Lucas-Mahaska-Marion-Monroe Poweshiek Counties

Bills introduced—2001, 2005, 2032, 2096, 2129, 2150, 2160, 2201, 2253, 2305, 2318, 2376, 2443
 Amendments filed—284-285, 290-291, 354, 380, 427, 556, 557, 566, 578-579, 583, 644, 671, 686, 1026, 1369, 1466, 1468-1469, 1555, 1690, 1780, 1815-1816, 1856, 1857, 1879, 1902, 2005, 2034, 2134-2141, 2178, 2179-2180, 2252, 2253, 2298, 2419, 2524-2525, 2570, 2581, 2582-2586
 Amendments offered—427, 566, 686, 1010, 2178, 2179, 2515
 Amendments withdrawn—686, 1010
 Committee appointments—566, 1658, 1696, 2483, 2939
 Petitions presented—33-34, 142, 396, 672-673, 1835
 Presided at sessions of the House—1204
 Reports—2748
 Request that his name be added as a sponsor of House File 2001—136-137
 Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 1581-1582, 1696-1699, 1986-1987, 2105-2106, 2256-2257, 2280-2282, 2643-2644, 2771-2772

Rulings made—1204

KRAUSE, ROBERT A.—Representative Hancock-Humboldt-Kossuth-Palo Alto-Pocahontas Counties

Bills introduced—J.R. 2002, 2004 - 2001, 2009, 2017, 2024, 2030, 2087, 2088, 2101, 2105, 2146, 2156, 2160, 2163, 2253, 2300

Amendments filed—166, 205, 238, 284-285, 290-291, 334, 354, 355, 358, 380, 556, 557, 790, 852, 941-942, 1150, 1245, 1247, 1365, 1703, 1780, 1780-1781, 1834, 1915, 2051, 2104, 2224, 2225, 2252, 2298, 2299, 2524, 2540, 2569, 2582-2586, 2636-2637, 2702-2725, 2848-2851, 2853, 2857-2860, 2886, 2890

Amendments offered—166, 254, 460, 461, 462, 2524, 2857, 2890

Amendments withdrawn—166, 462, 2674, 2886, 2898

Petitions presented—89, 142, 218-219, 1750

Request that his name be added as a sponsor of House File 2001—136-137

Resolutions offered—101-102, 210, 344, 454-455, 798, 1261, 2256-2257, 2643-2644, 2772

Presented to the House the Honorable Noel Davern, House of Parliament, Dublin, Ireland—1000

KREWSON, LYLE R.—Representative Polk County

Bills introduced—J.R. 2002 - 2001, 2007, 2087, 2088, 2101, 2110, 2121, 2153, 2163, 2188, 2241, 2248, 2255, 2282, 2299, 2351, 2446

Amendments filed—178-179, 284-285, 290-291, 354, 557, 619, 620, 852, 941, 942, 991-992, 1149, 1365, 1536, 1780-1781, 1854, 1877, 2104, 2252, 2253, 2343, 2358, 2848-2851

Amendments offered—757, 1854, 2343, 2358, 2389, 2848

Amendments withdrawn—1093, 2848

Committee appointments—1269, 2210

Reports—1400-1402, 2417

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—210, 2256-2257, 2382-2384, 2643-2644

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Bills introduced—2325, 2326, 2352, 2380, 2415, 2435

Amendments filed—204, 306-307, 816-817, 849-850, 851, 1422-1424

Amendments offered—877, 946, 1375

Reports—144-145, 145, 203-204, 270, 306-307, 332, 379, 483, 617-618, 816-817, 849-851, 874, 1057, 1422-1424, 1516-1517, 1663

Resolutions offered—1045-1046, 2029

LAGESCHULTE, RAY—Representative Black Hawk-Bremer-Butler-Floyd Counties

Bills introduced—2001, 2007, 2028, 2075, 2087, 2096, 2121, 2122, 2153, 2199, 2302, 2399, 2466

Amendments filed—134, 178, 284-285, 290-291, 334, 354, 354-355, 355, 379-380, 542-543, 556, 557, 619, 620, 671, 728, 1126, 1269, 1456, 1556, 1702, 1780, 1902, 1985, 2004, 2134-2141, 2177-2178, 2224, 2225, 2252, 2253, 2524, 2524-2525, 2569, 2825, 2853

Amendments offered—651, 803, 1126, 1269, 1985

Amendments withdrawn—2030

Petitions presented—275, 820

Request that his name be added as a sponsor of House File 2028—136

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 2105-2106, 2280-2282, 2643-2644

Presented to the House, foreign exchange student, Thomas Bokemark from Sweden—1033

LAW ENFORCEMENT ACADEMY COUNCIL—

Appointments—3333

LEGISLATIVE COUNCIL COMMITTEE—

(See also Study Committees)

Appointments—3333

Resolutions relating to:

House Concurrent Resolution 120—1481-1482

House Concurrent Resolution 121—1667-1668

House Concurrent Resolution 122—1696-1699

House Concurrent Resolution 124—1987-1988

House Concurrent Resolution 126—2025-2026

House Concurrent Resolution 127—2026

House Concurrent Resolution 128—2027

House Concurrent Resolution 129—2027-2028

House Concurrent Resolution 131—2105-2106

House Concurrent Resolution 132—2256-2257

House Concurrent Resolution 133—2280-2282

House Concurrent Resolution 135—2378-2379

House Concurrent Resolution 136—2379-2380

House Concurrent Resolution 137—2380-2381

House Concurrent Resolution 140—2384

House Concurrent Resolution 141—2384-2385

House Concurrent Resolution 142—2575-2576

House Concurrent Resolution 143—2770-2771

House Concurrent Resolution 146—2777, 2751-2753 adopted

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LEGISLATIVE EXPENDITURES—

Resolution relating to:

House Concurrent Resolution 130—2100-2101

LIND, THOMAS A.—Representative Black Hawk County

Bills introduced—2001, 2087, 2096, 2130, 2214, 2225, 2234, 2235, 2248, 2287

Amendments filed—178-179, 284-285, 290-291, 334, 354, 379-380, 557, 619, 790, 941-942, 942, 999, 1083, 1127, 1131, 1217-1218, 1313, 1507, 1780, 1780-1781, 1877, 1902, 2096-2097, 2134-2141, 2253, 2298, 2465, 2524-2525, 2570, 2582-2586, 2816-2817, 2823, 2842-2843

Amendments offered—1011, 1127, 1131, 1217, 1507, 1509
Amendments withdrawn—1490, 1499, 1902
Certification—2
Committee appointments—20
Oath of office—3
Petitions presented—180, 2778
Request that his name be added as a sponsor of House File 2001—136-137
Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607
Resolutions offered—210, 1090, 1581-1582, 2027, 2027-2028, 2384, 2643-2644

LINDEEN, ARNOLD R.—Representative Des Moines-Henry-Louisa Counties

Bills introduced—2001, 2007, 2028, 2096, 2191, 2203, 2241, 2248, 2376
Amendments filed—178, 424-425, 535, 1426, 1593, 1780-1781, 1879, 1902, 2134-2141, 2253
Petitions presented—41, 451, 1835
Request that his name be added as a sponsor of House File 2028—136
Request that his name be added as a sponsor of House File 2001—136-137
Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607
Resolutions offered—101-102, 210, 1581-1582, 2280-2282, 2643-2644
Presented to the House the Honorable Charles Strothman, former member of the House—451

LIPSKY, JOAN—Representative Linn County, Assistant Minority Floor Leader

Bills introduced—2080, 2088, 2094, 2104, 2157, 2205, 2255, 2267, 2355, 2374, 2447
Amendments filed—134, 353, 354, 395, 557, 619, 629, 656-657, 819, 874, 875, 893-894, 966, 998, 1026, 1127, 1386, 1427, 1486, 1573-1574, 1610, 1772, 1780, 2161, 2225, 2252, 2253, 2343, 2390, 2472, 2570
Amendments offered—363, 494, 629, 656, 893, 1108, 1262, 1360, 1490, 1500, 1530, 1573, 1599, 1683, 2343, 2390
Amendments withdrawn—1262, 2271
Committee appointments—2088
Reports—2220
Resolutions offered—210, 586-587, 733-734, 1047-1048, 2643-2644

LOBBYISTS—

(See Ethics, Committee On)

LONERGAN, JOYCE—Representative Boone-Greene Counties

Bills introduced—J.R. 2002 - 2160, 2221, 2253, 2376
Amendments filed—178-179, 284-285, 290-291, 353, 941-942, 998, 1065, 1506, 1536, 1780-1781, 1902, 2005, 2252, 2582-2586
Amendments offered—437, 443, 457, 1031, 2079
Amendments withdrawn—443
Committee appointments—2, 20
Resolutions offered—1463-1464, 1581-1582, 1696-1699, 2256-2257, 2643-2644, 2771-2772

MAJORITY FLOOR LEADER, Jerome D. Fitzgerald—Representative Webster County

(See Fitzgerald, Jerome D.—Representative Webster County, Majority Floor Leader)

MEMORIALS—

Committees appointed—1017, 1029, 1105, 1374, 1790-1791, 2590, 2808, 2809
 Resolutions relating to—1017, 1029, 1105, 1374, 1790-1791, 2590, 2808, 2809
 In Memoriam List—3334
 Memorials—3335-3343

MENKE, LESTER D.—Representative Buena Vista-Cherokee-Clay-O'Brien
 Plymouth Counties

Bills introduced—2001, 2007, 2040, 2083, 2121, 2183, 2191, 2199, 2239, 2241, 2248,
 2253, 2369, 2399, 2446

Amendments filed—178, 198, 354-355, 355, 424-425, 557, 619, 751-752, 886, 888, 1202,
 1228, 1536, 1555, 1780-1781, 1876, 1877, 1915, 2004, 2004-2005, 2005, 2283,
 2524-2525, 2570, 2816-2817, 2823, 2842-2843

Amendments offered—198, 424, 888, 1202, 1820, 1868

Committee appointments—1029, 1695, 2808, 2809

Reports—2235

Request that his name be added as a sponsor of House File 2001—136-137

Request that his name be added as a sponsor of House Concurrent Resolution
 103—667

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement
 Committee—1607

Resolutions offered—101-102, 733-734, 1581-1582, 2027, 2105-2106, 2280-2282,
 2643-2644

Official delegate to attend the funeral services of the Honorable Elmer Den
 Herder—2778

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 2767, 2867, 2872, 2900

MIDDLESWART, JAMES I.—Representative Lucas-Marion-Warren Counties

Bills introduced—2001, 2087, 2110, 2160, 2253

Amendments filed—134, 284-285, 290-291, 395, 426-427, 477-478, 535, 1034, 1036,
 1065, 1117, 1149, 1167, 1222, 1235-1237, 1275, 1426, 1456, 1486, 1593, 1767-1768,
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 2524-2525, 2582-2586, 2823-2824

Amendments offered—429, 477, 1166, 1167, 1235, 1319, 1768, 1786

Amendments withdrawn—1326

Committee appointments—1269, 2045

Petitions presented—142, 558

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Request that his name be added as a sponsor of House File 2001—136-137

Request that his name be added as a sponsor of House Concurrent Resolution 103—667

Resolutions offered—1581-1582, 1667-1668, 2105-2106, 2256-2257, 2643-2644

Official delegate to attend the funeral services of the Honorable Elmer Den Herder—2778

Presented to the House the Honorable Ralph Winge from Litchville, North Dakota—836

MILEAGE, COMMITTEE ON—

Supplemental report—43, 113

MILLEN, FLOYD H.—Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties, Minority Floor Leader

Bills introduced—2001, 2127, 2229

Amendments filed—178-179, 284-285, 290-291, 354-355, 380, 477-478, 557, 619, 677-679, 818, 966, 999, 1065, 1215-1216, 1247, 1780, 2004, 2252, 2253, 2441-2442, 2539, 2582-2586

Amendments offered—1065, 1406, 2302

Committee appointments—3, 1105, 1269, 1658, 2808

Petitions presented—33, 41, 142

Remarks by—9-10, 1400-1402

Request that his name be added as a sponsor of House File 2001—136-137

Request that his name be added as a sponsor of House Concurrent Resolution 103—667

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 493, 733-734, 1696-1699, 1992, 2100-2101, 2381-2382, 2643-2644

Official delegate to attend the funeral services of the Honorable Elmer Den Herder—2778

Presented to the House former member of the House the Honorable Ray V. Bailey, and the Honorable William E. Darrington—2462

Remarks in honor of the Honorable Elmer Den Herder—880-881

MILLER, KENNETH D.—Representative Black Hawk-Buchanan Counties

Bills introduced—2001, 2007, 2015, 2025, 2065, 2096, 2160, 2163, 2221, 2260, 2288, 2376

Amendments filed—110, 179, 204, 218-219, 264, 273-274, 344-345, 354, 363, 424-425, 426-427, 449, 549, 556, 557, 583, 619, 620, 644, 671, 681-682, 693-694, 696, 728, 790, 805, 818, 852, 941, 959, 966, 1026, 1072, 1083, 1137, 1161, 1217, 1247, 1265, 1321-1322, 1369, 1426, 1456, 1457, 1471, 1486, 1504, 1569, 1571-1572, 1556, 1611, 1664, 1780, 1809-1810, 1815-1816, 1834, 1856, 1857, 1878, 1902, 2082, 2083, 2134-2141, 2160-2161, 2177-2178, 2224, 2225, 2252, 2298, 2329, 2524-2525, 2526-2527, 2570, 2582-2586, 2844, 2854-2855, 2886-2887, 2887-2889

Amendments offered—183, 257, 346, 363, 549, 681-682, 684, 686, 693, 696, 697, 805, 860, 978, 1122, 1137, 1161, 1217, 1265, 1321, 1499, 1504, 1569, 1571, 1670, 1671, 1755, 1815, 1856, 1857, 1890, 2082, 2524, 2844, 2854, 2886, 2887

Amendments withdrawn—693, 696, 805, 978, 1471, 1510, 1672, 1924, 2202, 2898
 Committee appointments—1695
 Petitions presented—382
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 Request that his name be added as a sponsor of House File 2001—136-137
 Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607
 Resolutions offered—453, 733-734, 2027, 2027-2028, 2105-2106, 2280-2282, 2643-2644, 2771-2772

MILLER (Sergeant) OPAL—Representative Calhoun-Carroll-Greene-Pocahontas-Sac Counties

Bills introduced—2001, 2007, 2087, 2160, 2188, 2221, 2253
 Amendments filed—151, 178, 217, 284-285, 290-291, 300-301, 355, 506, 557, 1065, 1780-1781, 1877, 1902, 2005, 2252, 2417-2418, 2524-2525
 Amendments offered—2417
 Committee appointments—1, 1790-1791
 Petitions presented—152, 275
 Request that her name be added as a sponsor of House File 2001—136-137
 Request that her name be added as a sponsor of House Resolution 121—1116
 Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607
 Resolutions offered—210, 1335, 1774, 1790, 2256-2257, 2280-2282, 2643-2644

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—J.R. 2002-2001, 2038, 2054, 2087, 2088, 2094, 2143, 2155, 2160, 2163, 2177, 2204, 2207, 2253, 2256, 2267, 2307, 2312, 2313, 2376, 2459
 Amendments filed—40, 168, 194, 284-285, 290-291, 334, 339, 354, 357-358, 371-372, 379, 469, 478, 507, 535, 576-577, 579-580, 740, 763, 818, 941-942, 949-952, 955, 978, 998-999, 999, 1102, 1117, 1313, 1326, 1369, 1456, 1486, 1506, 1536, 1556, 1563-1565, 1566, 1568, 1572, 1573, 1575, 1611, 1614-1647, 1687, 1780, 1785, 1834, 1878, 1879, 1915, 2005, 2021, 2023, 2085, 2104, 2225, 2252, 2253, 2272-2276, 2347, 2377, 2399, 2465, 2474-2476, 2511-2513, 2524, 2524-2525, 2582-2586, 2736, 2832-2833, 2861
 Amendments offered—168, 194, 338, 339, 357, 371, 478, 497, 579, 740, 949, 955, 978, 1101, 1326, 1506, 1563, 1566, 1568, 1572, 1573, 1575, 1664, 1674, 1684, 1738, 1928, 2021, 2040, 2085, 2259, 2272, 2312, 2387, 2399, 2507, 2511, 2582, 2736
 Amendments withdrawn—316-317, 2309, 2313
 Committee appointments—2, 1449, 1658, 1695, 2778, 2900, 2939, 3333
 Petitions presented—152, 218, 275-276, 1000
 Reports—43, 113, 811-812, 2289, 2559, 2698, 2779-2780
 Request that his name be added as a sponsor of House File 2001—136-137
 Resolutions offered—961-962, 1581-1582, 2105-2106, 2256-2257, 2643-2644

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Filed:

House Joint Resolution 12, H-5027—108
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House File 187, H-5430 to H-5323—723
House File 187, H-5444A, H-5465, H-5485 to H-5323—724
House File 232, H-6347—1911-1912
House File 356, H-6172—1775
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House File 2329—1115
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Deferred:

House File 2113—810
House File 2426, H-6103A—1685

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House File 356, H-6172—1787
House File 434—399
House File 434, H-5143—399
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House File 2170—1077
House File 2212—1279
House File 2218—1983
House File 2290, H-5617B—1393
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Senate File 336—1866-1867
Senate File 358—2640
Senate File 365—337
Senate File 2127—1842
Senate File 2128—2507

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Senate File 2111—2237

Senate File 2163—2757

Senate File 2200, H-6241 to H-6075—2634

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House File 112, H-6576—2355

House File 149—1381

House File 187, H-5464—722

House File 187, H-5444B—723

House File 187, H-5444B to H-5323—742

House File 187, H-5440 to H-5323—747

House File 187—748

House File 248—982

House File 304, H-5947—1531

House File 304—2081

House File 304, H-5947—2081

House File 356, H-5222—444

House File 356, H-5303—479

House File 356—481

House File 356, H-6176—1787

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House File 463—1438

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House File 2162—2171

House File 2164—2509

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House File 2460, H-6632—2442

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House File 149—1380-1381
House File 2359, H-6599—2396
House File 2390, H-6044—1577

Motion to table, motion to reconsider:

House File 2449—2895

Lost:

House File 2449—2895

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Senate File 336—2559

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Bills introduced—2173, 2212, 2247, 2264, 2284, 2292, 2297, 2331, 2335, 2365
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NEWHARD, SCOTT D.—Representative Cedar-Clinton-Jackson-Jones Counties

Bills introduced—J.R. 2002—2053, 2086, 2094, 2117, 2160, 2253, 2255, 2258,
2260, 2282, 2403
Amendments filed—178-179, 469, 729, 819, 874, 941, 1026, 1258, 1703, 1780, 2004,
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Amendments offered—469, 855, 1235, 2089, 2486, 2634, 2647, 2661
Committee appointments—1773, 2088, 2809
Petitions presented—33-34
Reports—2220, 2375
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103—667
Resolutions offered—210, 1581-1582, 2105-2106, 2256-2257, 2643-2644

NIELSEN, CARL V.—Representative Polk County, Speaker Pro Tempore

Bills introduced—2052, 2088, 2131, 2160, 2210, 2221, 2444
Amendments filed—274, 354, 354-355, 372, 380, 394, 499, 565, 644, 677, 853, 1007
1008, 1010, 1026, 1068-1069, 1149, 1155, 1228, 1276, 1313, 1403-1404, 1404,
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Amendments offered—315, 372, 499, 565, 677, 857, 1007, 1008, 1010, 1068, 1155,

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Committee appointments—1773, 2088

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Presided at sessions of the House—83, 152, 194, 285, 347, 459, 472, 478, 563,

760, 949, 1065, 1085, 1126, 1141, 1286, 1507, 1534, 1571, 1683, 1920, 1966, 2419,

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Reports—2220, 2375

Resolutions offered—1581-1582, 2643-2644

Rulings made—196, 459, 461, 475, 953, 1141, 2431, 2836

NORLAND, LOWELL E.—Representative Cerro Gordo-Worth Counties

Bills introduced—2026, 2160, 2315, 2316, 2346

Amendments filed—77, 77-78, 83, 205, 284-285, 290-291, 535, 556, 557, 1154,

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Committee appointments—1169, 2210, 2244, 2365

Reports—1410-1421, 2374, 2417

Resolutions offered—101-102, 1581-1582, 2027, 2027-2028, 2256-2257, 2384, 2384-

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Resolution relating to:

House Concurrent Resolution 109—365-367, 418, 662-667 adopted, 749

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Appointed—2778

O'HALLORAN, MARY—Representative Black Hawk County

Bills introduced—2001, 2087, 2093, 2101, 2110, 2160, 2188, 2253, 2267

Amendments filed—284-285, 290-291, 353, 354-355, 426-427, 535, 547-548, 557,

574-575, 578-579, 677-679, 941-942, 967, 1034, 1036, 1117, 1426, 1555, 1876, 1890,

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Amendments offered—426, 574, 677, 1344, 1889, 2419, 2665, 2666

Amendments withdrawn—1344

Committee appointments—3, 1269, 2210, 2244

Presided at sessions of the House—2467

Reports—2, 1400-1402, 2374, 2451

Request that her name be added as a sponsor of House File 2001—136-137

Resolutions offered—210, 1581-1582, 1582-1583, 2256-2257, 2643-2644, 2773-2774

Rulings made—2481

OXLEY, MYRON B. (MIKE)—Representative Linn County

Bills introduced—2001, 2087, 2088, 2096, 2160, 2253, 2376

Amendments filed—178, 379, 394, 449, 941, 1780-1781, 1902, 2005, 2134-2141

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement
Committee—1607

Resolutions offered—101-102, 210, 1581-1582, 2256-2257, 2643-2644

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PATCHETT, JOHN E.—Representative Johnson-Linn Counties

Bills introduced—2055, 2087, 2101, 2107, 2160

Amendments filed—284-285, 290-291, 354, 449, 557, 619, 620, 671, 790, 818,
941, 966, 999, 1117, 1218, 1258, 1780, 1780-1781, 1834, 1877, 1878, 1907-1908,
1915, 1916, 2005, 2252, 2299, 2347, 2524-2525, 2582-2586

Amendments offered—438, 831, 1099, 1218, 1891, 2038, 2198, 2347

Amendments withdrawn—479, 831

Committee appointments—1169, 2210

Petitions presented—218-219, 275-276, 968-969

Presided at sessions of the House—1852, 2591

Reports—1410-1421, 2417

Resolutions offered—210, 586-587, 1047-1048, 1153, 1174, 2643-2644

Rulings made—1855, 1870, 2636

PAVICH, EMIL S.—Representative Pottawattamie County

Bills introduced—J.R. 2002 - 2088, 2105, 2129, 2160, 2163, 2221, 2376

Amendments filed—178-179, 284-285, 290-291, 619, 852, 941-942, 942, 1065, 1702,
1780-1781, 2252, 2524, 2524-2525, 2582-2586

Amendments offered—946, 1241, 1743

Petitions presented—309

Resolutions offered—210, 586-587, 1047-1048, 1581-1582, 1774, 2027,
2027-2028, 2256-2257, 2643-2644

**PELLETT, WENDELL C.—Representative Adair-Adams-Cass-Guthrie-
Union Counties**

Bills introduced—2007, 2028, 2096, 2153, 2195, 2199, 2206, 2221, 2241, 2248, 2253

Amendments filed—88, 178, 205, 334, 355, 379-380, 380, 394, 557, 619, 728
852, 949-952, 1456, 1902, 1915, 2004, 2005, 2050, 2051, 2134-2141, 2224, 2252,
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Amendments offered—360, 2028, 2313

Committee appointments—2243

Petitions presented—89, 180, 275, 943

Reports—2441

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Request that his name be added as a sponsor of House Concurrent Resolution 103—667

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 2105-2106, 2280-2282, 2643-2644, 2770-2771

PELTON, JOHN—Representative Clinton County

Bills introduced—J.R. 2003 - 2001, 2088, 2097, 2101, 2138, 2153, 2191, 2195
2248, 2255, 2260, 2272, 2287, 2399, 2403, 2409, 2446

Amendments filed—346, 354, 380, 535, 556, 557, 738-739, 875, 1026, 1177, 1404
1426, 1555, 1766, 1771-1772, 1780-1781, 1876, 1877, 1902, 2063, 2096-2097, 2103,
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Amendments offered—346, 439, 738, 975, 1766, 1771, 2063, 2145, 2146, 2622

Amendments withdrawn—2062-2063

Committee appointments—2, 1912, 2243

Petitions presented—33-34, 89, 111, 152, 180, 275, 309-310

Reports—2431

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—210, 2105-2106, 2643-2644, 2773-2774

Presented to the House Ian Edwards, foreign exchange student from Orange, New Wales, Australia—419

Presented to the House the Honorable Jay Mennenga, former member of the House—2567

PERKINS, CARROLL T.—Representative Audubon-Carroll-Crawford-Greene-Guthrie Counties

Bills introduced—2001, 2090, 2110, 2160, 2163, 2184, 2221, 2253, 2376

Amendments filed—175, 204, 245, 334, 354, 355, 364, 468, 535, 549, 620,
644, 649, 761-762, 766, 801, 808, 852, 1247, 1275, 1426, 1456, 1555, 1577, 1664,
1767, 1780, 1780-1781, 1814-1815, 1823-1824, 1834, 2059

Amendments offered—245, 361, 364, 468, 649, 692, 699, 761, 766, 801, 1279,
1809, 1814, 2059

Amendments withdrawn—766

Committee appointments—2210, 2243, 2483, 2939

Reports—2431, 2451, 2748

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Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 136, 210, 733-734, 1581-1582, 1667-1668, 2256-2257,
2643-2644

Presented to the House Anne Waldram, Rotary Youth Exchange student from Sydney, Australia and Hans Hakansson, AFS student from Sweden—275

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PONCY, CHARLES N.—Representative Mahaska-Monroe-Wapello Counties
 Bills introduced—2069, 2087, 2096, 2118, 2160, 2195, 2344, 2348, 2376
 Amendments filed—284-285, 290-291, 354, 379-380, 380, 557, 1653-1654, 1702,
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Amendments offered—1905

Committee appointments—1105

Resolutions offered—1105, 1581-1582, 1583, 2256-2257, 2643-2644

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RAY, GOVERNOR ROBERT D.—

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RINAS, B. JOSEPH—Representative Linn County

Bills introduced—2001, 2059, 2087, 2088, 2101, 2129, 2160, 2229, 2260, 2343, 2398, 2400, 2402, 2408

Amendments filed—65, 151, 178-179, 205, 284-285, 290-291, 314, 354, 358, 380, 499-500, 557, 566, 752, 762, 763, 818, 852, 875, 941, 942, 966, 1353-1354, 1365, 1902, 2104, 2225, 2252, 2299, 2524, 2524-2525, 2570, 2582-2586, 2848-2851

Amendments offered—389, 762, 1104, 1351, 1359, 1360, 2581

Amendments withdrawn—390, 825

Committee appointments—2939

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—210, 1696-1699, 2105-2106, 2256-2257, 2643-2644, 2753-2756

Presented to the House the Honorable James D. Jordan, former member of the House—1209

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Keith R. Wessel, photographer — 1533

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Senate File 2163, Keith R. Wessel — 1490

Motion to suspend rules to reconsider vote —

Senate File 292, H-5058 — 1158

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Failed:

Senate File 292, H-5058 — 1159

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House File 602, Ralph Gross, Iowa Housing Authority — 1122

House File 2169, David Bach, DEQ. — 569-570

House File 2218, James Webb, Director of Natural Resources Council — 1163

House File 2349, George Kiser, Dept. of Social Services — 1289

House File 2426, Ed Longnecker, Director of IPERS — 1614

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Rule 45 (status of bills following first regular session):

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House File 592—19

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House File 609—19

House File 611—19

House File 620—19

House File 623—19

House File 624—19

House File 633—20

Senate File 182—20

Senate File 222—20

Senate File 356—20

Senate Concurrent Resolution 8—20

Rule 48 (committee meetings):

Budget meetings—595-596, 2485

Rule 53 (time limit on committee possession of bills):

House File 2001—1607

House Resolution 103—1144

Rule 56 (sifting committee):

Sifting committee appointed—1658-1659

Study Bill 494B—1909

Rule 69 (manner of voting):

House Joint Resolution 12—283

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House File 112, H-6576—2346

House File 112, H-6552—2348

House File 112, H-6554, H-6555—2350

House File 112, H-6583—2353

House File 112, H-6575—2354

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House File 187, H-5465—691

House File 187, H-5462—722

House File 356, H-5218—438

House File 356, H-5254—461

House File 356, H-5303—475

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House File 491, H-6416—2150

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House File 2426, H-6103B—1685
House File 2438, H-6251—1845
House File 2438—1847
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Senate File 2163, H-5972—1467
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Rule 71 (right to vote):

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 House File 187, H-5323 as amended—747
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Rule 73 (Call of the House):

Senate File 336—1108-1109

RULES OF CIVIL PROCEDURE—

(See Chief Justice of the Supreme Court, The Honorable C. Edwin Moore)

SCHEELHAASE, LYLE—Representative Monona-Woodbury Counties

Bills introduced—2040, 2101, 2105, 2111, 2160, 2163, 2221, 2253, 2285, 2385

Amendments filed—238, 273, 274, 334, 361-362, 424-425, 557, 671, 790, 818, 852, 966,
 1149, 1369, 1386, 1456, 1765-1766, 1771, 1801, 1804, 1809-1810, 1810-1811,
 1817-1819, 1821-1822, 1902, 2005, 2033-2034, 2042-2043, 2050, 2051, 2063-2064,
 2090, 2160, 2177-2178, 2181, 2182, 2225, 2253-2254, 2298, 2329, 2332, 2421, 2569,
 2570, 2582-2586

Amendments offered—361, 960, 1406, 1765, 1771, 1801, 1804, 1809, 1810, 1817, 1820,
 1821, 2042, 2090, 2181, 2421

Amendments withdrawn—892, 1788, 1811

Committee appointments—1, 1658-1659, 2210, 2243, 3333

Petitions presented—419

Presided at sessions of the House—1433

Reports—6, 2451

Resolutions offered—101-102, 586-587, 823, 823-824, 1047-1048, 1987-1988,
2105-2106, 2280-2282, 2643-2644

SCHNEKLOTH, HUGO—Representative Clinton-Scott Counties

Bills introduced—2001, 2064, 2087, 2096, 2121, 2153, 2157, 2183, 2191, 2221, 2238,
2248, 2249, 2255, 2357, 2403

Amendments filed—72-73, 134, 178, 179, 238, 273, 334, 379-380, 394, 556, 671, 728,
729, 751-752, 761, 852, 966, 999, 1129, 1228, 1313, 1524, 1780-1781, 1834, 1845,
1860-1863, 1902, 2134, 2225, 2253, 2377, 2524-2525, 2570

Amendments offered—72, 761, 839, 861, 1011, 1129, 1396, 1845, 1863, 1864, 2134,
2240

Amendments withdrawn—288, 761

Committee appointments—44

Petitions presented—89

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement
Committee—1607

Resolutions offered—101-102, 1581-1582, 2643-2644

SCHROEDER, LAVERNE W.—Representative Mills-Pottawattamie Counties

Bills introduced—J.R. 2004 - 2042, 2083, 2088, 2096, 2110, 2119, 2221, 2236,
2253, 2260, 2444

Amendments filed—65, 82, 83, 98, 103, 104, 178, 179, 181-182, 205, 217, 238,
274, 284-285, 290-291, 380, 394, 413, 418, 424-425, 469-470, 494-495, 506-507, 543,
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1456, 1486, 1505, 1524, 1593, 1611, 1614-1647, 1648, 1664, 1665, 1769, 1772, 1780,
1799-1800, 1821-1822, 1834, 1877, 1902, 1915, 2004, 2005, 2041, 2085, 2129-2130,
2161, 2177-2178, 2225, 2252, 2253, 2253-2254, 2298, 2552-2553, 2569, 2570,
2582-2586, 2636-2637, 2641-2642, 2702-2725, 2816-2817, 2817, 2823, 2842-2843,
2843, 2853-2854

Amendments offered—80, 103, 104, 165, 181, 222, 243, 423, 469, 494, 543, 546, 548,
576, 653, 662, 723, 793, 855, 856, 892, 954, 979, 1014, 1065, 1078, 1184, 1190,
1196, 1237, 1241, 1242, 1243, 1244, 1269, 1496, 1505, 1530, 1680, 1769, 1820,
1983, 2041, 2129, 2641, 2816, 2823, 2842, 2843, 2853

Amendments withdrawn—104, 165, 168, 665, 1014, 1030, 1232, 1684, 1984, 2110,
2622, 2843

Committee appointments—1658-1659, 1696

Petitions presented—33, 152, 218-219

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement
Committee—1607

Resolutions offered—101-102, 280-281, 493, 733-734, 1581-1582, 2280-2282,
2643-2644, 2772

SEATS—

Assignment of desks in press gallery—108-109

SECRETARY OF STATE, Melvin D. Synhorst —

Communications from—871-872, 1253, 1450-1451, 1583, 2101, 2222, 2893-2806, 2869-2870, 2871, 3332-3333

House Joint Resolution 9, sent to—871

House Joint Resolution 12, sent to—1606

SHIMANEK, NANCY J.—Representative Delaware-Dubuque-Jackson-Jones Counties

Bills introduced—2026, 2078, 2080, 2086, 2163, 2191, 2208, 2241, 2248, 2253, 2281, 2287, 2372, 2397

Amendments filed—178-179, 284-285, 290-291, 334, 344, 345, 353, 354, 557, 653, 818, 819, 874, 941-942, 936, 991-992, 1457, 1536, 1555, 1556, 1703, 1767-1768, 1780-1781, 1834, 1902, 2104, 2177-2178, 2253

Amendments offered—653, 855, 1476, 1575, 1576, 2554

Amendments withdrawn—1478

Committee appointments—1773, 2088

Petitions presented—33-34, 152, 382

Reports—1967-1970, 2220

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—210, 453, 1581-1582, 2105-2106, 2643-2644

Presented to the House her parents, the Honorable Charles Francis Shimanek, former member of the House, and Mrs. Shimanek—2223

SIFTING COMMITTEE—

Appointed—1658-1659, 1912

Bills introduced—2451, 2452, 2453, 2454, 2455, 2461, 2462, 2463, 2464

Amendments filed—2569

Categories exempt from Sifting Committee calendar—1659

Noncontroversial calendar committee appointed—1696, 2000

Removed from noncontroversial calendar—

House File 402—2566

House File 2352—2101

House File 2442—2567

Senate File 44—2577

Senate File 182—2577-2578

Senate File 217—2577

Senate File 261—2577-2578

Senate File 275—2577-2578

Senate File 353—2566

Senate File 380—2577-2578

Senate File 2120—2577-2578

Senate File 2176—2221

Senate File 2196—2577

Reports—1996-2000, 2458-2461

Rules—1995

Rules, noncontroversial bills—1995

Withdrawn from:

Senate File 44—2643

Senate File 182—2643

Senate File 217—2643
 Senate File 380—2643
 Senate File 2196—2643

SIXTY-SEVENTH GENERAL ASSEMBLY—

(See House Concurrent Resolutions, House Resolutions, and Senate Concurrent Resolutions listed in Legislative Index Volume.)

SMALL, ARTHUR A., JR.—Representative Johnson County

Bills introduced—2088, 2101, 2253, 2273, 2291, 2342, 2396

Amendments filed—189-190, 245, 265, 284-285, 290-291, 353, 354, 380, 557, 563, 677-679, 818, 831, 868-869, 941, 1083, 1131, 1213, 1247, 1369, 1386, 1456, 1471, 1555, 1611, 1676, 1702, 1780, 1877, 2392, 2524, 2524-2525, 2570, 2765-2766, 2855

Amendments offered—358, 563, 827, 831, 868, 1014, 1213, 1375, 1745, 1746, 1756, 2062, 2480, 2765, 2810, 2837, 2855

Amendments withdrawn—1676

Committee appointments—2566, 2778

Presided at sessions of the House—287, 498, 603, 985, 1030, 1157, 1323, 1399, 1817, 2307

Presentation of visitors—606-607

Reports—898-930, 2670

Resolutions offered—1119-1120, 1174, 2643-2644

Rulings made—1325, 1817, 1819, 1822

SMALLEY, DOUGLAS R.—Representative Polk County

Bills introduced—2051, 2065, 2069, 2087, 2088, 2096, 2110, 2121, 2129, 2153, 2185, 2191, 2206, 2241, 2248, 2287, 2246

Amendments filed—178, 394, 449, 542-543, 619, 620, 653, 751-752, 752, 818, 874, 942, 998, 1117, 1131, 1132, 1134-1135, 1149, 1321, 1524, 1571, 1702, 1847, 1902, 1915, 1916, 2104, 2134-2141, 2253, 2818-2819

Amendments offered—759, 829, 989, 1125, 1134, 2202, 2818

Committee appointments—2939

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—210, 279-280, 312-313, 493, 735, 1581-1582, 2256-2257, 2643-2644

SPEAKER OF THE HOUSE—Dale M. Cochran, Representative Humboldt-Webster Counties

Bills introduced—2160

Presided at sessions of the House—1, 41, 44, 61, 67, 75, 99, 100, 135, 164, 180, 184, 191, 198, 206, 218, 240, 247, 261, 275, 285, 290, 309, 335, 341, 349, 356, 364, 382, 396, 405, 414, 419, 431, 444, 451, 463, 479, 485, 494, 502, 508, 536, 541, 558, 563, 567, 568, 584, 588, 621, 624, 627, 632, 645, 654, 672, 688, 730, 753, 759, 767, 791, 799, 810, 820, 837, 854, 876, 881, 943, 947, 957, 968, 979, 980, 983, 995, 1000, 1027, 1037, 1061, 1068, 1100, 1107, 1118, 1127, 1143, 1151, 1159, 1179, 1192, 1209, 1213, 1230, 1238, 1259, 1277, 1295, 1314, 1322, 1326, 1333, 1348, 1355, 1356, 1365, 1370, 1377, 1381, 1387, 1396, 1428, 1433, 1435, 1439, 1448, 1458, 1467, 1473, 1480, 1487, 1494, 1526, 1535, 1543, 1557, 1567, 1578, 1594, 1602, 1605, 1612, 1613, 1614, 1666, 1682, 1683, 1695, 1704, 1750, 1754, 1782, 1793,

- 1806, 1811, 1825, 1835, 1845, 1851, 1870, 1880, 1900, 1909, 1917, 1925, 1983,
2006, 2025, 2052, 2065, 2105, 2114, 2162, 2171, 2204, 2227, 2233, 2235, 2236,
2255, 2277, 2280, 2300, 2330, 2339, 2344, 2378, 2399, 2466, 2483, 2484, 2502,
2553, 2572, 2578, 2579, 2580, 2639, 2646, 2675, 2701, 2738, 2745, 2760, 2765,
2778, 2808, 2809, 2828, 2846, 2861, 2872, 2873, 2885, 2893, 2897, 2900
- Bills referred to committees—17, 43, 186, 399, 502, 567, 690, 839, 897, 1329, 1580
- Bills signed by—481, 871, 996, 1080, 1449, 1546, 1606, 1827, 1872, 2159, 2244-2245,
2297-2298, 2376, 2774, 2781-2782, 2939
- Committee appointments—1912
- Committees appointed by—3, 44, 1017, 1017-1018, 1029, 1105, 1374, 1790-1791, 2778,
2808, 2809, 2939, 3333
- Committee assignments—20, 40
- Conference committees appointed—17, 1169, 1449, 1695, 1696, 1773, 2045, 2088,
2243, 2244, 2365, 2483, 2566, 2590, 2900
- House Administration Committee appointment—2045
- Petitions presented—67
- Presentation of visitors—31, 141, 164, 218, 286, 309, 407, 431, 451, 554, 621
645, 672, 688, 730, 753, 876, 968, 1001, 1033, 1061, 1068, 1127-1128, 1151, 1179,
1230, 1253, 1259, 1277, 1314, 1322, 1333, 1348-1349, 1370-1371, 1377, 1386,
1387-1388, 1396, 1428-1429, 1435, 1458, 1466-1467, 1467, 1547-1548, 1584-1585,
1609, 1660, 1700-1701, 1776, 1828-1829, 1873-1874, 1913-1914, 2000-2001,
2049-2050, 2103, 2159-2160, 2245-2246, 2298, 2376-2377, 2462-2463, 2567-2568,
2776
- Remarks by—7-8, 2863-2865
- Resolutions offered—101-102, 1992
- Resolution referred to committee—1128
- Resolution relating to, HCR 101—3 adopted
- Rulings made—72, 80, 187, 188, 190, 224, 264, 291, 317, 362, 363, 364, 371, 376,
388, 390, 403, 425, 427, 437, 455, 456, 495, 549, 577, 587, 629, 722, 829, 841, 842,
868, 894, 895, 958, 979, 995, 1012, 1040, 1041, 1065, 1072, 1129, 1135, 1136, 1137,
1198, 1202, 1212, 1214, 1216, 1217, 1218, 1219, 1221, 1271, 1347, 1359, 1470,
1492, 1499, 1502, 1679, 1683, 1742, 1756, 1802, 1926, 2016, 2017, 2018, 2087,
2113, 2130, 2142, 2146, 2147, 2150, 2241, 2263, 2265, 2272, 2278, 2335, 2345,
2347, 2350, 2352, 2353, 2354, 2358, 2359, 2442, 2513, 2516, 2519, 2520, 2581,
2586, 2623, 2667, 2702, 2816, 2857, 2861, 2862, 2889, 2894, 2895
- Sifting committee appointed—1658-1659, 1696, 1912, 2000
- Official delegate to attend the funeral services of the Honorable Elmer Den Herder
—2778
- Presented to the House Miss Tammy Brown of Independence, 1978 Iowa Heart
Fund Princess—6
- Presented to the House, Representative Robert F. Bina—33
- Presented to the House Mrs. Anna Weems, Director of Equal Opportunity
Employment, Job Services of Iowa—562
- Presented to the House Richard E. Merritt, National Conference of State
Legislatures—854
- Presented House Page Holly Higgins—2105
- Presented House Page Janice Husak who presented a gift to Sally Blanton,
Supervisor of Pages—2404
- Tribute to the Honorable Elmer Den Herder—880-881
- Closing Remarks—2863-2865

Final adjournment, 1978 Regular Session of the Sixty-seventh General Assembly, SCR 152—2932-2935 adopted

Final adjournment—2939

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—J.R. 2002-2001, 2006, 2007, 2028, 2088, 2096, 2144, 2160, 2178
2203, 2253, 2259, 2312, 2328

Amendments filed—73, 178, 179, 199, 199-200, 204-205, 245, 274, 301, 354, 379,
394, 483, 484, 507, 535, 556, 583, 644, 671, 677-679, 728, 752, 790, 875, 941, 942,
999, 1005, 1006, 1060, 1070, 1071, 1083, 1232-1233, 1312, 1332, 1456, 1524, 1611,
1664, 1703, 1779, 1780, 1788, 1834, 1852-1853, 1877, 1878, 1879, 1906-1907, 1915,
1915-1916, 1916, 1984, 2104, 2134-2141, 2161, 2194-2195, 2196, 2225, 2252,
2524-2525, 2845-2846, 2885

Amendments offered—73, 199, 257, 436, 440, 602, 603, 680, 692, 1038, 1040
1041, 1070, 1232, 1317, 1788, 1852, 2130, 2132, 2147, 2149, 2194, 2196, 2237,
2239, 2477, 2478, 2501, 2550, 2845, 2885

Amendments withdrawn—691, 2197, 2239, 2240, 2898

Request that House File 2001 be withdrawn from Judiciary and Law
Enforcement Committee—1607

Resolutions offered—210, 1581-1582, 2643-2644

SPECIAL ACKNOWLEDGMENT—

Members of the House—2645

SPECIAL ORDER—

House Joint Resolution 9—268, 286

House File 187—636, 676

House File 2021—317, 367

House File 2074—153, 186

House File 2169—444-445, 567

Representative Elmer Den Herder honored—880-881

SPENCER, DON W.—Representative Clay-Dickinson-Emmett-Palo Alto Counties

Bills introduced—2001, 2007, 2016, 2050, 2063, 2087, 2089, 2096, 2145, 2160, 2197
2211, 2253, 2310

Amendments filed—103-104, 106, 178, 295, 355, 380, 481, 620, 763, 818, 959, 1065,
1456, 1457, 1769, 1780-1781, 2134-2141, 2252

Amendments offered—103, 387, 634, 763, 825, 959, 1478, 1497, 1759, 2134

Amendments withdrawn—436, 635

Committee appointments—2243

Petitions presented—302

Request that his name be added as a sponsor of House File 2001—136

Request that his name be added as a sponsor of amendment H-5214 to House File
356—481

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement
Committee—1607

Request that his name be added as a sponsor of House Resolution 121—1116

Resolutions offered—101-102, 210, 2643-2644

STATE APPEAL BOARD

(Maurice E. Baringer, Chairman)

Communications from, stating claims filed with—114-122, 123-132, 240-242, 1044-1045

Claims approved—123-132

Claims disapproved—114-122, 241-242, 1044-1045

STATE FAIR MASTER PLAN COMMITTEE—

Appointed—2939

STATE GOVERNMENT, COMMITTEE ON—

Appointed—20

Bills introduced—2018, 2033, 2057, 2074, 2099, 2135, 2244, 2294, 2390, 2416, 2418, 2422, 2426, 2433

Amendments filed—151, 394, 611-612, 612-613, 780-781, 781-787, 934, 1385, 1386, 1454, 1454-1455, 1525, 1703, 1779

Amendments offered—169, 497, 855, 1099, 1319, 1738, 2040, 2168, 2550

Amendments withdrawn—174, 1738

Reports—38-39, 62-63, 145, 150-151, 203, 233, 326-327, 353, 412, 448-449, 532, 611-613, 780-787, 933-935, 1025-1026, 1310, 1331, 1384-1386, 1453-1456, 1524, 1554-1555, 1701-1702, 1988-1991, 2001-2002

STATE OF THE STATE AND BUDGET MESSAGES—

Resolution relating to, HCR 101—3 adopted

Delivered by Governor Robert D. Ray—44-61

STEPHENS, LYLE R.—Representative Plymouth-Sioux Counties

Bills introduced—2001, 2007, 2096, 2121, 2153, 2191, 2241, 2376

Amendments filed—178-179, 334, 424-425, 942, 1457, 1780-1781, 1902, 2134-2141, 2253, 2524-2525, 2582-2586

Committee appointments—2809

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—733-734, 1581-1582, 2643-2644, 2809

Presented to the House, foreign exchange student Maggie Wazome from Kenya, Africa—1001

STROMER, DELWYN—Representative Cerro Gordo-Franklin-Hancock-Wright Counties, Assistant Minority Floor Leader

Bills introduced—2044, 2110, 2153, 2163, 2191, 2221, 2229, 2239, 2241, 2446

Amendments filed—178, 179, 216, 273, 354, 355, 394, 395, 449, 506, 507, 556, 557, 619, 620, 628-629, 653, 886, 999, 1065, 1191, 1200, 1215-1216, 1219-1220, 1247, 1263, 1427, 1456, 1537, 1593, 1611, 1780-1781, 1876, 1877, 1878, 1879, 1902, 1903, 2005, 2252, 2253, 2441-2442, 2582-2586

Amendments offered—402, 603, 628, 886, 1200, 1219, 1263, 1903

Amendments withdrawn—426, 1263, 1475, 1905

Committee appointments—1169, 1658-1659

Reports—811-812, 1410-1421

Resolutions offered—101-102, 493, 733-734, 898, 1581-1582, 2100-2101, 2280-2282, 2384, 2643-2644, 2771-2772

Presented to the House, rotary exchange student, Elizabeth Crawford from Perth, Western Australia—968

Presented to the House, foreign exchange student, Marijke Yntema from Workum, Netherlands—1085

STUDY BILL COMMITTEE ASSIGNMENTS—

Agriculture—27, 28, 318, 813, 1176, 1254, 1272, 1421

Budget—85, 269, 303-304, 350, 351, 377, 408, 482, 553, 637, 668,

872, 1147, 1176, 1254, 1483, 1701, 1913, 1994, 2223, 2245, 2377

Cities—137-138, 318, 445, 553, 668, 1147, 1272-1273, 1330, 1450, 1828

Commerce—390, 582, 583, 637, 777, 813, 930, 1176, 1224-1225, 1367

County Government—299, 583, 872, 997-998, 1019

Education—28, 29, 34, 176, 299, 300, 303, 304, 318, 390-391, 930-931, 1018, 1019, 1176, 1367-1368

Energy—176, 377, 390-391, 930-931, 1272, 1367

Human Resources—482, 552, 725, 846, 1330, 1828

Judiciary and Law Enforcement—137, 144, 201-202, 209-210, 224, 390, 445, 503, 552, 553, 668, 997, 1147, 1224-1225, 1254, 1660, 1828

Labor and Industrial Relations—637-638, 997-998, 1224-1225, 1608

Natural Resources—30, 61, 269, 270, 350-351, 415, 503, 552, 2461-2462

Sifting—1994-1995, 2461-2462

State Government—29, 30, 61, 84, 143, 176, 201, 201-202, 209, 482, 777, 1367, 1608

Transportation—30, 176, 445, 583, 607, 725, 813, 930, 1116, 1367-1368, 1828

Ways and Means—28, 34, 98, 113, 209, 299, 408, 637, 749, 1224, 1450, 1483, 1584, 1660, 1775

STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

Assignments—96-97, 157-158, 230-231, 324-325, 409, 530-531, 639, 779-780, 933, 1052, 1175, 1300, 1421, 1550, 1777

STUDY COMMITTEES—

(Also see Legislative Council)

House Concurrent Resolution 115—607-608, 779

House Concurrent Resolution 117—733-734, 1051

House Concurrent Resolution 118—961-962, 1702

House Concurrent Resolution 120—1481-1482

House Concurrent Resolution 121—1667-1668

House Concurrent Resolution 124—1987-1988

House Concurrent Resolution 126—2025-2026

House Concurrent Resolution 127—2026

House Concurrent Resolution 128—2027

House Concurrent Resolution 129—2027-2028

House Concurrent Resolution 131—2105-2106

House Concurrent Resolution 132—2256-2257

House Concurrent Resolution 133—2280-2282

House Concurrent Resolution 135—2378-2379

House Concurrent Resolution 136—2379-2380

House Concurrent Resolution 137—2380-2381

House Concurrent Resolution 140—2384

House Concurrent Resolution 141—2384-2385
 House Concurrent Resolution 144—2771-2772
 House Concurrent Resolution 145—2772
 House Concurrent Resolution 147—2773-2774
 House Resolution 148—2774
 Senate Concurrent Resolution 136—2746-2747, 2761-2767 adopted

SUBCOMMITTEE ASSIGNMENTS—

Assignments—89-96, 153-157, 224-230, 318-324, 408-409, 527-530,
 638-639, 777-779, 931-933, 1049-1052, 1174-1175, 1299, 1381, 1421, 1548-1550,
 1776-1777, 2776

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—J.R. 2002-2008, 2019, 2020, 2069, 2088, 2101, 2160, 2251,
 2253, 2320

Amendments filed—32, 40, 238, 354, 507, 535, 644, 861, 941-942, 1034,
 1036, 1083, 1203-1204, 1426, 1854-1855, 1876, 1878, 1879, 1902, 1915, 2096-2097,
 2114-2115, 2225, 2299, 2853

Amendments offered—370, 579, 682, 861, 1203, 1854, 2096, 2114, 2282,
 2853

Amendments withdrawn—369

Committee appointments—1374, 2365, 3334

Request that her name be added as a sponsor of amendment H-5219 to House File
 2021—377

Resolutions offered—101-102, 210, 1370, 1374, 2027, 2256-2257, 2280-2282,
 2643-2644, 2773-2774

TAUKE, THOMAS J.—Representative Dubuque County

Bills introduced—2001, 2002, 2070, 2108, 2142, 2153, 2163, 2187, 2191, 2193,
 2208, 2229, 2232, 2241, 2253, 2255, 2263, 2281, 2339, 2372, 2445

Amendments filed—105, 178, 186, 189-190, 245, 284-285, 290-291, 354, 801, 818, 941,
 998, 1132, 1209, 1247, 1365, 1457, 1524, 1538, 1539, 1540, 1555, 1556, 1611, 1703,
 1739-1740, 1780, 1799-1800, 1816, 1876, 1877, 1878, 1915, 2103, 2104, 2177-2178,
 2181, 2181-2182, 2183, 2253, 2329, 2524, 2570, 2588

Amendments offered—105, 189, 1209, 1539, 1540, 1679, 1739, 1748, 1799, 1816, 2181,
 2183

Amendments withdrawn—293, 2202

Petitions presented—791

Reports—898-930

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement
 Committee—1607

Resolutions offered—210, 279-280, 1581-1582, 1696-1699, 2280-2282, 2643-2644,
 2753-2756

THOMPSON, PATRICIA L.—Representative Polk County

Bills introduced—2001, 2007, 2028, 2029, 2069, 2072, 2077, 2087, 2088, 2121, 2168,
 2176, 2182, 2183, 2191, 2199, 2214, 2241, 2248, 2253, 2267, 2286, 2446

Amendments filed — 204, 205, 284-285, 290-291, 353, 354, 449, 557, 619, 751-752, 826, 1060, 1076, 1149-1150, 1190, 1332, 1611, 1702, 1779, 1876, 1877, 1878, 1879, 1902, 1921, 2252, 2253, 2329, 2524-2525, 2816-2817, 2823, 2845

Amendments offered — 826, 1076, 1673, 1979, 2029, 2845

Amendments withdrawn — 250, 1673

Committee appointments — 20

Petitions presented — 152, 218-219

Request that her name be added as a sponsor of House File 2028 — 136

Request that her name be added as a sponsor of House File 2001 — 136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee — 1607

Resolutions offered — 210, 733-734, 2027, 2256-2257, 2643-2644

TOFTE, SEMOR C. — Representative Fayette-Howard-Winneshiek Counties

Bills introduced — 2001, 2007, 2028, 2065, 2096, 2100, 2110, 2163, 2199, 2206, 2208, 2241, 2248, 2250, 2281, 2372, 2399

Amendments filed — 178, 284-285, 290-291, 557, 728, 738, 942, 949-952, 1780, 1780-1781, 1799-1800, 1878, 1902, 2004, 2134-2141, 2177-2178, 2252, 2253, 2298, 2524-2525, 2582-2586

Amendments offered — 738

Amendments withdrawn — 738

Committee appointments — 2243

Reports — 2431

Request that his name be added as a sponsor of House File 2028 — 136

Request that his name be added as a sponsor of House File 2001 — 136

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee — 1607

Resolutions offered — 210, 453, 1581-1582, 2105-2106, 2643-2644

Presented to the House the Honorable Jerome Gunderson, State Senator and Nils Gulbranson from Minnesota; and George Kjome, Decorah, Iowa — 1466

TRANSPORTATION, COMMITTEE ON —

Appointed — 20

Bills introduced — 2073, 2216, 2283, 2296, 2309, 2353, 2379, 2386, 2391

Amendments filed — 215, 331

Reports — 65, 87, 214-215, 330-331, 393, 505, 670-671, 727-728, 965, 1022-1023, 1274

Resolutions offered — 491-492

UNANIMOUS CONSENT —

House File 187 — 1399

House File 351 — 854

House File 362, H-5846 — 1328

House File 396 — 1105

House File 463 — 1004

House File 557 — 1091

House File 559 — 1170

House File 602 — 1032, 1596

House File 2053 — 2032

House File 2134 — 1319

House File 2160 — 1012

House File 2212 — 1278

House File 2245 sub. for House File 630—984
House File 2245—1012
House File 2273—1012
House File 2382—1278
House File 2423—1704
House File 2435—2032
House File 2436—1848
House File 2466—2641
House Concurrent Resolution 104—101
House Concurrent Resolution 123—2032
House Concurrent Resolution 146—2751
House Resolution 147—2751
Admission to House—1481
Bills withdrawn from Sifting—2643
Quorum Call—283
Senate File 376—1173
Senate File 2115—2045
Senate File 2124—877
Senate File 2137—1319
Senate File 2239—2541
Senate File 2268—2543
Senate Concurrent Resolution 102—101
Senate Concurrent Resolution 117—1278

UNANIMOUS CONSENT CALENDAR—

House Concurrent Resolution 106—297
House Concurrent Resolution 108—724
House Concurrent Resolution 114—636
House Concurrent Resolution 116—1018
House Resolution 101—201
House Resolution 104—407
House Resolution 105—376
House Resolution 106—415
House Resolution 107—552
House Resolution 108—872
House Resolution 110—1115
House Resolution 111—1115
House Resolution 112—2221
House Resolution 113—776
House Resolution 114—962-963
House Resolution 115—963
House Resolution 117—1329
House Resolution 118—1081
House Resolution 119—1081
House Resolution 120—1115
House Resolution 121—1116
House Resolution 122—1146
House Resolution 123—2221
House Resolution 124—1512
House Resolution 125—1224
House Resolution 127—1298

House Resolution 128—1298

House Resolution 129—1298

House Resolution 130—1827

House Resolution 131—1512

House Resolution 134—1608

House Resolution 137—1775

House Resolution 138—1827

House Resolution 139—1827

House Resolution 140—1872

House Resolution 141—1994

House Resolution 142—2049

House Resolution 144—2049

Removed from:

House Resolution 121—1128

House Resolution 133—1700

VARLEY, ANDREW—Representative Adair-Dallas-Guthrie Counties, Assistant Minority Floor Leader

Bills introduced—J.R. 2002 - 2001, 2083, 2153, 2183, 2205, 2226, 2241, 2376, 2446

Amendments filed—178, 284-285, 290-291, 353, 354, 380, 535, 547-548, 556, 575, 619, 677-679, 729, 998, 1026, 1034, 1036, 1065, 1247, 1426, 1427, 1780-1781, 1814, 1849-1851, 1876, 1877, 1878, 1902, 2096-2097, 2332, 2417-2418, 2419, 2437-2438, 2441-2442, 2465, 2552-2553

Amendments offered—546, 570-574, 984, 1206, 1464, 1811, 1814, 2471

Amendments withdrawn—989, 1206

Committee appointments—3, 2210, 2365, 2483, 2939

Petitions presented—180, 302

Reports—2565

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—733-734, 1667-1668, 2027, 2100-2101, 2384, 2643-2644, 2773-2774

Remarks in honor of the Honorable Elmer Den Herder—880-881

WALTER, CRAIG D.—Representative Pottawattamie County

Bills introduced—2010, 2031, 2049, 2060, 2083, 2088, 2129, 2160, 2253, 2376

Amendments filed—178-179, 189-190, 284-285, 290-291, 354, 380, 542-543, 557, 619, 620, 818, 852, 991-992, 998, 1321, 1369, 1386, 1780, 2104, 2160-2161, 2252, 2343, 2347, 2358, 2524, 2524-2525, 2582-2586, 2848-2851, 2889-2890

Amendments offered—858, 991, 2188, 2889

Amendments withdrawn—2898

Committee appointments—20

Reports—2297

Resolutions offered—101-102, 210, 586-587, 733-734, 1047-1048, 1581-1582, 1774, 2256-2257, 2382-2384, 2643-2644

WAYS AND MEANS, COMMITTEE ON—

Appointed—20

Bills introduced—2034, 2035, 2036, 2037, 2068, 2132, 2133, 2134, 2190, 2295, 2340, 2356, 2389, 2407, 2438, 2439

Amendments filed — 36, 146-147, 642-643, 788-789, 1382-1384, 1551-1552, 1552, 1702, 1834, 2247-2251

Amendments offered — 82, 312, 839, 1340, 1743, 1881, 1920, 1924, 2011, 2389, 2541

Reports — 36, 146-148, 159-160, 237-238, 328-329, 505-506, 642-643, 788-790, 941, 1082-1083, 1254-1255, 1311-1312, 1425-1426, 1550-1551, 1663-1664, 1778-1779, 2246-2251

Supplemental report — 1382

WEEKLY DEBATE CALENDAR

Requirements — 18

WELDEN, RICHARD W. — Representative Franklin-Hardin-Wright Counties

Bills introduced — 2001, 2096, 2183, 2191, 2206, 2241, 2248, 2287

Amendments filed — 178, 179, 205, 354, 394, 506-507, 535, 549, 556, 566, 575, 619, 738, 818, 852, 853, 888, 966, 1034, 1035, 1036, 1117, 1149, 1150, 1215-1216, 1228, 1235-1237, 1247, 1426, 1456, 1471, 1486, 1563, 1593, 1611, 1690, 1780, 1780-1781, 1834, 1876, 1877, 1878, 1903, 1907, 1915, 2004, 2040, 2050, 2051, 2104, 2161, 2179, 2225, 2252, 2419, 2441-2442, 2507-2508, 2539, 2570, 2582-2586

Amendments offered — 223, 465, 546, 549, 566, 604, 738, 1035, 1122, 1171, 1215, 1232, 1355, 1655, 1747, 1815, 1907, 2040, 2115, 2179, 2441, 2507, 2539

Amendments withdrawn — 1035, 1122, 1355

Committee appointments — 1695, 1912, 2045, 2244

Reports — 2220, 2374, 2748

Request that his name be added as a sponsor of House File 2001 — 136

Request that his name be added as a sponsor of House Concurrent Resolution 103 — 667

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee — 1607

Resolutions offered — 210, 733-734, 1581-1582, 2100-2101, 2643-2644

WELLS, JAMES D. — Representative Benton-Linn Counties

Bills introduced — 2001, 2087, 2088, 2096, 2110, 2129, 2160, 2163, 2195, 2240, 2314

Amendments filed — 178, 644, 941-942, 1060, 1065, 1555, 1690, 1702, 1780-1781, 2252, 2299, 2524-2525, 2582-2586

Amendments offered — 2469

Committee appointments — 1695, 2483

Petitions presented — 754, 1086, 1526

Reports — 7-8, 153, 281-282, 335-336, 398, 1146, 1253, 1482-1483, 1872-1873, 2221-2222, 2235, 2700, 2828-2829

Request that his name be added as a sponsor of House File 2001 — 136-137

Request that his name be added as a sponsor of House Concurrent Resolution 103 — 667

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee — 1607

Resolutions offered — 101-102, 210, 662, 1581-1582, 2027, 2027-2028, 2256-2257, 2643-2644, 2644-2645

Presentation of gifts — 2645-2646

WEST, JAMES C. — Representative Grundy-Hardin-Jasper-Marshall-Story Counties

Bills introduced — J.R. 2002 - 2001, 2051, 2065, 2083, 2096, 2101, 2157, 2183, 2184, 2191, 2206, 2214, 2238, 2239, 2240, 2241, 2248, 2253, 2255, 2286, 2376, 2399

Amendments filed—77-78, 83, 172, 173, 178, 284-285, 290-291, 354, 379-380, 557, 619, 728, 1194-1195, 1222, 1247, 1313, 1326, 1426, 1427, 1486, 1524, 1566, 1593, 1780, 1834, 1860-1863, 1863, 1876, 1877, 1878, 1879, 1902, 1903, 1916, 2004, 2004-2005, 2005, 2014-2016, 2051, 2096-2097, 2104, 2252-2253, 2253, 2299, 2309, 2399-2400, 2436, 2441-2442, 2524-2525, 2526-2527, 2569, 2582-2586, 2725, 2816-2817, 2823, 2842-2843, 2848-2851

Amendments offered—1194, 1320, 1743, 1746, 2014, 2309, 2399

Committee appointments—1912, 2365, 2590

Petitions presented—558, 820, 1458

Reports—2565

Request that his name be added as a sponsor of House File 2001—136-137

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 733-734, 1581-1582, 2027, 2027-2028, 2384-2385, 2590, 2643-2644

WOODS, JACK E.—Representative Polk-Warren Counties

Bills introduced—J.R. 2002 - 2001, 2082, 2087, 2088, 2096, 2100, 2129, 2160, 2215, 2221, 2253, 2376

Amendments filed—72-73, 171, 173, 178, 238, 273, 273-274, 354, 380, 542-543, 556, 583, 619, 620, 635-636, 644, 671, 751-752, 807, 852, 966, 999, 1026, 1149, 1503-1504, 1555, 1571, 1577, 1611, 1653-1654, 1780-1781, 2134-2141, 2160-2161, 2225, 2329, 2524-2525, 2570, 2582-2586, 2846-2847

Amendments offered—169, 171, 173, 183, 635, 681, 698, 1030, 1207, 1360, 1653, 1808

Amendments withdrawn—174, 684, 1269

Committee appointments—17, 1449

Reports—2559, 2698

Request that his name be added as a sponsor of House File 2001—136-137

Resolutions offered—210, 735-736, 1581-1582, 2256-2257, 2643-2644

WYCKOFF, RUSSELL L.—Representative Benton-Black Hawk-Buchanan-Linn-Tama Counties

Bills introduced—2001, 2007, 2047, 2065, 2083, 2087, 2096, 2160, 2163, 2195, 2200, 2221, 2376, 2412

Amendments filed—65, 134, 178-179, 217, 264, 274, 314, 379, 380, 395, 449, 457-458, 459, 473, 474, 479-480, 483, 506-507, 542-543, 549, 556, 566, 619, 620, 653, 684-685, 691, 722, 728, 751-752, 852, 966, 1026, 1065, 1072, 1078, 1083, 1222, 1247, 1258, 1269, 1313, 1426, 1486, 1524, 1525, 1593, 1703, 1767-1768, 1770, 1779, 1780, 1780-1781, 1786, 1815-1816, 1834, 1856, 1878, 1902, 1915, 1984-1985, 1985, 2004, 2050, 2051, 2104, 2134-2141, 2160, 2224, 2225, 2252, 2253-2254, 2298, 2329, 2465, 2490-2491, 2524-2525, 2569, 2570, 2725

Amendments offered—70, 286, 430, 432, 457, 458, 459, 542, 656, 684, 691, 722, 800, 1072, 1165, 1244, 1350, 1596, 1598, 1786, 1971, 1984, 2119, 2190, 2331, 2332, 2489, 2490, 2541

Amendments withdrawn—444, 469, 1078, 2489

Committee appointments—2045, 2483

Reports—2700

Request that his name be added as a sponsor of House File 2001—136

Request that his name be added as a sponsor of House Concurrent Resolution 103—667

Request that House File 2001 be withdrawn from Judiciary and Law Enforcement Committee—1607

Resolutions offered—101-102, 210, 493, 733-734, 1581-1582, 2105-2106, 2381-2382

Presented to the House the Honorable James G. Armstrong, former member of the House, and his wife—2245