

*State of Iowa*  
1980

# **JOURNAL OF THE HOUSE**

**1980**

**REGULAR SESSION  
SIXTY-EIGHTH  
GENERAL ASSEMBLY**

**Convened January 14, 1980  
Adjourned April 26, 1980**

**ROBERT D. RAY, Governor  
TERRY E. BRANSTAD, President of the Senate  
FLOYD H. MILLEN, Speaker of the House until March 3, 1980  
WILLIAM H. HARBOR, Speaker of the House from March 3, 1980**

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

SIXTY-EIGHTH GENERAL ASSEMBLY

1980 Regular Session

OFFICERS OF THE HOUSE

FLOYD H. MILLEN*, <i>Speaker of the House</i> .....	Farmington
WILLIAM H. HARBOR**, <i>Speaker of the House</i> .....	Henderson
DELWYN STRÖMER†, <i>Speaker Pro Tempore</i> .....	Garner
ROGER A. HALVORSON, <i>Majority Floor Leader</i> .....	Monona
JOHN H. CLARK, <i>Assistant Majority Floor Leader</i> .....	Keokuk
INGWER L. HANSEN, <i>Assistant Majority Floor Leader</i> .....	Hartley
PATRICIA L. THOMPSON, <i>Assistant Majority Floor Leader</i> .....	West Des Moines
DONALD D. AVENSON, <i>Minority Floor Leader</i> .....	Oelwein
ROBERT T. ANDERSON, <i>Assistant Minority Floor Leader</i> .....	Newton
GREGORY D. CUSACK, <i>Assistant Minority Floor Leader</i> .....	Davenport
NORMAN G. JESSE, <i>Assistant Minority Floor Leader</i> .....	Des Moines
PHILIP A. DAVITT, <i>Assistant Minority Floor Leader</i> .....	St. Charles
DAVID L. WRAY††, <i>Chief Clerk</i> .....	Des Moines
BRUCE GRAHAM, <i>Assistant Chief Clerk and Legal Counsel</i> .....	Indianola
ELIZABETH A. ISAACSON, <i>Journal Editor</i> .....	Des Moines
VIVIAN ANDERS, <i>Assistant Journal Editor</i> .....	Liberty Center
CAROL S. EDWARDS, <i>Compositor</i> .....	Des Moines
C. ELAINE SCHOONOVER, <i>Compositor</i> .....	Des Moines

\* Resigned March 3, 1980

\*\* Speaker Pro Tempore, elected Speaker March 3, 1980

† Elected Speaker Pro Tempore March 3, 1980

†† Resigned April 10, 1980

DOROTHY POTTHOFF, <i>Executive Secretary</i>	
<i>to Chief Clerk</i> .....	Des Moines
BILLIE J. WALLING, <i>Administrative Assistant</i> .....	Des Moines
DEBRA K. OLSON, <i>Assistant Finance Clerk</i> .....	Huxley
ALYCE M. ELMITT, <i>Recording Clerk</i> .....	West Des Moines
DEBRA G. WOZNIAK, <i>Assistant Legal Counsel</i> .....	Des Moines
M. MAXINE MANN, <i>Assistant to Legal Counsel</i>	
<i>and Engrossing/Enrolling Clerk</i> .....	Des Moines
PEG E. KEPHART, <i>Assistant to Legal Counsel</i>	
<i>and Engrossing/Enrolling Clerk</i> .....	Des Moines
COLLEEN DILLON, <i>Supervisor of Clerks</i> .....	Des Moines
IVADEL L. HUFF, <i>Clerk to Chief Clerk</i> .....	Des Moines
ANN A. McCARTY, <i>Supply Clerk</i> .....	Des Moines
JUANITA F. SWACKHAMMER, <i>Chief Indexer</i> .....	Des Moines
WILMA F. ZIKA, <i>Indexing Assistant</i> .....	Des Moines
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<i>Office Director</i> .....	Des Moines
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<i>to Public Information Office Director</i> .....	Des Moines
SUSAN BRUCKSHAW, <i>Clerk to Public Information Office</i> .....	Des Moines
DONALLE LA POINTE,	
<i>Swing Clerk to Public Information Office</i> .....	Altoona
MARYJO F. WELCH, <i>Administrative Assistant</i>	
<i>to Speaker</i> .....	Des Moines
JANET S. CLAYTON, <i>Executive Secretary</i>	
<i>to Speaker Millen</i> .....	Des Moines

JUDY HOOKER, <i>Executive Secretary</i>	
to Speaker Harbor .....	West Des Moines
HENRY D. HANSON, <i>Administrative Assistant</i>	
to Majority Floor Leader .....	West Des Moines
PAULA J. FELTNER, <i>Majority Caucus Director</i> .....	Des Moines
CATHY Y. AUWAERTER, <i>Clerk to Majority Caucus</i> .....	Des Moines
JOHN BOEHM, <i>Research Analyst</i> .....	Sigourney
RAND M. FISHER, <i>Research Analyst</i> .....	Des Moines
SANDRA L. GITHENS, <i>Research Analyst</i> .....	Des Moines
RONDA L. MENKE, <i>Research Analyst</i> .....	Perry
M. L. TRIGGS, <i>Research Analyst</i> .....	Laurens
BENJAMIN S. WEBB, <i>Research Analyst</i> .....	Prairie City
BARBARA WINTERS, <i>Research Analyst</i> .....	Des Moines
MARK BRANDSGARD, <i>Administrative Assistant</i>	
to Minority Floor Leader .....	Humboldt
JOSEPH J. O'HERN, <i>Minority Caucus Director</i> .....	Des Moines
KAY MARKELL, <i>Clerk to Minority Caucus</i> .....	Des Moines
MERLIE HOWELL, <i>Research Analyst</i> .....	Des Moines
BRADLEY KADING, <i>Research Analyst</i> .....	Des Moines
LINDA J. KING, <i>Research Analyst</i> .....	Des Moines
KRISTINE MEINHARD, <i>Research Analyst</i> .....	Newton
RICHARD NORLAND, <i>Research Analyst</i> .....	Des Moines
BEVERLY BAKER, <i>Switchboard Operator</i> .....	Des Moines
ROSEMARY MASSMAN, <i>Switchboard Operator</i> .....	Des Moines
PHYLLIS J. FRAIZER, <i>Bill Clerk</i> .....	Des Moines
MADELINE E. JAMES, <i>Assistant Bill Clerk</i> .....	Des Moines

OFFICERS OF THE HOUSE — Continued

MILDRED M. WEBER, <i>Postmaster</i> .....	Hartley
DONALD R. EMANUEL, <i>Sergeant-at-Arms</i> .....	Des Moines
FRANK L. CHRISTEN, <i>Assistant Sergeant-at-Arms</i> .....	Des Moines
GUSTOF W. ADAMSON, <i>Doorkeeper</i> .....	Des Moines
LUMAN W. BELL, <i>Doorkeeper</i> .....	Des Moines
CARMAN BREEDING, <i>Doorkeeper</i> .....	Altoona
GEORGE L. FALK, <i>Doorkeeper</i> .....	Des Moines
HAROLD L. MISSMAN, <i>Doorkeeper</i> .....	Des Moines
JOHN W. RUSSELL, <i>Doorkeeper</i> .....	Des Moines
EVELYN SEANEY, <i>Elevator Operator</i> .....	Des Moines

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

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

ROBERT D. RAY, <i>Governor</i> .....	Des Moines
TERRY E. BRANSTAD, <i>Lieutenant Governor</i> .....	Lake Mills
MELVIN D. SYNHORST, <i>Secretary of State</i> .....	Des Moines
RICHARD D. JOHNSON, <i>State Auditor</i> .....	Sheldahl
MAURICE E. BARINGER, <i>Treasurer of State</i> .....	West Des Moines
ROBERT H. LOUNSBERRY, <i>Secretary of Agriculture</i> .....	McCallsburg
THOMAS J. MILLER, <i>Attorney General</i> .....	McGregor

JUSTICES OF THE IOWA SUPREME COURT

W. W. REYNOLDSON, <i>Chief Justice</i> .....	Osceola
ROBERT G. ALLBEE, <i>Justice</i> .....	Des Moines
K. DAVID HARRIS, <i>Justice</i> .....	Jefferson
J. L. LARSON, <i>Justice</i> .....	Harlan
CLAY LeGRAND, <i>Justice</i> .....	LeClaire
MARK McCORMICK, <i>Justice</i> .....	Des Moines
ARTHUR A. McGIVERIN, <i>Justice</i> .....	Ottumwa
WARREN J. REES, <i>Justice</i> .....	Anamosa
HARVEY UHLENHOPP, <i>Justice</i> .....	Hampton

IOWA COURT OF APPEALS JUDGES

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

MEMBERS OF THE HOUSE — SIXTY-EIGHTH GENERAL ASSEMBLY  
1980 REGULAR SESSION

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**JAMES O. ANDERSON**

Address ..... Brayton  
Age ..... 51  
Occupation ..... Farmer  
Representative District ..... 56 — Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby  
Former Legislative Service ..... 68 (1st)

**ROBERT T. ANDERSON**

Address ..... Newton  
Age ..... 34  
Occupation ..... Teacher  
Representative District ..... 69 — Jasper, Marion, Polk, Warren  
Former Legislative Service ..... 66, 67, 67X, 68 (1st)

**ROBERT C. ARNOULD**

Address ..... Davenport  
Age ..... 26  
Occupation ..... Legislator  
Representative District ..... 82 + Scott  
Former Legislative Service ..... 67 (2nd), 67X, 68 (1st)

**DONALD D. AVENSON**

Address ..... Oelwein  
Age ..... 35  
Occupation ..... Tool & Die Maker  
Representative District ..... 15 — Fayette, Bremer, Chickasaw, Howard, Winneshiek  
Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**WAYNE BENNETT**

Address ..... Galva  
Age ..... 52  
Occupation ..... Farmer  
Representative District ..... 48 — Ida, Buena Vista, Carroll, Cherokee, Crawford, Sac  
Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**ROBERT F. BINA**

Address ..... Davenport  
Age ..... 40  
Occupation ..... Artist  
Representative District ..... 80 — Scott  
Former Legislative Service ..... 66, 67, 67X, 68 (1st)

**DONALD H. BINNEBOESE**

Address ..... Hinton  
Age ..... 55  
Occupation ..... Farmer  
Representative District ..... 49 — Plymouth, Cherokee, Woodbury  
Former Legislative Service ..... 66 (2nd)\*, 67, 67X, 68 (1st)

**DIANE BRANDT**

Address ..... Cedar Falls  
Age ..... 41  
Occupation ..... Legislator  
Representative District ..... 35 — Black Hawk  
Former Legislative Service ..... 66, 67, 67X, 68 (1st)

\* Elected in Special Election February 24, 1976.

**CLIFFORD BRANSTAD**

Address ..... Thompson  
 Age ..... 55  
 Occupation ..... Farmer  
 Representative District ..... 8 — Winnebago, Emmet, Hancock, Kossuth  
 Former Legislative Service ..... 68 (1st)

**CHARLES H. BRUNER**

Address ..... Ames  
 Age ..... 31  
 Occupation ..... Legislator  
 Representative District ..... 41 — Story  
 Former Legislative Service ..... 68 (1st)

**RICHARD L. BYERLY**

Address ..... Ankeny  
 Age ..... 41  
 Occupation ..... College Administrator  
 Representative District ..... 61 — Polk  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**NED F. CHIDO**

Address ..... Des Moines  
 Age ..... 37  
 Occupation ..... Golf Pro  
 Representative District ..... 67 — Polk  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**BETTY JEAN CLARK**

Address ..... Rockwell  
 Age ..... 59  
 Occupation ..... Homemaker  
 Representative District ..... 11 — Cerro Gordo  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**JOHN H. CLARK**

Address ..... Keokuk  
 Age ..... 33  
 Occupation ..... Stockbroker  
 Representative District ..... 86 — Lee, Henry  
 Former Legislative Service ..... 64, 65, 66, 67, 67X, 68 (1st)

**DALE M. COCHRAN**

Address ..... Eagle Grove  
 Age ..... 51  
 Occupation ..... Farmer, Businessman  
 Representative District ..... 45 — Webster, Humboldt  
 Former Legislative Service ..... 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**WALTER CONLON**

Address ..... Muscatine  
 Age ..... 32  
 Occupation ..... Attorney  
 Representative District ..... 76 — Muscatine, Scott  
 Former Legislative Service ..... 67, 67X, 68 (1st)



**MICHAEL W. CONNOLLY**

Address ..... Dubuque  
 Age ..... 34  
 Occupation ..... Teacher  
 Representative District ..... 20 — Dubuque  
 Former Legislative Service ..... 68 (1st)

**JOHN H. CONNORS**

Address ..... Des Moines  
 Age ..... 57  
 Occupation ..... Fire Captain, retired  
 Representative District ..... 64 — Polk  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**VIRGIL E. COREY**

Address ..... Morning Sun  
 Age ..... 63  
 Occupation ..... Farmer  
 Representative District ..... 83 — Louisa, Des Moines, Henry  
 Former Legislative Service ..... 68 (1st)

**FRANK CRABB**

Address ..... Denison  
 Age ..... 76  
 Occupation ..... Retired Business Executive  
 Representative District ..... 53 — Crawford, Harrison, Monona  
 Former Legislative Service ..... 63, 65, 66, 67, 67X, 68 (1st)

**REID W. CRAWFORD**

Address ..... Ames  
 Age ..... 28  
 Occupation ..... Student  
 Representative District ..... 42 — Story, Boone, Polk  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**GREGORY D. CUSACK**

Address ..... Davenport  
 Age ..... 36  
 Occupation ..... Community Organizer  
 Representative District ..... 81 — Scott  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**HORACE DAGGETT**

Address ..... Lenox  
 Age ..... 48  
 Occupation ..... Farmer  
 Representative District ..... 96 — Taylor, Adams, Montgomery, Page, Ringgold  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**ARLYN E. DANKER**

Address ..... Minden  
 Age ..... 52  
 Occupation ..... Farmer  
 Representative District ..... 54 — Pottawattamie, Harrison, Shelby  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

## REPRESENTATIVES—Continued

## PHILIP A. DAVITT

Address ..... St. Charles  
 Age ..... 48  
 Occupation ..... Farmer  
 Representative District ..... 58—Warren, Adair, Clarke, Dallas, Madison  
 Former Legislative Service ..... 67, 67X, 68 (1st)

## KENNETH DE GROOT

Address ..... Doon  
 Age ..... 50  
 Occupation ..... Farmer  
 Representative District ..... 1—Lyon, Sioux  
 Former Legislative Service ..... 68 (1st)

## WILLIAM W. (BILL) DIELEMAN

Address ..... Pella  
 Age ..... 48  
 Occupation ..... Life Insurance Underwriter  
 Representative District ..... 70—Marion, Jasper, Mahaska, Poweshiek  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

## MARVIN E. DIEMER

Address ..... Cedar Falls  
 Age ..... 55  
 Occupation ..... Public Accountant  
 Representative District ..... 36—Black Hawk  
 Former Legislative Service ..... 68 (1st)

## DONALD V. DOYLE

Address ..... Sioux City  
 Age ..... 54  
 Occupation ..... Lawyer  
 Representative District ..... 51—Woodbury  
 Former Legislative Service ..... 57, 58, 61, 63, 64, 65, 66, 67, 67X, 68 (1st)

## SONJA EGENES

Address ..... Story City  
 Age ..... 49  
 Occupation ..... Legislator, Homemaker  
 Representative District ..... 43—Story, Boone, Hamilton, Webster  
 Former Legislative Service ..... 64, 65, 66, 67, 67X, 68 (1st)

## DON GETTINGS

Address ..... Ottumwa  
 Age ..... 56  
 Occupation ..... Machine Repairman  
 Representative District ..... 90—Wapello, Appanoose, Davis  
 Former Legislative Service ..... 67 (2nd)\*, 67X, 68 (1st)

## RICHARD GROTH

Address ..... Albert City  
 Age ..... 33  
 Occupation ..... Educator  
 Representative District ..... 6—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas  
 Former Legislative Service ..... 68 (1st)

\* Elected in Special Election May 17, 1977.

REPRESENTATIVES

HURLEY W. HALL

Address ..... Marion
Age ..... 44
Occupation ..... Telephone Facility Clerk
Representative District ..... 29 - Linn
Former Legislative Service ..... 68 (1st)

ROD HALVORSON

Address ..... Fort Dodge
Age ..... 30
Occupation ..... Realtor
Representative District ..... 46 - Webster
Former Legislative Service ..... 68 (1st)

ROGER A. HALVORSON

Address ..... Monona
Age ..... 45
Occupation ..... Insurance Agent
Representative District ..... 17 - Clayton, Allamakee, Winneschick
Former Legislative Service ..... 66, 67, 67X, 68 (1st)

INGWER L. HANSEN

Address ..... Hartley
Age ..... 67
Occupation ..... Retired
Representative District ..... 3 - O'Brien, Clay, Dickinson, Lyon, Osceola, Sioux
Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

DARRELL R. HANSON

Address ..... Manchester
Age ..... 25
Occupation ..... Insurance Agent
Representative District ..... 18 - Delaware, Clayton, Dubuque, Fayette
Former Legislative Service ..... 68 (1st)

WILLIAM H. HARBOR

Address ..... Henderson
Age ..... 59
Occupation ..... Grain Elevator Owner-Operator
Representative District ..... 97 - Mills, Fremont, Montgomery, Page
Former Legislative Service ..... 56, 57, 58, 62, 63, 64, 67, 67X, 68 (1st)

DALE W. HIBBS

Address ..... Iowa City
Age ..... 39
Occupation ..... Teacher
Representative District ..... 74 - Johnson
Former Legislative Service ..... 68 (1st)

HERBERT C. HINKHOUSE

Address ..... West Branch
Age ..... 62
Occupation ..... Farmer
Representative District ..... 24 - Cedar, Clinton, Johnson, Scott
Former Legislative Service ..... 66, 67, 67X, 68 (1st)

## REPRESENTATIVES — Continued

**BETTY A. HOFFMANN**

Address ..... Muscatine  
 Age ..... 58  
 Occupation ..... Legislator  
 Representative District ..... 75 — Muscatine, Johnson, Louisa  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**LEE HOLT**

Address ..... Spencer  
 Age ..... 70  
 Occupation ..... Automobile Dealer  
 Representative District ..... 4 — Clay, Dickinson, Emmet, Palo Alto  
 Former Legislative Service ..... 68 (1st)

**WALLY E. HORN**

Address ..... Cedar Rapids  
 Age ..... 46  
 Occupation ..... Teacher  
 Representative District ..... 28 — Linn  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**ROLLIN K. HOWELL**

Address ..... Marble Rock  
 Age ..... 50  
 Occupation ..... Farmer  
 Representative District ..... 13 — Floyd, Cerro Gordo, Mitchell  
 Former Legislative Service ..... 65\*, 66, 67, 67X, 68 (1st)

**ARLO HULLINGER**

Address ..... Leon  
 Age ..... 58  
 Occupation ..... Farmer  
 Representative District ..... 94 — Decatur, Clarke, Madison, Ringgold, Union, Wayne  
 Former Legislative Service ..... 61, 62, 66, 67, 67X, 68 (1st)

**KYLE HUMMEL**

Address ..... Vinton  
 Age ..... 44  
 Occupation ..... Contractor-Realtor  
 Representative District ..... 31 — Benton, Black Hawk, Buchanan, Linn, Tama  
 Former Legislative Service ..... 68 (1st)

**EMIL J. HUSAK**

Address ..... Toledo  
 Age ..... 49  
 Occupation ..... Farmer  
 Representative District ..... 71 — Tama, Benton, Iowa, Poweshiek  
 Former Legislative Service ..... 64, 65, 66, 67, 67X, 68 (1st)

**DANIEL JAY**

Address ..... Moulton  
 Age ..... 25  
 Occupation ..... Law Student  
 Representative District ..... 93 — Appanoose, Clarke, Lucas, Monroe, Wayne  
 Former Legislative Service ..... 68 (1st)

\*Elected in Special Election March 27, 1973.

**NORMAN G. JESSE**

Address ..... Des Moines  
 Age ..... 42  
 Occupation ..... Attorney  
 Representative District ..... 62—Polk  
 Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68 (1st)

**THOMAS J. JOCHUM,**

Address ..... Dubuque  
 Age ..... 28  
 Occupation ..... Production Worker  
 Representative District ..... 19—Dubuque  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

**JAMES JOHNSON**

Address ..... Elma  
 Age ..... 40  
 Occupation ..... Businessman  
 Representative District ..... 14—Howard, Chickasaw, Floyd, Mitchell  
 Former Legislative Service ..... 68 (1st)

**ROBERT M. L. JOHNSON**

Address ..... Cedar Rapids  
 Age ..... 58  
 Occupation ..... Marketing Manager  
 Representative District ..... 26—Linn  
 Former Legislative Service ..... 68 (1st)

**WARREN JOHNSON**

Address ..... Sloan  
 Age ..... 57  
 Occupation ..... Farmer  
 Representative District ..... 52—Woodbury, Monona  
 Former Legislative Service ..... 68 (1st)

**LARRY KIRKENSLAGER**

Address ..... Burlington  
 Age ..... 35  
 Occupation ..... Electrician  
 Representative District ..... 84—Des Moines  
 Former Legislative Service ..... 68 (1st)

**LYLE R. KREWSON**

Address ..... Urbandale  
 Age ..... 36  
 Occupation ..... Self-employed, Legislator  
 Representative District ..... 59—Polk  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**RAY LAGESCHULTE**

Address ..... Waverly  
 Age ..... 57  
 Occupation ..... Farmer, Insurance Adjuster  
 Representative District ..... 37—Bremer, Black Hawk, Butler, Floyd  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

## REPRESENTATIVES—Continued

## SONJA LARSEN

Address ..... Ottumwa  
 Age ..... 38  
 Occupation ..... Real Estate Broker  
 Representative District ..... 89—Wapello, Mahaska, Monroe  
 Former Legislative Service ..... 68 (1st)

## THOMAS A. LIND

Address ..... Waterloo  
 Age ..... 61  
 Occupation ..... Teacher, Businessman  
 Representative District ..... 33—Black Hawk  
 Former Legislative Service ..... 67 (2nd), 67X, 68 (1st)

## JEAN LLOYD-JONES

Address ..... Iowa City  
 Age ..... 50  
 Occupation ..... Homemaker, Legislator  
 Representative District ..... 73—Johnson  
 Former Legislative Service ..... 68 (1st)

## JOYCE LONERGAN

Address ..... Boone  
 Age ..... 45  
 Occupation ..... Homemaker  
 Representative District ..... 44—Boone, Greene  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

## JAMES A. LORENZEN

Address ..... Davenport  
 Age ..... 25  
 Occupation ..... Sales Representative  
 Representative District ..... 79—Scott  
 Former Legislative Service ..... 68 (1st)

## MICK LURA

Address ..... Marshalltown  
 Age ..... 31  
 Occupation ..... Accountant  
 Representative District ..... 39—Marshall  
 Former Legislative Service ..... 68 (1st)

## RUHL MAULSBY

Address ..... Rockwell City  
 Age ..... 56  
 Occupation ..... Farmer  
 Representative District ..... 47—Calhoun, Carroll, Greene, Pocahontas, Sac  
 Former Legislative Service ..... 68 (1st)

## ANDY McKEAN

Address ..... Morley  
 Age ..... 30  
 Occupation ..... College Instructor, Square Dance Caller  
 Representative District ..... 23—Jones, Cedar, Clinton, Jackson  
 Former Legislative Service ..... 68 (1st)

**REPRESENTATIVES — Continued**

**LESTER D. MENKE**

Address ..... Calumet  
 Age ..... 61  
 Occupation ..... Farmer, Insurance  
 Representative District ..... 5 — O'Brien, Buena Vista, Cherokee, Clay, Plymouth  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**FLOYD H. MILLEN**

Address ..... Farmington  
 Age ..... 60  
 Occupation ..... Retired Businessman  
 Representative District ..... 87 — Van Buren, Henry, Jefferson, Keokuk, Lee, Wapello, Washington  
 Former Legislative Service ..... 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**KENNETH D. MILLER**

Address ..... Independence  
 Age ..... 54  
 Occupation ..... Owner Mobile Home Court  
 Representative District ..... 32 — Buchanan, Black Hawk  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**SUE MULLINS**

Address ..... Corwith  
 Age ..... 43  
 Occupation ..... Farmer  
 Representative District ..... 7 — Kossuth, Hancock, Humboldt, Palo Alto, Pocahontas  
 Former Legislative Service ..... 68 (1st)

**LOWELL E. NORLAND**

Address ..... Kensett  
 Age ..... 48  
 Occupation ..... Farmer  
 Representative District ..... 12 — Worth, Cerro Gordo  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**JAMES O'KANE**

Address ..... Sioux City  
 Age ..... 28  
 Occupation ..... Legal Assistant  
 Representative District ..... 50 — Woodbury  
 Former Legislative Service ..... 68 (1st)

**M. B. (MIKE) OXLEY**

Address ..... Marion  
 Age ..... 57  
 Occupation ..... Farmer  
 Representative District ..... 30 — Linn  
 Former Legislative Service ..... 61, 67, 67X, 68 (1st)

**JOHN E. PATCHETT**

Address ..... North Liberty  
 Age ..... 30  
 Occupation ..... Legislator, Law Student  
 Representative District ..... 25 — Johnson, Linn  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

REPRESENTATIVES -- Continued

EMIL S. PAVICH

Address ..... Council Bluffs  
 Age ..... 48  
 Occupation ..... Cereal Company Employee  
 Representative District ..... 99 -- Pottawattamie  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

WENDELL C. PELLETT

Address ..... Atlantic  
 Age ..... 62  
 Occupation ..... Farmer  
 Representative District ..... 95 -- Cass, Adair, Adams, Guthrie, Union  
 Former Legislative Service ..... 64, 65, 66, 67, 67X, 68 (1st)

JOHN PELTON

Address ..... Clinton  
 Age ..... 33  
 Occupation ..... Attorney  
 Representative District ..... 77 -- Clinton  
 Former Legislative Service ..... 67, 67X, 68 (1st)

CARROLL T. PERKINS

Address ..... Jefferson  
 Age ..... 53  
 Occupation ..... Agriculture  
 Representative District ..... 55 -- Greene, Audubon, Carroll, Crawford, Guthrie  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

VIRGINIA POFFENBERGER

Address ..... Perry  
 Age ..... 45  
 Occupation ..... Lawyer  
 Representative District ..... 57 -- Dallas, Adair, Guthrie  
 Former Legislative Service ..... 68 (1st)

LAWRENCE POPE

Address ..... Des Moines  
 Age ..... 39  
 Occupation ..... Attorney  
 Representative District ..... 65 -- Polk  
 Former Legislative Service ..... 68 (1st)

STEPHEN J. RAPP

Address ..... Waterloo  
 Age ..... 30  
 Occupation ..... Attorney  
 Representative District ..... 34 -- Black Hawk  
 Former Legislative Service ..... 65, 68 (1st)

ROBERT H. RENKEN

Address ..... Aplington  
 Age ..... 58  
 Occupation ..... Farmer  
 Representative District ..... 38 -- Grundy, Black Hawk, Butler, Franklin, Marshall, Tama  
 Former Legislative Service ..... None



**DOUG RITSEMA**

Address ..... Orange City  
 Age ..... 27  
 Occupation ..... Lawyer  
 Representative District ..... 2 — Sioux, Plymouth  
 Former Legislative Service ..... 68 (1st)

**HUGO SCHNEKLOTH**

Address ..... Eldridge  
 Age ..... 56  
 Occupation ..... Farmer  
 Representative District ..... 78 — Scott, Clinton  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**LAVERNE W. SCHROEDER**

Address ..... McClelland  
 Age ..... 46  
 Occupation ..... Farmer  
 Representative District ..... 98 — Pottawattamie, Mills  
 Former Legislative Service ..... 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**RICHARD SHERZAN**

Address ..... Altoona  
 Age ..... 33  
 Occupation ..... Teacher  
 Representative District ..... 63 — Polk  
 Former Legislative Service ..... 68 (1st)

**NANCY J. SHIMANEK**

Address ..... Monticello  
 Age ..... 32  
 Occupation ..... Lawyer  
 Representative District ..... 22 — Jones, Delaware, Dubuque, Jackson  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**DOUGLAS SHULL**

Address ..... Indianola  
 Age ..... 36  
 Occupation ..... Accountant C.P.A.  
 Representative District ..... 92 — Warren, Lucas, Marion  
 Former Legislative Service ..... 68 (1st)

**DOUGLAS R. SMALLEY**

Address ..... Des Moines  
 Age ..... 33  
 Occupation ..... Attorney  
 Representative District ..... 60 — Polk  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**CLAY SPEAR**

Address ..... Burlington  
 Age ..... 63  
 Occupation ..... Retired Postal Service  
 Representative District ..... 85 — Lee, Des Moines  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

REPRESENTATIVES — Continued

**DELWYN STROMER**

Address ..... Garner  
 Age ..... 49  
 Occupation ..... Farmer, Legislator  
 Representative District ..... 9 — Hancock, Cerro Gordo, Franklin, Wright  
 Former Legislative Service ..... 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**GEORGE R. SWEARINGEN**

Address ..... Sigourney  
 Age ..... 56  
 Occupation ..... Assistant Manager Grain Elevator  
 Representative District ..... 88 — Keokuk, Washington  
 Former Legislative Service ..... 68 (1st)

**PATRICIA L. THOMPSON**

Address ..... West Des Moines  
 Age ..... 52  
 Occupation ..... Banker (Part-time)  
 Representative District ..... 66 — Polk  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**SEMOR C. TOFTE**

Address ..... Decorah  
 Age ..... 68  
 Occupation ..... Legislator  
 Representative District ..... 16 — Winneshiek, Fayette, Howard  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**PHILLIP E. TYRRELL**

Address ..... North English  
 Age ..... 47  
 Occupation ..... Self-employed — Insurance  
 Representative District ..... 72 — Iowa, Benton, Johnson, Keokuk, Poweshiek  
 Former Legislative Service ..... 68 (1st)

**HAROLD VAN MAANEN**

Address ..... Oskaloosa  
 Age ..... 50  
 Occupation ..... Farmer  
 Representative District ..... 91 — Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek  
 Former Legislative Service ..... 68 (1st)

**CRAIG D. WALTER**

Address ..... Council Bluffs  
 Age ..... 30  
 Occupation ..... Self-employed  
 Representative District ..... 100 — Pottawattamie  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

**RICHARD W. WELDEN**

Address ..... Iowa Falls  
 Age ..... 71  
 Occupation ..... Retired Contractor  
 Representative District ..... 10 — Hardin, Franklin, Wright  
 Former Legislative Service ..... 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**JAMES D. WELLS**

Address ..... Cedar Rapids  
 Age ..... 51  
 Occupation ..... Cereal Company Employee  
 Representative District ..... 27 — Linn, Benton  
 Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68 (1st)

**JOSEPH WELSH**

Address ..... Dubuque  
 Age ..... 24  
 Occupation ..... Deputy Sheriff  
 Representative District ..... 21 — Dubuque, Jackson  
 Former Legislative Service ..... 68 (1st)

**JAMES C. WEST**

Address ..... State Center  
 Age ..... 47  
 Occupation ..... Retailer (Furniture)  
 Representative District ..... 40 — Marshall, Grundy, Hardin, Jasper, Story  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**JACK E. WOODS**

Address ..... Des Moines  
 Age ..... 43  
 Occupation ..... Owhar Music Company  
 Representative District ..... 68 — Polk, Warren  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

xx MEMBERS OF THE SENATE — SIXTY — EIGHTH GENERAL ASSEMBLY  
1980 REGULAR SESSION

**GARY L. BAUGHER**

Address ..... Ankeny  
Age ..... 37  
Occupation ..... Mobile Home Park Owner  
Senatorial District ..... 31 — Polk  
Former Legislative Service ..... None

**IRVIN L. BERGMAN**

Address ..... Harris  
Age ..... 68  
Occupation ..... Farmer, Businessman  
Senatorial District ..... 2 — Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux  
Former Legislative Service ..... 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**STEPHEN W. BIENIUS**

Address ..... Cascade  
Age ..... 32  
Occupation ..... Realtor  
Senatorial District ..... 11 — Dubuque, Delaware, Jackson, Jones  
Former Legislative Service ..... 67, 67X, 68 (1st)

**JAMES E. BRILES**

Address ..... Corning  
Age ..... 53  
Occupation ..... Auctioneer, Real Estate  
Senatorial District ..... 48 — Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union  
Former Legislative Service ..... 56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**JOE BROWN**

Address ..... Montezuma  
Age ..... 28  
Occupation ..... High School Government and Economics Teacher  
Senatorial District ..... 35 — Poweshiek, Jasper, Mahaska, Marion, Polk, Warren  
Former Legislative Service ..... 68 (1st)

**JAMES CALHOON**

Address ..... Sioux City  
Age ..... 31  
Occupation ..... Meat Cutter  
Senatorial District ..... 26 — Woodbury, Monona  
Former Legislative Service ..... 67, 67X, 68 (1st)

**CLARENCE CARNEY**

Address ..... Sioux City  
Age ..... 54  
Occupation ..... Utility Executive  
Senatorial District ..... 25 — Woodbury, Cherokee, Plymouth  
Former Legislative Service ..... 68 (1st)

**ROBERT M. CARR**

Address ..... Dubuque  
Age ..... 42  
Occupation ..... Securities Broker  
Senatorial District ..... 10 — Dubuque  
Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**C. JOSEPH COLEMAN**

Address ..... Clare  
 Age ..... 56  
 Occupation ..... Farmer, Businessman  
 Senatorial District ..... 23 — Webster, Humboldt  
 Former Legislative Service ..... 57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**RICHARD COMITO**

Address ..... Waterloo  
 Age ..... 40  
 Occupation ..... Businessman, Pharmacist  
 Senatorial District ..... 17 — Black Hawk  
 Former Legislative Service ..... 68 (1st)

**ROLF V. CRAFT**

Address ..... Decorah  
 Age ..... 42  
 Occupation ..... Farmer, Teacher  
 Senatorial District ..... 8 — Bremer, Chickasaw, Fayette, Howard, Winneshiek  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**LUCAS J. DeKOSTER**

Address ..... Hull  
 Age ..... 61  
 Occupation ..... Lawyer  
 Senatorial District ..... 1 — Sioux, Lyon, Plymouth  
 Former Legislative Service ..... 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**PATRICK J. DELUHERY**

Address ..... Davenport  
 Age ..... 37  
 Occupation ..... College Teacher  
 Senatorial District ..... 41 — Scott  
 Former Legislative Service ..... 68 (1st)

**RICHARD F. DRAKE**

Address ..... Muscatine  
 Age ..... 52  
 Occupation ..... General Farming  
 Senatorial District ..... 38 — Muscatine, Johnson, Louisa, Scott  
 Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68 (1st)

**JAMES V. GALLAGHER**

Address ..... Jesup  
 Age ..... 46  
 Occupation ..... Telephone Company  
 Senatorial District ..... 16 — Black Hawk, Benton, Buchanan, Linn, Tama  
 Former Legislative Service ..... 61, 62, 65, 66, 67, 67X, 68 (1st)

**JULIA B. GENTLEMAN**

Address ..... Des Moines  
 Age ..... 48  
 Occupation ..... Housewife  
 Senatorial District ..... 33 — Polk  
 Former Legislative Service ..... 66, 67, 67X, 68 (1st)

SENATORS — Continued

**NORMAN J. GOODWIN**

Address ..... DeWitt  
 Age ..... 66  
 Occupation ..... Retired County Extension Director  
 Senatorial District ..... 39 — Clinton, Scott  
 Former Legislative Service ..... 68 (1st)

**ARTHUR L. GRATIAS**

Address ..... Nora Springs  
 Age ..... 59  
 Occupation ..... Farmer, Educator  
 Senatorial District ..... 7 — Floyd, Cerro Gordo, Chickasaw, Howard, Mitchell  
 Former Legislative Service ..... 68 (1st)

**W. R. (BILL) HANSEN**

Address ..... Cedar Falls  
 Age ..... 48  
 Occupation ..... Insurance and Real Estate Consultant  
 Senatorial District ..... 18 — Black Hawk  
 Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68 (1st)

**JACK W. HESTER**

Address ..... Honey Creek  
 Age ..... 50  
 Occupation ..... Farmer  
 Senatorial District ..... 27 — Pottawattamie, Crawford, Harrison, Monona, Shelby  
 Former Legislative Service ..... 68 (1st)

**EDGAR H. HOLDEN**

Address ..... Davenport  
 Age ..... 65  
 Occupation ..... Entrepreneur  
 Senatorial District ..... 40 — Scott  
 Former Legislative Service ..... 62, 63, 64, 65, 67 (2nd), 68 (1st)

**MERLIN D. HULSE**

Address ..... Clarence  
 Age ..... 56  
 Occupation ..... Farmer  
 Senatorial District ..... 12 — Cedar, Clinton, Jackson, Johnson, Jones, Scott  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**CALVIN O. HULTMAN**

Address ..... Red Oak  
 Age ..... 38  
 Occupation ..... Businessman  
 Senatorial District ..... 49 — Montgomery, Fremont, Mills, Page, Pottawattamie  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**C. W. (BILL) HUTCHINS**

Address ..... Guthrie Center  
 Age ..... 48  
 Occupation ..... Businessman  
 Senatorial District ..... 28 — Guthrie, Audubon, Carroll, Cass, Crawford, Greene, Shelby  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**JOHN W. JENSEN**

Address ..... Plainfield  
 Age ..... 53  
 Occupation ..... Farmer  
 Senatorial District ..... 19—Bremer, Black Hawk, Butler, Floyd, Franklin, Grundy, Marshall, Tama  
 Former Legislative Service ..... 68 (1st)

**LOWELL L. JUNKINS**

Address ..... Montrose  
 Age ..... 35  
 Occupation ..... Ambulance Service Owner Operator; Farmer  
 Senatorial District ..... 43—Lee, Des Moines, Henry  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**GEORGE R. KINLEY**

Address ..... Des Moines  
 Age ..... 42  
 Occupation ..... Owner Driving Range and Golf Sales  
 Senatorial District ..... 34—Polk, Warren  
 Former Legislative Service ..... 64, 65, 66, 67, 67X, 68 (1st)

**A. R. (BUD) KUDART**

Address ..... Cedar Rapids  
 Age ..... 49  
 Occupation ..... Lawyer  
 Senatorial District ..... 13—Linn, Johnson  
 Former Legislative Service ..... 68 (1st)

**ALVIN V. MILLER**

Address ..... Ventura  
 Age ..... 58  
 Occupation ..... Retail Merchant, Insurance Agency  
 Senatorial District ..... 6—Cerro Gordo, Worth  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**CHARLES P. MILLER**

Address ..... Burlington  
 Age ..... 61  
 Occupation ..... Doctor of Chiropractic  
 Senatorial District ..... 42—Des Moines, Henry, Louisa  
 Former Legislative Service ..... 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**ELIZABETH R. MILLER**

Address ..... Marshalltown  
 Age ..... 74  
 Occupation ..... Homemaker  
 Senatorial District ..... 20—Marshall, Grundy, Hardin, Jasper, Story  
 Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68 (1st)

**JOHN S. MURRAY**

Address ..... Ames  
 Age ..... 40  
 Occupation ..... Lawyer  
 Senatorial District ..... 21—Story, Boone, Polk  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

## SENATORS — Continued

## JOHN N. NYSTROM

Address ..... Boone  
 Age ..... 46  
 Occupation ..... President, Auto Dealership  
 Senatorial District ..... 22 — Boone, Greene, Hamilton, Story, Webster  
 Former Legislative Service ..... 64, 65, 66, 67, 67X, 68 (1st)

## JOANN ORR

Address ..... Grinnell  
 Age ..... 56  
 Occupation ..... Legislator  
 Senatorial District ..... 36 — Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama  
 Former Legislative Service ..... 63 (2nd)\*, 65, 66, 67, 67X, 68 (1st)

## WILLIAM D. PALMER

Address ..... Des Moines  
 Age ..... 44  
 Occupation ..... Insurance Executive  
 Senatorial District ..... 32 — Polk  
 Former Legislative Service ..... 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

## BERL E. PRIEBE

Address ..... Algona  
 Age ..... 61  
 Occupation ..... Farmer, Businessman  
 Senatorial District ..... 4 — Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago  
 Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68 (1st)

## RICHARD R. RAMSEY

Address ..... Osceola  
 Age ..... 39  
 Occupation ..... Lawyer  
 Senatorial District ..... 47 — Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

## DAVID M. READINGER

Address ..... Des Moines  
 Age ..... 43  
 Occupation ..... Sales  
 Senatorial District ..... 30 — Polk  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

## CLOYD E. ROBINSON

Address ..... Cedar Rapids  
 Age ..... 41  
 Occupation ..... Production Line Operator  
 Senatorial District ..... 14 — Linn, Benton  
 Former Legislative Service ..... 64, 65, 66, 67, 67X, 68 (1st)

## NORMAN G. RODGERS

Address ..... Adel  
 Age ..... 52  
 Occupation ..... Farmer, Businessman  
 Senatorial District ..... 29 — Dallas, Adair, Clarke, Guthrie, Madison, Warren  
 Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68 (1st)

\*Elected during interim to fill vacancy.



**BOB RUSH**

Address ..... Cedar Rapids  
 Age ..... 35  
 Occupation ..... Attorney  
 Senatorial District ..... 15 -- Linn  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**FORREST V. SCHWENGELS**

Address ..... Fairfield  
 Age ..... 64  
 Occupation ..... Real Estate Salesman  
 Senatorial District ..... 44 -- Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**JOHN R. SCOTT**

Address ..... Pocahontas  
 Age ..... 35  
 Occupation ..... Farmer, Lawyer  
 Senatorial District ..... 24 -- Pocahontas, Buena Vista, Calhoun, Carroll, Cherokee, Crawford, Greene, Ida, Sac  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**TOM SLATER**

Address ..... Council Bluffs  
 Age ..... 34  
 Occupation ..... Public Relations Firm  
 Senatorial District ..... 50 -- Pottawattamie  
 Former Legislative Service ..... 67, 67X, 68 (1st)

**ARTHUR A. SMALL, JR.**

Address ..... Iowa City  
 Age ..... 46  
 Occupation ..... Businessman  
 Senatorial District ..... 37 -- Johnson  
 Former Legislative Service ..... 64, 65, 66, 67, 67X, 68 (1st)

**RAY TAYLOR**

Address ..... Steamboat Rock  
 Age ..... 56  
 Occupation ..... Farming, Business  
 Senatorial District ..... 5 -- Hardin, Cerro Gordo, Franklin, Hancock, Wright  
 Former Legislative Service ..... 65, 66, 67, 67X, 68 (1st)

**DALE L. TIEDEN**

Address ..... Elkader  
 Age ..... 37  
 Occupation ..... Farmer and Office work  
 Senatorial District ..... 9 -- Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek  
 Former Legislative Service ..... 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

**BASS VAN GILST**

Address ..... Oskaloosa  
 Age ..... 68  
 Occupation ..... Farming  
 Senatorial District ..... 46 -- Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren  
 Former Legislative Service ..... 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

SENATORS — Continued

ARNE WALDSTEIN

Address ..... Storm Lake  
 Age ..... 54  
 Occupation ..... Professional Farm Manager and Rural Appraiser  
 Senatorial District ..... 3 — Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas  
 Former Legislative Service ..... 68 (1st)

SUE YENGER

Address ..... Ottumwa  
 Age ..... 41  
 Occupation ..... Legislator, Homemaker  
 Senatorial District ..... 45 — Wapello, Appanoose, Davis, Mahaska, Monroe  
 Former Legislative Service ..... 68 (1st)

# JOURNAL OF THE HOUSE

First Calendar Day – First Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 14, 1980

Pursuant to chapter two (2), section two point one (2.1), Code 1979, the House of Representatives of the Sixty-eighth General Assembly of Iowa, 1980 Regular Session, convened at 10:00 a.m., Monday, January 14, 1980.

The House was called to order by the Honorable Floyd H. Millen, Speaker of the House.

Prayer was offered by the Reverend Leonard F. Sjogren, associate pastor of the Indianola First United Methodist Church, Indianola.

## FLAG PRESENTATION

The Speaker presented to the House Master Sergeant Elwood Mayberry of the Fort Dodge Air National Guard Non Commissioned Officer Academy Graduate Association. Sergeant Mayberry gave a short history of the Queen Anne, Grand Union, Betsy Ross, Star Spangled Banner, State and the United States Flags. The flags were presented by Senior Master Sergeant Arland Wiese, Master Sergeant Billy McVicker, Master Sergeant John Ertl, Master Sergeant Richard Dreiholz, Master Sergeant Zeb Mosley and Technical Sergeant Mike Littzen.

The House pledged allegiance to the flag.

The Journal of Friday, May 11, 1979, was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Axel Lund, Marshalltown.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for the week of January 14 on request of Bina of Scott;  
Jochum of Dubuque on request of Avenson of Fayette.

## REPORT OF THE COMMITTEE ON CREDENTIALS

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

### CERTIFICATION

STATE OF IOWA  
Office of  
THE SECRETARY OF STATE

To the Honorable, Speaker of the House:

I, MELVIN D. SYNHORST, Secretary of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on November 6, 1979, Robert H. Renken was elected to fill the office of State Representative for the thirty-eighth district, to fill a vacancy in the two year term which began on January 1, 1979.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 13th day of November, 1979.

MELVIN D. SYNHORST, Secretary of State

WAYNE BENNETT, Chair  
ARLYN E. DANKER  
RICHARD W. WELDEN  
DALE M. COCHRAN  
JOHN H. CONNORS

Bennett of Ida moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

The following oath of office was administered to Representative-elect Renken on January 9, 1980 by the Chief Clerk.

**OATH OF OFFICE**

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

**ROBERT H. RENKEN**

I do certify that the above oath of office was administered on January 9, 1980 at the State Capitol.

**FLOYD H. MILLEN**

I do certify that the above oath of office was administered on January 9, 1980 at the State Capitol.

**WILLIAM H. HARBOR**

Bennett of Ida moved that a committee of two be appointed to escort Representative Robert H. Renken to his legislative seat.

The motion prevailed and the Speaker appointed as such committee Bennett of Ida and Connors of Polk.

**COMMITTEE TO NOTIFY THE GOVERNOR**

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

The motion prevailed and the following committee was appointed: Daggett of Taylor, Chair; Lloyd-Jones of Johnson and Lura of Marshall.

**COMMITTEE TO NOTIFY THE SENATE**

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

The motion prevailed and the following committee was appointed: Shimanek of Jones, Chair; Johnson of Howard and Byerly of Polk.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Halvorson of Clayton asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 101 as follows and moved its adoption:

### HOUSE CONCURRENT RESOLUTION 101

By Halvorson of Clayton

- 1 *Be It Resolved by the House of Representatives,*
- 2 *The Senate Concurring,* That a joint convention of the
- 3 two houses of the 1980 session of the sixty-eighth
- 4 general assembly be held on Tuesday, January 15, 1980,
- 5 at 10:00 a.m.; and
- 6 *Be It Further Resolved,* That Governor Robert D. Ray
- 7 be invited to deliver his condition of the state message
- 8 at this joint convention of the two houses of the general
- 9 assembly and that the Speaker of the House of Representatives
- 10 and the President of the Senate be designated to deliver the
- 11 invitation to him.

The motion prevailed and the resolution was adopted.

### EMPLOYEES OF THE HOUSE

Thompson of Polk moved that the following persons be appointed to complete the House staff of officers and employees:

Bruce J. Graham — Assistant Chief Clerk and Legal Counsel  
 Debra G. Wozniak — Assistant Legal Counsel  
 Henry D. Hanson — Leader's Administrative Assistant  
 N. John Boehm — Research Analyst  
 Cathy Y. Auwaerter — Clerk/Caucus Staff  
 Dorothy Potthoff — Executive Secretary to Chief Clerk  
 Ivadel L. Huff — Clerk to Chief Clerk  
 Laura S. Zahn — Assistant to Public Information Office Director  
 George L. Falk — Doorkeeper  
 Jeffrey L. Abbas — Page  
 Marcia A. Bachman — Page  
 M. M'el Christensen — Page  
 Amy G. Christiansen — Page  
 Julie A. Cruse — Page  
 William J. Danker — Page  
 Kristen E. Dieleman — Page  
 Mary M. Droste — Page  
 Kristin S. Dyer — Page  
 Rhonda A. Fye — Page  
 Kristin S. Goodwin — Speaker's Page  
 Julie L. Hasler — Page

- Sherry L. Johnson — Page
- Chris B. Keleher — Page
- Soren K. Lundsgaard — Page
- Jane E. Perkins — Page
- Roger A. Raymie — Page
- Cynthia M. Rhoads — Chief Clerk's Page
- Joan I. Roorda — Page
- Allison J. Sanders — Page
- Loyalty Rae Triplett — Page

GROUP II

- Kay L. Anderson — Page
- Robin K. Berning — Page
- Terry S. Betz — Page
- Sheila Jo Beving — Page
- Lisa Brown — Page
- Anne L. Duncan — Page
- Mark A. Edler — Page
- Jonathan D. Goon — Page
- Anita A. Grimm — Page
- Vivian F. Haarsma — Page
- Cecilia M. Ham — Page
- Sereana L. Howard — Page
- Kathleen A. Howell — Page
- Gary S. Huston — Page
- Laurie C. Jordan — Page
- Maureen A. Kennedy — Page
- Catherine M. Kubik — Page
- Mary C. Schupp — Page
- Holly Spencer — Page
- Matthew P. Thomas — Page
- Sharon A. Wacker — Page

The motion prevailed.

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

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

Name	Round Trip Miles
Robert H. Renken .....	204

Respectfully submitted,  
 WALTER CONLON  
 BETTY A. HOFFMANN  
 ROLLIN K. HOWELL

On motion by Conlon of Muscatine, the report was adopted.

### COMMITTEE FROM THE SENATE

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

### REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

### REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

### REMARKS BY THE SPEAKER

Speaker Millen addressed the House as follows:

My comments to you this morning will be brief as I know we all want to get this second session underway.

I would like to welcome all the newcomers to our Chamber — the newly elected Representative from House District 38, Robert H. Renken, our Pages and other new House employees; and say "Welcome back" to everyone else.

Since we adjourned last May, there have been two special sessions held in the House Chamber — the Student Model Session when over 150 Iowa high school students participated as representatives, staff, media personnel and lobbyists, and the Older Iowans' Legislature. Some of you were present for these sessions but for those of you who were not, the interests of these two widely separated age groups closely assimilate the concerns we have.

For example, the students introduced bills relating to such things as a study of Iowa's coal resources; both sides of the issue concerning nuclear power plants in Iowa;



minimum competency testing for high school graduation and to pass from one grade to another at the elementary and secondary levels; allowing some discretion for snow days; the long truck controversy (they favored allowing them on some of our highways); increasing the age of moped operators and requiring a course of instruction; ownership of land by nonresident aliens; young farmer loans; abortion; the right to die with dignity; both sides of the mandatory deposit law; and a limitation on state taxes with regard to inflation.

The older Iowans introduced bills relating to a temporary exemption on residential improvements; property tax deferrals to encourage the disabled and low income elderly to remain in their own homes; assistance to the elderly in meeting their heating expenses; and informal probate of estates. The major concern of the older Iowans was contained in their Bill #27, "A bill for an act to provide for medical assistance which includes eyeglasses, dentures, hearing aids, and other orthopedic and prosthetic devices for persons sixty (60) years of age and older not covered by Title XX of the Social Security Act."

As you can see, both ends of the spectrum of Iowa's population are interested in good legislation for all ages and we, who span the years encompassed by these two age groups, are and must be cognizant of their needs and desires, while taking into consideration the ability of Iowa's treasury to provide the necessary dollars.

As to our work since last May, our legislative interim committees studied, among other matters, the income tax issue, property taxes, energy availability, trucks and K-12 curriculum; all areas of interest very closely attuned to those of the students and older Iowans. From just a few of the prefilled bills, I find that members of the House of Representatives are interested in additional property tax relief for the elderly and disabled; the right to die; abortion; requiring instruction permits for the operation of motorcycles and motorized bicycles; and repeal of the mandatory deposit law. Again, ideas put forth by the students and older Iowans.

Last year the majority of us supported the income tax indexing bill in order to assist Iowans in the area of inflation and I am sure that most of us still support this issue. However, we must remember that we now will not have taxflation money to work with so it will be extremely important for everyone to look even more carefully at the instigation or expansion of any and all programs so Iowa's taxpayers get the most for their money. All of us must resist the temptation to push our pet project if we find the money is not there.

Our treasury might be assisted through recommendations found in the Governor's Economy Committee Report, a study conducted by private citizens through funding of private industry. It is our intention to carefully examine this report and enact as many of the recommendations as feasibly possible this session. As to the report itself, I'm sure when you have had an opportunity to study it, you will greatly appreciate the time and effort involved in its compilation.

We have many problems facing us this year, problems that will span partisan politics, rural-urban splits and age differences — problems that are before us today and others which will surface as we work our way through this session — problems that can only be surmounted by our working together as a cohesive unit.

We completed most of our work expeditiously last year, let us learn from that example and continue our job this year with that aura of cooperation and determination.

## REMARKS BY THE MINORITY LEADER

Avenson of Fayette addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House:

I'd like to welcome all of you back for this second session of the Sixty-eighth General Assembly. I hope that all of you have had a successful and rewarding interim.

Last year at this time, I pledged the assistance of the minority party in addressing certain areas of immediate concern to Iowans — declining enrollment, taxation, equal rights and elderly problems. Today, many of these problems remain. During the legislative interim, House Democrats held dozens of task force meetings throughout the state to seek the opinion and advice of Iowans on many of these important issues. We heard the concerns of hundreds of Iowans about the elderly, utility rates, property taxes, railroads, transportation problems and preservation of our natural resources. As a result, our task forces have formulated specific recommendations for legislative action in these areas. We expect that the majority party will recognize the time and thought put into this effort and give our recommendations the consideration they deserve.

We hope to see action on a number of issues which the people of Iowa are demanding and which cannot be ignored, issues such as soil conservation, loans for young farmers, energy incentives, increased elderly services so they can remain in their own homes, land use, government reorganization, credits for renters, railroad assistance, utility rate reform and commercial property taxation.

The year 1980 brings with it a difficult financial situation. Last year the Legislature increased state spending by over 13%, resulting in severe fiscal constraints this year. We want to assure that the dollars still available to us will be used to aid all Iowans, rather than providing advantage for narrow special interests.

And we intend to assure that one of our task force recommendations — income tax indexing — will not be jeopardized by imprudent fiscal decisions.

I pledge the responsible cooperation of the minority party in fulfilling our obligations to the people of Iowa, the type of cooperation which was so evident at the close of the 1979 session. But we will continue to offer alternatives to the solutions which the majority party proposes and will continue to serve as a responsible minority.

While we will not use obstructionists tactics to deliberately delay adjournment, we will not sacrifice our priorities in a stampede to end the session.

We have the responsibility of ushering in a new decade for the state of Iowa. Whether this decade is viewed in the future with pride or shame depends to a great extent upon what we accomplish in the next few months. I know that by working together we can plan a promising future for the state of Iowa.

## REMARKS BY THE MAJORITY LEADER

Halvorson of Clayton addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House:

A little over a year ago, we assembled here in the House chamber — full of desire and expectations — to begin the first session of the Sixty-eighth General Assembly. We had 31 new members; 26 of whom were in the new majority party caucus. Since that time, Cooper Evans has resigned to run for Congress, and we have elected from the 38th District a fine replacement in Robert H. Renken to join us 99 "Veteran" legislators for this the second session of the Sixty-eighth General Assembly.

Reference has already been made, and I reiterate, that last session — like every legislative session before it — was a special interests session. We dealt with the special interest of farmers with 100% productivity — permanent AG land corporate and alien ownership limits, inheritance tax, special interest of the elderly with eldercare, elderly tax credit and mandatory retirement, special interest of cities with urban revitalization and hotel and motel tax revisions, special interest of the home with domestic abuse, guardianship, juvenile justice, certificate of need, foster children and foster parents.

We also dealt with special interests of consumers with higher interest rates on utility refunds, share drafts, solar access, and alternate energy sources.

There were the special interests of home owners with homestead credits and limits on residential property values.

We dealt with the special interest of the environment with the hazardous waste management bill.

There was the special interest of schools with the new declining enrollment school aid formula, special interest for new jobs with incentives for property tax exemptions, industrial training funds, unemployment compensation revisions and industrial development loans.

We also dealt with the special interests for taxpayers with the balance the budget resolution, property tax limits, income tax changes with credits and deductions and indexing of our personal income taxes.

So we combined your special interests, with my special interests, and the special interests of farmers, the elderly, cities, the home, consumers, homeowners, the environment, schools, industry and labor, and the taxpayers — and we had a good session — and adjourned on time!

And now, what's ahead of us for the second session? First, we need to finish what we began last year with the solar rights access bill, inheritance taxes, reapportionment, usury, and incentives for new jobs and new industry to settle in Iowa. Transportation is a key to our economy, and we need to look at longer and heavier trucks with increased license fees, mass transit, gasohol, and our railroad branch lines. We have ignored the problem we have with soil conservation for far too long; most Iowa

farmland has already lost over 40% of its original organic matter. Sixty percent of our Iowa cropland is inadequately protected against soil erosion. We need to begin a long range program to better protect our #1 asset — the time is right! Energy — we need to be aggressive with weatherization and conservation issues, solar, tax incentives, and energy efficient buildings. Taxes — we should make our temporary indexing law permanent and begin this week to make some badly needed changes in the property tax law. We plan to begin this work Thursday. We should put the House on a budget — and we can do that this week too!

The Governor's Economy Committee — we should look at all the 102 legislative suggestions; cutting, consolidating and saving wherever we can.

And finally our fiscal plans. We need to remember that we made the decision last year to budget on a biennial basis. Apparently, not all of the departments of government heard that message. Original departmental askings for supplementals for 1980 and 1981 totaled 148 million dollars. We have some obligations for supplementals for fiscal year 1980 in energy price increases and other emergencies. Remember throughout deliberations that we appropriated for 1981 last year. We need to weigh our spending decisions carefully — spending not one gram more than we absolutely need to.

These items and more will encompass our 1980 session. It will be an important year. It's an election year. But more than anything else, let it be a year that we can look back on "in our older days" and reflect that we began on time and ended on schedule, we cooperated and worked together, we made great accomplishments, and we set the tone and directions for the eighties!!!

Welcome back — and have a good session.

## INTRODUCTION OF BILLS

**House Joint Resolution 2001**, by Hibbs, a joint resolution proposing an amendment to the Constitution of the state of Iowa to provide a limit on the terms a person may be elected to the senate and house of representatives.

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

**House Joint Resolution 2002**, by Hibbs, a joint resolution proposing an amendment to the Constitution of the state of Iowa to limit the number of terms of the governor and lieutenant governor.

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

**House Joint Resolution 2003**, by Spear and Brandt, a joint resolution proposing an amendment to the Constitution of the state of Iowa relating to dueling.

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

**House Joint Resolution 2004**, by Spear and Brandt, a joint resolution proposing an amendment to the Constitution of the State of Iowa to repeal Article eleven (XI), section one (1), relating to the jurisdiction of justices of the peace.

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

**House File 2001**, by Brandt, Thompson, Clark of Cerro Gordo, Norland, Krewson, Poffenberger, Larsen and Mullins, a bill for an act relating to the additional property tax relief for the elderly and disabled.

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

**House File 2002**, by Corey, a bill for an act relating to the meetings and agendas of governmental bodies under chapter twenty-eight A (28A) of the Code.

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

**House File 2003**, by Menke, a bill for an act to restrict the operation of motor boats by persons less than sixteen years of age.

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

**House File 2004**, by Menke, a bill for an act to repeal statutory provisions providing for inspection of jails by the clerks of the district court and county attorneys.

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

**House File 2005**, by Swearingen, a bill for an act requiring an agency conducting a hearing for vacating and closing a road to send notice of allowed damages to affected property owners and utilities.

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

**House File 2006**, by Swearingen, a bill for an act relating to antique slot machines.

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

**House File 2007**, by Tyrrell, a bill for an act to amend the civil rights law by allowing the governor to remove the director of the civil rights commission for cause, requiring the complainant to post bond, and repealing a rule of construction.

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

**House File 2008**, by Tyrrell, a bill for an act to require witness signatures on fish and game licenses.

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

**House File 2009**, by Tyrrell, a bill for an act increasing the penalties for feticide, attempted feticide and terminating a human pregnancy by an unlicensed person.

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

**House File 2010**, by Tyrrell, a bill for an act relating to uses for certain moneys placed in the schoolhouse fund.

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

**House File 2011**, by Tyrrell, a bill for an act to require establishments that sell meat imported from a foreign country for off the premise consumption to label the package or container "Imported Meat" and to require establishments that sell or distribute imported meat to post a sign to notify the purchaser that the meat may be imported from a foreign country.

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

**House File 2012**, by Groth, a bill for an act relating to speech and hearing diagnostic services for nonpublic school pupils.

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

**House File 2013**, by Groth, a bill for an act allowing an exemption from property taxation for alcohol fuel production property.

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

**House File 2014**, by Stromer, a bill for an act to provide that a homestead credit may be filed and claimed in only one county in the state.

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

**House File 2015**, by Clark of Cerro Gordo, Krewson, Hoffmann and Connors, a bill for an act to permit a terminally ill adult to direct the withholding of life-sustaining procedures and providing a penalty.

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

**House File 2016**, by Clark of Cerro Gordo, a bill for an act relating to retirement benefits paid under the Iowa public employees' retirement system.

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

**House File 2017**, by Clark of Cerro Gordo, a bill for an act to require an accident report to include the name of the insurance company of the driver of a vehicle involved in an accident and to provide that this information shall be disclosed to the insurance company of, the attorney for, or the person involved in the accident.

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

**House File 2018**, by Shimanek, a bill for an act relating to the modification of a marriage dissolution decree.

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

**House File 2019**, by Kirkenlager, a bill for an act relating to the payment of collective bargaining fees by employees who are not members of a labor union, organization or association which represents their collective bargaining unit and subjecting violators to a penalty.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2020**, by Kirkenslager, a bill for an act relating to the contributions of members and employers for the Iowa public employees' retirement system.

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

**House File 2021**, by Kirkenslager, a bill for an act relating to the operation of motorcycles and motorized bicycles by providing for the issuance of an instruction permit for the operation of a motorcycle and requiring instruction courses on the operation of motorcycles and motorized bicycles.

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

**House File 2022**, by Hibbs, a bill for an act relating to reports of communicable disease.

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

**House File 2023**, by Hibbs, a bill for an act providing an exemption from the state sales and fuel tax on motor and special fuel used for transporting students under a contract with a school district.

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

**House File 2024**, by Hibbs, a bill for an act providing that the possession of fireworks may be a simple misdemeanor.

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

**House File 2025**, by Hibbs, a bill for an act permitting placement of pets in health care facilities, subject to reasonable rules.

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

**House File 2026**, by Hibbs, a bill for an act relating to the disposition of conviction and disposition data to criminal justice agencies.

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

**House File 2027**, by Hibbs, a bill for an act to allow school personnel and their spouses to be eligible for election to the school board.



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

**House File 2028**, by Poffenberger, a bill for an act authorizing a taxpayer to income average in determining the taxpayer's individual income tax liability for the tax year.

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

**House File 2029**, by Poffenberger, a bill for an act to require annual reporting by certain nonprofit organizations and providing penalties.

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

**House File 2030**, by Hoffmann and Ritsema, a bill for an act repealing the motorized bicycle license and classifying mopeds as motorcycles.

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

**House File 2031**, by Bruner and Rapp, a bill for an act creating the division of consumer advocacy in the office of the attorney general and prescribing its powers and duties.

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

**House File 2032**, by Clark of Cerro Gordo, a bill for an act to allow the governor to accept offers made by the United States to retrocede property to the state.

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

**House File 2033**, by Shimanek, a bill for an act increasing the reimbursement to jurors and witnesses of mileage expenses from fifteen to eighteen cents per mile.

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

**House File 2034**, by Spear, a bill for an act relating to involvement by board members in matters affecting the termination of a teacher's contract.

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

**House File 2035**, by Spear, a bill for an act relating to the use of bodily restraints in taking a child into custody.

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

**House File 2036**, by Spear, a bill for an act providing that law enforcement records concerning children fourteen years of age or older alleged to have committed a delinquent act shall be open to the public.

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

**House File 2037**, by Johnson of Woodbury, a bill for an act to increase the minimum cost of repairs to public lands and buildings for which bid procedures are required.

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

**House File 2038**, by Johnson of Woodbury, a bill for an act providing for the reversion of ownership of unused burial sites which are under the control of political subdivisions, including those acquired or conveyed prior to the effective date of this Act.

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

**House File 2039**, by Lind, a bill for an act relating to the provision of certain guidance, counseling or informational services to minors by public schools.

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

**House File 2040**, by Lind, a bill for an act to expressly include marijuana as one of the influencing agents for violations of section three hundred twenty-one point two hundred eighty-one (321.281) of the Code.

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

**House File 2041**, by Lind, a bill for an act providing that law enforcement records concerning children alleged to have committed a delinquent act shall be open to the public.

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

**House File 2042**, by Hanson of Delaware, Avenson, Halvorson of Clayton, Tofte, Shimanek and Welsh, a bill for an act to authorize the state conservation commission to regulate dealers in American ginseng.

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

**House File 2043**, by Lind, a bill for an act relating to the labeling of safety-closure drug containers.

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

**House File 2044**, by Lind, a bill for an act relating to scheduled traffic violations and information required to appear on uniform citation and complaint forms.

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

**House File 2045**, by Lind, a bill for an act to establish authority of the boards of directors of area education agencies over busing of nonpublic school pupils.

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

**House File 2046**, by Johnson of Howard, a bill for an act prohibiting nudity in public places and providing a penalty.

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

**House File 2047**, by Shimanek, a bill for an act relating to the update of certain statutes of limitations relating to the title to real property.

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

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 14, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, providing for a joint convention on Tuesday, January 15, 1980, and that Governor Ray be invited to deliver his condition of the state message.

FRANK J. STORK, Secretary

### HOUSE CONCURRENT RESOLUTION 102

By Kirkenslager

1     *Whereas*, the state of Iowa has not designated a  
 2 state fish; and  
 3     *Whereas*, there is a fish that is abundant in Iowa  
 4 inhabiting the border rivers and interior waters of  
 5 this state; and  
 6     *Whereas*, this fish is an excellent game fish fight-  
 7 ing stubbornly and providing great recreation and  
 8 sport for Iowa anglers; and  
 9     *Whereas*, this fish is also distinguished as a fine  
 10 eating fish, a delicacy, known for its delicious and  
 11 light taste; and  
 12     *Whereas*, this fish, appropriately as a native Iowa  
 13 fish, can be corn-fed for commercial production; *Now*  
 14 *Therefore*,  
 15     *Be It Resolved by the House of Representatives, the*  
 16 *Senate Concurring*, That the channel catfish (*Ictalurus*  
 17 *punctatus*) is designated as the official state fish  
 18 of Iowa.

Laid over under Rule 30.

### REFERRED TO COMMITTEES

The Speaker announced that the following bills, previously passed on file, are hereby referred to the following committees:

S.F. 292	Judiciary and Law Enforcement
S.F. 358	State Government
S.F. 435	Cities

The Speaker announced that **House Concurrent Resolution 10** laid over under Rule 30, was referred to the committee on **county government**.

#### HOUSE AND SENATE FILES RETURNED TO COMMITTEES

Under the provisions of House Rule 50, the following House and Senate files are returned to the following committees:

H.F. 235	State Government
H.F. 663	Human Resources
H.F. 681	Cities
H.F. 727	Judiciary and Law Enforcement
H.F. 731	Commerce
H.F. 732	Cities
H.F. 739	Ways and Means
H.F. 747	Ways and Means
H.F. 759	Ways and Means
S.F. 114	Human Resources
S.F. 121	Natural Resources
S.F. 172	Education
S.F. 230	Judiciary and Law Enforcement
S.F. 235	Judiciary and Law Enforcement
S.F. 247	Education
S.F. 264	State Government
S.F. 278	Transportation
S.F. 286	Commerce

S.F. 314	County Government
S.F. 423	Judiciary and Law Enforcement
S.F. 426	Judiciary and Law Enforcement
S.F. 432	Human Resources
S.F. 436	Natural Resources
S.F. 437	Judiciary and Law Enforcement

### CONFERENCE COMMITTEE APPOINTMENTS (Senate File 344)

The Speaker announced the following appointments to the conference committee concerning Senate File 344:

Hullinger of Decatur replacing Rapp of Black Hawk, effective July 6, 1979.

Hanson of Delaware replacing McKean of Jones, effective August 9, 1979.

Poffenberger of Dallas, Chair, replacing Evans of Grundy, effective October 10, 1979.

### COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

Anderson, James O.	Regulatory and Finance Appropriations Subcommittee, Chair
De Groot, Kenneth	Energy, Vice-chair
Johnson, Warren	Regulatory and Finance Appropriations Subcommittee, Vice-chair
Pelton, John	Energy, Chair
Renken, Robert H.	Commerce Energy Ways and Means Regulatory and Finance Appropriations Subcommittee

Shull, Doug

Appropriations

Stromer, Delwyn

Appropriations, Vice-chair

**APPOINTMENTS**

Speaker Millen announced the following appointments:

**COMMISSION ON THE AGING**  
(Section 249B.1)

Gregory D. Cusack ..... Term ending June 30, 1983

**COLLEGE AID COMMISSION**  
(Section 261.1)

Patricia L. Thompson ..... Term ending June 30, 1983

**COMMISSION ON COMPENSATION, EXPENSES AND SALARIES FOR  
ELECTED STATE OFFICIALS**  
(Section 2A 1-5)

Arnold Lindeen ..... Term ending June 30, 1984

**COUNTY HOME RULE**  
(Chapter 171, Sixty-eighth General Assembly)

Donald H. Binneboese ... Term ending upon completion of report to General Assembly.

Clifford Branstad ..... Term ending upon completion of report to General Assembly.

Arlyn E. Danker ..... Term ending upon completion of report to General Assembly.

**EDUCATION COMMISSION OF THE STATES**  
(Section 272B.2)

Richard Groth ..... Term ending June 30, 1983

**ENERGY POLICY COUNCIL**  
(Section 93.2)

Virginia Poffenberger ..... Pleasure of Speaker

STATE FAIR COMPREHENSIVE MASTER PLAN  
(Chapter 1009, Sixty-seventh General Assembly)

Lester D. Menke ..... Pleasure of Speaker

ADVISORY INVESTMENT BOARD OF IOWA PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM  
(Section 97B.8)

Douglas Shull ..... Term ending June 30, 1981

MEDICAL ASSISTANCE ADVISORY COUNCIL  
(Section 249A.4)

Charles H. Bruner ..... Term ending June 30, 1981

Andrew McKean ..... Term ending June 30, 1981

COMMISSION ON PROFESSIONAL AND OCCUPATIONAL REGULATION  
(Chapter 41, Sixty-eighth General Assembly)

Ingwer L. Hansen ..... Term ending June 30, 1983

James O'Kane ..... Term ending June 30, 1983

TITLE XX STATEWIDE ADVISORY COMMITTEE  
(Administrative Rules - Section 770, Chapter 131)

Wayne Bennett ..... Pleasure of Speaker

Betty Jean Clark ..... Pleasure of Speaker

LEGISLATIVE ENVIRONMENTAL ADVISORY GROUP (LEAG)  
(By Majority and Minority Leaders)

Kyle Hummel ..... Term ending upon completion of duties.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 5, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classifications, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:



Position	Name	Grade and Step	Class of Appointment	Eff. Date
Chief Clerk	David L. Wray	\$26,858.00	Annually	06/22/79
Assistant Chief Clerk and Legal Counsel	Bruce J. Graham	33-2	P-FT	10/01/79
Assistant Legal Counsel	Debra G. Wozniak	23-1	I-FT	01/07/80
Assistant to the Legal Counsel and Enrolling Clerk	M. Maxine Mann	21-7	P-FT	12/07/79
Executive Secretary to Chief Clerk	Dorothy Potthoff	23-3	P-FT	12/26/79
Caucus Staff Director	Paula J. Feltner	33-4	P-FT	10/26/79
Research Analyst	M. L. Triggs	25-4	P-FT	08/31/79
Research Analyst	Ronda Lou Menke	25-2	P-FT	12/07/79
Research Analyst	Rand M. Fisher	25-2	P-FT	12/07/79
Research Analyst	Benjamin S. Webb	25-2	P-FT	12/21/79
Research Analyst	N. John Boehm	24-1	P-FT	09/04/79
Clerk to Caucus Staff Leader's	Cathy Y. Auwaerter	15-2	P-FT	09/04/79
Administrative Assistant	Henry D. Hanson	27-1	P-FT	12/07/79
Leader's Administrative Assistant	Maryjo F. Welch	27-7	P-FT	05/11/79
Research Analyst	Bradley Kading	25-2	P-FT	06/22/79
Research Analyst	Merlie Howell	25-2	P-FT	06/08/79
Clerk to Caucus Staff	N. Kay Markell	13-6	P-FT	07/06/79
Assistant Journal Editor	Vivian Anders	19-4	P-FT	08/17/79
Compositor	C. Elaine Schoonover	17-2	P-FT	12/21/79
Leader's Administrative Assistant	Billie J. Walling	26-7	P-FT	12/07/79
Assistant Finance Clerk	Debra K. Olson	17-6	P-FT	09/28/79
Assistant to Public Information Office Director	Laura S. Zahn	18-2	P-FT	12/21/79
Clerk to Chief Clerk	Ivadel L. Huff	15-1	I-FT	12/18/79
Doorkeeper	George L. Falk	9-1	I-FT	01/07/80
Aide to Public Information Office	Jacquelyn G. Nichols	\$3.10	P-P.T	01/80
Indexing Assistant	Wilma Zika	16-4	I-FT	09/28/79
Speaker's Page	Kristin S. Goodwin	\$3.10	I-FT	01/14/80

per hour

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Chief Clerk's Page	Cynthia M. Rhoads	\$3.10 per hour	I-FT	01/14/80
Page	Jeffrey L. Abbas	\$3.10 per hour	I-FT	01/14/80
Page	Marcia A. Bachman	\$3.10 per hour	I-FT	01/14/80
Page	M. M'el Christensen	\$3.10 per hour	I-FT	01/14/80
Page	Amy G. Christiansen	\$3.10 per hour	I-FT	01/14/80
Page	Julie A. Cruse	\$3.10 per hour	I-FT	01/14/80
Page	William J. Danker	\$3.10 per hour	I-FT	01/14/80
Page	Kristen F. Dieleman	\$3.10 per hour	I-FT	01/14/80
Page	Mary M. Droste	\$3.10 per hour	I-FT	01/14/80
Page	Kristin S. Dyer	\$3.10 per hour	I-FT	01/14/80
Page	Rhonda A. Fye	\$3.10 per hour	I-FT	01/14/80
Page	Julie L. Hasler	\$3.10 per hour	I-FT	01/14/80
Page	Sherry L. Johnson	\$3.10 per hour	I-FT	01/14/80
Page	Chris B. Keleher	\$3.10 per hour	I-FT	01/14/80
Page	Soren K. Lundsgaard	\$3.10 per hour	I-FT	01/14/80
Page	Jane E. Perkins	\$3.10 per hour	I-FT	01/14/80
Page	Roger A. Raymie	\$3.10 per hour	I-FT	01/14/80
Page	Cynthia M. Roorda	\$3.10 per hour	I-FT	01/14/80
Page	Allison J. Sanders	\$3.10 per hour	I-FT	01/14/80
Page	Loyalty Rae Triplett	\$3.10 per hour	I-FT	01/14/80
	GROUP II			
Page	Kay L. Anderson	\$3.10 per hour	I-FT	03/03/80
Page	Robin K. Berning	\$3.10 per hour	I-FT	03/03/80
Page	Terry S. Betz	\$3.10 per hour	I-FT	03/03/80
Page	Sheila Jo Beving	\$3.10 per hour	I-FT	03/03/80

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Page	Lisa Brown	\$3.10 per hour	I-FT	03/03/80
Page	Anne L. Duncan	\$3.10 per hour	I-FT	03/03/80
Page	Mark A. Edler	\$3.10 per hour	I-FT	03/03/80
Page	Jonathan D. Goon	\$3.10 per hour	I-FT	03/03/80
Page	Anita A. Grimm	\$3.10 per hour	I-FT	03/03/80
Page	Vivian F. Haarsma	\$3.10 per hour	I-FT	03/03/80
Page	Cecilia M. Ham	\$3.10 per hour	I-FT	03/03/80
Page	Sereana L. Howard	\$3.10 per hour	I-FT	03/03/80
Page	Kathleen A. Howell	\$3.10 per hour	I-FT	03/03/80
Page	Gary S. Huston	\$3.10 per hour	I-FT	03/03/80
Page	Laurie C. Jordan	\$3.10 per hour	I-FT	03/03/80
Page	Maureen A. Kennedy	\$3.10 per hour	I-FT	03/03/80
Page	Catherine M. Kubik	\$3.10 per hour	I-FT	03/03/80
Page	Mary C. Schupp	\$3.10 per hour	I-FT	03/03/80
Page	Holly Spencer	\$3.10 per hour	I-FT	03/03/80
Page	Matthew P. Thomas	\$3.10 per hour	I-FT	03/03/80
Page	Sharon A. Wacker	\$3.10 per hour	I-FT	03/03/80
House Clerk	Julie A. Anderson	15-6 to 15-7	I-FT	02/29/80
House Clerk	Kathleen A. Beckman	15-2	I-FT	01/14/80
House Clerk	Alice G. Bolten	13-5	I-FT	01/14/80
House Clerk	Dorothy J. Breeding	15-2 to 15-3	I-FT	04/25/80
House Clerk	Mary Jean Clay	15-2 to 15-3	I-FT	02/01/80
House Clerk	Carol J. Crowfoot	15-5 to 15-6	I-FT	02/15/80
House Clerk	Clarretta J. De Groot	13-3	I-FT	01/14/80
House Clerk	Loanne Dodge	15-4 to 15-5	I-FT	01/18/80
House Clerk	Frances Fazio	13-1	I-FT	01/14/80

Position	Name	Grade and Step	Class of Appointment	Eff. Date
House Clerk	Rosemary Findlay	15-3	I-FT	01/14/80
House Clerk	Beverley J. Gettings	15-1 to 15-2	I-FT	04/11/80
House Clerk	Michelle J. Gorgas	15-2	I-FT	01/14/80
House Clerk	Scott R. Grau	13-1	I-FT	01/14/80
House Clerk	Betty Hirschauer	15-1	I-FT	01/14/80
House Clerk	Jane Hulting	13-1	I-FT	01/14/80
House Clerk	Barbara J. Harrison	15-3 to 15-4	I-FT	02/01/80
House Clerk	Judy A. Jordan	15-4 to 15-5	I-FT	04/25/80
House Clerk	Katherine W. Kelly	13-7	I-FT	01/14/80
House Clerk	Patricia A. King	15-4 to 15-5	I-FT	04/25/80
House Clerk	Melissa Lehmann	13-2	I-FT	01/14/80
House Clerk	Gay P. Leverich	15-5	I-FT	01/14/80
House Clerk	Barbara J. Lind	15-4 to 15-5	I-FT	04/25/80
House Clerk	Regina Lorenzen	13-2	I-FT	01/14/80
House Clerk	Brian McPhail	13-2	I-FT	01/14/80
Administrative Assistant	Betty C. Millen	15-3 to 15-4	I-FT	02/15/80
House Clerk	Sheryl B. Millen	15-1 to 15-2	I-FT	04/25/80
House Clerk	Patricia Norland	13-3	I-FT	01/14/80
House Clerk	Marilyn Palmer	13-1	I-FT	01/14/80
House Clerk	Kathleen L. Peterson	15-3 to 15-4	I-FT	04/25/80
House Clerk	Judith Platt	13-2	I-FT	01/14/80
House Clerk	Rosemary Randolph	15-4	I-FT	01/14/80
House Clerk	Brenda Richter	13-2	I-FT	01/14/80
House Clerk	Nancy J. Robertson	13-1 to 13-2	I-FT	04/25/80
House Clerk	Lavena M. Rucker	15-4 to 15-5	I-FT	02/01/80
House Clerk	Gerry Rydell	15-8	I-FT	01/14/80
House Clerk	Catherine A. Sears	13-6	I-FT	01/14/80
House Clerk	Patsy M. Soliday	15-5	I-FT	01/14/80
House Clerk	Ruth Strait	15-2 to 15-3	I-FT	04/25/80
House Clerk	Harriet J. Stromer	15-8	I-FT	01/14/80
House Clerk	Charlotte Turner	15-3	I-FT	01/14/80
House Clerk	Margaret Vernon	13-1	I-FT	01/14/80
House Clerk	Peggy Ward	13-2	I-FT	01/14/80
House Clerk	Mary M. Whitmore	15-2 to 15-3	I-FT	03/28/80

**STUDY BILL COMMITTEE ASSIGNMENTS****S.B. 500 Transportation**

Requiring fines and penalties collected for overweight vehicles to be credited to the road use tax fund.

**S.B. 501 Transportation**

Relating to the safety and operation of mopeds and motorcycles.

**S.B. 502 Ways and Means**

Relating to the indexing of the state individual income tax.

**S.B. 503 Ways and Means**

Relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, by providing for the valuation of commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes and making the act retroactive.

**COMMUNICATIONS RECEIVED**

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

**ATTORNEY GENERAL**

A report from the Attorney General of Iowa on the Prosecutor Internship Program for fiscal year 1979, pursuant to Section 13.2 (12), Code of Iowa.

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

A report on the Cedar Aquifer and Salsbury Laboratories from the Department of Environmental Quality, pursuant to Section 17.1 (d), Code of Iowa.

**DEPARTMENT OF PUBLIC SAFETY**

The 1978 Iowa Uniform Crime Report from the Iowa Department of Public Safety.

**IOWA CITIZENS PRIVACY TASK FORCE**

A final report from the Iowa Citizens Privacy Task Force, pursuant to House File 207.

## DEPARTMENT OF TRANSPORTATION

A report on the 1980 Policy adopted by the Iowa Department of Transportation, pursuant to Section 307A.12, Code of Iowa.

## TREASURER OF STATE

A report of the Treasurer of State for the fiscal year ending June 30, 1978, pursuant to Chapter 17.3, Code of Iowa.

**SPONSORS ADDED**  
(House File 2015)

Brandt of Black Hawk requested to be added as a sponsor of House File 2015.

(House File 2004)

Tyrrell of Iowa requested to be added as a sponsor of House File 2004.

## COMMITTEE RECOMMENDATIONS

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

DAVID L. WRAY  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**House File 747**, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

**Recommended Amend and Do Pass.**

H—5002

- 1 Amend House File 747 as follows:
- 2 1. Page 1, by inserting after line 12 the following
- 3 new section:
- 4 "Sec. . . Section three hundred twenty-one point
- 5 one (321.1), subsection seventy-two (72), Code 1979,
- 6 is amended to read as follows:
- 7 72. A "special truck" means a motor truck or truck
- 8 tractor not used for hire with a gross weight
- 9 registration of eight through eighteen thirty-three
- 10 tons used by a person engaged in farming to transport

11 commodities produced only by the owner, or to transport  
12 commodities purchased by the owner for use in his  
13 or her own farming operation or occasional use for  
14 charitable purposes."

15 2. Page 2, line 1, by striking the word "thirty-  
16 five" and inserting in lieu thereof the word "forty-  
17 five".

18 3. Page 2, lines 1 and 2, by striking the word  
19 "twenty-five" and inserting in lieu thereof the word  
20 "thirty-five".

21 4. Page 4, line 15, by striking the figure "1979"  
22 and inserting in lieu thereof the figure "1980".

23 5. Page 6, by striking lines 3 and 4 and inserting  
24 in lieu thereof the following:

25 "AXLE, TANDEM AXLE, AND GROUPS OF AXLES  
26 WEIGHT VIOLATIONS".

27 6. Page 6, line 16, by striking the word "six"  
28 and inserting in lieu thereof the word "seven".

29 7. Page 6, line 18, by striking the figure "250"  
30 and inserting in lieu thereof the figure "200".

31 8. Page 6, line 18, by striking the word "seven"  
32 and inserting in lieu thereof the word "ten".

33 9. Page 7, by inserting after line 4 the following  
34 new section:

35 "Sec. . . Acts of the Sixty-eighth General  
36 Assembly, 1979 Session, chapter seventy (70), section  
37 six (6), subsection three (3), paragraph e, amending  
38 chapter three hundred twenty-one (321), Code 1979,  
39 is amended to read as follows:

40 e. For multipurpose vehicles, seventy-five dollars  
41 for the first ~~ten~~ five registrations and fifty-five  
42 dollars for each succeeding registration."

43 10. Page 7, line 6, by striking the words "first,  
44 following enactment" and inserting in lieu thereof  
45 the figures "1, 1980".

46 11. Page 7, line 7, by striking the word and  
47 figures "July 1, 1979 to December 31, 1979" and  
48 inserting in lieu thereof the word and figures "July  
49 1, 1980 to December 31, 1980".

50 12. Page 7, line 13, by striking the figure "1979"

## Page 2

1 and inserting in lieu thereof the figure "1980".

2 13. Page 7, line 15, by striking the figure "1980"  
3 and inserting in lieu thereof the figure "1981".

4 14. Renumber sections and correct internal  
5 references as are necessary in accordance with this  
6 amendment.

**House File 759**, a bill for an act to provide a refund of sales and use tax paid on industrial machinery and equipment and certain personal property used for agricultural purposes and making an appropriation.

Recommended **Amend and Do Pass**.

H—5001

- 1 Amend House File 759 as follows:
- 2 1. Page 1, line 2, by inserting after the figure
- 3 "1979," the words "as amended by Acts of the Sixty-
- 4 eighth General Assembly, 1979 Session, chapter ninety-
- 5 six (96), sections three (3) and four (4)."
- 6 2. Page 2, line 19, by striking the figure "1979"
- 7 and inserting in lieu thereof the figure "1980".
- 8 3. Page 2, line 20, by striking the figure "1980"
- 9 and inserting in lieu thereof the figure "1981".
- 10 4. Page 2, line 23, by striking the figure "1980"
- 11 and inserting in lieu thereof the figure "1981".
- 12 5. Page 2, line 24, by striking the figure "1981"
- 13 and inserting in lieu thereof the figure "1982".
- 14 6. Page 2, line 27, by striking the figure "1981"
- 15 and inserting in lieu thereof the figure "1982".

**Study Bill 502**, relating to the indexing of the state individual income tax.

Recommended **Amend and Do Pass**.

**Study Bill 503**, relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, by providing for the valuation of commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes and making the Act retroactive.

Recommended **Amend and Do Pass**.

On motion by Halvorson of Clayton the House adjourned at 10:53 a.m., until 9:45 a.m., Tuesday, January 15, 1980.



# JOURNAL OF THE HOUSE

Second Calendar Day—Second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 15, 1980

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

Prayer was offered by the Reverend R. D. Ehlers, pastor of the St. Paul Lutheran Church, Monona.

The Journal of Monday, January 14, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin R. Moles, Newton.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque for the remainder of the week on request of Avenson of Fayette.

## PETITION FILED

The following petition was received and placed on file:

By Brandt of Black Hawk, from seven hundred seventeen constituents of Black Hawk County opposing repeal of the "bottle bill" law.

## INTRODUCTION OF BILLS

**House Joint Resolution 2005**, by Johnson of Linn, a joint resolution proposing an amendment to the Constitution of the state of Iowa regarding the maximum number of consecutive terms a person may be elected to as governor and lieutenant governor.

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

**House File 2048**, by Halvorson of Webster, a bill for an act allowing an exemption from property taxation for alcohol fuel production property.

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

**House File 2049**, by Halvorson of Webster, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time.

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

**House File 2050**, by Lind, a bill for an act requiring motor fuel and special fuel dealers to provide certain motor vehicle maintenance and repair services and equipment at their regular place of business.

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

**House File 2051**, by Lind, a bill for an act relating to the imposition of a local property tax and income surtax by residents of a school district to prevent the closing of a school within the district.

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

**House File 2052**, by Brandt, a bill for an act requiring storm shelters in certain mobile home parks and providing a penalty.

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

**House File 2053**, by Miller, a bill for an act providing for a partial property tax exemption for commercial residential property.

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

**House File 2054**, by Miller, a bill for an act providing for the total deduction of medical expenses not compensated for in determining the individual income tax.

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

**House File 2055**, by Miller, a bill for an act providing that complaints alleging a child to have committed a delinquent act shall be confidential.

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

**House File 2056**, by Menke, a bill for an act providing for an exemption from the local hotel and motel tax.

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

**House File 2057**, by Davitt, a bill for an act requiring that the county commissioner of registration designate the principal of each high school in the county, or the principal's designee, as a deputy commissioner of registration.

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

**House File 2058**, by Brandt and Patchett, a bill for an act to repeal the guest statute.

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

**House File 2059**, by Brandt, a bill for an act providing that the supreme court shall establish a schedule of private process server fees which may be taxed as costs.

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

**House File 2060**, by Dieleman, a bill for an act to provide a credit for property taxes levied on commercial property where the increase in valuation for the 1978 assessment year from the 1977 assessment year was in excess of the amount required by the final 1977 equalization order by ten percent or more and making an appropriation.

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

**House File 2061**, by Miller, a bill for an act relating to the recording or transcription of interviews or other conversations between persons, and to the publication or broadcasting of all or any part of such recordings or transcriptions or summaries or reports thereof.

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

**House File 2062**, by Woods, Chiodo and Johnson of Linn, a bill for an act to repeal chapter four hundred fifty-five C (455C) of the Code relating to mandatory deposits on certain beverage containers.

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

**House File 2063**, by Kirkenlager and Crabb, a bill for an act authorizing and regulating the sale of real property title insurance.

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

**House File 2064**, by Davitt, a bill for an act relating to the sale of motor fuel containing at least ten percent alcohol distilled from agricultural products by a dealer operating under a dealer franchise.

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

**House File 2065**, by Davitt, a bill for an act providing an income tax credit for purchasing or constructing an alcohol fuel production facility which produces from agricultural products grain alcohol for fuel.

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

**House File 2066**, by Davitt, a bill for an act expanding the guest statute to include passengers of car pools or van pools, providing for a reduced registration fee for vans used in van pools and providing a penalty.

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

**House File 2067**, by Daggett and Tyrrell, a bill for an act to allow school districts to improve school buildings for energy conservation purposes by the use of the schoolhouse fund:

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

**House File 2068**, by Walter, a bill for an act relating to the use of lights by hearses and funeral escort vehicles.

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

**House File 2069**, by Doyle, a bill for an act providing that the supreme court shall establish by rule the jurisdiction of the district court sitting in small claims.

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

**House File 2070**, by Doyle, a bill for an act providing for variation in sentences due to aggravating or mitigating circumstances.

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

**House File 2071**, by committee on ways and means, a bill for an act relating to the indexing of the state individual income tax.

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

**House File 2072**, by committee on ways and means, a bill for an act relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes and making the Act retroactive.

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

**House File 2073**, by Tofte, a bill for an act to prohibit a person from hunting, fishing or trapping on the cultivated, enclosed or posted land of another without the permission of the owner or occupant and providing a penalty.

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

**House File 2074**, by De Groot, a bill for an act relating to the operation of motorized bicycles and the sale of protective headgear for motorized bicycles and providing a penalty.

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

## COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Lind of Black, Holt of Clay and Perkins of Greene.

## REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

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

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

## JOINT CONVENTION

In accordance with House Concurrent Resolution 101, duly adopted, the joint convention was called to order, President Branstad presiding.

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

The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Murray of Story, Baugher of Polk and Calhoun of Woodbury, on the part of the Senate, and Representatives Hoffmann of Muscatine, Hall of Linn and Pope of Polk, on the part of the House.

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

President Branstad introduced to the House the Honorable Howard Baker, United States Senator from Tennessee and Senate Minority Leader, as well as the Honorable Harold Stassen, former Governor of Minnesota. Both gentlemen are Republican candidates for President of the United States.

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

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

Mr. President, Mr. Speaker, Mr. Chief Justice, Justices And Judges, State Officials, Senators And Representatives, Guests, And Friends:

As I begin this, my eleventh Condition of the State Message, — I can quickly report that we have made some progress from one year ago. This year, the microphone works, and I don't have to hold it in my hand.

I must add that you are, indeed, a special audience. This is the largest group of people I have been among in months where someone hasn't taken a presidential straw poll.

This morning I would like to recognize two special guests who honor us with their presence. One is a former Governor from our neighboring State of Minnesota — the Honorable Harold Stassen. Our other guest is the highest elected Republican official in our nation — and the man who last week was recognized by his colleagues as the most respected person in the United States Senate — the Honorable Howard Baker of Tennessee.

We have been privileged in Iowa to host the presidential candidates. This has certainly been a special experience for all of us.

And this morning I would urge each of you who are legislators to join me in encouraging Iowans of both political parties to attend their neighborhood precinct caucuses next Monday evening, January 21.

The eyes of the whole country — and most of the world — will be on Iowa. Four years ago, less than ten percent of us took part in the caucuses. This year, let's all take part. America needs Iowa's voice.

This morning I am happy to welcome you again. As Governor, I am pleased to visit with you again. And, as a friend, I look forward to working with you again.

We start this new session in a new year, in a new decade. The 1970's are history. The 1980's are here and now. They have begun with unrest abroad — and with uncertainty here at home.

We are a people anguished and frustrated over Iran and the Soviet Union — and the inhumanity shown American hostages and the people of Afghanistan.

We are a people angered and upset about inflation — and its impact on our elderly, farmers, working men and women — on all of us.

We are a people alienated and turned off by intrusions into our lives — and the interference we so often encounter.

These things worry us. Some of them hurt us, and we want very much for them to change — for the better.

We want a country that is strong and respected. We want an economy that is sound and productive. Most of all, we want lives that are enriched and charged with purpose. We want to belong, yet we want also to be individuals — free to make our own choices — in our own way.

These are challenges we face together in the 1980's. All ten years are in front of us. We should do so much — and we can, if we so choose. By survey, seventy-nine percent of American teenagers tell us this country is still the land of opportunity. They believe there is hope here. They believe there is a bright future here. I believe they are right. And I can tell you this morning there is no better place to be in the entire country, the entire world, in the 1980's than right here — between the Mississippi and the Missouri, in this state, this place we call home — Iowa.

The writer, Anthony Harrigan, shared this perception with us last summer: "At a time when American life is full of dislocations and discomforts — gasoline shortages, truckers' strikes, and perilous economic problems, it is cheering to find communities that offer the good life. Iowa has many of these communities." He concluded, "...there is great beauty in this farming region, and a miracle of productivity unequaled elsewhere in the world."

What is so good about Iowa — what makes us so proud of Iowa, is that our people strive for excellence. Iowans don't just go through the motions. Iowans are not satisfied with mediocrity and with a job half done. Iowans want to excel, and they do.

Look at rural Iowans, and you see excellence. Iowa farmers try a little harder — and last year they reaped a billion-and-a-half bushel corn crop, the biggest yield in the history of our state, and we still remain a leader in soybeans and cattle and hog production.



Look at laboring Iowans, and you see excellence. Iowa workers are twenty-five percent more productive than the national average — and last year that fact, along with other incentives, prompted one hundred new companies to locate here, creating more jobs and keeping Iowa's unemployment rate one of the lowest anywhere.

Look at young Iowans, and you see excellence. Iowa students make an effort to learn from skilled teachers — and last year, ninety-four percent of Iowa's schools chalked up test scores at or above the national median, and a task force said, "Iowa students may be the best in the nation."

Look at Iowa events of 1979, and you see excellence. Perfect planning made it possible for Pope John Paul's visit last October 4 to be a successful, colorful, meaningful, memorable day for us all. Remember also the 45,000 Iowans who picked up millions of bottles and cans during last May's "Great Iowa Cleanup" — the biggest one-day environmental effort ever.

Look at Iowa developments during 1979, and you see excellence. Consider Iowa's leadership in gasohol sales. We are number one in America. Think about a record 213 entrants in this state's Community Betterment Program. Again, we are number one in America. Reflect on Iowa's enthusiastic efforts during the International Year of the Child. See cities like Marion using, for the first time, our new Urban Revitalization plan to save our downtown areas. And watch the new Iowa Natural Heritage Foundation which we organized this last year to save our wetlands, prairies and forest areas.

These are all examples of Iowa excellence — of people volunteering for good causes, of people working with each other, and with government, to make this a better state.

We must keep reaching for excellence in the 1980's — in our lives, in our work, in our communities, and yes, in state government. We here today have a duty to excel to give Iowans the very best, responsive service possible and to improve our good condition.

We can excel with action this year to further streamline Iowa's government. And I ask you to endorse at least ten money-saving ideas from the Governor's Economy Committee.

We can excel with action this year to further enhance Iowa's enviable energy record. And I ask you to approve renewed initiatives for gasohol, solar energy and conservation.

We can excel with action this year to further meet Iowa's human needs. And I ask you to adopt improved programs for the elderly, for the mentally ill, and for other Iowans who deserve our help.

We can excel with action this year to further save Iowa's precious soil. And I ask you to support a robust effort for soil conservation.

These and other sound ideas will work — not for the benefit of government, but for the benefit of the people of this state. These ideas are important. They are relevant. They are timely. And they highlight an agenda that stands for excellence in the 1980's.

## GOVERNMENT ECONOMY

There is no greater priority for government than to serve people and to do so efficiently. You don't need a bloated bureaucracy to have a democracy. I recognized that when I first took office and named a blue-ribbon panel of Iowa business captains to a Governor's Economy Committee. Seventy percent of their proposals are no longer just ideas — they are laws, policies and procedures saving Iowans \$50 million in taxes every year.

Last year, in my Inaugural Message, I told you I would recruit a second Governor's Economy Committee. I did that, and under the leadership of Marvin Pomerantz, sixty-one management experts from around this state spent the summer and fall examining the Executive Branch of government.

I received the Economy Committee report three weeks ago, as did you. It cites specific ways to achieve annual savings of up to \$85 million and one-time savings of \$13 million.

Those numbers are significant. This report is significant.

Many of the recommendations I can implement by executive action — and I intend to. Others require more review. But today, I submit ten practical ideas you can and should affirm. The checklist includes:

- \* Realigning the Merit Employment Department, the P.E.R. Board and other units into a Department of Personnel.
- \* Combining Department of Environmental Quality commissions and divisions into a unified structure.
- \* Merging the Spanish Speaking Peoples Commission, the Committee on Employment of the Handicapped, the Council for Children, and the Civil Rights Commission into a Department of Human Rights.
- \* Abolishing the Crime Commission and moving its grant and planning activities to the Department of Public Safety.
- \* Absorbing the Occupational Safety and Health Review Commission into the Industrial Commissioner's Office.
- \* Shifting the Mississippi River Parkway Commission to the Development Commission.
- \* Using a weight/value formula to set truck registration fees.
- \* Consolidating the state's motor pool and highway safety efforts.
- \* Centralizing vehicle theft enforcement in the Department of Public Safety.
- \* And, pooling the administration of licensing boards while establishing biennial licensing.

These are openers. These are cost-cutting ideas you can easily approve this year. There might well be others,

The men and women of the Governor's Economy Committee and Iowans who want more efficient, more effective government join me in urging your action this session, this year.

### ENERGY

Of Iowa's many success stories in the '70's, few can match the progress we have made with energy. We began working long before "energy crisis" entered everyone's vocabulary. We began working with the unsettling knowledge that Iowa is ninety-eight percent dependent on outside energy sources. But, we did begin working. We unleashed some talented people who have helped Iowa to log an outstanding energy record:

- We learned how to mine, clean and burn Iowa coal.
- We rebuilt 830 miles of energy-saving railroad branchlines, more than all other states combined.
- We created America's first fuel set-aside.
- We turned the corner and cut consumption of gasoline and natural gas.
- We pioneered gasohol marketing.
- We built solar collectors on the Capitol complex.
- We began an energy management program for state facilities and reduced travel.
- We provided funding for public transit.
- We weatherized 15,000 homes for low-income Iowans.
- We started energy education in our schools.

And this past year, Iowa implemented the bottle and can deposit law. It is a law that works. It is a law that is saving the equivalent of twenty million gallons of gas a year. It is a law that also has eliminated eighty to ninety percent of the litter in our state parks. And, it is a law that will stay on the books.

On deck in 1980 are several energy initiatives which should become law, including four key solar priorities:

- First, \$1 million for passive solar home demonstration grants.
- Second, new Housing Authority bonding for solar homes and weatherization.
- Third, a property tax exemption for passive solar energy systems.

- Fourth, protection of access to sunlight.

In other areas, I recommend reciprocity with other states for traffic violations, and an increase in speeding fines and truck weights to save more fuel.

I also advocate stockpiling of a state emergency fuel pool, stricter thermal and lighting efficiency standards, energy audits of all public buildings, life-cycle costing in state purchases, additional gasohol marketing, and a mandate to utilities requiring a conservation ethic.

Iowa is an energy leader today. With these 1980 endeavors, and a decade of solar progress, we can remain an energy leader in 1990.

Iowans who think seriously about our nation's energy shortage join me in urging your action this session, this year.

#### HUMAN NEEDS

Iowa's elderly people, Iowa's young people, Iowa's handicapped people, Iowa's poor people, and Iowa's troubled people all warrant special concern from government — not sympathy, but empathy.

In Iowa we have had compassion and understanding. We have begun the Elderly Tax Credit, pushed nutrition programs, and made strides in health care. The list goes on and on.

We are trying to meet one of the great tests of government — the test of whether we truly help the people we are here to serve. I am here this morning to say we cannot back off — we have an obligation to do what we can to see that these people are not wiped out as victims of inflation.

That is why today I outline for you a series of recommendations to meet human needs, including:

- Making available in other locations the model elderly service program working so well in Scott County.
- Continuing Eldercare to keep senior Iowans in their homes.
- Reorganizing Iowa's mental health system with a focus on local control, and strong standards for county care facilities.
- Beginning special services for deaf Iowans, and supporting family planning.
- Emphasizing progressive programs for juvenile offenders.
- Assuming county costs for alcohol and drug abuse treatment.
- Supporting a physical fitness program to have healthier Iowans.
- Eliminating the 24-hour notice on nursing home complaint investigations.

In addition to these items and an ongoing study of foster care, I will appoint a special task force to review long-term care for older Iowans and to give us options for the '80's.

Not everyone favors the same emphasis on meeting human needs. But none of us would favor ignoring them — and we will not ignore them.

The families of Iowans who need help and treatment join me in urging your action this session, this year.

### SOIL CONSERVATION

Next to our people, Iowa's most valuable asset is its good, rich, black soil — the very first link in the long food chain. Our soil is so vital. Listen to what Pope John Paul II told us last fall at Living History Farms, "...the land must be conserved with care since it is intended to be fruitful for generation upon generation."

What a challenge! What a challenge for you and me as we are the stewards of this land.

So let us recognize that if we want to export more grain overseas, we have to stop exporting Iowa soil to the Gulf of Mexico. Topsoil loss not only reduces the productivity of our land, it contributes to the pollution of our water and air.

We acted eight years ago with the Nation's first state cost-share soil conservation program. We have steadily expanded that effort in the years since.

Just last week I announced a major "Plant Iowa Program" to plant tens of thousands of new trees this year. That will help curb erosion — and so will more conservation education, planning, tillage, and terracing.

While we cannot do it all, we can extend our commitment to Iowa's soil, to Iowa's agriculture, and indeed to Iowa's future. Thus, today I propose a solid sixty percent boost in soil conservation funding, and consider this a "must do" priority.

Twenty short years from now, in the year 2000, Iowa will have a different Governor. Maybe! I want that Governor to be able to stand before a legislature, as I stand here today, and say, "The best soil anywhere in the world is here in Iowa." And I want that Governor to say, "Thank goodness Iowans twenty years ago had the wisdom to do something to save the soil."

Iowans who love this land, this priceless resource, and those who consume the food it produces, join me in urging your action this session, this year.

Economy, energy, human needs and soil conservation highlight my program report to you today. But other items also merit your attention.

My agenda looks at the privacy of citizens... usury... air quality standards... fire safety... trespass laws... drunk driving... and a novel way to assist family farmers.

And today I also present proposals concerning... open collective bargaining... bipartisan reapportionment... ethics... an Iowa office in the Nation's Capital... and the

"Fair Play Plan" to protect local governments. You can read the details on these and other items in the written addendum to my message.

### A BALANCED BUDGET

There is a lot more we would like to do for Iowa — but, extra money is scarce. In fact, I received a stack of requests for supplemental funding above and beyond our two-year budget you wisely adopted last session. These requests got a critical examination. And no matter how much we want to do, we cannot do everything.

Iowa's government, like its people, is ravaged by inflation the national administration cannot control. Such drastic and damaging inflation compels us to adjust our earlier budget work. So, when we started to put together this supplemental budget, the first thing we did was set aside an additional \$88 million for increased school aid — a generous slice of the pie for education.

In addition, there are some other worthy needs we can afford, and today I ask for:

- \* Funds to begin shared services at our mental health institutions and to meet fire safety standards.
- \* Construction and renovation at our three universities — Iowa, Iowa State and U.N.I.
- \* A State Medical Examiner.
- \* A new Highway Patrol post in Cedar Rapids.
- \* Support for the European trade office.
- \* Salary adjustments for state employees, and a hike in IPERS for retired workers.

The Fiscal Year 1981 budget totals \$1.9 billion. It ends with a treasury surplus of \$60 million — a responsible minimum to make government work.

The grain embargo, inflation, and other economic hazards complicate precise projections. So I caution you to keep a careful eye on revenue estimates, and a cautious attitude on recurring expenditure.

Iowa's budget is balanced. This state is in the black. And that's where we want it to be!

### TAX FAIRNESS

Your work in 1980 will cover the spectrum of issues and interests, each affecting some Iowans. But what you do, and what you do not do with taxes, affects all Iowans, their pocketbooks and the kind of service they get from their government.

This second session follows some dramatic tax actions taken in 1979. While you didn't accept all of my proposals, you agreed with my plan to rebate \$50 million to the taxpayers — the biggest tax refund in Iowa history. And, I concurred with your plan

to index the income tax and hold down taxflation. The upshot from both: our Iowans were the winners.

In 1979 the personal property tax phase-out was also resumed, representing still more tax relief for Iowans, and it should continue.

In 1980, Iowans hit hard by federally fueled inflation can be inspired by the plan to extend the fifty percent indexing of Iowa tax brackets. And I encourage you to do just that.

There are more tax items you can tackle this year to alter the upward tax trajectory.

I recommend you extend assessment limits now protecting homes and farm lands to other classes of property. Iowa's small Main Street businesses, and others, deserve consideration. Limits on commercial property, along with industrial and utility, will provide it, and save \$19 million in commercial property taxes — real help to renters also. Most of that will be offset by the state increasing school aid, providing additional assistance to cities and counties, and giving larger homestead and ag land tax credits.

I again urge you to repeal the sales tax on machinery and equipment — to give Iowa another incentive, to keep up on the competitive cutting edge, to encourage industrial location and expansion, which will stimulate more jobs for Iowa workers.

Three years ago I advocated the gas tax be set at a percentage of the pump price. While the legislature did not accept that approach, it did increase the tax by three cents. However, that increase has quickly been eclipsed by the rapid fifty percent rise in road building costs.

To address this problem, I ask that you again consider the percentage approach without an immediate increase. This, I believe, is a logical method to maintain Iowa's vital road network.

### CONSTITUTIONAL AMENDMENTS

During your session last year, you displayed some shrewd judgment. You addressed pressing problems, but you also held down taxes. I trust you will do the same this year. That is what representative government is all about. Certainly, I believe your conscientious work is a better answer than the constitutional amendment now being advanced.

So, although it is well intentioned and supported by good people, I urge you to think twice before accepting this amendment.

Later this year, in November, our citizens will vote on another amendment — to assure equal rights for Iowans. Two General Assemblies have now approved this amendment. It has my full backing. And this morning, I call upon Iowans to sustain our state's support for human rights.

Finally, it was once said that "There are no obstacles which human wisdom cannot overcome." Today... this year... this decade, we face obstacles — but they can be overcome.

We have limits on revenue. And yes, we have limits on time. But there is no limit on our imagination. There is no limit on our ingenuity. There is no limit on the "Iowa Way" of solving problems.

Look back at the decade of the 1970's if you will. Look at how much we accomplished. Look at what we created and at the excitement we enjoyed. Look at each other and at yourself. See how much we have progressed. See how far we have come. See how much we have grown.

And now, look back, if you will, just this past month. Look at the Iowa "SHARES" campaign as just one example of what Iowans can do when they put their hearts and minds to a task. Iowans understood the desperate plight of hungry, dying humans halfway around the world. Iowans could have sat back and let others cope with this crisis. They didn't. They clipped their "SHARES" coupons. And, Iowans shared some of their wealth with people we don't even know — people who looked to us as their hope for life itself.

We have discovered again that this is a place with a special spirit. Sensing, feeling, knowing that such a splendid Iowa spirit exists, our mission now is to again act in the very best interests of three million good Iowans. We cannot do any less. We can, if we choose, do a great deal more. Let's do it.

Thank you very much.

## GOVERNOR'S RECOMMENDATIONS

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

### **Governor's Economy Committee**

In their report the Governor's Economy Committee outlined an ambitious plan to make state government more efficient and economical in its delivery of services to the people. We should take advantage of this important contribution of top management advice by the private sector. Among the important legislative recommendations that should be addressed promptly are:

1. Realigning the Merit Employment Department, the P.E.R. Board and other units into a Department of Personnel.
2. Combining Department of Environmental Quality commissions and divisions into a unified structure.
3. Merging the Spanish Speaking Peoples Commission, the Committee on Employment of the Handicapped, the Council for Children, and the Civil Rights Commission into a Department of Human Rights.
4. Abolishing the Crime Commission and moving its grant and planning activities to the Department of Public Safety.



5. Absorbing the Occupational Safety and Health Review Commission into the Industrial Commissioner's Office.
6. Shifting the Mississippi River Parkway Commission to the Development Commission.
7. Using a weight/value formula to set truck registration fees.
8. Consolidating the state's motor pool and highway safety efforts.
9. Centralizing vehicle theft enforcement in the Department of Public Safety.
10. Pooling the administration of licensing boards while establishing biennial licensing.

### **Solar Energy Demonstration Grants**

The energy conservation value of passive solar construction techniques in homes can be most effectively demonstrated to those who build, finance and buy the estimated 10,000 new homes sold in Iowa annually. The establishment of a grant program of \$1 million will provide a means for builders to substitute passive solar homes for conventional homes in their annual major home shows. Grants of up to \$5,000 on each home to cover the incremental cost of such techniques would be provided. The exposure of energy conservation measures to thousands of attending Iowans will be a large boost to our goal of incorporating passive solar techniques in new homes to achieve a thirty percent savings in nonrenewable energy by 1983 and fifty percent by 1985.

### **Solar Property Tax Exemption**

To further encourage passive solar space conditioning and hot water heating, the property tax exemption for active solar energy systems should be extended to passive solar systems for new or newly reconstructed residences.

### **Solar and Weatherization Home Loan Program**

Legislation should be enacted authorizing the Iowa Housing Finance Authority to issue an additional \$50 million in bonds to provide low interest loans to persons to purchase and install active or passive solar systems and weatherization materials in excess of government loan requirements within new or existing housing. This program would be a major funding source to achieve the 1983 and 1985 energy savings goals in new home construction.

### **Solar Access**

Hopefully, the General Assembly will complete its consideration of solar access legislation by adopting the conference committee report to insure the usefulness of solar energy devices through voluntarily agreed upon solar access easements and covenants.

### **Increased Speeding Fines**

The national 55 mile-per-hour speed limit was enacted as a conservation measure after the 1973 oil embargo. Inflation has reduced the deterrent value of our present schedule of speeding fines. It is recommended those fines be increased to \$2 for each mile an hour over the limit with a minimum fine of \$10 for speeding 1 mph to 10 mph over the limit and \$30 for speeds 11 mph to 20 mph over the limit. Speeds 21 mph over and higher should continue to require court appearances. Both safer roads and more economical travel will be the result.

### **Joining the Nonresident Violator Compact**

The Nonresident Violator Compact between states assures nonresident motorists the same treatment accorded resident motorists receiving citations for traffic violations in a member state. Loss of license will result until the terms of an out-of-state citation are satisfied. Currently, 16 states, including Indiana and Minnesota, have already adopted the Compact and others have the Compact under active consideration.

### **Heavier Trucks**

Maximum allowable (standard) gross vehicle weights for trucks should be increased to be consistent with the designed capacity of our highways and the federally required "modified bridge formula" so long as the cost of increased highway damage due to the heavier loads is covered by additional fees. There is not expected to be an increase in truck traffic, but this does offer a possible savings of 8 million gallons of fuel annually.

### **Thermal and Lighting Efficiency Standards**

Our greatest opportunities for energy conservation are found in space conditioning practices. Those who would choose not to construct efficient buildings deprive others of needed energy resources. The legislature has seen the wisdom of this policy in recent amendments to the building code which now is applicable to a large majority of Iowans. Authority is needed to permit the adoption of realistic thermal and lighting standards for new construction throughout the state.

### **Energy Audits of Public Buildings**

Both for operational efficiency and as an example to others of our determination to be less reliant on uncertain energy resources, we should step up state and federal programs to take careful inventory of our energy usage in the over 6,000 public buildings in Iowa. Through a program of training offered by the Energy Policy Council to institutional and local government personnel, we can readily save \$12 million annually through energy conservation which will by far exceed the initial investment required. We hope all local officials would be anxious to take advantage of this offer of technical, energy-saving assistance.

### **Conservation Ethic for Utilities**

Projected rates of growth in the demand for electricity by consumers and businesses will require the equivalent of one new large generating station each of the next 20 years. We have ten existing plants now. The difficulties in assembling such

large amounts of investment capital, the lead time in construction, and the need for water and fuel all require us to explore alternative avenues to reduce energy demands toward more gradual increases. Incentives for utilities to promote and participate actively in conservation programs should be clearly stated by law. We recommend a conservation ethic be included in the criteria by which the Iowa State Commerce Commission judges the need for increases in utility rates to pay for new generating capacity.

### **Energy Efficient Government Purchasing**

Thousands of dollars can be saved simply by prudent purchasing of more energy efficient materials and products. We will establish an advisory group composed of state and local purchasing officials and private sector experts on procurement and life-cycle cost analysis. By periodic meetings and with staff support from the Energy Policy Council, opportunities to exchange information and methodology and suggest efficiency standards will be greatly enhanced.

### **Emergency Fuel Pool**

Being able to acquire an emergency supply of fuel oil last May was so valuable that we believe we can protect against certain future energy supply emergencies if the state were to own a small reserve of middle distillate fuels. Without involving any risk, trust fund monies could be used to purchase this proposed emergency fuel pool when backed with a guarantee from the general fund. We urge the legislature to explore the possible alternatives for such funding.

### **Direct Appeal of Commerce Commission Rate Decisions**

The advantage of allowing direct appeal of Commerce Commission rate decisions from the Commission to the Supreme Court is as advisable as when it was recommended last year. The costs of this litigation continue to be passed along to rate-payers because of this failure to act.

### **Gasohol**

Iowans have responded so enthusiastically to gasohol that our state is number one in gasohol sales in the nation. We want to help our grain farmers and encourage the investment in grain alcohol distilling plants. This will contribute to self-sufficiency in energy. We should continue the present level of tax exemption with a \$1 million general fund transfer to the road fund plus continued support of Development Commission promotion efforts until next year. At that time the impact of quantity production and federal gasohol policies can be assessed.

### **State Weatherization Program**

We are weatherizing homes with the use of federal money at the rate of 5,000 homes annually. More can be done, and we are awaiting word from the federal government on the elimination of their unrealistic wage restriction. Their action can eliminate the need for a state initiative.

**Mental Health Reorganization**

We are recommending a reorganization of mental health within the Department of Social Services which will be economical, efficient and will permit a sharing of programs between mental health, mental retardation, corrections, and others. This change is designed to provide increased coordination between communities and institutions, more effective transitions from institutions, and increased state funds for mental health. The structure and funding will enhance local control, will strengthen county care facility standards and will provide incentives for communities to provide local services. The new administration will take effect July, 1980, and the new funding structure in July, 1981.

**Mental Health Services for the Deaf**

Our deaf citizens face not only the same mental and emotional stresses as do those who can hear, but additional ones related to their handicap. Assistance can be provided by the State to assist these people and their families to deal with adjustment problems and with other mental health difficulties through professionally trained staff assigned to the Deaf Services Division of the Health Department.

**Substance Abuse Funding**

We recommend the State assume full funding responsibility for the treatment portion of local substance abuse programs as defined by the Substance Abuse Commission. State financing will provide local property tax relief of \$1.7 million, while still retaining a local voice in the administration of alcohol and drug abuse programs. Increased liquor revenue will offset this additional state expense.

**Eldercare**

Continued funding for Eldercare is recommended. The Commission on the Aging will issue a report on the implementation of Eldercare in February at which time program changes can be made if need be.

**Nursing Home Reimbursement**

Inflation and federally mandated minimum-wage increases have put additional stress on Iowa's nursing homes. The current state payment base can be improved and made more current by an annual increase of \$2 million in state funds to assure these providers of important health services to our elderly and handicapped.

**Shared Services**

To address the problems of convicted offenders with mental illness or retardation, we provide funds for the implementation of shared services at the Clarinda Mental Health Institute.

**Physical Fitness**

Health and fitness contribute much to good productivity and an enjoyable lifestyle. Iowa's businesses and industries are keenly interested in fitness programs for their employees. A State Physical Fitness Coordinator could work with Iowa firms and

with schools, communities and retirement centers in designing fitness programs for the benefit of all kinds of Iowans.

### **Indexing**

The indexing portion of the tax relief bill adopted in 1979 will provide \$36 million of tax cuts in FY 81. Our research indicates that because of factors such as the one-hundred percent deduction of federal income taxes on the state income tax and the great fluctuations in Iowa farm income, there may be some unintended results of full indexing. With the State already committed to additional tax relief of \$16 million in the form of extra school aid and the phase-out of the personal property tax during each of the next two years and with research that indicates fifty percent indexing eliminates most taxflation, we recommend extending the indexing bill at its current level of indexing. Two additional years of experience will put us in a much better position to make long-range decisions on indexing.

### **Assessment Limits**

We established important protection for owners of residential and agricultural property with the adoption of limits on the growth of tax valuations in 1977. Because of the property tax shift to other classes of property, we believe it would be timely to place similar assessment limits on commercial, industrial and utility property effective for January 1, 1979, values. We recommend that the State assume the cost of the savings which will result to owners of commercial property and their tenants by additional state aid for schools, increased homestead and ag land tax credits and increased municipal and county assistance. Furthermore, as has always been our belief, people locally should have the authority, if it be their choice, to use optional methods for financing their government services.

### **Repeal of Sales Tax on Machinery and Equipment**

Thirty-three of the forty-five states that impose a sales tax exempt all or part of the sale of machinery and equipment used in manufacturing. To be competitive and able to attract new industry and additional job opportunities for Iowans, the sales tax on machinery and equipment should be phased out over a three-year period. The additional investment we can attract as a result of this tax phase out can be anticipated to compensate for the expected loss of revenue.

### **Salaries**

The state's biennial salary policy was established in 1979 in conformity with the President's seven percent wage guidelines. Subsequently, in the face of an annual inflation rate of thirteen percent, the President has retreated from those guidelines. Many workers, including federal and local government and school district employees, have received pay increases which are nearer the inflation rate. The State must pay competitively if it is to attract and retain highly skilled and motivated employees. We need to recognize the current, extraordinary circumstances by providing an additional two percent salary increase to state and area school employees for the next year. In addition, certain merit classifications have not been increased to reflect changing competitive conditions. A centrally administered reclassification fund is proposed to address these high-priority needs.

**Title XX Supplement**

The local-purchased service component of the State Title XX plan faces a projected deficit for this fiscal year and the next. Since the federal government has not appropriated any additional funds for Iowa's programs, we are proposing state funds to assist in continuation of these services, which are primarily offered to the developmentally disabled.

**Capitals**

Several important capital needs can be met during the next fiscal year within our limited resources. These include:

**Department of Social Services**

- major maintenance projects
- correction of life safety deficiencies
- completion of Glenwood renovations
- shared services improvements at Clarinda

**Board of Regents**

- safety improvements and casualty losses at Iowa State University, the University of Northern Iowa and the Braille and Sight Saving School
- movable equipment for Iowa State University vet medicine remodeling project
- first phase of the speech and dramatic arts classroom building at the University of Iowa.
- road and utility renovations to complement the non-state funded Hawkeye Sports Arena at the University of Iowa

**Other Departments**

- completion of Lucas Building renovation
- completion of Supreme Court renovation

**Soil Conservation**

We must take necessary steps to preserve our soil and to challenge, encourage and assist those who have the present responsibility for the land to establish practices to accomplish this goal. Our budget includes a sixty percent increase in our first-in-the-nation soil conservation program to provide additional cost-sharing monies, additional field services for landowners, digitization of soil survey information, and a program of crop loss payments which would encourage summertime construction and, therefore, better utilization of soil-saving construction equipment and personnel.

Soil conservation is an integral portion of comprehensive land use policy. We continue to advocate a local control approach to land use issues while retaining a state perspective for critical areas.

### **Trespass**

It is desirable to redefine our current trespass law. Legislation should be adopted to prohibit a person from hunting, fishing or trapping without the permission of the owner or occupant of the land with a serious misdemeanor as the penalty for violation. This would improve landowner/hunter relationships.

### **Air Quality**

This past year the Iowa Air Quality Commission approved revisions to the Iowa State Implementation Plan as required by the Federal Clean Air Act. The U.S. Environmental Protection Agency has indicated preliminary approval of most of that plan. We successfully sought a change in EPA's unrealistic fugitive dust policy. The Senate's air quality legislation should be finished with the addition of amendments relating to conditional permits and equipment or performance standards. Passage will secure for Iowa a workable air quality policy which balances concern for the environment and people with the need for social and economic growth.

### **Road Funding**

Inflation, in particular rapidly rising energy and construction costs and reduced gasoline consumption has played havoc with the Department of Transportation's road building program. Our budget supplement recommends an allocation of \$1 million from the general fund to the Road Use Tax Fund to replace partially the revenues lost due to the gasohol tax exemption and adoption of a weight/value registration fee for light trucks such as pickups similar to that used for passenger cars. It is proposed that the damage done to highways by additional truck weights be paid for by those vehicles taking advantage of that extra weight. It is also recommended that the current fuel tax be imposed as a "percentage of the pump price."

### **Washington, D.C. Office**

Many of our budget adjustments this year are due to lost federal funds or shifting federal priorities. The fate of the state portion of federal revenue sharing is precarious. Our financial difficulties are compounded by constant administrative intervention by the federal bureaucracy. The establishment of an Iowa State Office in Washington, D.C., along with the thirty other states that maintain such offices would enhance our position with the federal government.

### **Open Public Collective Bargaining**

The need continues to amend the law governing public access to the public employment collective bargaining process. Voluntary experience has shown the participants and the public benefit from a more comprehensive application of the open meetings law to this vital public sector function.

### **Rights of Privacy and Public Documents**

The recently issued report of the Citizens Privacy Task Force stated that "the concept (of privacy) is vast and evolving, difficult to precisely define and difficult to preserve." Their legislative recommendations will doubtlessly receive your careful consideration. We will, by executive action, implement a number of the standards set forth in that report and urge all state agencies to review their current rules on the handling of government documents with the Administrative Rules Counsel in the Governor's Office.

### **Reapportionment**

The 1980 session will be the last chance to adopt a bipartisan approach for the drawing of congressional and legislative district lines prior to the time the General Assembly must face reapportionment upon completion of the 1980 census. The House has passed reapportionment legislation which will avoid gerrymandering while respecting local political boundaries. Quick action by the Senate can complete this important reform.

### **Fair Play Plan**

With state limits on property assessment growth and local government budgeting, it is only fair for the state to strive to protect local governments from unexpected and unfunded state-imposed budget increases. While drafting of the fair play plan into statute isn't easy, we need to pursue this protection for local governments. In turn we would welcome the same treatment from the federal government.

### **Ethics**

Establishing suitable restrictions and guidelines in the bribery and gift statutes remains undone resulting in uncertainty and doubt among well-intentioned public officials. The current bribery statutes should be revised and the gift statute strengthened and clarified.

### **IPERS Benefits Increase**

Inflation has been especially difficult to bear for those living on pensions and other fixed incomes. With the flexibility the current reserve in the Iowa Public Employees Retirement System (IPERS) trust fund provides, there are several changes in IPERS benefits that can be made to assist future and present retirees as well as remove some current inequities. These are:

- Increase the benefit level for future retirees from forty-six percent to forty-seven percent of the "high-five" average.
- Increase the benefit level for retirees who have retired since January 1, 1976, to forty-seven percent of the "high-five" average.
- Increase the benefits for retirees who retired prior to 1976 by a flat dollar amount based on years in public service (\$.50 per month for each of the first ten years; \$1.00 per month for each of the second ten years; \$1.50 per month for each of the third ten years).



**Drunk Driving**

Our roadways continue to be plagued by drunk drivers, one of the great hazards a driver faces. In recent years, thirty percent of all traffic fatalities have been related to the use of alcohol. Revision of the OMVUI statute is necessary to assure that the mandatory two-day jail sentence for such a violation is really mandatory. In addition, presumption of evidence legislation should be pursued.

**Housing Finance Authority Bonding**

There remains a continued need for low-interest loans to low- and moderate-income families and the elderly on fixed incomes to help meet their housing needs. A \$250 million increase in the bonding authority of the Iowa Housing Finance Authority will fund the construction of 3,000 single family housing units and 4,000 apartment units for the low-income and elderly. Prompt approval should be given to this request.

**Fire Safety**

Smoke detectors have proven to be an effective early warning system, and they have saved countless lives. Legislation to require smoke detectors in new and existing apartment houses, hotels, motels and rooming houses could well save more Iowans from the tragic circumstances of a fire at a minimal cost.

**Family Farm Development Act**

Double-digit inflation has increased the cost of farm land, equipment and livestock causing farm operators, particularly beginning farmers, to require ever-increasing credit to finance their operations. Actions by the federal government have further complicated the problem by tightening the money supply and increasing the cost of credit. The Family Farm Development Act is designed to channel funds at reasonable interest rates into the farm credit market to those who need them most. This program would involve existing banks, the Farmers Home Administration guaranteed loan program and a proposed State Authority to issue tax-free agriculture revenue bonds to the public through the municipal bond market. The Family Farm Development Act offers substantial relief to the agricultural credit problem, both for small and medium size ongoing farm operations, and for those who wish to pursue an agricultural career but do not yet have the initial capital to do so.

**Residency Requirements for Teachers**

We're past the time when public employees should be required to live within the community or district in which they work. The Senate bill eliminating residency requirements for the teaching profession deserves passage by the House.

**Usury**

There perhaps has never been a more unsettled time with interest rates than we have seen during the past six months. Some suggest that when interest rates reach fourteen to fifteen percent on mortgages, people shouldn't borrow. Be that as it may, in a free society individuals who have available advice from realtors and lenders should be free to buy or sell homes as they themselves determine. The federal government has already preempted state usury limits on a temporary basis. That approach seems to be

working. Rather than rely on continued federal preemption, we should eliminate the usury limit for residential mortgage loans.

#### **Mechanic's Liens**

A measure of protection from misunderstandings by innocent property owners arising under Iowa's mechanic's lien law can be afforded if the General Assembly completes consideration of legislation requiring a supplier of material or labor to give notice to consumers in writing of the possibility of a mechanic's lien.

#### **Products Liability**

Last year we called for the creation of an interim joint underwriting authority to provide basic coverage on products liability and to require specific data from insurance carriers. Such legislation was not forthcoming. In the meantime, we note that policy coverage is now much more available and at a competitive price. The Insurance Commissioner has required all Iowa casualty companies to submit certain data relating to products liability risks. That information will be available after May 1.

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

Halvorson of Clayton moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Millen in the chair.

### **STUDY BILL COMMITTEE ASSIGNMENTS**

#### **S.B. 504 County Government**

Proposing a constitutional amendment to the Constitution of the State of Iowa to limit state and local expenditures and to provide certain exemptions.

#### **S.B. 505 County Government**

Relating to the storage of a registered snowmobile.

#### **S.B. 506 County Government**

Relating to the records of the plans and costs of the construction of county bridges or culverts.

**S.B. 507 County Government**

Providing a fee for the filing of instruments in the office of county recorder.

**S.B. 508 County Government**

Relating to the recording of real property conveyances pursuant to probate or marriage dissolution decrees.

**S.B. 509 County Government**

To increase the fee for transfers made in the transfer books by the county auditor.

**S.B. 510 County Government**

Relating to the compensation of deputy sheriffs.

**S.B. 511 County Government**

Relating to writing fees collected by county recorders for boat and snowmobile registrations.

**S.B. 512 County Government**

To extend the property tax levy for flood and erosion control under chapter four hundred sixty-seven B (467B) of the Code to all taxable property outside the corporate limits of a city.

**S.B. 513 Commerce**

Making an appropriation to the office for planning and programming to be used to hire personnel for weatherization programs.

**S.B. 514 Commerce**

Relating to products liability actions.

**S.B. 515 Commerce**

Relating to statutory limitations on interest rates which were affected by the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred thirty (130).

**COMMUNICATION RECEIVED**

The following communication was received and placed on file in the office of the Chief Clerk:

**DEPARTMENT OF SOCIAL SERVICES**

A report on the plan for juvenile deinstitutionalization from the Iowa Department of Social Services pursuant to Chapter 8, Section 3, Subsection 2, Code of Iowa.

**SPONSOR ADDED  
(House File 2037)**

Swearingen of Keokuk requested to be added as a sponsor of House File 2037.

**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 JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 2:30 p.m., January 14, 1980

Convened: 2:35 p.m.

Adjourned: 3:00 p.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Clark of Cerro Gordo, Conlon, Corey, Hibbs, Holt, Johnson of Howard, Lonergan, Maulsby, Pelton, Smalley, Walter and Welsh.

Absent: Patchett, Ranking Member; Arnould, Doyle, Jesse (arrived 2:45 p.m.), Lloyd-Jones and Rapp.

**COMMITTEE RECOMMENDATION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully

reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

COMMITTEE ON TRANSPORTATION

**Senate File 278**, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties.

**Recommended Amend and Do Pass.**

H - 5003

1 Amend Senate File 278 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 2, by inserting after line 23 the  
4 following:  
5 "Sec. 6. Section three hundred twenty-one point  
6 one hundred ninety-six (321.196), unnumbered paragraph  
7 one (1), Code 1979, is amended to read as follows:  
8 Prior to July 1, 1975, the director shall issue,  
9 under rules formulated by the director, operators'  
10 licenses valid for two or four years. Each An  
11 operator's license issued after July 1, 1977, shall  
12 expire four years from the licensee's birthday  
13 anniversary occurring in the year of issuance if the  
14 licensee is between the ages of eighteen and sixty-  
15 five seventy years on the date of issuance of the  
16 license, otherwise the license shall be effective  
17 for a period of two years. but The license shall be  
18 renewable without written examination or penalty  
19 within a period of thirty days after such birthday  
20 anniversary and such its expiration date. A per-  
21 son shall not be considered to be driving with an  
22 invalid license during such a period before renewal,  
23 however of thirty days following the license expiration  
24 date. However for any license renewed within such  
25 thirty-day period, the date of issuance shall be  
26 considered to be the previous birthday anniversary  
27 on which it expired. Applicants whose licenses are  
28 restricted due to vision or other physical deficiencies  
29 may be required to renew their licenses every two

30 years. For the purposes of this section the birthday  
 31 anniversary of a person born on February 29 (twenty-  
 32 ninth shall be deemed to occur on March 1 first.  
 33 All applications for renewal of operators' licenses  
 34 shall be made under the direct supervision of a  
 35 uniformed member of the department and shall be  
 36 approved by such the uniformed member. The director  
 37 department in its discretion may authorize the renewal  
 38 of a valid license upon application without an  
 39 examination provided that, a person holding such  
 40 license has not more than three convictions of moving  
 41 traffic violations during the previous two years and,  
 42 provided that such person the applicant satisfactorily  
 43 passes a vision test as prescribed by the department.  
 44 Sec. 7. Section three hundred twenty-one point  
 45 one hundred ninety-seven (321.197), Code 1979, is  
 46 amended to read as follows:  
 47 321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every  
 48 chauffeur's license issued hereunder shall expire  
 49 every two or four years at the option of the applicant  
 50 on the licensee's birthday anniversary. A chauffeur's

## Page 2

1 license may be renewed within thirty days after the  
 2 applicant's license expiration date without written  
 3 examination or penalty. A person shall not be  
 4 considered to be driving with an invalid license  
 5 during a period of thirty days following the license  
 6 expiration date. However, if the licensee is sixty-  
 7 five seventy years of age or older on the date of  
 8 issuance of the license, such the license shall be  
 9 issued to be valid for two years. Persons whose  
 10 birthdays occur For the purposes of this section the  
 11 birthday anniversary of a person born on February  
 12 29 twenty-ninth shall be deemed to occur on March  
 13 1, for the purpose of this section first. The  
 14 department in its discretion may waive the examination  
 15 of any such applicant previously licensed as a  
 16 chauffeur under this chapter, provided that such the  
 17 person satisfactorily passes a vision test as  
 18 prescribed by the department. All applications An  
 19 application for the renewal of a chauffeur's license  
 20 shall be made under the direct supervision of a  
 21 uniformed member of the department and shall be  
 22 approved by such the uniformed member."  
 23 2. Page 2, by inserting before line 24 the  
 24 following:  
 25 "Sec. 8. Section three hundred twenty-one point  
 26 two hundred three (321.203), Code 1979, is amended  
 27 to read as follows:  
 28 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.

29 The privilege of driving a motor vehicle on the high-  
 30 ways of this state given to a nonresident hereunder  
 31 shall be is subject to suspension or revocation by  
 32 the department in like manner and for like cause as  
 33 an operator's or chauffeur's license issued hereunder  
 34 may be suspended or revoked except as provided under  
 35 section three hundred twenty-one point five hundred  
 36 thirteen (321.513) of the Code.

37 Sec. 9. Section three hundred twenty-one point  
 38 two hundred ten (321.210), Code 1979, is amended by  
 39 adding the following new subsection:

40 NEW SUBSECTION. Should have his or her license  
 41 suspended under the provisions of section three hundred  
 42 twenty-one point five hundred thirteen (321.513) of  
 43 the Code.

44 Sec. 10. Section three hundred twenty-one point  
 45 two hundred twelve (321.212), unnumbered paragraph  
 46 one (1), Code 1979, is amended to read as follows:

47 The Except as provided in section three hundred  
 48 twenty-one point five hundred thirteen (321.513) of  
 49 the Code, the department shall not suspend a license  
 50 for a period of more than one year, except that a

**Page 3**

1 license suspended because of incompetency to drive  
 2 a motor vehicle shall be suspended until the department  
 3 receives satisfactory evidence that the former holder  
 4 thereof is competent to operate a motor vehicle and  
 5 a refusal to reinstate shall constitute a denial of  
 6 license within the provisions of section 321.215;  
 7 upon revoking a license the department shall not in  
 8 any event grant an application for a new license until  
 9 the expiration of one year after such the revocation."

10 3. Page 3, line 4, by inserting after the figure  
 11 "321.207" the words and figure "or chapter three  
 12 hundred twenty-one C (321C) of the Code".

13 4. Page 3, line 9, by striking the word "six"  
 14 and inserting in lieu thereof the words "six ten".

15 5. Page 3, by inserting after line 11 the  
 16 following:

17 "Sec. 12. Chapter three hundred twenty-one (321),  
 18 Code 1979, is amended by adding the following new  
 19 section as section three hundred twenty-one point  
 20 five hundred thirteen (321.513) of the Code:

21 NEW SECTION. NONRESIDENT VIOLATOR COMPACT.

22 1. AUTHORITY TO COMPACT. The director, subject  
 23 to the approval of the commission, may enter into  
 24 nonresident violator compacts with other jurisdictions.  
 25 The compacts shall contain in substantially the same  
 26 form the following provisions:

- 27 a. DEFINITIONS. For purposes of the nonresident  
 28 violator compact, unless the context requires  
 29 otherwise:
- 30 (1) "Citation" means a summons, ticket, or other  
 31 official document issued by a police officer for a  
 32 traffic violation containing an order which requires  
 33 the motorist to respond.
- 34 (2) "Collateral" means cash or other security  
 35 deposited to secure an appearance for trial, following  
 36 the issuance by a police officer of a citation for  
 37 a traffic violation.
- 38 (3) "Court" means a court of law or traffic  
 39 tribunal.
- 40 (4) "Driver's license" means a license or privilege  
 41 to operate a motor vehicle issued under the laws of  
 42 the home jurisdiction.
- 43 (5) "Home jurisdiction" means the jurisdiction  
 44 that issued the driver's license of the traffic  
 45 violator.
- 46 (6) "Issuing jurisdiction" means the jurisdiction  
 47 in which the traffic citation was issued to the  
 48 motorist.
- 49 (7) "Jurisdiction" means a state, territory, or  
 50 possession of the United States, the District of

**Page 4**

- 1 Columbia, or the Commonwealth of Puerto Rico.
- 2 (8) "Motorist" means a driver of a motor vehicle  
 3 operating in a party jurisdiction other than the home  
 4 jurisdiction.
- 5 (9) "Personal recognizance" means an agreement  
 6 by a motorist made at the time of issuance of the  
 7 traffic citation that the motorist will comply with  
 8 the terms of that traffic citation.
- 9 (10) "Police officer" means a peace officer as  
 10 defined in section eight hundred one point four (801.4)  
 11 of the Code authorized by the party jurisdiction to  
 12 issue a citation for a traffic violation.
- 13 (11) "Terms of the citation" means those options  
 14 expressly stated upon the citation.
- 15 b. PROCEDURE FOR ISSUING JURSDICTION.
- 16 (1) When issuing a citation for a traffic  
 17 violation, a police officer shall issue the citation  
 18 to a motorist who possesses a driver's license issued  
 19 by a party jurisdiction and shall not, except as  
 20 provided in subparagraph two (2) of this paragraph,  
 21 require the motorist to post collateral to secure  
 22 appearance, if the officer receives the motorist's  
 23 signed personal recognizance that the motorist will  
 24 comply with the terms of the citation.
- 25 (2) Unless prohibited by law, personal recognizance



26 is acceptable. If mandatory appearance is required  
27 by law, the appearance must take place immediately  
28 following issuance of the citation.

29 (3) Upon failure of a motorist to comply with  
30 the terms of a traffic citation, the appropriate  
31 official shall report the failure to comply to the  
32 licensing authority of the jurisdiction in which the  
33 traffic citation was issued, and that licensing  
34 authority shall transmit the information contained  
35 in the report to the licensing authority in the home  
36 jurisdiction of the motorist.

37 (4) The licensing authority of the issuing  
38 jurisdiction shall not suspend the driving privilege  
39 of a motorist for whom a report has been transmitted.

40 (5) The licensing authority of the issuing  
41 jurisdiction shall not transmit a report on a violation  
42 if the date of transmission is more than six months  
43 after the date the traffic citation was issued.

44 (6) The licensing authority of the issuing  
45 jurisdiction shall not transmit a report on a violation  
46 where the date of issuance of the citation predates  
47 the most recent effective date of entry for the two  
48 jurisdictions.

49 c. PROCEDURE FOR HOME JURISDICTION. Upon receipt  
50 of a report of a failure to comply, the licensing

#### Page 5

1 authority of the home jurisdiction shall notify the  
2 motorist and initiate a suspension action, in  
3 accordance with the home jurisdiction's procedures,  
4 to suspend the motorist's driver's license until  
5 satisfactory evidence of compliance with the terms  
6 of the traffic citation has been furnished to the  
7 home jurisdiction licensing authority. Due process  
8 safeguards shall be accorded.

9 d. EXCEPTIONS. The provisions of the nonresident  
10 violator compact do not apply to parking or standing  
11 violations, highway weight limit violations, and  
12 violations of law governing the transportation of  
13 hazardous materials.

14 e. ADDITIONAL PROVISIONS. The nonresident violator  
15 compact may contain other provisions the director  
16 reasonably determines are necessary or appropriate  
17 for inclusion in the compact.

18 2. RULES. The department may adopt rules pursuant  
19 to chapter seventeen A (17A) of the Code as necessary  
20 to carry out the provisions of this section.

21 3. ENFORCEMENT. The agencies and officers of  
22 this state and its political subdivisions shall enforce  
23 the nonresident violator compacts and shall do all  
24 things appropriate to accomplish their purpose and

25 intent."

26 6. Page 4, by inserting after line 30 the  
27 following:

28 "Sec. 18. Sections eight (8), nine (9), ten (10),  
29 and twelve (12) of this Act, relating to the  
30 nonresident violator compact are effective July 1,  
31 1981."

32 7. Amend the title, line 1, by deleting the words  
33 "violations of motor vehicle laws" and inserting in  
34 lieu thereof the words "motor vehicle laws by providing  
35 four-year operators' and chauffers' licenses for  
36 licensees between the ages of eighteen and seventy."

37 8. Amend the title, line 5, by inserting after  
38 the word "determinations," the words "by authorizing  
39 the director of transportation to enter into  
40 nonresident violator compacts,".

41 9. By renumbering sections and internal references  
42 as necessary in conformance with this amendment.

#### AMENDMENT FILED

H-5004

H.F. 2072

Spear of Lee  
Miller of Buchanan

On motion by Halvorson of Clayton the House adjourned at  
10:57 a.m., until 9:00 a.m., Wednesday, January 16, 1980.

# JOURNAL OF THE HOUSE

Third Calendar Day — Third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 16, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Philip Doeschot, pastor of the Meredith Drive Reformed Church, Des Moines.

The Journal of Tuesday, January 15, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gene F. Michel, Cherokee.

## INTRODUCTION OF BILLS

**House Joint Resolution 2006**, by Bruner and Jochum, a joint resolution proposing an amendment to the Constitution of the state of Iowa allowing motor vehicle registration fees, licenses and motor fuel excise taxes to be spent on public transit systems.

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

**House Joint Resolution 2007**, by Spear and Brandt, a joint resolution proposing an amendment to the Constitution of the state of Iowa relating to treason against the state.

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

**House Joint Resolution 2008**, by Spear and Bina, a joint resolution proposing an amendment to the Constitution of the state of Iowa to repeal article one (I), section fourteen (14), relating to the military.

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

**House Joint Resolution 2009**, by Spear, Brandt and Bina, a joint resolution proposing an amendment to the Constitution of the state of Iowa to repeal transition provisions contained in section two (2), section three (3), and sections five (5) through fifteen (15) of Article twelve (XII).

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

**House Joint Resolution 2010**, by Spear, Brandt and Bina, a joint resolution proposing an amendment to the Constitution of the state of Iowa relating to the qualifications of senators.

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

**House File 2075**, by Bruner, a bill for an act to require the department of job service to make an annual report to the general assembly on the investment portfolio of the Iowa public employees' retirement system fund.

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

**House File 2076**, by Bruner, Jochum and Lloyd-Jones, a bill for an act relating to migrant workers and making an appropriation.

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

**House File 2077**, by Bruner, a bill for an act relating to the qualifications of a certified shorthand reporter.

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

**House File 2078**, by Bruner, a bill for an act to permit persons who have all qualifications of an eligible elector except age to serve on local school district boards of directors.

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

**House File 2079**, by Lloyd-Jones, a bill for an act to delete the terms "lunatic" and "lunatics" from the Code.

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

**House File 2080**, by Conlon, a bill for an act relating to the enforcement of monetary judgments.

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

**House File 2081**, by Conlon, a bill for an act extending coverage under the Iowa Tort Claims Act to regional boards of library trustees and their employees.

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

**House File 2082**, by Bruner, Bina, Walter and Rapp, a bill for an act relating to the sale of policies of accident and health insurance, including policies providing medicare supplement coverage, skilled nursing care coverage, hospital confinement indemnity coverage, and specified disease or specified accident coverage and providing penalties.

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

**House File 2083**, by Anderson of Audubon, a bill for an act relating to the cost of road or bridge construction projects which require letting by competitive bids.

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

**House File 2084**, by Cochran, a bill for an act relating to indexing the individual exemptions for the state inheritance tax.

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

**House File 2085**, by Crabb, a bill for an act relating to the operation of recreational vehicle parks.

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

**House File 2086**, by Crabb, Connors, and Kirkenlager, a bill for an act relating to workers' compensation by exempting certain families of farm partnerships from coverage, recomputing minimum benefits, creating benefits for temporary partial disability, redefining the healing period, revising the compensation rate for volunteer firemen, allowing compensable medical care outside Iowa, increasing the rate of interest to seven percent on certain payments, updating the definition of payroll taxes, increasing the size of the second injury fund, providing prompt payment of valid, but disputed-liability, claims, and by changing all Code references to worker or workers.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2087**, by Crabb, a bill for an act eliminating change of venue in criminal actions.

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

**House File 2088**, by Crabb, Daggett and Bennett, a bill for an act to permit agricultural credit corporations owned by banks to make agricultural purpose consumer loans at interest rates permitted for closed-end consumer loans.

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

**House File 2089**, by Daggett, Harbor and Mullins, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

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

**House File 2090**, by Lind, a bill for an act to provide that the giving or receiving of emergency first aid or medical assistance shall not constitute the crime of giving or receiving a bribe or illegal gift.

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

**House File 2091**, by Thompson, a bill for an act relating to speed restrictions in a school district.

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

**House File 2092**, by Schroeder, a bill for an act to provide a maximum admission price to certain extracurricular activities of school districts.

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

**House File 2093**, by Harbor, a bill for an act limiting the motor fuel tax exemption for gasohol to gasohol mixtures utilizing alcohol derived primarily from Iowa agricultural products or similar commodities and providing a penalty.

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

**House File 2094**, by Harbor and Schroeder, a bill for an act expanding the guest statute to include passengers engaged in a car pool.

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

**House File 2095**, by Harbor, a bill for an act to require the revenues from the sales tax on gasohol to be deposited in the road use tax fund.

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

**House File 2096**, by Harbor, a bill for an act relating to the amount of the penalty fee for the reinstatement of a grain dealer license that has terminated.

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

**House File 2097**, by Harbor, Krewson and Pope, a bill for an act relating to the licensing of commercial motor vehicle auctioneers, and making penalties applicable.

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

**House File 2098**, by Welden, a bill for an act limiting payment for unused sick leave for certain retired state employees.

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

**House File 2099**, by Kirkenlager, a bill for an act allowing members of the United States armed forces on active duty and those honorably discharged who served between the Korean and Vietnam Conflicts to receive the state military service property exemption.

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

**House File 2100**, by Schneklath and Pellett, a bill for an act providing for the deduction of the federal income tax accrued for the tax year in computing the state individual income tax for that tax year.

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

**House File 2101**, by Connolly, a bill for an act providing for the election of the members of the Iowa state commerce commission.

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

**House File 2102**, by Miller, a bill for an act to prohibit the sale in Iowa of any drug classified as ineffective by the federal food and drug administration.

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

**House File 2103**, by Miller, a bill for an act relating to the payment of taxes imposed under the Social Security Act and the deposit of moneys saved.

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

**House File 2104**, by Miller, a bill for an act relating to the duties, rights and liabilities of persons who operate or ride motorcycles and motorized bicycles while not wearing approved protective headgear, and providing a penalty.

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

**House File 2105**, by Hansen of O'Brien, a bill for an act relating to the loading and unloading of pupils from school buses.

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

**House File 2106**, by Anderson of Jasper, a bill for an act to grant a property tax exemption to privately owned, public use airports.

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



**House File 2107**, by Chiodo, a bill for an act requiring new moped licensees to be at least sixteen years of age and to pass a driving demonstration.

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

**House File 2108**, by Howell, a bill for an act relating to the purchase of recycled paper products.

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

**House File 2109**, by West, a bill for an act to increase the maximum interest rate payable on installment contracts for the purchase of school buses.

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

**House File 2110**, by Welsh, a bill for an act relating to motor vehicle inspection requirements.

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

**House File 2111**, by Welsh, a bill for an act to make the county attorney a full-time county officer and to provide for a minimum annual salary.

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

**House File 2112**, by Welsh, a bill for an act to allow a person whose motor vehicle license has been revoked for refusal to submit to a chemical test to apply for a temporary restricted license.

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

**House File 2113**, by Welsh, a bill for an act relating to the age of an individual who may be employed to sell or serve alcoholic liquor or beer.

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

**House File 2114**, by Tyrrell, a bill for an act to authorize local administration of public assistance and general relief and to require participation by recipients in local public works projects.

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

**House File 2115**, by Bina, a bill for an act relating to the qualifications for the additional property tax relief for the elderly and disabled.

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

**House File 2116**, by Groth and Harbor, a bill for an act to include classes offered by area schools as eligible for supplementary weighting.

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

**House File 2117**, by Pellett, a bill for an act relating to prohibiting the state board of regents from employing graduate students who are not citizens of the United States to teach at the three state universities before the students pass an oral english examination.

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

**House File 2118**, by Walter, a bill for an act relating to the notice of intended agency action to adopt a rule.

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

**House File 2119**, by Walter, a bill for an act requiring judicial magistrates to be licensed to practice law in this state.

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

**House File 2120**, by Brandt, a bill for an act to allow qualified persons who own a life estate in property with a reversionary interest held by a non-profit corporation or who hold an interest in a horizontal property regime to claim a military service exemption on the property.

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

REPORT OF THE FIRST CONFERENCE COMMITTEE  
ON SENATE FILE 344

To the President of the Senate and the Speaker of the House of Representatives.

We, the undersigned members of the Conference Committee appointed to consider the differences between the House and the Senate on Senate File 344, a bill for an act relating to access to and use of solar energy respectfully make the following report:

1. That the House recede from its amendment S-3561 to Senate File 344 as passed by the Senate.

2. That Senate File 344 as passed by the Senate be amended as follows:

1. Page 1, by striking lines 13 through 18 and inserting in lieu thereof the following:

"1. "Solar energy system" means any of the following:

a. A system of equipment capable of collecting and converting incident solar energy into heat, mechanical or electrical energy and transforming those forms of energy by a separate apparatus to a point of storage or end use.

b. Structural and operable components of a structure that are designed to heat or cool the structure by using solar energy by means of conduction, convection, radiation or evaporation.

c. A greenhouse."

2. Page 1, by striking lines 27 and 28 and inserting in lieu thereof the words "conveyance requirements as other easements. A solar easement shall".

3. Page 1, line 26, by striking the number "1."

4. Page 1, line 31, by striking the letter "a." and inserting in lieu thereof the number "1."

5. Page 1, by striking lines 33 and 34 and inserting in lieu thereof the following:

"2. A legal description of the space which must remain unobstructed expressed in terms of the degrees of the vertical and horizontal angles through which the solar easement extends over the burdened property and the points from which these angles are measured."

6. Page 1, line 35, by striking the letter "c." and inserting in lieu thereof the number "3."

7. Page 2, line 3, by striking the letter "d." and inserting in lieu thereof the number "4."

8. Page 2, line 5, by striking the letter "e." and inserting in lieu thereof the number "5."

9. Page 2, by striking lines 10 through 21.

10. Page 3, line 1, by striking the word "and" and inserting in lieu thereof the words "and which is".

11. Page 3, line 6, by inserting after the word "system;" the words "to promote the conservation of energy resources:"

12. Page 3 by striking lines 22 through 25 and inserting in lieu thereof the word "decisions."

13. Page 4, line 29, by striking the word "A".

14. Page 4, by striking lines 30 through 33.

15. Page 5, line 2, by striking the word "and" and inserting in lieu thereof the words "and which is".

16. Page 5, line 7, by inserting after the word "system;" the words "to promote the conservation of energy resources;"

17. Page 5, by inserting after line 16 the following new section:

"Sec. .NEW SECTION. ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE PUBLIC. The energy policy council shall make available information and guidelines to assist local government bodies and the public to understand and use the provisions of this Act. The information and guidelines shall include model easements, model restrictive covenants, and instructions and aids for preparing and recording solar easements."

18. By renumbering and correcting internal references in accordance with this amendment.

ON THE PART OF THE HOUSE:

VIRGINIA POFFENBERGER, Chair  
DARRELL HANSON  
SUE MULLINS

ON THE PART OF THE SENATE:

RICHARD R. RAMSEY, Chair  
A. R. (BUD) KUDART  
DAVID M. READINGER  
JOHN R. SCOTT  
JAMES GALLAGHER

**SPONSOR ADDED**  
(House File 2081)

Ritsema of Sioux requested to be added as a sponsor of House File 2081.

(House File 2099)

Van Maanen of Mahaska requested to be added as a sponsor of House File 2099.

APPOINTMENT TO  
LAW ENFORCEMENT ACADEMY COUNCIL

In accordance with Chapter 28, Laws of the Sixty-eighth General Assembly, 1979 Session, the Speaker announced the appointment of Representative Lee Holt of Clay County to the Iowa Law Enforcement Academy Council.

STUDY BILL COMMITTEE ASSIGNMENTS

**S.B. 516 Energy**

Relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities.

**S.B. 517 Energy**

Requiring an applicant for a certificate of public convenience use and necessity under chapter four hundred seventy-six A (476A) of the Code to establish and maintain a comprehensive energy management program as a condition for issuance of a certificate.

**S.B. 518 Energy**

Allowing the Iowa state commerce commission to require public utilities to accept certain energy conservation procedures and programs.

**S.B. 519 Energy**

Appropriating funds to the energy policy council to purchase gasoline and middle distillates for a state emergency fuel reserve.

**S.B. 520 Energy**

Relating to and appropriating funds for the mass transit project for state employees.

**S.B. 521 Energy**

Requiring tariffs submitted by a public utility to the Iowa state commerce commission that result in a significant increase in the cost or a significant decrease in the quality of service be docketed as a formal proceeding and mandating public hearing requirements on such tariff.

**S.B. 522 Energy**

Creating the position of consumer utility counsel in the office of the attorney general.

**S.B. 523 Energy**

Making an appropriation to the office for planning and programming for weatherization programs.

**S.B. 524 Energy**

Providing a residential energy credit against individual state income tax liability and making provisions retroactive.

**S.B. 525 Energy**

Relating to property improvement loans by the Iowa housing finance authority for solar and other renewable energy systems.

**S.B. 526 Energy**

Subjecting persons who install insulation to registration and bonding requirements and providing a penalty for violations.

**S.B. 527 State Government**

Relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

**S.B. 528 State Government**

Relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

**S.B. 529 State Government**

To authorize the department of public safety to regulate the use of frequencies assigned for mutual aid and communication between law enforcement agencies.

**S.B. 530 State Government**

Relating to the state and county funding of a county fair.

**S.B. 531 State Government**

To establish a communications review committee and to abolish the police communications review committee.

**S.B. 532 State Government**

To make library circulation and registration records confidential records.

**S.B. 533 State Government**

To authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

**S.B. 534 State Government**

Abolishing the additional bonus and disability fund.

**S.B. 535 Human Resources**

Relating to the duties of care review committees and the state department of health in regulating health care facilities and providing penalties.

**S.B. 536 Human Resources**

To provide multipurpose service programs for displaced homemakers and related education programs and to fund the programs.

**S.B. 537 Human Resources**

Relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

**S.B. 538 Human Resources**

Relating to the furlough of inmates sentenced to and confined in an institution under the jurisdiction of the department of social services.

**S.B. 539 Human Resources**

Relating to the punishment for violation of section three hundred twenty-one point five hundred sixty-one (321.561) of the Code.

**S.B. 540 Human Resources**

Relating to the supplying of a house or quarters, utilities and provisions for executive heads of institutions under the department of social services.

**S.B. 541 Cities**

Authorizing municipalities to establish mortgage loan programs financed by revenue bonds.

**S.B. 542 Cities**

Amending chapter four hundred nineteen (419) of the Code relating to revenue bonds issued by municipalities to finance projects.

**S.B. 543 Cities**

Increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time.

**S.B. 544 Human Resources**

Requiring that information regarding the Iowa law permitting drug product selection by pharmacists and stating the retail price of certain prescription drugs be posted in every pharmacy, and relating to advertising by pharmacies.



**S.B. 545 Human Resources**

Creating a foster care and family life education council and requiring foster care and family life education.

**S.B. 546 Agriculture**

Relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources.

**S.B. 547 Agriculture**

Relating to tort liability of soil conservation districts and their officers, employees, and agents.

**S.B. 548 Agriculture**

To authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more such districts are under the management and control of that board, and to authorize a one-time assessment on land in such districts for the purpose of establishing the fund.

**S.B. 549 Agriculture**

To amend section four hundred fifty-five point one hundred thirty-five (455.135) of the Code, relating to repairs and improvements in drainage and levee districts.

**S.B. 550 Agriculture**

Relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

**S.B. 551 Commerce**

Amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

**S.B. 552 Education**

Relating to the educational program of schools, including course requirements relating to physical education, science, and foreign languages.

**S.B. 553 Education**

Relating to the authority of reorganized school districts to levy the schoolhouse tax.

**S.B. 554 Education**

To establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

**S.B. 555 Education**

Relating to requirements for holding a meeting with an area education agency board or the boards of contiguous school districts and the board of a school district proposing to issue general obligation bonds for the construction or renovation of a school building.

**S.B. 556 Education**

Relating to the purposes for which the tax levied under section two hundred ninety-seven point five (297.5) of the Code may be used.

**S.B. 557 Education**

Relating to diagnostic services for speech and hearing for nonpublic school pupils.

**S.B. 558 Education**

Relating to the determination of the salaries for the area education agency administrators.

**S.B. 559 Education**

Relating to the salary of the superintendent of public instruction.

**S.B. 560 Education**

Relating to the establishment of programs for gifted and talented children and to make an appropriation.

**S.B. 561 Education**

To provide an alternate method for calculating enrollment in certain school districts after approval at an election.

**S.B. 562 Education**

Relating to the educational program of schools, including course requirements relating to physical education and science.

**S.B. 563 State Government**

To allow the state educational radio and television facility board and certain nonprofit foundations to accept and administer trusts and act as trustees.

**S.B. 564 State Government**

Relating to the number of times a liquor control license or a beer permit can be transferred within a twelve-month period.

**S.B. 565 State Government**

Relating to the authority of the state educational radio and television facility board to provide services, collect and expend moneys, and establish a capital equipment replacement revolving fund.

**S.B. 566 State Government**

To legalize the sale of wine by the bottle or carafe by class "A", "B", "C" or "D" liquor control licensees, for on premises consumption.

**S.B. 567 State Government**

To forbid the issuance of liquor control licenses or beer permits to a school which provides teaching for any grade from kindergarten through twelve.

**S.B. 568 State Government**

Relating to the sale of wine and creating a license therefor.

**S.B. 569 Ways and Means**

Relating to the information which shall be included in notices prior to budget hearings by a political subdivision and to be included on tax statements provided by the county treasurer.

**S.B. 570 Ways and Means**

Relating to property tax exemptions for wetlands, forest cover, rivers and streams, river and stream banks and open prairies.

**HOUSE RESOLUTION 101**  
By Committee on Appropriations

1 *Whereas*, section two point twelve (2.12) of the Code  
2 of Iowa provides an unlimited appropriation of funds  
3 from the general fund of the state for the operation and  
4 expenses of the general assembly, and

5 *Whereas*, the general assembly is the largest agency  
6 of state government which has an unlimited operating  
7 budget, and

8 *Whereas*, it appears advisable that the House of  
9 Representatives adopt guidelines in the expenditure of  
10 funds for its operations; *Now Therefore*,

11 *Be It Resolved by the House of Representatives of the*  
12 *State of Iowa:*

13 Section 1. The House of Representatives adopts the  
14 following guidelines on the expenditure of funds under  
15 section two point twelve (2.12) of the Code for the 1980  
16 session and 1980 interim:

17	1980 Session	
18	Members' compensation .....	\$1,328,000
19	Members' expenses and travel .....	356,000
20	Officers' and employees' compensation,	
21	expenses and travel .....	866,000
22	Current and miscellaneous expenses .....	123,000
23	Printing .....	210,000
24	Equipment and supplies .....	30,000
25	1980 Legislative Interim	
26	Members' compensation .....	\$ 42,000
27	Members' expenses and travel .....	63,000
28	Officers' and employees'	
29	compensation, expenses and travel .....	360,000
30	Renovation and remodeling .....	35,000
31	Current and miscellaneous expenses .....	57,000

32 Sec. 2. If expenditures exceed the maximum amount  
 33 allocated to any category of these guidelines but are  
 34 authorized by section two point twelve (2.12) of the Code  
 35 of Iowa, the chief clerk of the House shall provide

**Page 2**

1 written notice to the majority and minority leaders  
 2 of the House and to the chair and ranking minority  
 3 member of the House committee on appropriations of  
 4 the excess amount and the reasons for exceeding the  
 5 guideline.

Laid over under Rule 30.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**DEPARTMENT OF REVENUE**

A report on school district surtax by the Iowa Department of Revenue, pursuant to Section 442.18, Code of Iowa.

**AMENDMENTS FILED**

H-5005	H.F. 2072	Bina of Scott Norland of Worth Pavich of Pottawattamie Wells of Linn Arnould of Scott Doyle of Woodbury Brandt of Black Hawk Anderson of Jasper Cusack of Scott
H-5006	H.F. 2071	Miller of Buchanan Spear of Lee Hummel of Benton
H-5007	H.F. 2072	Hanson of Delaware Conlon of Muscatine
H-5008	H.F. 2072	Spear of Lee Corey of Louisa Kirkenslager of Des Moines
H-5009	H.F. 2012	Groth of Buena Vista Spear of Lee Halvorson of Webster

**On motion by Halvorson of Clayton the House adjourned at 9:34 a.m., until 9:00 a.m., Thursday, January 17, 1980.**

# JOURNAL OF THE HOUSE

Fourth Calendar Day — Fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 17, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Robert D. Lewis, pastor of the Indianola Church of Nazarene, Indianola.

The Journal of Wednesday, January 16, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Spearing, Harlan.

## PETITION FILED

The following petition was received and placed on file:

By Pelton of Clinton, from fifty-three constituents of Clinton favoring legislation banning the steel jaw trap.

## INTRODUCTION OF BILLS

**House Joint Resolution 2011**, by Wells, a joint resolution requesting Congress to propose to the states for ratification an amendment to the Constitution of the United States providing that the display of religious symbols and the use of religious music in and on government buildings and property, including public schools, when it does not interfere with the use of the facilities for their ordinary purposes, is not an establishment of religion.

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

**House Joint Resolution 2012**, by Spear and Brandt, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that the auditor of state be appointed by and serve at the pleasure of the general assembly.

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

**House File 2121**, by Thompson and Mullins, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

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

**House File 2122**, by Bennett, a bill for an act relating to the reorganization of school corporations by requiring an informational hearing on each petition for reorganization and by extending the time limitations on a decision by the area education agency board on a petition.

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

**House File 2123**, by Bennett, a bill for an act to impose a penalty for possession of a fish, game, fur, bird, bird's nest, eggs or plumage, or animal which has been unlawfully caught, taken or killed.

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

**House File 2124**, by Bennett, a bill for an act providing an annual exemption of bakeries from licensing and inspection when receipts are less than five hundred dollars in one year.

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

**House File 2125**, by Rapp and Brandt, a bill for an act relating to the composition of impact areas surrounding certain playground equipment and providing a penalty.

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

**House File 2126**, by Ritsema, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

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

**House File 2127**, by Tyrrell, a bill for an act relating to writing fees charged by hunting, fishing, and trapping license depositaries and the county recorder.



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

**House File 2128**, by Van Maanen, a bill for an act relating to the distance between electric transmission lines and dwelling houses or other buildings.

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

**House File 2129**, by Gettings, a bill for an act to prohibit the purchase of foreign motor vehicles by state agencies, and to impose financial liability for violations.

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

**House File 2130**, by Lonergan, a bill for an act to repeal the power of a city to extend its zoning jurisdiction beyond its corporate limits.

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

**House File 2131**, by Lonergan, a bill for an act requiring owners of motor vehicles, under certain circumstances, to identify the drivers of the vehicles.

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

**House File 2132**, by Crabb, a bill for an act to provide that collective bargaining agreements with political subdivisions of the state shall have a duration of at least two years.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2133**, by Pope and Byerly, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor by liquor control licensees or beer permittees.

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

**House File 2134**, by Crabb, a bill for an act to allow elective officials to repay employee contributions to the Iowa public employees' retirement system refunded to the official and receive credit for service.

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

**House File 2135**, by Schroeder, a bill for an act relating to the destruction of weeds on privately-owned land and along county highways.

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

**House File 2136**, by Rapp, a bill for an act to establish a housing court having jurisdiction over landlord and tenant disputes and actions under the housing law.

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

**House File 2137**, by Hinkhouse, a bill for an act relating to requirements for school facilities.

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

**House File 2138**, by Hansen of O'Brien and Hoffmann, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area.

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

**House File 2139**, by Hansen of O'Brien, a bill for an act relating to the regulations for discharging pupils from school buses.

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

**House File 2140**, by Van Maanen, a bill for an act to permit a single individual who is fifty-five years of age or older to qualify and apply for additional property tax relief.

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

**House File 2141**, by Spear and Anderson of Jasper, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined.

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

**House File 2142**, by Pellett, a bill for an act relating to the purchase of goods or services by a political subdivision from a member of the political subdivision's governing board.

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

**House File 2143**, by Anderson of Jasper, a bill for an act to appropriate funds for rural community development.

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

#### RULE 36.8 SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend Rule 36.8 during consideration of House File 2072.

On motion by Halvorson of Clayton, the House was recessed at 9:15 a.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

#### QUORUM CALL

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

#### ADOPTION OF HOUSE RESOLUTION 101

Halvorson of Clayton asked and received unanimous consent for

the immediate consideration of House Resolution 101 filed on January 16, and found on pages 82 and 83 of the House Journal.

Welden of Hardin moved the adoption of House Resolution 101.

Roll call was requested by Thompson of Polk and Lageschulte of Bremer.

On the question "Shall the resolution be adopted?" (H.R. 101)

The ayes were, 91:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Hullinger
Hummel	Husak	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, 1:

Sherzan

Absent or not voting, 8:

Anderson, J.	Bennett	Egenes	Howell
Jesse	Jochum	Patchett	Pope

The motion prevailed and the resolution was adopted.

## CONSIDERATION OF BILLS

### Ways and Means Calendar

**House File 2072**, a bill for an act relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes and making the act retroactive, was taken up for consideration.

Bina of Scott offered the following amendment H—5005 filed by Bina, et al.:

H—5005

1 Amend House File 2072 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Sec. . Acts of the Sixty-eighth General  
 5 Assembly, 1979 Session, chapter four (4), section  
 6 five (5), is amended to read as follows:  
 7 Sec. 5. There is appropriated from the general  
 8 fund of the state to the municipal assistance fund,  
 9 established in section four hundred five point one  
 10 (405.1) of the Code, for each fiscal year of the  
 11 fiscal biennium beginning July 1, 1979 and ending  
 12 June 30, 1981, the following amounts, or so much  
 13 thereof as may be necessary, to be used for state  
 14 assistance to municipalities, with distribution in  
 15 accordance with section four hundred five point one  
 16 (405.1) of the Code.

17	1979-1980	1980-1981
18	<u>Fiscal Year</u>	<u>Fiscal Year</u>
19	\$13,000,000	\$13,000,000
20		<u>14,650,000".</u>

21 2. Amend the title page, line 7, by inserting  
 22 after the word "making" the words "an appropriation  
 23 and making".

West of Marshall rose on a point of order that amendment H—5005 was not germane.

The Speaker ruled the point well taken and amendment H—5005 not germane.

Bina of Scott moved that the rules be suspended for the consideration of amendment H—5005.

Roll call was requested by Bina of Scott and Cusack of Scott.

On the question "Shall the rules be suspended to consider amendment H—5005?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Lloyd-Jones	Loneragan	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 52:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Shimanek	Shull	Smalley
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Harbor)

Absent or not voting, 5:

Anderson, J.	Jochum	Patchett	Schroeder
Stromer			

The motion lost.

Binneboese of Plymouth offered the following amendment H—5011 filed by Binneboese, Bina, Norland, Brandt, Groth, O'Kane, Jay, Husak, Hinkhouse and Gettings from the floor:

H-5011

1 Amend House File 2072 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Sec. . Acts of the Sixty-eighth General

5 Assembly, 1979 Session, chapter four (4), section

6 four (4), is amended to read as follows:

7 Sec. 4. There is appropriated from the general

8 fund of the state to the county government assistance

9 fund, established in section three hundred thirty-

10 four A point one (334A.1) of the Code, for each fiscal

11 year of the fiscal biennium beginning July 1, 1979

12 and ending June 30, 1981, the following amounts, or

13 so much thereof as may be necessary, to be used for

14 state assistance to counties, with distribution in

15 accordance with section three hundred thirty-four

16 A point two (334A.2) of the Code.

17	1979-1980	1980-1981
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18	<u>Fiscal Year</u>	<u>Fiscal Year</u>
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19	\$ 5,000,000	\$ 5,000,000
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20		5,350,000".
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21 2. Amend title page, line 7, by inserting after

22 the word "making" the words "an appropriation and making".

West of Marshall rose on a point of order that amendment H-5011 was not germane.

The Speaker ruled the point well taken and amendment H-5011 not germane.

Binneboese of Plymouth moved that the rules be suspended for the consideration and adoption of amendment H-5011.

Roll call was requested by Welsh of Dubuque and O'Kane of Woodbury.

On the question "Shall the rules be suspended to consider and adopt amendment H-5011?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Husak
Jay	Jesse	Lloyd-Jones	Loneragan

Miller	Norland	O'Kane	Oxley
Pavich	Perkins	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 53:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker (Harbor)			

Absent or not voting, 6:

Anderson, J.	Davitt	Hullinger	Jochum
Patchett	Smalley		

The motion lost.

Connolly of Dubuque offered the following amendment H—5015 filed by Connolly, Brandt, Anderson of Jasper, Arnould, Dieleman, Miller, Hall, Spear, Coehran, Hullinger, Connors, Pavich, Wells, Binneboese, Husak, Horn, Lloyd-Jones, Bina, Hinkhouse, Groth and Bruner from the floor:

H—5015

- 1 Amend House File 2072 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing:
- 4 "Section 1. Chapter four hundred twenty-two (422),
- 5 Code 1979, is amended by adding sections two (2)
- 6 through thirteen (13) of this Act as a new division.
- 7 Sec. 2. NEW SECTION. DEFINITIONS. As used in
- 8 this division unless the context otherwise requires:
- 9 1. "Income" means the sum of Iowa net income as
- 10 defined in section four hundred twenty-two point seven
- 11 (422.7) of the Code, plus all of the following to
- 12 the extent not already included in Iowa net income:
- 13 Capital gains, alimony, child support money, cash



14 public assistance and relief, the gross amount of  
15 any pension or annuity, including but not limited  
16 to railroad retirement benefits, all payments received  
17 under the federal Social Security Act, and all military  
18 retirement and veterans' disability pensions, interest  
19 received from the state or federal government or any  
20 of its instrumentalities, workers' compensation and  
21 the gross amount of disability income or "loss of  
22 time" insurance. "Income" does not include gifts  
23 from nongovernmental sources, or surplus foods or  
24 other relief in kind supplied by a governmental agency  
25 or renter's relief granted under this division.

26 2. "Household" means a claimant, spouse, and any  
27 person related to the claimant or spouse by blood,  
28 marriage, or adoption and living with the claimant  
29 for more than six months during the tax year. "Living  
30 with" refers to domicile and does not include a  
31 temporary visit.

32 3. "Household income" means all income of the  
33 claimant and the claimant's spouse in a household  
34 and actual monetary contributions received from any  
35 other household member during their respective twelve-  
36 month income tax accounting periods ending with or  
37 during the tax year.

38 4. "Homestead" means the dwelling located in this  
39 state which is rented and actually used as a home  
40 by the claimant during all or part of the tax year  
41 or the last dwelling rented and actually used as a  
42 home by the claimant in the tax year, and so much  
43 of the land surrounding it, not exceeding one acre,  
44 as is reasonably necessary for use of the dwelling  
45 as a home, and may consist of a part of a multidwelling  
46 or multipurpose building and a part of the land upon  
47 which it is built. It does not include personal  
48 property except that a mobile home may be a homestead.  
49 Any dwelling or a part of a multidwelling or  
50 multipurpose building which is exempt from property

## Page 2

1 taxation shall not qualify as a homestead under the  
2 provisions of this division.

3 5. "Claimant" means a person filing a claim for  
4 credit under this division who has attained the age  
5 of eighteen years on or before the last day of the  
6 tax year, has not been or will not be claimed as a  
7 dependent by another person on a state or federal  
8 income tax return filed for any part of the tax year  
9 and was domiciled in this state during the entire  
10 tax year and is domiciled in this state at the time  
11 the claim is filed. "Claimant" does not include any  
12 person who has previously received or has filed for

13 any part of the tax year a claim for a credit for  
 14 property taxes due or a claim for reimbursement for  
 15 rent constituting property taxes paid under sections  
 16 four hundred twenty-five point sixteen (425.16) through  
 17 four hundred twenty-five point thirty-nine (425.39)  
 18 of the Code. The claimant shall have rented a dwelling  
 19 actually used as a home by the claimant for more than  
 20 six months during any part of the tax year. When  
 21 two persons of a household are able to meet the  
 22 qualifications for a claimant, they may determine  
 23 between them who will be the claimant. If they are  
 24 unable to agree, the matter shall be referred to the  
 25 director of revenue not later than the time required  
 26 for filing a claim for credit under this division  
 27 and the director's decision shall be final.

28 6. "Tax year" means the tax year as defined in  
 29 section four hundred twenty-two point four (422.4)  
 30 of the Code.

31 Sec. 3. NEW SECTION. CREDIT AND REIMBURSEMENT.

32 Subject to the limitations provided in this division,  
 33 a claimant may file claim for an income tax credit  
 34 for the renting of the claimant's homestead during  
 35 the tax year. After audit or certification by the  
 36 director, the credit shall be deducted from the  
 37 claimant's income tax liability for that tax year.  
 38 If the credit allowed exceeds the claimant's tax  
 39 liability, any excess shall be paid to the claimant  
 40 in the same manner as individual income tax refunds  
 41 are paid under this chapter. Any payments made  
 42 pursuant to this section shall be from the state  
 43 general fund.

44 Sec. 4. NEW SECTION. FILING DATE. A claim for  
 45 an income tax credit for the renting of the claimant's  
 46 homestead shall not be allowed unless the claim is  
 47 filed with the claimant's income tax return for the  
 48 tax year and within the time required for the filing  
 49 of such return as provided in section four hundred  
 50 twenty-two point twenty-one (422.21) of the Code.

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1 If an income tax return is not required to be filed,  
 2 then the claim shall be filed within the time required  
 3 for the filing of income tax returns for the tax year  
 4 as provided in section four hundred twenty-two point  
 5 twenty-one (422.21) of the Code.

6 Sec. 5. NEW SECTION. ONE CLAIMANT PER HOUSEHOLD.

7 Only one claimant per household per year is entitled  
 8 to a credit under this Act.

9 Sec. 6. NEW SECTION. SCHEDULE FOR CLAIMS FOR  
 10 CREDIT. The amount of any claim for an income tax

11 credit shall be determined in accordance with the  
12 following schedule:

13	If the household	Amount allowed as an
14	income is:	income tax credit:
15	\$ .00 - 3,999.99 .....	\$100
16	4,000 - 4,999.99 .....	90
17	5,000 - 5,999.99 .....	80
18	6,000 - 6,999.99 .....	60
19	7,000 - 7,999.99 .....	40
20	8,000 - 8,999.99 .....	30
21	9,000 - 15,000.00 .....	25

22 **Sec. 7. NEW SECTION. ADMINISTRATION.** The director  
23 of revenue shall make available suitable forms with  
24 instructions for claimants or provide on regular  
25 individual income tax returns for the filing of a  
26 claim under this division.

27 **Sec. 8. NEW SECTION. AUDIT OF CLAIM.** If on the  
28 audit of any claim for credit under this division,  
29 the director determines the amount of the claim to  
30 have been incorrectly calculated or that the claim  
31 is not allowable, the director shall recalculate the  
32 claim and notify the claimant of the recalculation  
33 or denial and the reasons for it. The director shall  
34 not adjust any claim after the period provided in  
35 section four hundred twenty-two point twenty-five  
36 (422.25) of the Code. If the claim for credit has  
37 resulted in a payment to the claimant, the amount  
38 so paid may be recovered in the same manner that  
39 income taxes are assessed and collected under sections  
40 four hundred twenty-two point twenty-five (422.25),  
41 four hundred twenty-two point twenty-six (422.26)  
42 and four hundred twenty-two point thirty (422.30)  
43 of the Code. The recalculation of the claim is final  
44 unless appealed as provided in section eleven (11)  
45 of this Act. The provisions of section four hundred  
46 twenty-two point seventy (422.70) of the Code are  
47 applicable with respect to this division.

48 **Sec. 9. NEW SECTION. FALSE CLAIM - PENALTY.** A  
49 person making a false claim for the purpose of  
50 obtaining the credit provided for in this division

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1 or who knowingly receives a payment under this division  
2 without being legally entitled to it is guilty of  
3 a simple misdemeanor. The claim for credit shall  
4 be disallowed in full and if the claim for credit  
5 has resulted in a payment to the claimant, the amount  
6 so paid may be recovered by assessment in the manner  
7 that income taxes are assessed pursuant to sections  
8 four hundred twenty-two point twenty-six (422.26)  
9 and four hundred twenty-two point thirty (422.30)

10 of the Code. The director of revenue shall send a  
11 notice of disallowance of the claim.

12 Sec. 10. NEW SECTION. NOTICES. Section four  
13 hundred twenty-two point twenty-five (422.25),  
14 subsection one (1) of the Code applies to all notices  
15 under this division.

16 Sec. 11. NEW SECTION. APPEALS. A person  
17 aggravated by an act or decision of the director of  
18 revenue or the department of revenue under this  
19 division has the same rights of appeal and review  
20 as provided in sections four hundred twenty-one point  
21 one (421.1) and four hundred twenty-two point twenty-  
22 nine (422.29) of the Code and the rules of the  
23 department of revenue.

24 Sec. 12. NEW SECTION. DISALLOWANCE OF CERTAIN  
25 CLAIMS. A claim for credit shall be disallowed if  
26 the department finds that the claimant is renting  
27 his or her homestead primarily for the purpose of  
28 receiving benefits under this division.

29 Sec. 13. NEW SECTION. RULES. The director of  
30 revenue shall adopt rules in accordance with chapter  
31 seventeen A (17A) of the Code for the interpretation  
32 and proper administration of this division, including  
33 rules to prevent and disallow duplication of benefits  
34 and to prevent an unreasonable hardship or advantage  
35 to any person.

36 Sec. 14. Section four hundred twenty-two point  
37 twelve (422.12), unnumbered paragraph one (1), Code  
38 1979, as the section is amended by Acts of the Sixty-  
39 eighth General Assembly, 1979 Session, chapter ninety-  
40 three (93), section six (6), is amended to read as  
41 follows:

42 There shall be deducted from but not to exceed  
43 the tax, except as provided in section fifteen (15)  
44 of this Act, after the same shall have been computed  
45 as provided in this division, the following:

46 Sec. 15. Section four hundred twenty-two point  
47 twelve (422.12), Code 1979, as the section is amended  
48 by Acts of the Sixty-eighth General Assembly, 1979  
49 Session, chapter ninety-three (93), section six (6),  
50 is amended by adding the following new subsection:

Page 5

1 NEW SUBSECTION. The renter's credit provided for  
2 under the provisions of sections two (2) through  
3 thirteen (13) of this Act. This credit shall be  
4 deducted after the deduction of the credits in  
5 subsections one (1) and two (2) of this section.  
6 If the deduction of this credit exceeds the tax  
7 liability, the excess shall be paid to the individual  
8 in the same manner as individual income tax refunds  
9 are paid under this chapter."

10 2. Page 10, by inserting after line 12 the follow-

11 ing:

12 "Sec. 23. Section four hundred forty-two point  
13 fifteen (442.15), unnumbered paragraph two (2), Code  
14 1979, as the section is amended by Acts of the Sixty-  
15 eighth General Assembly, 1979 Session, chapter one  
16 hundred six (106), section thirteen (13), is amended  
17 to read as follows:

18 The school district income surtax shall be imposed  
19 on the state individual income tax for the calendar  
20 year during which the school's budget year begins,  
21 or for a taxpayer's fiscal year ending during the  
22 second half of that calendar year or the first half  
23 of the succeeding calendar year, and shall be imposed  
24 on all individuals residing in the school district  
25 on the last day of the applicable tax year. As used  
26 in this section, "state individual income tax" means  
27 the tax computed under section 422.5, less the  
28 deductions allowed in subsections one (1) and two  
29 (2) of section 422.12.

30 Sec. 24. Section four hundred forty-two point  
31 eighteen (442.18), unnumbered paragraphs one (1) and  
32 two (2), Code 1979, are amended to read as follows:

33 The director of revenue shall deposit all moneys  
34 received or computed, whichever amount is greater,  
35 as school district income surtax to the credit of  
36 each district from which the moneys are received or  
37 computed, in a "school district income surtax fund"  
38 which is established in the office of the treasurer  
39 of state.

40 Effective July 1, 1980, the director of revenue  
41 shall deposit all school district income surtax moneys  
42 received or computed on or before November 1 first  
43 of the year following the close of the school budget  
44 year for which the surtax is imposed to the credit  
45 of each district from which the moneys are received  
46 or computed in the school district income surtax fund.  
47 All school district surtax moneys received, computed  
48 or refunded after November 1 first of the year  
49 following the close of the school budget year for  
50 which the surtax is imposed shall be deposited in

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1 or withdrawn from the general fund of the state and  
2 shall be considered part of the cost of administering  
3 the school district surtax.

4 Sec. 25. Section four hundred forty-two point  
5 twenty-six (442.26), unnumbered paragraph one (1),  
6 Code 1979, as the section is amended by Acts of the  
7 Sixty-eighth General Assembly, 1979 Session, chapter  
8 one hundred six (106), section fifteen (15), is amended  
9 to read as follows:

10 442.26 APPROPRIATIONS. There is hereby  
 11 appropriated each year from the general fund of the  
 12 state an amount necessary to pay the state school  
 13 foundation aid and an amount equal to the difference  
 14 between the amount of the school district income  
 15 surtax as computed and the amount actually received,  
 16 if the amount computed is greater, for each school  
 17 district in the state which has imposed a school  
 18 district income surtax."

19 3. Page 10, by inserting after line 29 the follow-  
 20 ing:

21 "Sec. . Sections one (1) through fifteen (15)  
 22 and twenty-three (23) through twenty-five (25) of  
 23 this Act are retroactive to January 1, 1980 for tax  
 24 years beginning on or after January 1, 1980 and to  
 25 this extent are retroactive."

26 4. Title page, line 7, by inserting after the  
 27 word "and" the words "by providing a renter's credit  
 28 and".

29 5. Renumbering and changing internal references  
 30 as required by this amendment.

West of Marshall rose on a point of order that amendment  
 H-5015 was not germane.

The Speaker ruled the point well taken and amendment  
 H-5015 not germane.

Connolly of Dubuque moved that the rules be suspended for the  
 consideration and adoption of amendment H-5015.

Roll call was requested by Connolly of Dubuque and Welsh of  
 Dubuque.

On the question "Shall the rules be suspended to consider and  
 adopt amendment H-5015?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Kirkenslager	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 50:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Harbor)		

Absent or not voting, 6:

Anderson, J.	Jochum	Krewson	Patchett
Pope	Smalley		

The motion lost.

West of Marshall offered the following amendment H—5012 filed by West, Clark of Lee, Thompson, Hansen of O'Brien, Halvorson of Clayton, Harbor, Tyrrell, Smalley, Pope, Maulsby, Johnson of Howard, Branstad, Daggett, Lageschulte, Danker, Lorenzen, Shull, Johnson of Linn, Hummel, Mullins, Ritsema, Clark of Cerro Gordo, Shimanek, McKean, Schnekloth, Bennett, Tofte, Corey, Renken, Anderson of Audubon, Pellett, Johnson of Woodbury, Menke, Diemer, Swearingen, Van Maanen, De Groot, Poffenberger, Holt, Lind, Schroeder, Larsen, Lura, Hanson of Delaware, Hibbs, Kirkenlager, Hoffmann, Egenes, Pelton, Conlon and Crawford from the floor and moved its adoption:

H—5012

- 1 Amend House File 2072 as follows:
- 2 1. Page 1, line 7, by striking the word "seven"
- 3 and inserting in lieu thereof the word "eight".
- 4 2. Page 1, line 11, by striking the word "seven"
- 5 and inserting in lieu thereof the word "eight".
- 6 3. Page 2, line 2, by striking the word "seven"
- 7 and inserting in lieu thereof the word "eight".
- 8 4. Page 2, line 6, by striking the word "seven"
- 9 and inserting in lieu thereof the word "eight".
- 10 5. Page 2, line 21, by inserting after the word

- 11 "million" the words "five hundred thousand".  
 12 6. Page 5, line 4, by striking the word "ten"  
 13 and inserting in lieu thereof the word "eight".  
 14 7. Page 5, line 30, by inserting after the word  
 15 "herein" the words ", except that any references to  
 16 ten percent in this subsection shall be eight percent".  
 17 8. Page 8, line 28, by striking the word "and".  
 18 9. Page 8, by striking lines 29 through 32.  
 19 10. Page 8, line 33, by striking the words and  
 20 numerals "hundred thirty-eight (438) of the Code".  
 21 11. Page 9, line 6, by inserting after the period  
 22 the words "For valuations established as of January  
 23 1, 1981, and each year thereafter, in a special charter  
 24 city which levies and collects its own taxes, the  
 25 percentage of actual value at which property valued  
 26 by the department of revenue pursuant to chapters  
 27 four hundred twenty-eight (428), four hundred thirty-  
 28 three (433), four hundred thirty-six (436), four  
 29 hundred thirty-seven (437), and four hundred thirty-  
 30 eight (438) of the Code shall be assessed shall be  
 31 calculated in accordance with the methods provided  
 32 herein, except that any references to ten percent  
 33 in this subsection shall be eight percent."

Amendment H—5012 was adopted placing amendment H—5022,  
 filed by Husak of Tama from the floor, out of order.

Spear of Lee offered the following amendment H—5004 filed by  
 him and Miller of Buchanan and moved its adoption:

H—5004

- 1 Amend House File 2072 as follows:  
 2 1. Page 2, by inserting after line 12 the  
 3 following:  
 4 "Sec. . Section four hundred twenty-five point  
 5 one (425.1), Code 1979, is amended by adding the  
 6 following new subsection:  
 7 **NEW SUBSECTION.** Beginning with the 1980 calendar  
 8 year and for each succeeding calendar year, the dollar  
 9 amount of actual value used to compute the homestead  
 10 credit as specified in subsections two (2), four (4)  
 11 and seven (7) of this section shall be increased by  
 12 fifty dollars for each calendar year. The new dollar  
 13 amount of actual value as determined under this  
 14 subsection shall apply to credits claimed on or after  
 15 January first of the calendar year in which the new  
 16 dollar amount is determined."  
 17 2. Renumber and make internal references as  
 18 required by this amendment.



Roll call was requested by Spear of Lee and Thompson of Polk.

On the question "Shall amendment H—5004 be adopted?"

The ayes were, 36:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Hullinger
Husak	Jay	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Oxley
Pavich	Perkins	Rapp	Sherzan
Spear	Walter	Welsh	Woods

The nays were, 57:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Stromer	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Wells	West
Mr. Speaker (Harbor)			

Absent or not voting, 7:

Anderson, J.	Halvorson, R.N.	Howell	Jesse
Jochum	Patchett	Swearingen	

Amendment H—5004 lost.

Norland of Worth offered the following amendment H—5020 filed by him and West of Marshall from the floor and moved its adoption:

H—5020

- 1 Amend House File 2072 as follows:
- 2 1. Page 2, by inserting after line 22 the following

3 new section:

4 "Sec. . Section four hundred forty-one point  
5 twenty-one (441.21), subsection three (3), unnumbered  
6 paragraph one (1), Code 1979, is amended to read as  
7 follows:  
8 "Actual value", "taxable value", or "assessed  
9 value" as used in other sections of the Code in  
10 relation to assessment of property for taxation shall  
11 mean the valuations as determined by this section;  
12 however, other provisions of the Code providing special  
13 methods or formulas for assessing or valuing specified  
14 property shall remain in effect, but this section  
15 shall be applicable to the extent consistent with  
16 such provisions. The assessor and department of  
17 revenue shall disclose at the written request of the  
18 taxpayer all information in any formula or method  
19 used to determine the actual value of his property."

20 2. Page 9, by inserting after line 6 the following  
21 new section:

22 "Sec. . Section four hundred forty-one point  
23 twenty-one (441.21), subsection ten (10), Code 1979,  
24 is amended to read as follows:

25 10. For the purpose of computing the debt,  
26 limitations for municipalities, political subdivisions  
27 and school districts, the term "actual value" means  
28 the "actual value" as determined by subsections one  
29 (1) through three (3) of this section without  
30 application of any percentage reduction and entered  
31 opposite each item, and as listed on the tax list  
32 as provided in section 443.2 as "actual value"

33 Whenever any board of review or other tribunal  
34 changes the assessed value of property, all applicable  
35 records of assessment shall be adjusted to reflect  
36 such change in both assessed value and actual value  
37 of such property."

38 3. Page 10, by inserting after line 12 the  
39 following new sections:

40 "Sec. . Section four hundred forty-one point  
41 twenty-one (441.21), Code 1979, as amended by Acts  
42 of the Sixty-eighth General Assembly, 1979 Session,  
43 chapter twenty-five (25), sections three (3), four  
44 (4), five (5), and six (6), is amended by adding the  
45 following new subsection:

46 **NEW SUBSECTION.** The reduction of actual value  
47 provided in this section where applicable to property  
48 within an urban renewal area, shall be applied to  
49 reduce the initial assessed value under section four  
50 hundred three point nineteen (403.19), subsection

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1 one (1) of the Code, for the purpose of the division

2 of revenue under that section.

3 Sec. . Section four hundred forty-three point  
4 two (443.2), Code 1979, is amended by adding the  
5 following new unnumbered paragraph:

6 **NEW UNNUMBERED PARAGRAPH.** In any case where, in  
7 transcribing the assessments, a county auditor has  
8 failed or fails to enter the actual value opposite  
9 each item of taxable property on the tax list, then  
10 the aggregate actual value, as well as the aggregate  
11 taxable value, of all the taxable property within  
12 the county and each political subdivision shall be  
13 transcribed from the books and records of assessment  
14 onto the tax list in order that the actual value of  
15 the taxable property within the county or a political  
16 subdivision may be ascertained and shown by the tax  
17 list for the purpose of computing the debt-incurring  
18 capacity of the county or political subdivision.

19 As used in this section and section four hundred  
20 forty-three point five (443.5) of the Code, "actual  
21 value" is the value determined under section four  
22 hundred forty-one point twenty-one (441.21),  
23 subsections one (1) through three (3) of the Code,  
24 prior to the reduction to a percentage of actual value  
25 as otherwise provided in section four hundred forty-  
26 one point twenty-one (441.21) of the Code.

27 Sec. . Section four hundred forty-three point  
28 five (443.5), Code 1979, is amended to read as follows:  
29 **443.5 AGGREGATE VALUATIONS CERTIFIED.** At the  
30 time of delivering the list to the treasurer, the  
31 auditor shall furnish to the director of revenue a  
32 certified statement showing separately the aggregate  
33 actual and taxable valuations of the real and personal  
34 property in the county, and also the aggregate amount  
35 of each separate tax as shown by the tax list."

36 4. Renumber sections and correct internal  
37 references as are necessary in accordance with this  
38 amendment.

Amendment H—5020 was adopted.

Krewson of Polk offered the following amendment H—5021 filed  
by Krewson, Walter, Bina and Hibbs from the floor:

H—5021

1 Amend House File 2072 as follows:

2 1. Page 2, by inserting after line 22 the following  
3 new section:

4 "Sec. . Section four hundred forty-one point  
5 twenty-one (441.21), subsection five (5), Code 1979,  
6 as amended by Acts of the Sixty-eighth General

7 Assembly, 1979 Session, chapter twenty-five (25),  
8 section five (5), is amended to read as follows:  
9 5. For valuations established as of January 1,  
10 1979, the percentage of actual value at which  
11 agricultural and residential property shall be assessed  
12 shall be the quotient of the dividend and divisor  
13 as defined in this section. The dividend for each  
14 class of property shall be the dividend as determined  
15 for each class of property for valuations established  
16 as of January 1, 1978, adjusted by the product obtained  
17 by multiplying the percentage determined for that  
18 year by the amount of any additions or deletions to  
19 actual value, excluding those resulting from the  
20 revaluation of existing properties, as reported by  
21 the assessors on the abstracts of assessment for 1978,  
22 plus six percent of the amount so determined. However,  
23 if the difference between the dividend so determined  
24 for either class of property and the dividend for  
25 that class of property for valuations established  
26 as of January 1, 1978, adjusted by the product obtained  
27 by multiplying the percentage determined for that  
28 year by the amount of any additions or deletions to  
29 actual value, excluding those resulting from the  
30 revaluation of existing properties, as reported by  
31 the assessors on the abstracts of assessment for 1978,  
32 is less than six percent, the 1979 dividend for the  
33 other class of property shall be the dividend as  
34 determined for that class of property for valuations  
35 established as of January 1, 1978, adjusted by the  
36 product obtained by multiplying the percentage  
37 determined for that year by the amount of any additions  
38 or deletions to actual value, excluding those resulting  
39 from the revaluation of existing properties, as  
40 reported by the assessors on the abstracts of  
41 assessment for 1978, plus a percentage of the amount  
42 so determined which is equal to the percentage by  
43 which the dividend as determined for the other class  
44 of property for valuations established as of January  
45 1, 1978, adjusted by the product obtained by  
46 multiplying the percentage determined for that year  
47 by the amount of any additions or deletions to actual  
48 value, excluding those resulting from the revaluation  
49 of existing properties, as reported by the assessors  
50 on the abstracts of assessment for 1978, is increased

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1 in arriving at the 1979 dividend for the other class  
2 of property. The divisor for each class of property  
3 shall be the total actual value of all such property  
4 in the state in the preceding year, as reported by  
5 the assessors on the abstracts of assessment submitted

6 for 1978, plus the amount of value added to said total  
 7 actual value by the revaluation of existing properties  
 8 in 1979 as equalized by the director of revenue  
 9 pursuant to section 441.49. The director shall utilize  
 10 information reported on abstracts of assessment  
 11 submitted pursuant to section 441.45 in determining  
 12 such percentage. For valuations established as of  
 13 January 1, 1980, and each year thereafter, the  
 14 percentage of actual value as equalized by the director  
 15 of revenue as provided in section 441.49 at which  
 16 agricultural and residential property shall be assessed  
 17 shall be calculated in accordance with the methods  
 18 provided herein including the limitation of increases  
 19 in agricultural and residential assessed values to  
 20 the percentage increase of the other class of property  
 21 if the other class increases less than the allowable  
 22 limit adjusted to include the applicable and current  
 23 values as equalized by the director of revenue, ~~except~~  
 24 that any references to six percent in this subsection  
 25 shall be four percent."

26 2. Page 4, line 17, by striking the word "four"  
 27 and inserting in lieu thereof the word "six".

28 3. Page 5, lines 21 and 22, by striking the words  
 29 ", except that any references to six percent in this  
 30 subsection shall be four percent".

31 4. Page 6, by inserting after line 24 the following  
 32 new section:

33 "Sec. . Section four hundred forty-one point  
 34 twenty-one (441.21), subsection eight (8), Code 1979,  
 35 as amended by Acts of the Sixty-eighth General  
 36 Assembly, 1979 Session, chapter twenty-five (25),  
 37 section five (5), is amended to read as follows:

38 8. For valuations established as of January 1,  
 39 1979, against which taxes will be levied for the  
 40 fiscal year beginning in the 1979 calendar year by  
 41 any special charter city that levies and collects  
 42 its own taxes, the percentage of actual value at which  
 43 agricultural and residential property shall be assessed  
 44 shall be the quotient of the dividend and divisor  
 45 as defined in this section. The dividend for each  
 46 class of property shall be the valuation for each  
 47 class of property for valuations established as of  
 48 January 1, 1978, and upon which any special charter  
 49 city levied its taxes in 1978, adjusted by the product  
 50 obtained by multiplying the percentage determined

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1 for that year by the amount of any additions or  
 2 deletions to actual value, excluding those resulting  
 3 from the revaluation of existing properties, as  
 4 reported by the assessor on the abstract of assessment

5 for 1978, plus six percent of the amount so determined.  
6 The divisor for each class of property shall be the  
7 total actual value of all such property in the city  
8 in the preceding year, as reported by the assessor  
9 on the abstract of assessment submitted for 1978,  
10 plus the amount of value added to said total actual  
11 value by the revaluation of existing properties in  
12 1979. However, if the estimated statewide growth  
13 in assessed valuation is less than six percent for  
14 either class of property for 1979, the director shall  
15 estimate the percentages by which the statewide  
16 valuation of residential and agricultural property  
17 will increase in 1979. The lower percentage shall  
18 be used in lieu of six percent for both classes of  
19 property in calculating the percentages at which  
20 agricultural and residential property shall be  
21 assessed. The percentage at which agricultural and  
22 residential property shall be assessed will be  
23 certified by the director on or before May 31, 1979  
24 to the appropriate city official in special charter  
25 cities that levy and collect their own taxes. The  
26 percentage so certified shall be applicable only to  
27 those valuations against which the special charter  
28 city levies its own tax. For valuations established  
29 as of January 1, 1980, and each year thereafter for  
30 any special charter city that levies and collects  
31 its own taxes, the percentage of actual value as  
32 equalized by the director of revenue as provided in  
33 section 441.49 at which agricultural and residential  
34 property shall be assessed shall be calculated in  
35 accordance with the methods provided herein adjusted  
36 to include the applicable and current values as  
37 equalized by the director of revenue, ~~except that~~  
38 ~~any references to six percent in this subsection shall~~  
39 ~~be four percent.~~ The assessor shall provide valuation  
40 information to the director of revenue sufficient  
41 for the computation of the assessment percentage by  
42 May fifteenth of each year on forms prescribed by  
43 the director of revenue."

44 5. Page 7, line 8, by striking the word "four"  
45 and inserting in lieu thereof the word "six".

46 6. Page 9, lines 1, 2, and 3, by striking the  
47 words ", except that any references to six percent  
48 in this subsection shall be four percent".

49 7. Amend the title, line 4, by striking the word  
50 "agricultural structures" and inserting in lieu thereof

**Page 4**

- 1 the words "residential property, agricultural land
- 2 and structures".
- 3 8. Renumber sections and correct internal

- 4 references as are necessary in accordance with this  
5 amendment.

Walter of Pottawattamie offered the following amendment H-5023, to amendment H-5021, filed by him and Krewson of Polk from the floor and moved its adoption:

H-5023

- 1 Amend amendment H-5021 to House File 2072 as  
2 follows:  
3 1. Page 3, line 14, by inserting after the figure  
4 "1979" the words "and succeeding years".  
5 2. Page 3, line 17, by striking the figure "1979"  
6 and inserting in lieu thereof the words "those years".

Amendment H-5023 was adopted.

Krewson of Polk moved the adoption of amendment H-5021, as amended.

Roll call was requested by Conlon of Muscatine and West of Marshall.

On the question "Shall amendment H-5021, as amended, be adopted?"

The ayes were, 23:

Anderson, R.	Arnould	Bina	Brandt
Byerly	Connolly	Connors	Cusack
Dieleman	Doyle	Gettings	Hall
Hibbs	Jesse	Krewson	Lloyd-Jones
O'Kane	Pavich	Poffenberger	Rapp
Sherzan	Stromer	Walter	

The nays were, 69:

Anderson, J.	Avenson	Bennett	Binneboese
Branstad	Bruner	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Diemer	Groth
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Larsen	Lind	Lonergan	Lorenzen

Lura	Maulsby	McKean	Menke
Millen	Mullins	Norland	Oxley
Pellett	Pelton	Perkins	Pope
Renken	Ritsema	Schneklath	Schroeder
Shull	Smalley	Spear	Swearingen
Tofté	Tyrrell	Van Maanen	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

Absent or not voting, 8:

Egenes	Hullinger	Jochum	Kirkenslager
Miller	Patchett	Shimanek	Thompson

Amendment H—5021, as amended, lost.

Spear of Lee offered the following amendment H—5008 filed by Spear, et al., and moved its adoption:

H—5008

- 1 Amend House File 2072 as follows:
- 2 1. Page 10, by inserting after line 12 the
- 3 following:
- 4 "Sec. 8. Section four hundred forty-four point
- 5 nine (444.9), subsection four (4), Code 1979, is
- 6 amended to read as follows:
- 7 4. DES MOINES COUNTY LEVY. In all counties having
- 8 a population of thirty-five thousand, or more, and
- 9 not more than forty fifty-five thousand, and having
- 10 an ordnance plant located therein owned by the United
- 11 States government, the board of supervisors may, with
- 12 the approval of the state comptroller, levy not to
- 13 exceed fifty-four cents per thousand dollars of
- 14 assessed value under the provisions of this section."
- 15 2. Page 11, by inserting after line 14 the
- 16 following:
- 17 "Sec. . The provisions of section eight (8)
- 18 of this Act are retroactive to January 1, 1980 for
- 19 determination of the county property tax levy for
- 20 budgets for the fiscal year beginning July 1, 1980
- 21 and to this extent the provision of section eight
- 22 (8) of this Act is retroactive."
- 23 3. Title page, line 7, by inserting after the
- 24 word "purposes" the words ", by altering the
- 25 qualification for a county to levy a property tax
- 26 because of a federal ordnance plant".
- 27 4. By numbering, renumbering and changing internal
- 28 references as required by this amendment.

Amendment H—5008 was adopted.



Anderson of Jasper offered the following amendment H-5013 filed by him from the floor. Division was requested as follows:

H-5013

- 1 Amend House File 2072 as follows:
- 2 1. Page 10, by inserting after line 12 the
- 3 following new section:
- 4 "Sec. . Section four hundred forty-one point
- 5 twenty-one (441.21), Code 1979, is amended by adding
- 6 the following new subsections:

H-5013A

7 **NEW SUBSECTION.** Beginning with the January 1,  
8 1980 assessment, assessors shall identify and report  
9 to the department of revenue on the annual abstract  
10 of assessment, the number and value of commercial  
11 residential properties consisting of three or more  
12 separate living quarters for human habitation which  
13 are used primarily as permanent commercial residential  
14 dwellings. The properties shall not include properties  
15 intended to be used as temporary commercial residential  
16 dwellings including but not limited to hotels and  
17 motels, nor shall it include properties having  
18 commercial residential facilities which are incidental  
19 to a primary purpose which is not to provide permanent  
20 commercial residential dwellings. The assessor shall  
21 also report separately the number and value of those  
22 properties which are not commercial residential as  
23 defined herein but consist in part of rental liv-  
24 ing quarters for permanent human habitation. The  
25 value reported shall include only the value of the  
26 portions of the properties used as permanent rental  
27 living quarters.

H-5013B

28 **NEW SUBSECTION.** Commencing January 1, 1981,  
29 commercial residential properties as defined in this  
30 section shall become a separate class of property  
31 and shall be subject to the provisions of chapters  
32 four hundred twenty-one (421), four hundred twenty-  
33 eight (428), and four hundred forty-one (441) of the  
34 Code.

35 **NEW SUBSECTION.** For valuations established as  
36 of January 1, 1981, commercial residential property  
37 shall be assessed at a percentage of actual value.  
38 The percentage shall be determined by the director  
39 of revenue for the state in accordance with the  
40 provisions of this section. For valuations established

41 as of January 1, 1981, the percentage shall be the  
42 quotient of the dividend and divisor as defined in  
43 this section. The dividend shall be the total  
44 equalized value of such property in the state in 1980,  
45 adjusted for additions or deletions to said value,  
46 excluding those resulting from the revaluation of  
47 existing properties as equalized by the director of  
48 revenue on or before October first as provided by  
49 section four hundred forty-one point forty-nine  
50 (441.49) of the Code, as reported by the assessors

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1 on the abstracts of assessment submitted in 1981,  
2 plus six percent of the 1980 equalized value of such  
3 property or the amount of value added by the  
4 revaluation of existing properties as equalized by  
5 the director of revenue on or before October first,  
6 as provided by section four hundred forty-one point  
7 forty-nine (441.49) of the Code, in 1981 whichever  
8 is less. The divisor shall be the total value of  
9 such property in the state as reported by the assessors  
10 on the abstracts of assessment submitted in 1980,  
11 plus the amount of value added in 1981 by the  
12 revaluation of existing properties as equalized by  
13 the director of revenue on or before October first  
14 as provided by section four hundred forty-one point  
15 forty-nine (441.49) of the Code. However, if the  
16 differences between the dividend determined for  
17 commercial residential properties and the dividends  
18 calculated for agricultural or residential properties  
19 is less than six percent according to the methods  
20 prescribed in subsection five (5) of this section,  
21 the dividends for agricultural and residential  
22 properties shall be adjusted in accordance with the  
23 methods prescribed in subsection five (5) of this  
24 section. However, if the difference between the  
25 dividends determined for agricultural or residential  
26 properties and the dividend calculated for commercial  
27 residential properties is less than six percent  
28 according to the methods prescribed in subsection  
29 five (5) of this section, the dividend for commercial  
30 residential properties shall be adjusted in accordance  
31 with the methods prescribed in subsection five (5)  
32 of this section. For valuations established as of  
33 January 1, 1982, and each year thereafter, the  
34 percentage of actual value as equalized by the director  
35 of revenue on or before October first as provided  
36 by section four hundred forty-one point forty-nine  
37 (441.49) of the Code, at which commercial residential  
38 property shall be assessed shall be calculated in  
39 accordance with the methods provided herein adjusted

40 to include the applicable and current values as  
41 equalized by the director of revenue.  
42 NEW SUBSECTION. For valuations established as  
43 of January 1, 1981, against which taxes will be levied  
44 by any special charter city, commercial residential  
45 property shall be assessed at a percentage of actual  
46 value. The percentage shall be determined by the  
47 director of revenue and shall be the quotient of the  
48 dividend and divisor as defined in this section.  
49 The dividend shall be the total value of such property  
50 in the special charter city established as of January

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1 1, 1980, adjusted for additions or deletions to said  
2 value, excluding those resulting from the revaluation  
3 of existing properties as equalized by the director  
4 of revenue as reported by the assessors on the  
5 abstracts of assessment submitted in 1981, plus six  
6 percent of the 1980 equalized value of such property  
7 or the amount of value added by the revaluation of  
8 existing properties as equalized by the director of  
9 revenue in 1981 whichever is less. The divisor shall  
10 be the total value of such property in the special  
11 charter city as reported by the assessors on the  
12 abstracts of assessment submitted in 1980, plus the  
13 amount of value added in 1981 by the revaluation of  
14 existing properties as equalized by the director of  
15 revenue. The percentage at which commercial  
16 residential property shall be assessed will be  
17 certified by the director of revenue on or before  
18 May 31, 1981, to the appropriate city official for  
19 special charter cities that levy and collect their  
20 own taxes. For valuations established as of January  
21 1, 1982, and each year thereafter for any special  
22 charter city that levies and collects its own taxes,  
23 the percentage of actual value as equalized by the  
24 director of revenue at which commercial residential  
25 property shall be assessed shall be calculated and  
26 certified in accordance with the methods provided  
27 herein adjusted to include the applicable and current  
28 values as equalized by the director of revenue.  
29 NEW SUBSECTION. Not later than November first  
30 of each year or May thirty-first of each year for  
31 special charter cities, the assessor shall certify  
32 to the county auditor those properties not classified  
33 as commercial residential which consist in part of  
34 rental living quarters for human habitation. The  
35 assessors certification shall include the value of  
36 that portion of the property that is used for permanent  
37 rental human habitation. Such certified value for  
38 each property shall be subject to the assessment

39 percentage determined for the class of commercial  
 40 residential property pursuant to the provisions of  
 41 this Act.”  
 42 2. Renumber sections and correct internal  
 43 references as are necessary in accordance with this  
 44 amendment.

Anderson of Jasper moved the adoption of amendment  
 H—5013A.

Roll call was requested by Anderson of Jasper and Binneboese  
 of Plymouth.

On the question “Shall amendment H—5013A be adopted?”

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Kirkenslager
Krewson	Lloyd-Jones	Lonergan	Miller
Norland	O’Kane	Oxley	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Weiden	West	Mr. Speaker (Harbor)

Absent or not voting, 4:

Holt	Jay	Jochum	Patchett
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Amendment H—5013A lost.

Anderson of Jasper moved the adoption of amendment H-5013B.

Amendment H-5013B lost.

Bina of Scott asked and received unanimous consent to withdraw amendment H-5014 filed by him from the floor.

Tyrrell of Iowa offered the following amendment H-5025 filed by Tyrrell, Johnson of Howard, Lind and Lura from the floor:

H-5025

1 Amend House File 2072 as follows:

2 1. Page 10, by inserting after line 12, the  
3 following new section:

4 Sec. . Section four hundred forty-four point  
5 seven (444.7), Code 1979, is amended to read as  
6 follows:

7 444.7 EXCESSIVE TAX PROHIBITED.

8 1. It is hereby made a simple misdemeanor for  
9 the board of supervisors to authorize, or the county  
10 auditor to carry upon the tax lists for any year,  
11 an amount of tax for any public purpose in excess  
12 of the amount certified or authorized as provided  
13 by law. The state comptroller shall prescribe and  
14 furnish the county auditors forms and instructions  
15 to aid them in determining the legality and authorized  
16 amount of tax levies. In the case of an excessive  
17 levy, it shall be the duty of the county auditor to  
18 shall reduce it to the maximum amount authorized by  
19 law, and in any event not in excess of the amount  
20 certified; and in case of an illegal levy the county  
21 auditor shall not enter or carry any tax on the tax  
22 lists for such levy.

23 2. The maximum amount of real property tax on  
24 a parcel of real property that shall be raised annually  
25 by the consolidated levy shall not exceed one percent  
26 of the actual value of that real property. If the  
27 consolidated levy would raise an amount of real  
28 property tax in excess of one percent of the actual  
29 value of a parcel of real property, the county auditor  
30 shall lower the consolidated levy by an amount so  
31 that the property tax raised equals one percent of  
32 the actual value of the real property. Each district  
33 within the county shall receive its proportionate  
34 amount of the real property tax raised based upon  
35 the ratio of its levy to the consolidated levy before  
36 adjustment. For purposes of this subsection, the

37 actual value of the real property is the actual value  
 38 used in determining the assessed value upon which  
 39 the consolidated levy is to be imposed. In determining  
 40 if the consolidated levy would raise an amount of  
 41 real property tax in excess of one percent of the  
 42 actual value of a parcel of real property in a county  
 43 which contains a special charter city which levies  
 44 and collects its own taxes, the rate of levy of that  
 45 special charter city shall be added to the consolidated  
 46 levy. If such a county must reduce its consolidated  
 47 levy, the special charter city shall also reduce its  
 48 levy by the same percent.  
 49 3. The limitation provided in subsection two (2)  
 50 of this section shall not include the amount of real

**Page 2**

1 property taxes raised by a special assessment or other  
 2 levy to pay the principal and interest on indebtedness  
 3 approved by the voters.

West of Marshall rose on a point of order that amendment  
 H-5025 was not germane.

The Speaker ruled the point well taken and amendment  
 H-5025 not germane.

Norland of Worth offered the following amendment H-5017  
 filed by him from the floor and moved its adoption:

H-5017

1 Amend House File 2072 as follows:  
 2 1. Page 10, by inserting after line 29 the  
 3 following new section:  
 4 "Sec. . . . If this Act delays the preparation  
 5 of the tax lists and the collection of the taxes and  
 6 the delay requires a political subdivision of this  
 7 state to issue warrants, the state shall reimburse  
 8 the political subdivision for one-half of the amount  
 9 of interest paid on warrants issued. However, before  
 10 the provisions of this section shall apply, the state  
 11 comptroller shall determine that any warrants were  
 12 required to be issued and that the warrants would  
 13 not have been issued but for the delays in the  
 14 collection of taxes following the implementation of  
 15 this Act. There is appropriated to the state  
 16 comptroller from the general fund of the state an  
 17 amount sufficient to carry out the provisions of this  
 18 section."

19 2. Amend the title page, line 7, by inserting  
 20 after the word "making" the words "an appropriation  
 21 and making".

Roll call was requested by Norland of Worth and Avenson of Fayette.

On the question "Shall amendment H—5017 be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Cannolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Krewson	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Ritsema	Sherzan
Spear	Walter	Wells	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lorenzen
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Harbor)

Absent or not voting, 4:

Jochum	Lura	Patchett	Welsh
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Amendment H—5017 lost.

Hanson of Delaware offered the following amendment H-5007 filed by him and Conlon of Muscatine:

H-5007

- 1 Amend House File 2072 as follows:  
2 1. Page 11, by inserting after line 14 the  
3 following:  
4 "NEW SECTION. The legislative council is directed  
5 to create a ten-member study committee composed of  
6 five members each from the standing committee on ways  
7 and means of the senate and house of representatives  
8 representing both political parties, which committee  
9 shall conduct a comprehensive study of the present  
10 property tax structure. The study shall include,  
11 but not be limited to, the following:  
12 1. How different types and classes of property  
13 should be valued for property tax assessment purposes.  
14 2. The impact of property tax assessment limits  
15 on the distribution of state school aid under the  
16 foundation plan.  
17 3. The impact of property tax assessment limits  
18 on city and county budgets.  
19 4. The advisability of taxing improvements to  
20 land relatively less than unimproved land.  
21 5. The feasibility of assessing additional classes  
22 of property on a capitalized potential income basis.  
23 Expenses of the study committee, including the  
24 cost for employing persons or business firms to assist  
25 the committee in its study shall be paid from funds  
26 available under section two point twelve (2.12) of  
27 the Code.  
28 The study shall transmit copies of its final report  
29 to the governor and the members of the Sixty-ninth  
30 General Assembly, not later than January 12, 1981.  
31 The final report shall include findings of fact and  
32 its recommendations."

Johnson of Linn rose on a point of order that amendment H-5007 was not germane.

The Speaker ruled the point not well taken and amendment H-5007 germane.

Hanson of Delaware moved the adoption of amendment H-5007.

Roll call was requested by Byerly of Polk and Bina of Scott.

On the question "Shall amendment H-5007 be adopted?"



## The ayes were, 65:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hoffmann	Horn	Howell
Hummel	Jesse	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lloyd-Jones
McKean	Millen	Mullins	Norland
O'Kane	Pavich	Pellett	Pelton
Poffenberger	Rapp	Ritsema	Schneklath
Sherzan	Shimaneck	Shull	Spear
Stromer	Swearingen	Thompson	Tyrrell
Walter	Wells	Welsh	West
Mr. Speaker (Harbor)			

## The nays were, 32:

Anderson, J.	Bennett	Branstad	Byerly
Cochran	Corey	Davitt	Dieleman
Hansen, I.	Hinkhouse	Holt	Hullinger
Husak	Jay	Johnson, J.	Johnson, R.
Lageschulte	Lonergan	Lorenzen	Maulsby
Menke	Miller	Oxley	Perkins
Pope	Renken	Schroeder	Smalley
Tofte	Van Maanen	Welden	Woods

## Absent or not voting, 3:

Jochum	Lura	Patchett
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Amendment H — 5007 was adopted.

Gettings of Wapello offered the following amendment H — 5026 filed by him from the floor:

H — 5026

- 1 Amend House File 2072 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 new section:
- 4 "Section 1. Section three hundred thirty-two point
- 5 three (332.3), subsection twenty-three (23), Code
- 6 1979, is amended to read as follows:
- 7 23. To purchase, lease, equip, maintain and operate
- 8 an ambulance or ambulances to provide necessary and

9 sufficient ambulance service or to contract for such  
 10 vehicles, equipment, maintenance or service. If a  
 11 county is at its levy limit authorized under section  
 12 four hundred forty-four point nine (444.9), subsection  
 13 two (2), of the Code, the county may levy an amount,  
 14 not to exceed thirteen and one-half cents per thousand  
 15 dollars of assessed valuation to provide the ambulance  
 16 services.

17 The board may adopt a schedule of fees to be charged  
 18 the users of such service, and such fee schedule may  
 19 include considerations concerning the cost of the  
 20 service and the user's ability to pay.

21 If a county provides ambulance service, it shall  
 22 first ascertain what cities in the county also provide  
 23 ambulance service. The county shall then coordinate  
 24 its services with that provided by any city in order  
 25 to eliminate duplication and to make the ambulance  
 26 service provided by the county and the cities as  
 27 economical as possible.

28 Any third party payor making payment for ambulance  
 29 service shall make such payment either jointly to  
 30 the person on whose behalf the payment is made and  
 31 to the person or organization providing such ambulance  
 32 service, or directly to the person or organization  
 33 providing such ambulance service."

34 2. Renumber sections and correct internal  
 35 references as are necessary in accordance with this  
 36 amendment.

West of Marshall rose on a point of order that amendment  
 H-5026 was not germane.

The Speaker ruled the point well taken and amendment  
 H-5026 not germane.

Gettings of Wapello moved that the rules be suspended to  
 consider and adopt amendment H-5026.

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

On the question "Shall the rules be suspended to consider and  
 adopt amendment H-5026?"

The ayes were, 41:

Anderson, R.  
 Binneboese  
 Chiodo

Arnould  
 Brandt  
 Cochran

Avenson  
 Bruner  
 Connolly

Bina  
 Byerly  
 Connors

Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Lloyd-Jones	Loneragan	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Sherzan	Spear	Walter	Wells
Welsh			

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker (Harbor)			

Absent or not voting, 6:

Jochum	Lura	Patchett	Rapp
Stromer	Woods		

The motion lost.

Rapp of Black Hawk offered the following amendment H — 5028 filed by Rapp, Woods, Chiodo and Bruner from the floor:

H — 5028

- 1 Amend House File 2072 as follows:
- 2 1. Page 2, by inserting after line 22 the
- 3 following:
- 4 "Sec. . Section four hundred twenty-seven point
- 5 one (427.1), Code 1979, is amended by adding the
- 6 following new subsection:
- 7 NEW SUBSECTION. Real property assessed as
- 8 commercial property for property tax purposes which
- 9 is primarily used in the operation of a business shall
- 10 be entitled to a property tax exemption upon compliance
- 11 with this subsection of fifteen thousand dollars for
- 12 the 1979 assessment year and an amount to be determined

13 by the director of revenue under this subsection  
14 for succeeding assessment years.

15 Application for this exemption shall be filed with  
16 the assessing authority not later than April 30, 1980,  
17 for the 1979 assessment year and for succeeding  
18 assessment years not later than the first of February  
19 of the year for which the exemption is requested,  
20 on forms prescribed by the department of revenue.  
21 The application shall describe and locate the specific  
22 commercial property to be exempted and list other  
23 joint owners, partners or shareholders as required  
24 by this subsection and contain a signed affidavit  
25 stating that the property is primarily used in the  
26 operation of a business and that the joint owners,  
27 partners or shareholders listed have not been listed  
28 on another application for an exemption under this  
29 subsection for the same year. By March first of each  
30 year, the assessing authority shall certify to the  
31 director of revenue the number of eligible  
32 applications.

33 A person is entitled to receive only one exemption  
34 per year under this subsection. An exemption granted  
35 under this subsection for property jointly owned shall  
36 be deemed granted to all joint owners. An exemption  
37 granted under this subsection for property owned by  
38 a partnership shall be deemed granted to the  
39 partnership and all partners. An exemption granted  
40 under this subsection for property owned by a  
41 corporation with fifteen or fewer shareholders shall  
42 be deemed granted to the corporation and all  
43 shareholders.

44 The director of revenue shall determine the amount  
45 of the exemption for the 1980 and subsequent assessment  
46 years as provided in this paragraph. The amount of  
47 the exemption for an assessment year is equal to the  
48 quotient of the dividend and divisor as defined in  
49 this paragraph. The divisor for an assessment year  
50 is the number of eligible applications filed for the

## Page 2

1 assessment year. The dividend for an assessment year  
2 is the total actual value of commercial property,  
3 excluding properties referred to in section four  
4 hundred twenty-seven A point one (427A.1), subsection  
5 six (6), of the Code as finally computed for the  
6 assessment year minus a percentage of that actual  
7 value which percentage for the assessment year shall  
8 be computed by the director of revenue in the same  
9 manner as the percentage of actual value at which  
10 industrial property is assessed is computed under  
11 section three (3) of this Act.

12 The amount of the exemption computed under the  
13 previous paragraph shall be reported to the assessing  
14 authorities by April first of the assessment year  
15 for which it applies. The director of revenue shall  
16 inform the assessing authorities of the percentage  
17 of the actual value of commercial property which was  
18 used in computing the dividend in the previous  
19 paragraph.

20 The assessing authority shall grant the amount  
21 of the exemption to parcels of property for which  
22 an application is filed, however the amount of the  
23 exemption for a parcel of property shall not exceed  
24 the difference of the actual value of the parcel of  
25 property minus a percentage of that actual value which  
26 percentage was received from the director of revenue  
27 as required under the previous paragraph."

28 2. Page 2, line 30, by striking the words  
29 "commercial property and".

30 3. Page 2, line 33, by striking the word "each"  
31 and inserting in lieu thereof the word "the".

32 4. Page 2, line 34, by striking the word "each"  
33 and inserting in lieu thereof the word "the".

34 5. Page 3, line 4, by striking the word "each"  
35 and inserting in lieu thereof the word "the".

36 6. Page 3, line 5, by striking the word "each"  
37 and inserting in lieu thereof the word "the".

38 7. Page 3, line 7, by striking the word "each"  
39 and inserting in lieu thereof the word "the".

40 8. Page 3, line 8, by striking the word "each"  
41 and inserting in lieu thereof the word "the".

42 9. Page 4, line 1, by striking the words  
43 "commercial property and".

44 10. Page 4, line 4, by striking the word "each"  
45 and inserting in lieu thereof the word "the".

46 11. Page 4, line 5, by striking the word "each"  
47 and inserting in lieu thereof the word "the".

48 12. Page 4, line 10, by striking the word "each"  
49 and inserting in lieu thereof the word "the".

50 13. Page 4, line 11, by striking the word "each"

### Page 3

1 and inserting in lieu thereof the word "the".

2 14. Page 4, line 18, by striking the word "each"  
3 and inserting in lieu thereof the word "the".

4 15. Page 5, line 17, by striking the words  
5 "commercial property and".

6 16. Page 6, line 1, by striking the words  
7 "commercial property".

8 17. Page 6, line 6, by striking the word "lowest"  
9 and inserting in lieu thereof the word "lower".

10 18. Page 6, line 35, by striking the words

- 11 "commercial and".  
 12 19. Page 7, line 5, by striking the word "each"  
 13 wherever it appears and inserting in lieu thereof  
 14 the word "the".  
 15 20. Page 7, line 9, by striking the word "each"  
 16 and inserting in lieu thereof the word "the".  
 17 21. Page 8, lines 4 and 5, by striking the words  
 18 "commercial property,".  
 19 22. Page 8, line 9, by striking the word "lowest"  
 20 and inserting in lieu thereof the word "lower".  
 21 23. Page 8, line 10, by striking the words  
 22 "commercial property,".  
 23 24. Page 8, line 26, by striking the words  
 24 "commercial property and".  
 25 25. Page 9, line 16, by striking the words  
 26 "commercial property,".  
 27 26. Page 9, line 24, by striking the words  
 28 "commercial property,".  
 29 27. Page 10, lines 4 and 5, by striking the words  
 30 "commercial property,".  
 31 28. Page 10, line 18, by striking the words  
 32 "commercial property,".  
 33 29. Page 11, line 4, by striking the words  
 34 "commercial property,".  
 35 30. Amend title page, line 5, by striking the  
 36 words "commercial property,".  
 37 31. Amend title page, line 7, by inserting after  
 38 the word "purposes" the words ", by providing an  
 39 exemption for commercial property".

The following amendment H-5029, to amendment H-5028, filed by Rapp of Black Hawk from the floor was adopted by unanimous consent:

H-5029

- 1 Amend amendment H-5028 to House File 2072 as follows:
- 2 1. Page 2, by striking lines 20 through 27.

West of Marshall rose on a point of order that amendment H-5028, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-5028 not germane.

Rapp of Black Hawk moved that the rules be suspended to consider and adopt amendment H-5028, as amended.

Roll call was requested by Rapp of Black Hawk and Bina of Scott.

On the question "Shall the rules be suspended to consider and adopt amendment H - 5028?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusaak	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Lloyd-Jones
Loneragan	Miller	O'Kane	Oxley
Pavich	Perkins	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 55:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Sehnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker (Harbor)	

Absent or not voting, 4:

Jochum	Lind	Norland	Patchett
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The motion lost.

## RULE 2 SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend Rule 2 to continue session beyond 6:00 p.m.

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. 2072)

The ayes were, 84:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Harbor)

The nays were, 14:

Arnould	Connors	Cusack	Davitt
Doyle	Gettings	Hullinger	Jay
Jesse	Krewson	Lloyd-Jones	O'Kane
Pavich	Walter		

Absent or not voting, 2:

Jochum	Patchett
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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.

### IMMEDIATE MESSAGE (House File 2072)

West of Marshall asked and received unanimous consent that House File 2072 be immediately messaged to the Senate.



## SPECIAL PRESENTATION

Schroeder of Pottawattamie presented to the House the Honorable Robert Dole, United States Senator from Kansas.

## HOUSE RESOLUTION 102

By Bennett of Ida and Pellett of Cass

- 1     *Whereas*, Iowans do not support Russian aggression in  
 2 Afghanistan, and  
 3     *Whereas*, Iowans do support strong action by the President  
 4 showing our displeasure with Russian militarism, and  
 5     *Whereas*, President Carter has chosen to embargo grain  
 6 (primarily corn) as the major retaliatory action to date, and  
 7     *Whereas*, the net effect of such action in America is to  
 8 shift a disproportionate share of the burden onto farmers, and  
 9     *Whereas*, corn is a major commodity in Iowa agriculture and  
 10 a commodity upon which the state depends for its stable economy,  
 11 and  
 12     *Whereas*, all citizens of the country must join together and  
 13 share equally during this time of national need; *Now Therefore*,  
 14     *Be It Resolved by the House of Representatives of the State*  
 15 *of Iowa*, That the Iowa House of Representatives asks the President  
 16 of the United States and the Secretary of Agriculture to do the  
 17 following to bolster grain prices, thereby spreading the effect of  
 18 the embargo to all Americans:
- 19     1.     Raise price supports on feed grains through non-  
 20            recourse loans for grain held in storage.
  - 21     2.     Reinstate a set-aside program for the coming year.
  - 22     3.     Open up the eligibility for price support and the  
 23            reserve program to all farmers raising grain, re-  
 24            gardless of participation in the 1979 feed grain  
 25            program.

## Page 2

- 1     4.     Make every effort to have our trading partners  
 2            such as Brazil and Argentina honor the terms of  
 3            the embargo.
- 4     5.     Take all possible action to increase exports to  
 5            countries other than the Soviet Union.
- 6     *Be It Further Resolved*, That copies of this resolution be  
 7 forwarded to the President of the United States, the Secretary  
 8 of Agriculture and Iowa's Congressional delegation.

Laid over under Rule 30.

## REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 5,

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:

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Research Analyst	Richard Norland	25-2 to 25-3	P-FT	1/04/80
Leader's Administrative Assistant	Mark Brandsgard	27-3 to 27-4	P-FT	1/18/80
Swing Clerk	Donalle L. Lapointe	15-1	I-FT	1/07/80
Clerk/Minority Floor Leader	Catherine A. Sears	13-6	P-FT	1/07/80
Research Analyst	Linda King	25-5	P-FT	1/04/80
House Clerk	Susan C. Bruckshaw	13-1	I-FT	1/07/80
House Clerk	Laurie J. Ward	13-2	I-FT	1/15/80

DAGGETT of Taylor, Chair

### ASSIGNMENT OF SEATS IN PRESS GALLERY

The following named persons are accredited members of the press and are entitled to seats in the West Press Gallery:

#### WEST PRESS GALLERY

The Cedar Rapids Gazette	John McCarroll, Ken Sullivan
Quad City Times	Mark L. Brown
Iowa Daily Press Association	Harrison Weber, Kent Darr, Lori Shriner
United Press International	Tamara Cooke, Norman O. Sandler, Charles J. Abbott
Des Moines Register	Charles Bullard, Bonnie Wittenburg, James Flansburg, David Yepsen, Daniel Pedersen
Des Moines Tribune	Thomas Witosky, Evan Roth, David Elbert, Richard Doak, Frank Santiago, Steven Walters
Associated Press	Roger Munns, Michael Holmes, Bill Eberline, Val Corley
Iowa Press Association	Dan Reid, Mike Marturello
Waterloo Courier	Bob Case, Jim Wiedahl
Sioux City Journal	Mark Ulven
AFSCME Advocate	Larry Scarpino
Daily Legislative Bulletin	Jo. Von Stein
Dubuque Telegraph Herald	Roxie Hammill

The following named persons represent accredited TV and radio stations and are entitled to seats in the East Press Gallery:

**EAST PRESS GALLERY**

KCCI-TV .....	Dave Busiek, Brooks Humphreys, Mark Swanson, Dave Warner, Michele Burgad
KRNT Radio .....	Jackie Clark, Julie Rutz, Chris Allen, Dale Woolery
KWAY-KCHA .....	Virginia Lageschulte
WHO News Radio .....	Bill Lindstrom, Jack Kuenzie, Steve Oswald
KIOA-KMGK .....	Bob Singer
Iowa Radio Network .....	Gary A. Barrett
KCBC-Black Hawk Broadcasting .....	Kevin McGruck, Larry Daniels
WOIAM-FM Radio .....	Sharon R. Robinson, Kathy LoPiccolo
WOI-TV News .....	Chris Abel, Kevin Niceswanger, Don Campbell, Chris Hanson, Greg O'Malia
Iowa Public Broadcasting Network .....	Daniel Miller, Sara Frasher, Rene Durazzo, Nancy Crowfoot, David Woodward, Linda Wright, Mark Foust, Anne Fredrickson, Mark Engler, Jules Gray, Tom Rowat, Marlyn Schram, Clay Smith, Wendy Willard, Neal Brown, Dick Gray, John Leiendecker, Pete Triolo

**SPONSOR ADDED**  
(House File 2132)

Johnson of Woodbury requested to be added as a sponsor of House File 2132.

**STUDY BILL COMMITTEE ASSIGNMENTS**

**S.B. 571 Transportation**

Requiring fines and penalties collected for overweight vehicles to be credited to the road use tax fund.

**S.B. 572 State Government**

Relating to special permits issued pursuant to section one hundred twenty-three point twenty-nine (123.29) of the Code.

**S.B. 573 Human Resources**

To relieve counties of initial financial responsibility for the cost of care and treatment of persons who have been patients of any state hospital-school for the mentally retarded or state mental health institute for an aggregate time of three years or more.

**S.B. 574 Human Resources**

Relating to the powers and duties of the director of the division of corrections.

**S.B. 575 Transportation**

Relating to school transportation safety.

**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 ETHICS**

Scheduled: 2:30 p.m., January 16

Convened: 2:30 p.m.

Adjourned: 3:30 p.m.

Present: Lind, Chair; Arnould, Ranking Member; Carlson (Citizen Member), Conley (Citizen Member), Hansen of O'Brien, Howell and Poffenberger.

**AMENDMENTS FILED**

H-5016	S.F. 278	Lind of Black Hawk
H-5027	S.F. 278	Lind of Black Hawk

On motion by Halvorson of Clayton, the House adjourned at 6:20 p.m., until 9:00 a.m., Friday, January 18, 1980.

# JOURNAL OF THE HOUSE

Fifth Calendar Day—Fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 18, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Larry Meyer, pastor of the Christian Reformed Church, Des Moines.

The Journal of Thursday, January 17, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lura of Marshall on request of Renken of Grundy; Lonergen of Boone on request of Crabb of Crawford; Lloyd-Jones of Johnson on request of Davitt of Warren; Branstad of Winnebago on request of Lorenzen of Scott; Stromer of Hancock on request of Millen of Van Buren.

## INTRODUCTION OF BILLS

**House File 2144**, by Doyle, a bill for an act providing for the compensation of innocent victims of criminal acts, and providing penalties for fraudulent claims.

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

**House File 2145**, by Lura, Johnson of Howard, Conlon, Renken, Smalley and Hanson of Delaware, a bill for an act relating to the indexing of the state individual income tax.

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

**House File 2146**, by Connors, a bill for an act relating to the donation of an autopsied body for scientific purposes.

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

**House File 2147**, by Bina, a bill for an act requiring motorized bicycle education courses to be taught in grades seven and eight at all approved public and nonpublic schools.

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

**House File 2148**, by Daggett, a bill for an act amending section five hundred seventy-two point two (572.2) of the Code to provide that a lien under chapter five hundred seventy-two (572) of the Code does not exist for a subcontractor unless the subcontractor gives notice of the subcontractor's lien rights within five days after labor or materials are first supplied.

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

**House File 2149**, by Cochran, a bill for an act providing for the allocation of sales tax receipts to the road use tax fund.

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

**House File 2150**, by Egenes, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must advertise and receive sealed bids.

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

**House File 2151**, by Crabb, a bill for an act exempting from the real estate transfer tax transfers between members of a family and a family partnership or corporation.

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

**House File 2152**, by Howell, a bill for an act requiring an energy disclosure report be submitted to a prospective buyer prior to the conclusion of a purchase agreement for a residence.

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

**House File 2153**, by Egenes, a bill for an act relating to mandatory deposits for beer kegs.

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

**House File 2154**, by Doyle, a bill for an act to allow the disabled veteran tax credit to be applied to a homestead subsequently acquired by a disabled veteran qualified to receive the tax credit.

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

**House File 2155**, by Daggett, a bill for an act to allow the area education agency administrators to change school district boundary lines upon the written request of certain property owners.

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

**House File 2156**, by Doyle, a bill for an act relating to the annual registration fee for motor homes.

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

**House File 2157**, by Hoffmann, a bill for an act relating to the confidentiality of child abuse information.

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

**House File 2158**, by Howell, a bill for an act requiring the maintenance and periodic auditing of a personal needs account for each resident of a health care facility on whose behalf the facility receives from the department of social services a cash assistance payment which includes an allowance for the personal needs of that resident.

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

**House File 2159**, by Diemer, Renken, Harbor, Connolly, Pope, Oxley, Hall, Lageschulte and Clark of Lee, a bill for an act extending the age limit on four-year operators' and chauffeurs' licenses.

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

**House File 2160**, by Hansen of O'Brien, a bill for an act repealing the minors' school license.

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

**House File 2161**, by Hansen of O'Brien, a bill for an act to increase the maximum interest rate payable on installment contracts for the purchase of school buses.

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

**House File 2162**, by Bina, a bill for an act repealing a conflicting time limitation for filing claims against municipalities.

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

**House File 2163**, by Spear, a bill for an act repealing the prohibition against advertising the sale of tobacco near public schools.

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

**House File 2164**, by Spear, a bill for an act relating to the provision for a county levy in those counties having an ordnance plant located therein owned by the federal government.

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

**House File 2165**, by Bina, a bill for an act allowing an individual income tax deduction for expenses incurred in the operation of a motor vehicle in performing charitable services.

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

**House File 2166**, by Egenes, a bill for an act increasing the minimum financial responsibility requirements under the Iowa motor vehicle financial and safety responsibility Act.

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

**House File 2167**, by Poffenberger, a bill for an act relating to the manner of determining the interest rate to be earned on deposits of state funds.

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



**House File 2168**, by Welden, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation.

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

**House File 2169**, by Tofte, a bill for an act relating to contracts for bridge or road construction on secondary roads.

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

**House File 2170**, by Hansen of O'Brien, a bill for an act requiring the use of seat belts by school bus drivers.

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

### QUORUM CALL

Roll call was requested by Lageschulte of Bremer and Tyrrell of Iowa to determine that a quorum was present.

Present, 77:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Bruner
Byerly	Clark, B.J.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lorenzen	Maulsby
McKean	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Pavich
Pellett	Pelton	Pope	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Tofte	Tyrrell	Van Maanen
Walter	Wells	West	Woods
Mr. Speaker (Harbor)			

## Absent, 23:

Brandt	Branstad	Chiodo	Clark, J.H.
Crawford	Doyle	Egenes	Jay
Jesse	Jochum	Krewson	Lloyd-Jones
Loneragan	Lura	Norland	Patchett
Perkins	Poffenberger	Rapp	Stromer
Thompson	Welden	Welsh	

## HOUSE RESOLUTION 102 DEFERRED

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolution 102 (including the filing of amendments) filed on January 17 and found on page 127 of the House Journal.

Avenson of Fayette moved to temporarily defer action on House Resolution 102.

Halvorson of Clayton asked and received unanimous consent to defer action on House Resolution 102.

## CONSIDERATION OF BILLS

## Regular Calendar

**Senate File 278**, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Tofte of Winneshiek asked and received unanimous consent to suspend Rule 25 and that Robert Forrest, Director of Drivers License Division, be permitted in the House chamber during consideration of Senate File 278.

Egenes of Story asked and received unanimous consent to withdraw amendment H-3745 filed by the committee on transportation on April 5, 1979 and found on pages 1397 through 1401 of the 1979 House Journal, placing out of order the following amendments to amendment H-3745:

H-3868 filed by Woods of Polk and Schroeder of Pottawattamie on April 11, 1979 and found on page 2552 of the 1979 House Journal.

H-3961 filed by Egenes of Story on April 18, 1979 and found on page 2566 of the 1979 House Journal.

H-3998 filed by Horn of Linn on April 19, 1979 and found on pages 2580 and 2581 of the 1979 House Journal.

H-4059 filed by Lind of Black Hawk and Horn of Linn on April 23, 1979 and found on pages 2588 and 2589 of the 1979 House Journal.

Tofte of Winneshiek offered amendment H-5003 filed by the committee on transportation on January 15, 1980 and found on pages 59 through 64 of the House Journal.

Thompson of Polk offered the following amendment H-5030, to the committee amendment H-5003, filed by her and Chiodo of Polk from the floor:

H-5030

- 1 Amend the Committee on Transportation amendment,
- 2 H-5003, to Senate File 278, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, by inserting after line 2 the following:
- 5 " Page 1, by inserting after line 31 the
- 6 following new section:
- 7 "Sec. . Section three hundred twenty-one point
- 8 thirty (321.30). Code 1979, is amended by adding the
- 9 following new subsection:
- 10 NEW SUBSECTION. That there is a warrant outstanding
- 11 for the arrest of the owner of the motor vehicle out
- 12 of any court located within the county in which
- 13 application is being made and that the warrant arises
- 14 out of an alleged violation of the provisions of
- 15 chapter three hundred twenty-one (321) of the Code,
- 16 or of an ordinance enacted pursuant to the provisions
- 17 of chapter three hundred twenty-one (321) of the Code.
- 18 Each court in the state shall, on or before the

19 fifth day of each month, submit to the county treasurer  
 20 of the county in which the court is located, an  
 21 alphabetized list of all persons against whom an  
 22 arrest warrant has been issued and is outstanding.  
 23 The provisions of this subsection are mandatory  
 24 in counties with a population of two hundred thousand  
 25 or more. Any county with a population of less than  
 26 two hundred thousand may, upon the adoption of a  
 27 resolution by the county board of supervisors, make  
 28 the provisions of this subsection applicable within  
 29 the county." "

Tofte of Winneshiek rose on a point of order that amendment H—5030 was not germane.

The Speaker ruled the point not well taken and amendment H—5030 germane.

The following amendment H—5037, to amendment H—5030, (to the committee amendment H—5003) filed by Thompson of Polk from the floor was adopted by unanimous consent:

H—5037

- 1 Amend amendment, H—5030, to the Committee on
- 2 Transportation amendment, H—5003, to Senate File 278,
- 3 as amended, passed, and reprinted by the Senate, as
- 4 follows:
- 5 1. Page 1, line 22, by inserting after the word
- 6 "warrant" the words and figures "under chapter three
- 7 hundred twenty-one (321) of the Code".

Thompson of Polk moved the adoption of amendment H—5030, as amended, to amendment H—5003.

Roll call was requested by Schroeder of Pottawattamie and Thompson of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—5030 be adopted?"

The ayes were, 62:

Anderson, R.	Arnould	Avenson	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connolly	Connors
Corey	Crabb	Cusack	Daggett

Danker	Davitt	Dieleman	Diemer
Groth	Hall	Hanson, D.	Hoffmann
Horn	Hummel	Jesse	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Maulsby	McKean	Millen	Miller
Norland	Pavich	Pellett	Perkins
Pope	Rapp	Renken	Ritsema
Schneklath	Sherzan	Shull	Smalley
Spear	Swearingen	Thompson	Tyrrell
Van Maanen	Walter	Wells	Welsh
Woods	Mr. Speaker (Harbor)		

The nays were, 31:

Anderson, J.	Bennett	Bina	Binneboese
Cochran	Crawford	De Groot	Doyle
Egenes	Gettings	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hibbs	Hinkhouse	Holt
Howell	Hullinger	Husak	Jay
Menke	Mullins	O'Kane	Oxley
Pelton	Poffenberger	Schroeder	Shimanek
Tofte	Welden	West	

Absent or not voting, 7:

Branstad	Joehum	Lloyd-Jones	Lonergan
Lura	Patchett	Stromer	

Amendment H—5030, as amended, was adopted.

Tofte of Winneshiek offered the following amendment H—5032, to the committee amendment H—5003, filed by him and Egenes of Story from the floor and moved its adoption:

H—5032

- 1 Amend the Committee on Transportation amendment,
- 2 H—5003, to Senate File 278, as amended, passed, and
- 3 reprinted by the Senate as follows:
- 4 1. Page 2, by striking lines 27 through 36 and
- 5 inserting in lieu thereof the following: "by striking
- 6 the section and inserting in lieu thereof the
- 7 following:
- 8 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.
- 9 A nonresident's privilege of driving a motor vehicle
- 10 on a highway in this state is subject to suspension
- 11 and revocation for the same reasons and in the same
- 12 manner as suspension or revocation of an operator's
- 13 or chauffeur's license and is also subject to

14 suspension as provided in section three hundred twenty-  
15 one point five hundred thirteen (321.513) of the  
16 Code."

17 2. Page 2, line 39, by adding after the word  
18 "subsection" the words "following subsection seven  
19 (7)".

20 3. Page 3, by striking line 9 and inserting in  
21 lieu thereof the following: "the expiration of one  
22 year after such the revocation.

23 Sec. . Section three hundred twenty-one point  
24 two hundred fifteen (321.215), subsection one (1),  
25 paragraph d, Code 1979, is amended to read as follows:

26 d. Proof of financial responsibility is established  
27 as defined in chapter 321A, however such proof is  
28 not required if the license was suspended, under  
29 section three hundred twenty-one point five hundred  
30 thirteen (321.513) of the Code.

31 Sec. . Section three hundred twenty-one point  
32 two hundred eighteen (321.218), unnumbered paragraph  
33 one (1), Code 1979, is amended to read as follows:

34 Any person whose operator's or chauffeur's license  
35 or driving privilege, has been denied, canceled,  
36 suspended or revoked as provided in this chapter,  
37 and who drives any motor vehicle upon the highways  
38 of this state while such license or privilege is  
39 denied, canceled, suspended, or revoked, is guilty  
40 of a simple misdemeanor. The sentence imposed under  
41 this section shall not be suspended by the court,  
42 notwithstanding the provisions of section 907.3 or  
43 any other provision of statute. The department, upon  
44 receiving the record of the conviction of any person  
45 under this section upon a charge of driving a motor  
46 vehicle while the license of such person was suspended  
47 or revoked, shall, except for licenses suspended under  
48 section three hundred twenty-one point five hundred  
49 thirteen (321.513) of the Code, extend the period  
50 of suspension or revocation for an additional like

## Page 2

1 period, and the department shall not issue a new  
2 license during such additional period." "

3 4. Page 3, line 21, by inserting after the word  
4 "SECTION." the figure "321.513".

5 5. Page 4, line 38, by inserting after the word  
6 "suspend" the words "for failure to comply with the  
7 terms of a traffic citation".

8 6. Page 5, by striking line 25 and inserting in  
9 lieu thereof the following: "intent.

10 Sec. . Section three hundred twenty-one A point  
11 seventeen (321A.17), subsection five (5), Code 1979,  
12 is amended to read as follows:

- 13 5. An individual applying for a motor vehicle  
 14 license following a period of suspension or revocation  
 15 under the provisions of section 321.216 or three  
 16 hundred twenty-one point five hundred thirteen  
 17 (321.513) of the Code shall not be required to maintain  
 18 proof of financial responsibility under the provisions  
 19 of this section." "
- 20 7. Page 5, by striking lines 26 through 31.
- 21 8. By renumbering sections and internal references  
 22 as necessary in conformance with this amendment.

Amendment H—5032 was adopted.

On motion by Tofte of Winneshiek, the committee amendment H—5003, as amended, was adopted.

The following amendments were withdrawn by unanimous consent:

H—3970 filed by Miller of Buchanan and Brandt of Black Hawk on April 18, 1979 and found on pages 2567 through 2569 of the 1979 House Journal.

H—3986 filed by Menke of O'Brien on April 18, 1979 and found on page 2578 of the 1979 House Journal.

H—5016 filed by Lind of Black Hawk on January 17, 1980.

H—5027 filed by Lind of Black Hawk on January 17, 1980.

Conlon of Muscatine offered the following amendment H—4008 filed by him on April 19, 1979 and moved its adoption:

H—4008

- 1 Amend Senate File 278, as amended, passed and  
 2 reprinted, by the Senate, as follows:  
 3 1. Page 2, by inserting after line 35, the  
 4 following:  
 5 "a. Manslaughter resulting from the operation of  
 6 a motor vehicle.  
 7 b. Driving a motor vehicle while under the  
 8 influence of an alcoholic beverage or a controlled  
 9 substance as defined in section 204.101.  
 10 c. Driving a motor vehicle while operator's  
 11 or chauffeur's license is suspended or revoked.  
 12 d. Perjury or the making of a false affidavit

- 13 or statement under oath to the department of  
 14 public safety.  
 15 e. An offense punishable as a felony under  
 16 the motor vehicle laws of Iowa or any felony in  
 17 the commission of which a motor vehicle is used.  
 18 f. Failure to stop and leave information or to  
 19 render aid as required by section 321.263.  
 20 g. A violation of the traffic laws, except  
 21 parking regulations, committed during a period of  
 22 suspension or revocation."

A non-record roll call was requested.

The ayes were 57, nays 34.

Amendment H—4008 was adopted.

Woods of Polk asked and received unanimous consent to withdraw amendment H—3816 filed by him and Schroeder of Pottawattamie on April 9, 1979 and found on page 2534 of the 1979 House Journal.

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

On the question "Shall the bill pass?" (S.F. 278)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiодо	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorezen	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema



Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, none.

Absent or not voting, 9:

Branstad	Jesse	Jochum	Johnson, R.
Lloyd-Jones	Lonerган	Lura	Patchett
Stromer			

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

### HOUSE RESOLUTION 102 DEFERRED

The House resumed consideration of House Resolution 102, urging response to Russian aggression in Afghanistan by bolstering grain prices.

Husak of Tama offered the following amendment H—5035 filed by him and Norland of Worth from the floor:

H—5035

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, by striking lines 22 through
- 3 25.

Perkins of Greene moved to table House Resolution 102.

Roll call was requested by Halvorson of Clayton and Conlon of Muscatine.

On the question "Shall the motion to table House Resolution 102 prevail?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jesse	Johnson, R.	Miller

Norland  
Perkins  
Walter

O'Kane  
Rapp  
Wells

Oxley  
Sherzan  
Welsh

Pavich  
Spear  
Woods

The nays were, 49:

Anderson, J.  
Conlon  
Daggett  
Egenes  
Hibbs  
Johnson, J.  
Larsen  
McKean  
Pellett  
Ritsema  
Shull  
Tofte  
Mr. Speaker  
(Harbor)

Bennett  
Corey  
Danker  
Halvorson, R.A.  
Hoffmann  
Johnson, W.  
Lind  
Menke  
Poffenberger  
Schneklath  
Smalley  
Tyrrell

Clark, B.J.  
Crabb  
De Groot  
Hansen, I.  
Holt  
Kirkenslager  
Lorenzen  
Millen  
Pope  
Schroeder  
Swearingen  
Van Maanen

Clark, J.H.  
Crawford  
Diemer  
Hanson, D.  
Hummel  
Lageschulte  
Maulsby  
Mullins  
Renken  
Shimanek  
Thompson  
West

Absent or not voting, 11:

Branstad  
Lloyd-Jones  
Pelton

Connolly  
Lonergan  
Stromer

Jochum  
Lura  
Welden

Krewson  
Patchett

The motion lost.

Husak of Tama moved the adoption of amendment H—5035.

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H—5035 lost.

Halvorson of Clayton asked and received unanimous consent to defer action on House Resolution 102.

### MOTIONS TO RECONSIDER (Senate File 278)

I move to reconsider the vote by which Senate File 278 passed the House on January 18.

TYRRELL of Iowa

(Amendment H—5030 to Senate File 278)

I move to reconsider the vote by which amendment H—5030 to Senate File 278 was adopted by the House on January 18.

TYRRELL of Iowa

(Amendment H—4008 to Senate File 278)

I move to reconsider the vote by which amendment H—4008 to Senate File 278 was adopted by the House on January 18.

SCHROEDER of Pottawattamie

STUDY BILL COMMITTEE ASSIGNMENTS

**S.B. 576 Agriculture**

Requiring the Iowa Corn Promotion Board to collect the statutory corn checkoff and to pay refunds; and adding a new defined term.

**S.B. 577 Agriculture**

Increasing the maximum soybean checkoff; requiring the Iowa Soybean Promotion Board to collect the statutory soybean checkoff and to pay refunds; making the ex officio Board members non-voting; deleting certain references to the American Soybean Association and American Soybean Institute; and adding a new defined term.

**S.B. 578 Agriculture**

To combine and reduce the number of licenses required by the dairy industry; and update the fee structure.

**S.B. 579 Agriculture**

Relating to the definitions of milk and milk products.

**S.B. 580 Agriculture**

Amending Iowa's law on the production and sale of dairy products by making certain changes in the milk inspection delegation authority and enforcement provisions contained therein; and by updating

certain internal references and provisions as required by the Interstate Milk Shippers Compact.

**S.B. 581 Social Services Appropriations Subcommittee**

Relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

**S.B. 582 Social Services Appropriations Subcommittee**

Relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

**S.B. 583 Social Services Appropriations Subcommittee**

Relating to the operation and administration of the John E. Bennett Correctional Center.

**S.B. 584 State Government**

Relating to the sale of alcoholic beverages or beer on credit.

**SUBCOMMITTEE ASSIGNMENTS**

**House Concurrent Resolution 10**

County Government: Johnson of Howard, Chair; Gettings and Smalley.

**House File 12 (Reassigned)**

Education: Diemer, Chair; Daggett and Groth.

**House File 24 (Reassigned)**

Judiciary and Law Enforcement: Conlon, Chair; Johnson of Audubon and Welsh.

**House File 75 (Reassigned)**

Judiciary and Law Enforcement: Pelton, Chair; Jesse and Hibbs.

**House File 113 (Reassigned)**

Education: Diemer, Chair; Daggett and Groth.

**House File 126 (Reassigned)**

Human Resources: Hoffmann, Chair; De Groot and Sherzan.

**House File 130 (Reassigned)**

Human Resources: Bennett, Chair; Lind and Miller.

**House File 160 (Reassigned)**

Education: Thompson, Chair; Menke and Wells.

**House File 202 (Reassigned)**

Energy: Hullinger, Chair; Van Maanen and Lind.

**House File 234 (Reassigned)**

Energy: Poffenberger, Chair; Doyle and Smalley.

**House File 258 (Reassigned)**

Human Resources: Mullins, Chair; Sherzan and Horn.

**House File 321 (Reassigned)**

Human Resources: Husak, Chair; Bennett and Hoffmann.

**House File 382 (Reassigned)**

Human Resources: Krewson, Chair; Poffenberger and Connors.

**House File 402 (Reassigned)**

Human Resources: Poffenberger, Chair; De Groot and Cusack.

**House File 406 (Reassigned)**

Human Resources: Krewson, Chair; Poffenberger and Connors.

**House File 461**

Human Resources: Hoffmann, Chair; De Groot and Sherzan.

**House File 502**

Energy: Smalley, Chair; Mullins, Perkins (New Member), Cusack (New Member) and Lind (New Member).

**House File 530 (Reassigned)**

Human Resources: Kirkenlager, Chair; Maulsby and Arnould.

**House File 546 (Reassigned)**

Human Resources: Husak, Chair; Bennett and Hoffmann.

**House File 557 (Reassigned)**

Human Resources: De Groot, Chair; Lind and Horn.

**House File 610 (Reassigned)**

Human Resources: Cusack, Chair; Daggett and Shimanek.

**House File 674**

Human Resources: Mullins, Chair; Horn and Sherzan.

**House File 2003**

Natural Resources: Holt, Chair; Lloyd-Jones and Larsen.

**House File 2008**

Natural Resources: McKean, Chair; Hall and Tyrrell.

**House File 2010**

Education: Crawford, Chair; Krewson and Spear.

**House File 2011**

Agriculture: Harbor, Chair; Tyrrell and Davitt.

**House File 2012**

Education: Krewson, Chair; Perkins and Diemer.

**House File 2025**

Human Resources: Lonergan, Chair; Bennett and Spear.

**House File 2027**

Education: Menke, Chair; Patchett and Thompson.

**House File 2042**

Natural Resources: Tofte, Chair; Welsh and Johnson of Howard.

**House File 2043**

Human Resources: Krewson, Chair; Husak and Horn.

**House File 2052**

Human Resources: Connors, Chair; Krewson and Mullins.

**Senate File 298**

Human Resources: Mullins, Chair; Horn and Sherzan.

**Senate File 430**

Human Resources: Mullins, Chair; Lonergan and Clark of Cerro Gordo.

**Senate File 431**

Human Resources: Bennett, Chair; Lind and Miller.

**Senate File 432**

Human Resources: Mullins, Chair; Lonergan and Clark of Cerro Gordo.

**Senate File 454**

Energy: Pellett, Chair; Binneboese, Renken, Van Maanen and Doyle.

**Senate File 477**

Natural Resources: Smalley, Chair; Tofte and Perkins.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**Study Bill 9**

Judiciary and Law Enforcement: Anderson of Audubon, Chair; Clark of Cerro Gordo and Rapp.

**Study Bill 48**

Judiciary and Law Enforcement: Smalley, Chair; Lonergan and Pelton.

**Study Bill 51**

Judiciary and Law Enforcement: Ritsema, Chair; Arnould, Holt, Pelton and Walter.

**Study Bill 65**

Judiciary and Law Enforcement: Hibbs, Chair; Rapp and Pelton.

**Study Bill 79**

Judiciary and Law Enforcement: Conlon, Chair; Johnson of Howard and Welsh.

**Study Bill 81**

Judiciary and Law Enforcement: Conlon, Chair; Johnson of Howard and Welsh.

**Study Bill 120**

Judiciary and Law Enforcement: Patchett, Chair; Corey and Jesse.

**Study Bill 121**

Judiciary and Law Enforcement: Ritsema, Chair; Patchett and Smalley.

**Study Bill 122**

Judiciary and Law Enforcement: Holt, Chair; Doyle and Maulsby.

**Study Bill 123**

Judiciary and Law Enforcement: Johnson of Howard, Chair; Lloyd-Jones and Pelton.

**Study Bill 145**

Judiciary and Law Enforcement: Corey, Chair; Doyle and Anderson of Audubon.

**Study Bill 147**

Judiciary and Law Enforcement: Patchett, Chair; Anderson of Audubon and Conlon.

**Study Bill 148**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones and Conlon.

**Study Bill 150**

Judiciary and Law Enforcement: Lloyd-Jones, Chair; Holt and Arnould.

**Study Bill 151**

Judiciary and Law Enforcement: Smalley, Chair; Jesse and Doyle.

**Study Bill 152**

Judiciary and Law Enforcement: Jesse, Chair; Johnson of Audubon and Hibbs.

**Study Bill 159**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**Study Bill 198**

Judiciary and Law Enforcement: Ritsema, Chair; Doyle and Lonergan.



**Study Bill 204**

Judiciary and Law Enforcement: Pelton, Chair; Corey and Arnould.

**Study Bill 207**

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Patchett, Johnson of Howard and Jesse.

**Study Bill 209**

Judiciary and Law Enforcement: Corey, Chair; Johnson of Howard and Lonergan.

**Study Bill 504**

County Government: Johnson of Howard, Chair; Connolly and Branstad.

**Study Bill 505**

County Government: Hanson of Delaware, Chair; Binneboese and Tofte.

**Study Bill 506**

County Government: Danker, Chair; Bruner and Branstad.

**Study Bill 507**

County Government: Schnekloth, Chair; Welsh and Clark of Lee.

**Study Bill 508**

County Government: Swearingen, Chair; Doyle and Clark of Cerro Gordo.

**Study Bill 509**

County Government: Johnson of Linn, Chair; Hullinger and Shull.

**Study Bill 510**

County Government: Smalley, Chair; Oxley and Lageschulte.

**Study Bill 511**

County Government: Hanson of Delaware, Chair; Binneboese and Tofte.

**Study Bill 512**

County Government: Danker, Chair; Dieleman and Shull.

**Study Bill 546**

Agriculture: Pellett, Chair; Anderson of Audubon, Hinkhouse, Halvorson of Webster and Van Maanen.

**Study Bill 547**

Agriculture: De Groot, Chair; Corey and Husak.

**Study Bill 548**

Agriculture: Hummel, Chair; Mullins and Cochran.

**Study Bill 549**

Agriculture: Hummel, Chair; Mullins and Cochran.

**Study Bill 550**

Agriculture: Hummel, Chair; Mullins and Cochran.

**Study Bill 552**

Education: Hansen of O'Brien, Chair; Horn and Johnson of Woodbury.

**Study Bill 553**

Education: Maulsby, Chair; Groth and Norland.

**Study Bill 554**

Education: Stromer, Chair; Jay and Lura.

**Study Bill 555**

Education: Daggett, Chair; Menke and Patchett.

**Study Bill 556**

Education: Daggett, Chair; Jay and Spear.

**Study Bill 557**

Education: Lura, Chair; Groth and Perkins.

**Study Bill 558**

Education: Johnson of Woodbury, Chair; Lonergan and Crawford.

**Study Bill 559**

Education: Menke, Chair; Krewson and Wells.

**Study Bill 560**

Education: Stromer, Chair; Larsen and Patchett.

**Study Bill 561**

Education: Maulsby, Chair; Hansen of O'Brien and Norland.

**Study Bill 562**

Education: Hansen of O'Brien, Chair; Horn and Johnson of Woodbury.

**Study Bill 569**

Ways and Means: West, Chair; Lura and Hall.

**Study Bill 570**

Ways and Means: Norland, Chair; Schnekloth and Thompson.

**AMENDMENTS FILED**

H-5031	H.R. 102	Husak of Tama
H-5033	H.R. 102	Avenson of Fayette
H-5034	H.R. 102	Avenson of Fayette
H-5038	H.R. 102	Cochran of Webster
H-5039	H.R. 102	Hullinger of Decatur
H-5040	H.R. 102	Anderson of Jasper
H-5041	H.R. 102	Davitt of Warren
H-5042	H.R. 102	Perkins of Carroll
H-5043	H.R. 102	Welsh of Dubuque
		Binneboese of Plymouth
H-5044	H.R. 102	Miller of Buchanan
H-5045	H.R. 102	Schnekloth of Scott
H-5046	H.R. 102	Groth of Buena Vista
H-5047	H.R. 102	Davitt of Warren
		Avenson of Fayette
H-5048	H.R. 102	Norland of Worth
H-5049	H.R. 102	Hinkhouse of Cedar
H-5050	H.F. 2086	Kirkenslager of Des Moines
		Connors of Polk
		Crabb of Crawford

On motion by Halvorson of Clayton, the House adjourned at 12:15 p.m., until 10:00 a.m., Tuesday, January 22, 1980.

# JOURNAL OF THE HOUSE

Ninth Calendar Day — Sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 22, 1980.

The House met pursuant to adjournment, Hansen of O'Brien in the chair.

Prayer was offered by the Reverend Perry De Groot, pastor of the Newton Zion Reformed Church, Erie, Illinois.

The Journal of Friday, January 18, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Shirk, Des Moines.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek for an indefinite period on request of Holt of Clay; Arnould of Scott and Cusack of Scott on request of Bina of Scott.

## SPECIAL PRESENTATION

Loneragan of Boone escorted to the Speaker's station and presented to the House Shelly Kirk, Iowa's Junior Miss for 1980, and Shelly's parents, Mr. and Mrs. Larry Kirk.

Shelly, who is from Boone, will be representing Iowa at the National Junior Miss Contest in Mobile, Alabama.

The House rose and expressed its welcome and Miss Kirk addressed the House briefly.

## PRESENTATION OF VISITORS

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

Fourteen students from Tipton, Iowa, accompanied by Rev. Richard Smith. By Hinkhouse of Cedar.

## INTRODUCTION OF BILLS

**House Joint Resolution 2013**, by Spear and Brandt, a joint resolution proposing an amendment to the Constitution of the state of Iowa to repeal the obsolete sections relating to the board of education.

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

**House Joint Resolution 2014**, by Spear, Brandt and Bina, a joint resolution proposing an amendment to the Constitution of the state of Iowa to allow the general assembly to prescribe by law when a person who is mentally ill or mentally retarded, who is convicted of a felony shall be entitled to the privilege of an elector.

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

**House Joint Resolution 2015**, by Danker, a joint resolution proposing a constitutional amendment to the Constitution of the state of Iowa to limit state and local expenditures and to provide certain exemptions.

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

**House File 2171**, by Chiodo, a bill for an act relating to the definition of insolvent insurer for purposes of the Iowa insurance guaranty association.

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

**House File 2172**, by Menke, a bill for an act requiring insurance companies to file information with the commissioner of insurance on cases settled out of court.

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

**House File 2173**, by Oxley, a bill for an act to repeal the requirement for a meeting before a school district can issue general obligation bonds for construction of a school building.

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

**House File 2174**, by Hanson of Delaware and Mullins, a bill for an act relating to the operation and regulation of public utilities, and requiring the adoption by public utilities of comprehensive energy management programs as a condition precedent to obtaining authority to build new generating capacity, requiring the commerce commission to continually investigate and implement methods of public utility cost accounting and apportionment which promote energy conservation or cost reduction, authorizing the commerce commission to adopt rules enabling public utilities to implement peak-load management techniques involving interruptible service, authorizing the issuance of securities by the Iowa housing finance authority as a source of funds which rate-regulated public utilities may distribute to finance permanent energy conservation improvements in owner-occupied residential housing served by those utilities, and authorizing penalties.

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

**House File 2175**, by Hanson of Delaware, a bill for an act relating to the notification of a property owner of delinquent taxes by the county treasurer.

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

**House File 2176**, by Conlon, a bill for an act authorizing the investment of funds of the Iowa public employees' retirement system in residential real property mortgage loans.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2177**, by Bina, a bill for an act relating to the inclusion of Reye's Syndrome as a reportable disease within the rules adopted by the state department of health.

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

**House File 2178**, by Brandt, a bill for an act to authorize the state department of health, in cooperation with a county, city, or governmental or private nonprofit agency to establish hospice pilot projects and to appropriate state general funds to support the projects.

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

**House File 2179**, by Ritsema, Hansen of O'Brien, De Groot, Brandt, Diemer, Corey, Mullins, Poffenberger, Van Maanen, Holt, Lura, Conlon, Tyrrell, Maulsby, Bruner, Rapp, Welsh, Binneboese and Connolly, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

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

**House File 2180**, by Tyrrell, a bill for an act to allow certain corporations to contract for additional law enforcement services.

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

**House File 2181**, by Hummel, a bill for an act to legalize proceedings taken by the board of directors of the Shellsburg community school district relating to the sale of certain properties.

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

**House File 2182**, by Gettings, a bill for an act relating to the restrictions of certain traps.

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

**House File 2183**, by Bennett and Stromer, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax.

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

**House File 2184**, by Pelton, a bill for an act relating to the destruction of weeds by spraying.

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

**House File 2185**, by Connolly, a bill for an act relating to the time when expenditures for campaign purposes may be made by candidates for certain public offices.

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

**House File 2186**, by Pelton, a bill for an act relating to a reduction of the motor vehicle registration fee for vehicles registered by physically handicapped individuals or individuals over the age of sixty-two.

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

**House File 2187**, by Pope, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property.

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

**House File 2188**, by Conlon, a bill for an act relating to the state death taxes by repealing the state inheritance tax and replacing it by imposing an additional tax on the estate.

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

**House File 2189**, by Oxley, a bill for an act to exempt from property tax certain property held for future development by a literary, scientific, charitable, benevolent, agricultural or religious institution or society and from which no income is received.

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

**House File 2190**, by Howell, a bill for an act relating to residential energy conservation by requiring existing residential dwellings or portions of existing structures used for dwellings to meet certain thermal efficiency standards upon the transfer of ownership.

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

**House File 2191**, by Hansen of O'Brien, a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children.

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



**House File 2192**, by Bina, a bill for an act to establish special liquor retailers and make corresponding amendments to the Code, including penalty provisions.

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

**House File 2193**, by Johnson of Linn, a bill for an act prohibiting the sale or attempted sale of athletic event tickets for more than the authorized purchase price and providing a penalty.

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

**House File 2194**, by Woods, a bill for an act to authorize the commissioner of insurance to extend during certain emergency situations the grace periods for payment of premiums on life insurance policies and accident and health insurance policies.

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

**House File 2195**, by Hansen of O'Brien, a bill for an act relating to the issuance of motorized bicycle licenses.

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

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 17, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 382, a bill for an act continuing education of insurance agents.

FRANK J. STORK, Secretary

### HOUSE CONCURRENT RESOLUTION 103

By Pelton of Clinton

- 1 *Whereas*, the state of Iowa presently imports
- 2 approximately 98% of our energy resources; and
- 3 *Whereas*, our nation and state must take all possible
- 4 actions to reduce our dependence upon foreign sources of
- 5 energy; and
- 6 *Whereas*, a transition to renewable sources of energy,

7 as alternatives to petroleum, is very necessary for energy  
8 independence; and

9 *Whereas*, alcohol, produced from Iowa corn and other  
10 biomass, can be utilized as a fuel in intercombustion  
11 engines as gasohol; and

12 *Whereas*, Iowa has been the national leader in the  
13 marketing of gasohol, which has proven itself to be an  
14 effective, efficient and popular fuel; and

15 *Whereas*, the utilization of gasohol in motor vehicles  
16 reduces our dependence on imported petroleum and creates a  
17 demand for an Iowa commodity which aids our economy; and

18 *Whereas*, the state of Iowa should continue to be a  
19 national leader in energy conservation through progressive  
20 state public policy as we begin to leave the Age of

21 Petroleum: *Now Therefore*,

22 *Be It Resolved by the House of Representatives, the*  
23 *Senate Concurring*, That all state owned and operated  
24 vehicles shall henceforth be fueled with gasohol, and

25 *Be It Further Resolved*, That all political subdivisions  
26 in the state of Iowa are urged to adopt policies to utilize  
27 gasohol in their vehicle fleet, and

28 *Be It Further Resolved*, That the Governor of Iowa,  
29 the Honorable Robert D. Ray, is urged to issue an  
30 executive order to effectuate the intent of this resolution.

Laid over under Rule 30.

## QUORUM CALL

Roll call was requested by Harbor of Mills and Thompson of Polk to determine that a quorum was present.

Present, 64:

Anderson, J.	Anderson, R.	Bennett	Bina
Branstad	Bruner	Byerly	Clark, B.J.
Conlon	Connolly	Connors	Corey
Crawford	Daggett	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Hullinger	Hummel	Jesse	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lloyd-Jones	Loneragan	Maulsby
McKean	Menke	Millen	O'Kane
Pavich	Pellett	Perkins	Poffenberger
Renken	Ritsema	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tyrrell
Van Maanen	Welden	Woods	Mr. Speaker (Hansen of O'Brien)

## Absent, 36:

Arnould	Avenson	Binneboese	Brandt
Chiodo	Clark, J.H.	Cochran	Crabb
Cusack	Danker	Davitt	Egenes
Holt	Horn	Howell	Husak
Jay	Jochum	Krewson	Lind
Lorenzen	Lura	Miller	Mullins
Norland	Oxley	Patchett	Pelton
Pope	Rapp	Stromer	Tofte
Walter	Wells	Welsh	West

## CERTIFICATES OF RECOGNITION

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

1980-1	West Delaware Girls Softball Team
1980-2	Bishop Lance Webb, Appreciation
1980-3	Harold Tackleson, Recognition

DAVID L. WRAY  
Chief Clerk of the House

## STUDY BILL COMMITTEE ASSIGNMENT

**S.B. 585 County Government**

Relating to mileage limitations affecting boards of supervisors.

## COMMUNICATION RECEIVED

## THE STATE BOARD OF REGENTS

A copy of the State Board of Regents Ten-Year Building Program Summary, 1979-1989, submitted in accordance with Chapter 262A.3, 1979 Code, was received by the Chief Clerk on January 21, 1980, and is on file in his office.

## COMMUNICATION FROM THE STATE COMPTROLLER

The following communication was received from the State Comptroller on January 15, 1980 and is on file in the office of the Chief Clerk:

January 15, 1980

Mr. David L. Wray, Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. Wray:

In accordance with Section 25A.12, Code of Iowa 1979, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, settlements and judgments paid during 1979 by the State Appeal Board under Chapter 25A.

The attached report shows the name of each claimant, a brief description of each claim, the amount claimed and the amount approved.

Very truly yours,

RONALD F. MOSHER  
State Comptroller

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

CHAPTER 25A GENERAL TORT CLAIMS APPROVED  
BY STATE APPEAL BOARD, 1979

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-3045-67	Darrell Thomas Pratt Reimbursement for loss of two rings at Mt. Pleasant	\$ 150.00	\$ 150.00
T-4110-67	Elmer E. Cartee Physical and mental pain received at Iowa State Penitentiary	5,006.00	550.00
T-4508-68	Jerry Leroy Ammons Reimbursement for clothing lost while being transferred from Anamosa to Fort Madison	88.00	20.00
T-4639-68	Jane M. Joester Injury received at U. of I. Hospitals	10,000.00	1,000.00
T-4667-68	Dawn Renee Overly Injury received while a patient at U. of I. Hospitals	2,000.00	500.00
T-4669-68	Anthony N. Stokes Reimbursement for clothing lost or stolen at Iowa State Penitentiary	22.82	22.82

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-4756-68	Charles D. Isheli State employee backed truck into liquor store causing substantial damage to building	11,564.00	5,880.92
T-5000-68	Priscilla Ann Cory Damage to auto and items in it at Iowa State Fair because of flooding problems	220.00	220.00
T-5015-68	Joyce Yutester Accidental injection of air embolism at University Hospitals causing seizures	150,000.00	35,000.00
T-5017-68	Kirby Julius LaPoint Money was taken out of account at I.S.P. by a forged signature	5.00	5.00
T-5029-68	Lawrence Albanand Trash receptacle at Oakdale Medical Facilities blew against pickup causing damages	72.10	72.10
T-5043-68	Mutual Service Casualty Ins. Co. Reimbursement for one of their insured's autos when a tree fell on it at U. of I.	984.63	984.63
T-5046-68	Dave Alan Hertner Reimbursement of articles lost at the John Bennett Correctional Facility	25.00	25.00
T-5085-68	Elerly Scherbenske Payment for a horse that fell while recooving from an anesthetic at I.S.U. Veterinary Clinic and had to be destroyed	5,000.00	4,000.00
T-5094-68	Robert Henry Gump, Jr. Violation of his rights from loss of property without due process by prison officials	100,000.00	21.95
T-5096-68	Kenneth Lindloff Property stolen from cell at Iowa State Penitentiary	365.00	182.50
TE-5097-68	Monty Joe Storm Expenses incurred as a result of the negligent acts or omissions of a State employee	1,560.52	1,200.00
T-5108-68	Ronald Eugene Rissinger Reimbursement for articles lost by prison officials	35.05	35.05
T-5127-68	Scott C. Kniesly Riverview Release Center lost his clothing while transporting it to the laundry	10.10	10.10

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5130-68	Bob Esparza Coat lost by officials of State correctional institution	49.95	49.95
T-5136-68	Ruth Van Kempen Payment for expense incurred when she fell on icy steps at the State Capitol Building	90.50	90.50
T-5167-68	Dorothy Bolt Payment for death of a horse at I.S.U. Veterinary Clinic	5,000.00	1,500.00
T-5183-68	Jeffrey A. Johnson Billfold was lost while in custody of employees at Iowa Men's Reformatory	15.00	15.00
T-5198-68	Leo Oxberger Auto damaged by ice falling from Capitol Building roof	258.88	258.88
T-5202-68	Theodore E. Pillow Shoes damaged when attempting to open vehicle gate at Mt. Pleasant	23.00	23.00
T-5203-68	Kenneth W. Fisher Payment for picture frame and camera broken by guard at Riverview Release Center	30.00	17.00
T-5216-68	Albert Johnson, Jr. Payloader moving snow slid into auto causing damages	312.09	312.09
T-5217-68	LoDean Ray Claussen Reimbursement of hospital emergency room costs	30.00	30.00
T-5246-68	Jesse Jenkins Hobby craft item lost by M.H.I.	15.00	15.00
TE-5265-68	David Stalkfleet Magistrate wrote "guilty" on his docket instead of "innocent" causing the claimant to be jailed wrongly	50,000.00	9,000.00
T-5272-68	Dale Arthur Davis Loss of two fingers by blades of a wood router machine at I.S.P.	100,000.00	6,427.57
T-5275-68	Alison Franchetti Claimant fell while practicing basketball at U. of I. causing permanent damage to left arm	19,500.00	16,000.00
T-5287-68	Viggen Davidian Camera missing after being checked at a concert at Hilton Colliseum	482.34	482.34

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5303-68	William Harrison Stepper Payment for items stolen from him at the State Penitentiary	18.00	10.00
T-5305-68	Clarence LaVerne Hill Motorcycle tire damaged by lawnmower while in parking lot	35.59	35.59
TE-5330-68	Ernest Houldsworth Damage to auto by National Guard vehicle during snow removal	316.13	316.13
T-5396-68	Carol Virginia Prochaska Injuries received in a fall at U.N.I.	426.95	426.95
T-5387-68	Tom Glenn DeVena Items lost by prison staff while being transferred to Iowa State Penitentiary	172.87	96.12
T-5393-68	Donald Gordon Edwards Items lost while an inmate at the State Penitentiary	332.09	234.00
T-5407-68	Continental Telephone Company of Iowa Damages caused when five escapees from Fort Madison attempted to steal a vehicle	138.69	138.69
T-5444-68	Glenda S. Donahue Damage to auto when used to demonstrate a rescue procedure	118.97	118.97
T-5456-68	Richard Keith Knedler Belongings lost while an inmate at State Penitentiary	126.43	76.00
T-5464-68	James S. Simpson Damage to auto in U. of I. parking lot	61.08	30.54
T-5487-68	Dean Hyde Damage to auto when a window from a State-owned building fell on it	620.11	620.11
T-5512-68	Ronald K. Myers Auto damaged at the Iowa State Penitentiary car wash	226.80	226.80
T-5520-68	Marvin DeWayne Sammon Traffic control exit arm at the Hoover Building dropped on auto causing damages	84.46	84.46
T-5522-68	Edwin S. Fern Damage to auto in an accident with a National Guard truck during snow removal operations	333.15	167.00
T-5526-68	Iowa Mutual Ins. Co. for Edward Nissen Auto damaged in an accident with a National Guard vehicle	681.00	681.00

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5532-68	DeWayne Allen Jones 8-track tape player lost by prison staff	56.12	56.12
TE-5582-68	Teresa D. Schmidt Articles lost at the John Bennett Correctional Center	31.95	31.95
T-5592-68	Bette Dolores Bradfield Injuries suffered in a fall at a States liquor store	1,875.30	1,851.30
T-5594-68	John G. Krabbenhoft Damages to auto caused by a pane of glass blowing off the Pharmacy Bldg. at U. of I.	167.99	167.99
T-5602-68	Dale Eugene Montross Injuries received by a defective door in a fence surrounding a tennis court at U.N.I.	5,000.00	2,155.00
T-5603-68	Thomas Joseph Fennell Damaged oil pan on his auto when pulling into a loading zone at U.N.I.	78.68	78.68
T-5607-68	Betty Elaine McCracken Dentures damaged in a fall at Glenwood State Hospital	30.00	30.00
T-5636-68	Judith Ann McMahon Auto damaged in an accident with a National Guard vehicle	67.36	67.36
TE-5643-68	Jerry Dee Simpson Pair of boots lost by prison officials	75.00	50.00
T-5645-68	Jeanne L. Chambers Damage to auto in a State parking lot by a rock thrown by a mower	103.00	103.00
T-5663-68	Thomas Pottter Damage to auto resulting from the collapse of the pavement in a parking lot at U.N.I.	165.79	165.79
T-5665-68	Sylvia Ann Hartz Auto damaged when parked in a State lot by a rock thrown from a lawnmower	101.57	101.57
T-5683-68	Cheryl A. Kossman Damage to auto by a parking gate in Hoover Building parking lot	138.02	138.02
T-5696-68	Merlyn Engelking Motorcycle damaged when hit by a maintenance truck at Eldora Training School	367.35	367.35
T-5712-68	Winona LaVaun Griffith Pair of slacks ruined by wet paint on bench at Iowa State Fair	18.00	18.00



9th Day

TUESDAY, JANUARY 22, 1980

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Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5719-68	James A. Hart Shirt ripped and glasses lost in line of duty at Iowa State Penitentiary	96.00	96.00
T-5726-68	Laverne Edward Gray Television set lost by prison authorities	93.00	93.00
T-5733-68	Virgil Allen Novotny Trousers ruined by wet paint on bench at Iowa State Fair	22.00	22.00
T-5744-68	Winston Carl Halstead Items lost as a result of a break-in of the storage locker at Mt. Pleasant	61.61	41.67
T-5747-68	Gary Dean Dugger Flooding caused damage to auto in parking lot at Iowa State Fair	361.10	361.10
T-5754-68	Danny Dean Roberts Clothing ruined by fresh paint on benches at Iowa State Fair	60.00	60.00
T-5761-68	Brian Donald Albertson Eyeglass lense broken when door at State liquor store caught on a protruding piece of sidewalk	40.00	40.00
T-5762-68	Clarence French	45.00	45.00
T-5769-68	Jerry Wayne Bahnsen Medical bills from an injury incurred at Iowa State Fair	55.00	55.00
T-5774-68	Suzanne Freyer Windshield broken when parked in U. of I. parking lot	141.65	141.65
T-5836-68	Goldie Morris Homemaker employed by D.S.S. damaged refrigerator	34.60	34.60
T-5936-68	John Donnelly Emergency room bill resulting from an injury incurred when a pier collapsed	39.10	24.10

CHAPTER 25A HIGHWAY TORT CLAIMMS APPROVED  
BY STATE APPEAL BOARD, 1979

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H-389-67-T	Glenn D. Fritz Payment of damages due to road construction	8,939.70	4,700.00

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H-527-68-T	Beryl D. Gray Damage by flooding due to improper drainage caused by road construction	373.00	308.00
H-591-68-T	Robert L. Clites Damage to vehicle due to paint overspray	36.05	36.05
H-592-68-T	Duane C. Rossow Damage to vehicle due to paint overspray	41.20	41.20
H-593-68-T	Virgil A. Mashek Damages to vehicle due to paint overspray	41.20	41.20
H-609-68-T	Ruth Sunde Damage to drainage tile when State removed more soil from borrow area than easement called for	1,623.00	1,204.00
H-614-68-T	Farmland Mutual Insurance Co. Damage to auto when DOT flagman erroneously waved claimant through area being cleared by snowblower	1,242.63	1,242.63
H-625-68-T	Gary R. Childress Damage to soybeans due to light intensity at I-80-35 and Ashworth Road	420.00	420.00
H-634-68-T	Hugh Thompson Siltation from DOT property resulted in reduced yield for soybean crop	893.75	893.75
H-639-68-T	Ralph Martin DOT felled a tree across fence and destroyed two panels and posts	54.20	54.20
H-649-68-T	Arthur A. Grams Damages to auto caused by hitting a chunk of concrete on I-35 bridge	659.75	520.66
H-650-68-T	James Dahl & Auto-Owner's Ins. Co. Damage to auto when "Road Work Ahead" sign blew into the path of his vehicle	307.50	307.50
H-652-68-T	Joseph Frank Kastrick Damage to car and trailer hitch when claimant hit a buckled bridge expansion plate	550.46	397.46
H-676-68-T	Isaac C. Ver Meer Reimbursement for broken eyeglasses	97.00	97.00
H-677-68-T	Dennis L. Tice DOT maintenance crew dropped metal bar on auto causing damage	77.56	77.56
H-681-68-T	Frank Edward Corwin Damage to auto from hitting a hole in the roadway	150.42	150.42

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H-685-68-T	Dwight Dale Gates Tire damaged when claimant hit a hole in a bridge	53.57	53.57
H-691-68-T	Northwestern Bell Telephone Co. Cable damaged by DOT bulldozer	227.88	227.88
H-692-68-T	Elaine Gerk Damage to auto when hit by a falling sign	20.60	20.60
H-696-68-T	William Woodhull Storage charges for vehicle impounded falsely	177.68	177.68
H-699-68-T	George L. Warin Damages caused by road construction in front of farm	925.00	925.00
H-701-68-T	Steven H. Swender Windshield broken when rock was thrown by DOT mower	177.41	177.41
H-704-68-T	Donald Bruce Harwick Insurance Company of North America Damage to auto caused by protruding bridge expansion plate	114.60	114.60
H-712-68-T	William Rea Damage to well and pump caused by DOT construction project	665.73	665.73
H-715-68-T	Iowa National Mutual Ins. James L. McLeland Wheel damaged when driving over a hole in a bridge	187.18	187.18
H-716-68-T	Vernon G. Osborn, Jr. Damage to auto when hitting a transit set up in the road by DOT survey crew	137.11	137.11
H-720-68-T	Glenn Thompson Damages to land and crops due to flooding	7,300.00	6,800.00
H-722-68-T	Dennis Carl Barkhaus Damage to tomato plants caused by DOT spraying across fence	590.00	590.00
H-724-68-T	Paul Arnould Farnett Sewer line damaged by DOT construction project	399.13	399.13
H-726-68-T	Barbara K. Herding Damages to auto when it was hit by a DOT endloader	160.07	160.07
H-727-68-T	Virgil N. Greenzweig Steel-belted radial tire ruined by metal stub of delineator post	117.01	117.01

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H-749-68-T	Steven J. Furness Damage to auto paint caused by DOT employees cleaning painting equipment in a parking area	107.12	107.12
H-761-68-T	Herman G. Menke Grape crop damaged when DOT sprayed 2-4-D along the road near farm	60.00	60.00
H-776-68-T	Hawkeye Security Ins. Co. 50% contribution to a payment made to an accident victim as a result of acting as the insurance carrier for DOT's vehicles	105.06	105.06

CHAPTER 25A -- TORT CLAIMS  
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL - 1979

Former Claim No.	Name of Claimant Nature of Claim	Amount Prayed	Amount Settled
H-3-66-T	Keith J. Vegors, W. G. Stewart and Maudlin Construction Co. Property Damage (Settlement)	\$ 12,000.00	\$ 2,500.00
H-184-66-T	Louis D. Hatchett Personal Injury (Settlement)	750,000.00	50,000.00
H-274-67-T	Gary Lee Swanson Personal Injury (Settlement)	70,000.00	3,000.00
H-348-67-T	Earl C. Weniger Personal Injury (Settlement)	41,500.00	6,250.00
H-362-67-T &	Estate of Wade Leroy Barton Personal Injury (Settlement)	250,000.00	
H-363-67-T & H-367-67-T	Estate of Wade Leroy Barton Leroy E. Barton	500,900.00 50,000.00	55,000.00
H-384-67-T &	Carolyn Jeanette James & Tri-Center Community School District Third Party Claim (Judgment)	Undetermined	1,500.00
H-385-67-T	Carolyn Jeanette James & Tri-Center Community School District	Undetermined	
H-419-67-T & H-420-67-T	Ernest L. & W. Roberta Hood Personal Injury and Wrongful Death (Settlement) Ernest L. Hood, Admn. Estate of Robbie R. Hood	500,000.00 250,000.00	11,000.00

Former Claim No.	Name of Claimant Nature of Claim	Amount Prayed	Amount Settled
H-429-67-T	Douglas Heimer Personal Injury (Settlement)	11,918.00	2,000.00
H-441-67-T &	Lowell Gilbraith as Admn. of Estate of James Gordon Gilbraith Personal Injury (Settlement)	250,000.00	
H-442-67-T &	Andrea Gilbraith	250,025.00	25,000.00
H-443-67-T &	Lowell Gilbraith	125,000.00	
H-444-67-T	Joyce Gilbraith	125,000.00	
H-529-68-T	Barbara Johnson Personal Injury (Settlement)	37,000.00	1,000.00
H-551-68-T &	Warren Transport, Inc. Personal Injury (Settlement)	144,500.00	1,356.89
H-552-68-T	Darrell A. Schlafer	144,500.00	
H-598-68-T &	Mickey Holsey Property Damages (Settlement)	4,150.00	1,000.00
H-669-68-T &	Kim Mickey Personal Injury	35,000.00	
H-670-68-T	Theresa Mickey Personal Injury	10,000.00	
H-618-68-T	Estate of Theresa Marie Nemmers Wrongful Death (Settlement)	499,880.95	68,000.00
H-619-68-T	Terry A. Roder Personal Injury (Settlement)	70,727.00	15,500.00
H-645-68-T	David P. Franzen Personal Injury (Settlement)	104,487.96	16,500.00
H-671-68-T	Kenneth and Josephine Blunk Indemnity Claim (Settlement)	648.28	250.00
T-984-65 &	Marvin G. Birely Estate Personal Injury (Settlement)	500,000.00	30,000.00
T-2343-65	Karen L. Birely	750,000.00	
T-2373-65	Lawrence Dean Barnhart Personal Injury (Settlement)	25,000.00	11,500.00

Former Claim No.	Name of Claimant Nature of Claim	Amount Prayed	Amount Settled
T 246-66	Gerald Hindman Personal Injury (Settlement)	50,000.00	6,000.00
T 605-66	Erick & Rose Mary Rosdail Personal Injury (Judgment)	539,491.58	103,236.82
T 839-66	Janet Ann Mickelson Personal Injury (Settlement)	1,000,000.00	10,000.00
T 1202-66	Clinton M. and Dorothy Lamar Personal Injury (Settlement)	437,000.00	2,000.00
T 1358-66	Marilyn Dianne Booth Personal Injury (Settlement)	250,000.00	28,578.91
T 1426-66	Donald Halterman Personal Injury (Judgment)	61,640.65	32,500.00
T 1844-66	Anita J. Allison Personal Injury (Settlement)	250,000.00	3,300.00
T 2096-66	Bernice Hill Personal Injury (Settlement)	50,000.00	6,000.00
T 2467-67	Rex Lawford Gates Personal Injury (Settlement)	22,436.98	6,500.00
T 2514-67	June Penelope Hall Personal Injury (Settlement)	100,000.00	4,000.00
T 3032-67	Timothy Hawbaker Estate Wrongful Death (Settlement)	253,500.00	15,000.00
T 3082-67 &	Rhonda Wallace Personal Injury (Settlement)	Undetermined	2,000.00
T 3083-67	Ruth Wallace Property Damage	4,000.00	
T 3538-67	Vicki Quick Personal Injury (Settlement)	35,000.00	4,500.00
T 3782-67	Orville Lawrence d/b/a Lakeside Boat Marina Personal Injury and Property Damage (Settlement)	102,284.28	15,000.00

Former Claim No.	Name of Claimant Nature of Claim	Amount Prayed	Amount Settled
T 3802 67	Lesly McLane and Sondra Sue McLane Personal Injury (Settlement)	95,000.00	27,000.00
T 4437 68	Mary E. Lookhe Personal Injury (Settlement)	100,000.00	456.55
TE 4451 68	David Olive Personal Injury (Settlement)	10,000.00	2,500.00
TE 4663 68 &	Doris L. Wagner Wrongful Death (Settlement)	1,125,000.00	250,000
T 4668 68	Doris L. Wagner	1,125,000.00	
T 4735 68	Clyde Donald West Property Damages (Settlement)	Undetermined	500.00
T 5004 68 &	Reda Belahi Personal Injury (Settlement)	150,000.00	2,500.00
TE 5005 68	Reda Belahi	150,000.00	
T 5152 68	Donald Langschwager Property Damages (Settlement)	2,000.00	500.00
T 5175 68 &	William Norbert Heinen Personal Injury (Settlement)	3,500.00	1,000.00
TE 5176 68	William Norbert Heinen	3,500.00	

### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 15, 1980 and is on file in the office of the Chief Clerk:

January 15, 1980

Mr. David L. Wray, Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. Wray:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 67 claims of a general nature that have been denied by the State Appeal Board during the year 1979.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Very truly yours,

**MAURICE E. BARINGER**  
Chairman  
State Appeal Board

Receipt of the above is hereby acknowledged.

**DAVID L. WRAY, Chief Clerk**

**OFFICE STATE COMPTROLLER**

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
415-64-25	McCormack-Payton Storage & Mowing Co., Kansas City, Missouri Reciprocity refund	\$ 90.04	Disapproved
1096-64-25	Harlan Feltz Woden, Iowa Permit fee refund	5.00	Disapproved
2922-64-25	M. L. Pullman Silver City, Iowa Request for sick leave pay	255.10	Disapproved
2041-65-25	Sally I. Malloy Des Moines, Iowa Homestead exemption credit	125.00	Disapproved
13-2726-66-25	Holly Thompson Ottosen, Iowa Damaged glasses	12.00	Disapproved
3628-67-25	Crest Group Home Des Moines, Iowa Duplicate claim	223.70	Disapproved
4007-67-25	Amethyst C. Curet, M.D. Des Moines, Iowa Outdated invoice	15.00	Disapproved
4098-67-25	Family and Children's Service Davenport, Iowa Outdated billing paid administratively by D.S.S.	863.91	Disapproved



Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
4100-67-25	Family and Children's Service Davenport, Iowa Outdated billing paid administratively by D.S.S.	2,594.34	Disapproved
4129-67-25	Ruggles Alignment and Frame Service, Mount Pleasant, Iowa Outdated billing paid administratively by D.O.T.	57.00	Disapproved
4149-67-25	Johnson and Phelan Elk Horn, Iowa Outdated invoice for legal services	195.00	Disapproved
4287-67-25	Johnson and Phelan Law Firm Elk Horn, Iowa Outdated invoice for legal services	150.00	Disapproved
4492-68-25	Ronald Eugene Vowels, Jr. Fort Madison, Iowa Lost and damaged clothing	150.00	Disapproved
4513-68-25	Alice J. Meins Waterloo, Iowa Damaged clothing	15.75	Disapproved
4520-68-25	Woodbury County Community Action Agency, Sioux City, Iowa Request for reimbursement for WIC Program audit	500.00	Disapproved
4537-68-25	West Central Iowa Sheltered Workshop, Denison, Iowa Payment for client-resolved by Vocational Rehabilitation	339.70	Disapproved
4627-68-25	Ann Billingsley Knoxville, Iowa Real estate transfer tax refund	10.32	Disapproved
4676-68-25	James W. Hoy Eldora, Iowa Request for reimbursement of taxes paid on housing allowance	3,324.23	Disapproved
4710-68-25	Judy Riggs/Clinton Medical Transport, Inc., Clinton, Iowa Outdated invoice for ambulance services	229.90	Disapproved
4753-68-25	Kathy Tobin Waukon, Iowa Money "borrowed" from savings account (Claim was resolved through small claims court)	405.00	Disapproved
5002-68-25	Michael Aloysius Fedler Fort Madison, Iowa Request for payment of stolen property	34.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
5016-68-25	Kathleen's Residential Care Facility Emmetsburg, Iowa Request for payment of board and room	687.00	Disapproved
5033-68-25	Northwest Iowa Work Activity Center, Sheldon, Iowa Outdated federally funded Title XX Claim	13,230.62	Disapproved
5110-68-25	Gary Douglas Des Moines, Iowa Requests reimbursement of hospital bill	26.00	Disapproved
5126-68-25	Margaret Ward Bryan Grinnell, Iowa Request for retro-active merit pay	97.52	Disapproved
5220-68-25	Rachel Mae Taylor Grinnell, Iowa Outdated expense claim	45.68	Disapproved
5225-68-25	Charlotte E. Noor Rockwell City, Iowa Request for one day of pay	21.92	Disapproved
5238-68-25	Larry and Sandra Hudson Keswick, Iowa Request for payment of care	338.04	Disapproved
5249-68-25	Dakota Title & Eserow Co. Council Bluffs, Iowa Request for refund of real estate transfer fees	11.55	Disapproved
5271-68-25	Tracy Lee Wolf Newton, Iowa Missing personal property	16.00	Disapproved
5298-68-25	Patrick Dean Wilson Cedar Falls, Iowa Reimbursement for property damages	86.52	Disapproved
5309-68-25	Harold Dickey Transport Packwood, Iowa Registration refund request	191.64	Disapproved
5310-68-25	Daniel W. Crees Des Moines, Iowa Request of reimbursement for coat and gloves	65.00	Disapproved
5349-68-25	David Woodward Des Moines, Iowa Reimbursement for damages to auto	103.52	Disapproved
5353-68-25	Treasurer of the United States United States Property and Fiscal Office, Camp Dodge, Grimes, Iowa Missing property	183.60	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
5379-68-25	Grover William & Patricia JoAnn Mundy, Des Moines, Iowa Reimbursement of homestead tax credit	763.34	Disapproved
5390-68-25	Barngrover & Son Glass Burlington, Iowa Request for interest on late payment	126.64	Disapproved
5419-68-25	Linn Co. Orthopedists, P.C. Cedar Rapids, Iowa Title XIX claim over one year old	709.75	Disapproved
5426-68-25	Lyle C. Haner Hastings, Iowa Lost wages and benefits	7,424.32	Disapproved
5432-68-25	Richard C. Turner West Des Moines, Iowa Request for vacation pay	11,406.85	Disapproved
5440-68-25	Express Print, Inc. Des Moines, Iowa Billing for books for D.O.T.	5,350.00	Disapproved
5461-68-25	Laurence McLuckie Fort Dodge, Iowa Request of payment for broken eyeglasses	20.00	Disapproved
5488-68-25	Darla Arends Zeiring, Iowa Outdated invoice for medical costs	673.04	Disapproved
5497-68-25	Davenport Osteopathic Hospital Davenport, Iowa Outdated Title XIX claim over one year old	1,453.47	Disapproved
5499-68-25	Richard L. Shaffer, D.O. Davenport, Iowa Outdated invoice for services to client covered by Medicaid	350.00	Disapproved
5510-68-25	Treasurer of the United States United States Property and Fiscal Officer, Camp Dodge, Grimes, Iowa Missing property	167.02	Disapproved
5511-68-25	Bradshaw Buick & Chevrolet, Inc. Estherville, Iowa Reimbursement for providing towing service during snowstorm	72.00	Disapproved
5544-68-25	Winterset Printing and Publishing, Inc., Winterset, Iowa Payment for booklet printed for Department of Substance Abuse	2,109.00	Disapproved
5547-68-25	Darold W. Christiansen, President M & M Ambulance Service, Inc. Davenport, Iowa Payment for transporting a patient	518.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
5573-68-25	Franck Brothers, Inc. Audubon, Iowa Payment of late service charges	23.89	Disapproved
5616-68-25	Polk County, Iowa Des Moines, Iowa Personal property tax credit refund request	129,665.50	Disapproved
5631-68-25	Earl Schindler Pulaski, Iowa Request for reimbursement of watch	80.00	Disapproved
5638-68-25	Susan Carol Fulster Ames, Iowa Request for reimbursement of loss of contact lense	65.00	Disapproved
5649-68-25	Glover Trucking Lawton, Iowa Prorate refund	113.10	Disapproved
5652-68-25	Treasurer of the United States United States Property and Fiscal Office, Camp Dodge, Grimes, Iowa Reimbursement for property loss	1,852.10	Disapproved
5654-68-25	Spencer Municipal Hospital Spencer, Iowa Outdated Title XIX claim	816.20	Disapproved
5659-68-25	Eldon Brown Anthon, Iowa Prorate refund request	172.21	Disapproved
5676-68-25	Wall Lake Transfer Wall Lake, Iowa Prorate refund request	342.84	Disapproved
5682-68-25	Lester Polzin/Polzin Truck Line Ringsted, Iowa License refund request	1,637.83	Disapproved
5687-68-25	Kline Edward Goeders Newton, Iowa Request for back pay	233.20	Disapproved
5688-68-25	Stockberger Transfer & Storage, Inc. Mason City, Iowa Prorate refund request	321.39	Disapproved
5690-68-25	William B. Welden Iowa Falls, Iowa Request for retro-active additional compensation	1,092.00	Disapproved
5705-68-25	Marian Health Center, St. Vincent Unit, Sioux City, Iowa Outdated invoice for treatment of a patient for alcoholism	1,862.50	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
5752-68-25	Sheridan Egg Co., Inc. Lenox, Iowa Prorate fees (Credit has been given toward other fees)	389.10	Disapproved
5758-68-25	James P. Earnsworth Lehigh, Iowa Requests reimbursement for broken eyeglasses	83.00	Disapproved
5819-68-25	Eivind Madsen Elk Horn, Iowa Prorate refund request	250.97	Disapproved
5830-68-25	Wilbur Dean Durfey Clarinda, Iowa Prorate refund request	155.69	Disapproved

On motion by Halvorson of Clayton, the House adjourned at 10:19 a.m., until 9:00 a.m., Wednesday, January 23, 1980.

# JOURNAL OF THE HOUSE

Tenth Calendar Day — Seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 23, 1980

The House met pursuant to adjournment, Hansen of O'Brien in the chair.

Prayer was offered by the Reverend L. Hume Ward, pastor of the Windsor Heights Presbyterian Church, Des Moines.

The Journal of Tuesday, January 22, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald Boldt, Ackley.

## QUORUM CALL

Roll call was requested by Horn of Linn and Davitt of Warren to determine that a quorum was present.

Present, 88:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavieh
Pellet	Pelton	Perkins	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tyrrell	Van Maanen	Walter
Welden	Wells	West	Mr. Speaker (Hansen of O'Brien)

Absent, 12:

Arnould  
Doyle  
Rapp

Byerly  
Jesse  
Tofte

Chiodo  
Lonergan  
Welsh

Clark, B.J.  
Patchett  
Woods

## INTRODUCTION OF BILLS

**House File 2196**, by Pelton, a bill for an act to exempt certain interest income from the state individual income tax and making the Act retroactive.

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

**House File 2197**, by Bruner, a bill for an act relating to the membership and authority of the Iowa public employees' retirement system investment board.

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

**House File 2198**, by Pelton, a bill for an act prohibiting the use of salt for snow removal.

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

**House File 2199**, by Poffenberger, a bill for an act amending section five hundred thirty-five point two (535.2), subsection three (3) of the Code, to establish the federal discount rate as the index for the Iowa usury statute.

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

**House File 2200**, by Brandt, a bill for an act requiring the temporary continuation of life insurance and accident and health insurance and services under group contracts when an insured ceases to be eligible for group coverage.

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

**House File 2201**, by Van Maanen, Holt, Hanson of Delaware, McKean, Daggett, Hansen of O'Brien, De Groot, Pellett, Lageschulte, Danker, Welden, Anderson of Audubon, Branstad, Corey, Tofte, Swearingen, Johnson of Linn and Bennett, a bill for an act relating to administrative rules which have been delayed for consideration by the general assembly.

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

**House File 2202**, by Brandt, a bill for an act increasing criminal statutes of limitations if the victim is a child or mentally ill.

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

**House File 2203**, by Hinkhouse, a bill for an act to encourage the construction of earth sheltered dwellings by prohibiting zoning ordinances that specifically exclude earth sheltered construction and by providing an individual income tax credit for earth sheltered dwellings and making the tax provisions retroactive.

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

**House File 2204**, by Rapp, a bill for an act prohibiting individuals with liquor control licenses from permitting persons under legal age to enter their premises.

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

**House File 2205**, by Howell, a bill for an act including certain hazardous materials under the definition of hazardous waste in chapter four hundred fifty-five B (455B) of the Code.

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

**House File 2206**, by Horn, a bill for an act relating to the purchase of school band uniforms.

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

**House File 2207**, by Schnekloth, a bill for an act to exempt interest income from certain financial institutions from the state individual income tax and making the exemption retroactive.

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

**House File 2208**, by Connors, a bill for an act relating to the definition of governing body for deferred compensation purposes.

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



**House File 2209**, by Patchett, a bill for an act to prohibit mandatory retirement on the basis of age of employees of institutions under the control of the state board of regents.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2210**, by Welden, a bill for an act relating to the duties and privileges of emergency volunteers and making penalties applicable.

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

**House File 2211**, by Tyrrell, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes.

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

**House File 2212**, by Hullinger, a bill for an act relating to the notice required for termination of a farm tenancy.

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

**House File 2213**, by Schroeder, a bill for an act providing for waiving the platting of land.

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

**House File 2214**, by Patchett, a bill for an act authorizing the public funding of offices for judges of the court of appeals at locations other than the seat of government.

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

**House File 2215**, by Patchett, a bill for an act amending the Iowa Consumer Credit Code by adding a new article relating to persons who prepare, provide, purchase or use consumer reports, and providing penalties.

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

**House File 2216**, by Halvorson of Clayton, Clark of Lee, Pope, West, Welden, Hansen of O'Brien, Rapp, Chiodo, Avenson, Perkins, Harbor, Smalley, Byerly, Schneklath and Diemer, a bill for an act relating to the payment of costs in a civil action brought by the state.

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

**House File 2217**, by Hinkhouse, a bill for an act relating to the providing of securities in lieu of bond by liquor control licensees and beer permittees.

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

**House File 2218**, by Patchett, a bill for an act relating to unsolicited commercial telephone calls and providing a penalty.

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

**House File 2219**, by Patchett, a bill for an act relating to the unit pricing of food offered for sale to consumers and providing a penalty.

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

**House File 2220**, by Patchett, a bill for an act creating state park advisory committees, providing for the election of members, and specifying their duties.

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

**House File 2221**, by Howell, a bill for an act to provide for the revocation of retail sales tax permits for violations of chapter four hundred fifty-five C (455C) of the Code.

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

**House File 2222**, by Patchett, a bill for an act relating to the validity of a marriage.

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

**House File 2223**, by Patchett, a bill for an act relating to the disclosure of certain costs by public utilities.

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

**House File 2224**, by Howell, a bill for an act requiring certain new state buildings to include a solar water heating system.

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

**House File 2225**, by Byerly, a bill for an act prohibiting the employment of out-of-state firms for the purpose of valuation of property for tax purposes.

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

**House File 2226**, by Van Maanen, a bill for an act relating to liens imposed for the care of neglected animals.

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

#### HOUSE CONCURRENT RESOLUTION 104

By Halvorson of Clayton

- 1 *Be It Resolved by the House of Representatives, The*
- 2 *Senate Concurring*, That a joint convention of the two houses
- 3 of the 1980 session of the sixty-eighth general assembly
- 4 be held on Wednesday, February 6, 1980, at 11:00 a.m.
- 5 *Be It Further Resolved*, That Chief Justice of
- 6 the Supreme Court W. Ward Reynoldson be invited to
- 7 present his message of the condition of the judicial
- 8 department at this joint convention, and recommend
- 9 such matters as the Chief Justice deems expedient,
- 10 pursuant to section 684.22 of the Code.

Laid over under Rule 30.

REREFERRED TO COMMITTEE ON STATE GOVERNMENT  
(House File 2176)

The Speaker announced that **House File 2176**, previously referred to the committee on **labor and industrial relations**, was rereferred to the committee on **state government**.

**SPONSOR ADDED  
(House File 2145)**

Lorenzen of Scott requested to be added as a sponsor of House File 2145.

**PROOF OF PUBLICATION  
(House File 2181)**

Published copy of House File 2181 and verified proof of publication of said bill in the Cedar Valley Daily Times, a daily newspaper printed and published in Vinton, Benton County, Iowa on December 20, 1979 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**STUDY BILL COMMITTEE ASSIGNMENT**

**S.B. 586 State Government**

Relating to the powers to be exercised by electors of school corporations at certain elections.

**S.B. 587 Education**

Relating to programs for gifted and talented children for the 1980-1981 school year.

**S.B. 588 Transportation**

Providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE**

**Senate File 286**, a bill for an act relating to the cancellation of property interests granted for pipeline or electric transmission line purposes.

**Recommended Amend and Do Pass.**

H-5052

- 1 Amend Senate File 286 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "business" the words "if received by the company".
- 5 2. Page 1, line 29, by inserting after the word
- 6 "business" the words "if received by the company".

**COMMITTEE ON COUNTY GOVERNMENT**

**Study Bill 506**, relating to the records of the plans and costs of the construction of county bridges or culverts.

**Recommended Do Pass.**

Fiscal note is not required.

**COMMITTEE ON EDUCATION**

**Senate File 247**, a bill for an act relating to policies of boards of directors of school districts concerning the residence of employees.

**Recommended Do Pass.**

**Study Bill 587**, relating to programs for gifted and talented children for the 1980-1981 school year.

**Recommended Do Pass.**

**COMMITTEE ON HUMAN RESOURCES**

**Study Bill 537**, relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

**Recommended Amend and Do Pass.**

**Study Bill 538**, relating to the furlough of inmates sentenced to and confined in an institution under the jurisdiction of the department of social services.

**Recommended Amend and Do Pass.**

**Study Bill 539**, relating to the punishment for violation of section 321.561 of the Code.

**Recommended Do Pass.**

## COMMITTEE ON NATURAL RESOURCES

**House File 2003**, a bill for an act to restrict the operation of motor boats by persons less than sixteen years of age.

**Recommended Amend and Do Pass.**

H-5051

- 1 Amend House File 2003 as follows:
- 2 1. Page 1, line 4, by striking the word "forty"
- 3 and inserting in lieu thereof the word "twenty".
- 4 2. Page 1, line 7, by striking the word "forty"
- 5 and inserting in lieu thereof the word "twenty".

**Senate File 121**, a bill for an act relating to the hunting of crows.

**Recommended Amend and Do Pass.** (In accordance with amendment H-3366 filed on March 12, 1979 and found on page 907 of the 1979 House Journal.)

**Senate File 436**, a bill for an act relating to the department of environmental quality's authority over public water supply systems.

**Recommended Do Pass.**

## COMMITTEE ON STATE GOVERNMENT

**Study Bill 532**, to make library circulation and registration records confidential records.

**Recommended Amend and Do Pass.**

## AMENDMENTS FILED

H-5053	H.F. 747	Norland of Worth
H-5054	S.F. 97	Hansen of O'Brien
		O'Kane of Woodbury
H-5055	H.F. 747	Howell of Floyd

On motion by Halvorson of Clayton, the House adjourned at 9:22 a.m., until 9:00 a.m., Thursday, January 24, 1980.

# JOURNAL OF THE HOUSE

Eleventh Calendar Day—Eighth Session Day

Hall of the House of Representatives,  
Des Moines, Iowa, Thursday, January 24, 1980

The House met pursuant to adjournment, Hansen of O'Brien in the chair.

Prayer was offered by the Reverend Dr. David Stout, pastor of the First United Methodist Church, Des Moines.

The Journal of Wednesday, January 23, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. J. Walter, Des Moines.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Schroeder of Pottawattamie; Menke of O'Brien for January 24 and 25 on request of Holt of Clay; Johnson of Woodbury for January 24 and 25 on request of Schneklath of Scott; Stromer of Hancock for January 24 and 25 on request of Holt of Clay; Jay of Appanoose on request of Halvorson of Webster.

## SPECIAL PRESENTATION

Pellett of Cass and Groth of Buena Vista escorted to the Speaker's station the 1980 Iowa Heart Fund Prince and Princess. Pellett of Cass presented Princess Deb Kelso of Atlantic who is in her first year at Patricia Stevens College of Modeling in Omaha. Groth of Buena Vista presented Prince Todd Clark of Alta who is a senior at Alta Community School. Deb and Todd have recovered from heart surgery and are representing the Heart Association in Iowa.

The House rose and extended its welcome. Mr. Clark addressed the House briefly.

On motion by Halvorson of Clayton, the House was recessed at 9:18 a.m., until 1:30 p.m.

## AFTERNOON SESSION

The House reconvened, Hansen of O'Brien in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie for January 24 and 25 on request of Pavich of Pottawattamie; Horn of Linn on request of Byerly of Polk.

## HOUSE FILE 166 WITHDRAWN

Shimanek of Jones asked and received unanimous consent to withdraw House File 166 from further consideration by the House.

## MOTION TO RECONSIDER PREVAILED

(Senate File 278)

Halvorson of Clayton called up for consideration the motion to reconsider **Senate File 278**, filed on January 18.

Halvorson of Clayton asked and received unanimous consent to suspend Rule 36.8 during consideration of Senate File 278.

Schroeder of Pottawattamie moved to reconsider the vote by which **Senate File 278**, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties, passed the House on January 18, 1980.

A non-record roll call was requested.

The ayes were 68, nays 4.



The motion prevailed and the House reconsidered Senate File 278.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his motion to reconsider amendment H—4008 filed by him on January 18.

Schroeder of Pottawattamie moved to reconsider the vote by which the committee amendment H—5003, as amended, was adopted by the House on January 18, which motion prevailed.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5030 filed January 18 and moved to reconsider the vote by which amendment H—5030 (found on pages 137 and 138 of the House Journal) was adopted by the House on January 18, which motion prevailed.

Thompson of Polk asked and received unanimous consent to withdraw amendment H—5030.

Schroeder of Pottawattamie offered amendment H—5058, to the committee amendment H—5003, filed by Schroeder, Thompson, Chiodo, Egenes, Connors, Pope, Tyrrell, Sherzan and Smalley from the floor. Division was requested as follows:

H—5058

- 1 Amend the amendment H—5003, to Senate File 278
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:

H—5058A

- 4 1. Page 1, by inserting after line 2 the following:
- 5 " . Page 1, by inserting after line 31 the
- 6 following:
- 7 "Sec. . Section three hundred twenty-one point
- 8 forty (321.40), Code 1979, is amended by adding the
- 9 following new unnumbered paragraph:
- 10 NEW UNNUMBERED PARAGRAPH. The county treasurer
- 11 shall refuse to renew the registration of a vehicle
- 12 registered to a person when notified that there is
- 13 a warrant outstanding for that person's arrest out
- 14 of a court located within that county and the warrant
- 15 arises out of the alleged violation of a provision
- 16 of chapter three hundred twenty-one (321) of the Code

17 or of an ordinance adopted by a local authority  
 18 relating to the stopping, parking or operation of  
 19 a vehicle or the regulation of traffic. Each clerk  
 20 of court in this state shall, by the fifth day of  
 21 each month, submit to the county treasurer of that  
 22 county an alphabetized list of all persons against  
 23 whom such an arrest warrant has been issued and is  
 24 outstanding. Immediately upon the cancellation or  
 25 satisfaction of such an arrest warrant the clerk of  
 26 court shall notify the person against whom the arrest  
 27 warrant was issued and the county treasurer if that  
 28 person's name appeared on the last list furnished  
 29 to the county treasurer. This paragraph shall not  
 30 apply to the transfer of a registration or the issuance  
 31 of a new registration. The provisions of this  
 32 paragraph are applicable to counties with a population  
 33 of two hundred thousand or more. The provisions of  
 34 this paragraph shall be applicable to any county with  
 35 a population of less than two hundred thousand upon  
 36 the adoption of a resolution by the county board of  
 37 supervisors so providing." "

H-5058C

38 2. Page 3, line 14, by striking the word "ten"  
 39 and inserting in lieu thereof the word "fifteen".

H-5058B

40 3. Page 5, by inserting after line 25 the  
 41 following:  
 42 " . Page 3, by striking lines 32 through page  
 43 4, line 2, and inserting in lieu thereof the following:  
 44 "~~For excessive speed violations when in excess~~  
 45 ~~of ten but not more than twenty miles per hour in~~  
 46 ~~excess of the limit under those sections, the scheduled~~  
 47 ~~fine is thirty dollars. Excessive speed more than~~  
 48 ~~twenty miles per hour in excess of the limit is not~~  
 49 ~~a scheduled violation. For excessive speed violations~~  
 50 ~~when in excess of the limit under those sections by~~

**Page 2**

1 five or less miles per hour the fine is ten dollars,  
 2 by more than five and not more than ten miles per  
 3 hour the fine is twenty dollars, by more than ten  
 4 and not more than fifteen miles per hour the fine  
 5 is thirty dollars, by more than fifteen and not more  
 6 than twenty miles per hour the fine is forty dollars,  
 7 and by more than twenty miles per hour the fine is  
 8 forty dollars plus two dollars for each mile per hour  
 9 of excessive speed over twenty miles per hour over

10 the limit."

11 . Page 4, by inserting after line 11 the  
12 following:

13 "Sec. . Section eight hundred five point ten  
14 (805.10), Code 1979, is amended by adding the following  
15 new subsection:

16 NEW SUBSECTION. When the violation charged is  
17 being in excess of the speed limit by more than twenty  
18 miles per hour." "

19 4. By renumbering the sections and subsections  
20 and correcting internal references to conform with  
21 this amendment.

Schroeder of Pottawattamie moved the adoption of amendment  
H-5058A, to the committee amendment H-5003.

Amendment H-5058A was adopted.

Schroeder of Pottawattamie moved the adoption of amendment  
H-5058C, to the committee amendment H-5003.

Amendment H-5058C was adopted.

Schroeder of Pottawattamie moved the adoption of amendment  
H-5058B, to the committee amendment H-5003.

A non-record roll call was requested.

The ayes were 56, nays 24.

Amendment H-5058B was adopted.

On motion by Schroeder of Pottawattamie, the committee  
amendment H-5003, as amended, was adopted.

The following amendment H-5060, filed by Schroeder of  
Pottawattamie from the floor, was adopted by unanimous consent:

H-5060

1 Amend Senate File 278 as follows:

2 1. Page 3, by striking line 25, and inserting in  
3 lieu thereof the following:

4 "f. For excessive speed violations when not more  
5 than ten five".

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

The House resumed session, Hansen of O'Brien in the chair.

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

On the question "Shall the bill pass?" (S.F. 278)

The ayes were, 75:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connors
Corey	Crawford	Cusack	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Howell	Hullinger
Husak	Jochum	Johnson, J.	Kirkenslager
Krewson	Lageschulte	Larsen	Lloyd-Jones
Lonergan	Maulsby	McKean	Millen
Miller	Mullins	Norland	O'Kane
Pavich	Pellett	Pelton	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tyrrell	Welden	Welsh
West	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, 10:

Daggett	Doyle	Gettings	Johnson, R.
Lind	Lura	Oxley	Perkins
Van Maanen	Wells		

Absent or not voting, 15:

Clark, B.J.	Connolly	Crabb	Harbor
Horn	Hummel	Jay	Jesse
Johnson, W.	Lorenzen	Menke	Patchett
Stromer	Tofte	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**  
(Senate File 278)

Schroeder of Pottawattamie asked and received unanimous consent that Senate File 278 be immediately messaged to the Senate.

**HOUSE FILE 399 WITHDRAWN**

Danker of Pottawattamie asked and received unanimous consent to withdraw House File 399 from further consideration by the House.

**OBJECTION TO VOTING**  
(Senate File 278)

Danker of Pottawattamie asked for unanimous consent that Crabb of Crawford, in his absence, be recorded as voting "aye" on Senate File 278.

Objection was raised.

**SPONSORS ADDED**  
(House File 596)

Johnson of Woodbury requested to be added as a sponsor of House File 596.

(House File 2036)

Conlon of Muscatine requested to be added as a sponsor of House File 2036.

(House File 2209)

Cusack of Scott requested to be added as a sponsor of House File 2209.

**STUDY BILL COMMITTEE ASSIGNMENTS**

**S.B. 589 Judiciary and Law Enforcement**

Revises several provisions of the rule-making process under the Iowa Administrative Procedures Act.

**S.B. 590 Transportation**

Relating to the operation by the commissioner of public safety of communications base stations and to make an appropriation.

**S.B. 591 Transportation**

Transferring crime commission activities to the department of the public safety.

**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 JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 3:30 p.m., January 23, 1980

Convened: 3:30 p.m.

Adjourned: 3:55 p.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Patchett, Ranking Member; Anderson of Audubon, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Johnson of Howard, Lonergan, Maulsby and Welsh.

Absent: Arnould, Jesse, Lloyd-Jones, Pelton (arrived 3:45 p.m.), Smalley (arrived 3:45 p.m.) and Walter (arrived 3:45 p.m.).

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 426**, a bill for an act relating to the employment of legal counsel by school corporations.

Recommended **Do Pass**.

**Senate File 437**, a bill for an act to repeal the limitation on charitable devises.

Recommended **Amend and Do Pass**.

H-5056

- 1 Amend Senate File 437 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking line 8 and inserting in
- 4 lieu thereof the words "hospitalized to be deemed
- 5 a lunatic, a person of unsound mind,".

## AMENDMENTS FILED

H-5057	H.F. 747	Spear of Lee
H-5059	H.F. 747	O'Kane of Woodbury
H-5061	S.F. 121	Pelton of Clinton
H-5062	S.F. 436	Miller of Buchanan
H-5063	S.F. 436	Miller of Buchanan
H-5064	S.F. 247	Pellett of Cass
		Schroeder of Pottawattamie

On motion by Halvorson of Clayton, the House adjourned at 2:28 p.m., until 9:00 a.m., Friday, January 25, 1980.

# JOURNAL OF THE HOUSE

Twelfth Calendar Day—Ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 25, 1980

The House met pursuant to adjournment, Hansen of O'Brien in the chair.

Prayer was offered by the Reverend Wallace Gaines, pastor of the Antioch Baptist Church, Waterloo.

The Journal of Thursday, January 24, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chiodo of Polk and Horn of Linn on request of Woods of Polk; Harbor of Mills on request of Smalley of Polk; Hullinger of Decatur on request of Doyle of Woodbury; Sherzan of Polk on request of Connors of Polk; Dieleman of Marion on request of Howell of Floyd; Millen of Van Buren on request of Clark of Lee.

## INTRODUCTION OF BILLS

**House File 2227**, by Miller of Buchanan, a bill for an act creating a commission to establish interest rate ceilings.

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

**House File 2228**, by Lura, a bill for an act amending chapter eighty-two (82) of the Code, relating to door-to-door sales, to authorize the transfer of negotiable instruments three days after the date of sale.

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

**House File 2229**, by Connolly, a bill for an act relating to the use of common carriers for transporting school pupils.

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

**House File 2230**, by Connolly, a bill for an act to require that persons under the age of eighteen complete a boating safety course in order to be eligible to operate a motorboat.



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

**House File 2231**, by Hullinger, Howell, Gettings, Binneboese, Davitt and Halvorson of Webster, a bill for an act exempting from the state sales and use tax the sales of fuel oil used for residential heating.

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

**House File 2232**, by Crabb, a bill for an act providing that the name of a juvenile taken into custody and accused of committing a delinquent act is a public record.

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

**House File 2233**, by Hullinger, a bill for an act relating to conditions for removal of schools and school districts from the approved list of schools.

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

**House File 2234**, by Miller, a bill for an act relating to the provisions of a farm liability insurance policy.

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

**House File 2235**, by Hullinger, a bill for an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

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

**House File 2236**, by Connolly, a bill for an act relating to the preparation of examinations authorized by the Iowa real estate commission.

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

**House File 2237**, by Binneboese, a bill for an act appropriating funds to the energy policy council for residential solar energy construction grants.

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

**House File 2238**, by Walter, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property.

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

**House File 2239**, by Johnson of Woodbury, a bill for an act relating to duties of area education agency boards to encourage and assist school districts to jointly employ personnel, buildings, and equipment.

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

**House File 2240**, by committee on state government, a bill for an act to make library circulation and registration records confidential records.

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

**House File 2241**, by Daggett, a bill for an act relating to the penalty for failing to record a conveyance or lease of agricultural land.

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

**House File 2242**, by Bina, a bill for an act transferring crime commission activities to the department of public safety.

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

**House File 2243**, by Welsh, a bill for an act permitting the issuance of temporary restricted driving licenses and permits for persons whose privilege to drive has been revoked for refusing to submit to chemical testing for determining the alcohol content of their blood and providing penalties.

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

**House File 2244**, by Patchett, a bill for an act relating to filing for changes in utility rates, charges, schedules, or regulations.

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

**House File 2245**, by committee on human resources, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

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

**House File 2246**, by committee on human resources, a bill for an act relating to the punishment for violation of section three hundred twenty-one point five hundred sixty-one (321.561) of the Code.

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

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on January 17, 1980, adopted the conference committee report and passed Senate File 344, a bill for an act relating to access to and use of solar energy.

FRANK J. STORK, Secretary

#### RULES SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend the rules and adopt the Revised Weekly Debate Calendar (for the week of January 21) for today's debate.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**Senate File 436**, a bill for an act relating to the department of environmental quality's authority over public water supply systems, with report of committee recommending passage was taken up for consideration.

Miller of Buchanan offered the following amendment H-5063 filed by him and moved its adoption:

H—5063

1 Amend Senate File 436 as passed by the Senate as  
2 follows:

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

5 "Section 1. Section four hundred fifty-five B  
6 point thirty-two (455B.32), subsection eight (8),  
7 Code 1979, as that section is amended by Acts of the  
8 Sixty-eighth General Assembly, 1979 Session, chapter  
9 twelve (12), section sixteen (16), is amended to read  
10 as follows:

11 8. Establish, modify or repeal rules relating  
12 to drinking water standards for public water supply  
13 systems. Such standards shall specify maximum  
14 contaminant levels or treatment techniques necessary  
15 to protect the public health and welfare. The drinking  
16 water standards must assure compliance with federal  
17 drinking water standards adopted pursuant to the  
18 federal Safe Drinking Water Act. A rule proposed  
19 under this subsection shall be sent to the members  
20 of the standing committee in each house of the general  
21 assembly that is responsible for natural resources  
22 accompanied by an economic impact statement in the  
23 manner provided in section seventeen A point four  
24 (17A.4), subsection one (1), paragraph c of the Code  
25 at the same time the proposed rule is filed with the  
26 administrative rules coordinator."

27 2. By renumbering the sections to conform with  
28 this amendment.

Roll call was requested by Anderson of Jasper and Husak of Tama.

On the question "Shall amendment H—5063 be adopted?"

The ayes were, 64:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bina	Binneboese	Brandt	Branstad
Byerly	Cochran	Cannors	Corey
Crabb	Cusack	Daggett	Danker
Davitt	De Groot	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Holt
Howell	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Kirkenslager	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lura	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett

Pelton	Renken	Ritsema	Shull
Spear	Swearingen	Tyrrell	Van Maanen
Welden	Wells	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, 19:

Bennett	Bruner	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Egenes	Halvorson, R.A.
Hoffmann	Krewson	Lorenzen	Poffenberger
Pope	Schneklath	Schroeder	Shimaneck
Smalley	Thompson	West	

Absent or not voting, 17:

Chiodo	Connolly	Dieleman	Harbor
Horn	Hullinger	Johnson, W.	Menke
Millen	Patchett	Perkins	Rapp
Sherzan	Stromer	Tofte	Walter
Welsh			

Amendment H—5063 was adopted.

Davitt of Warren offered the following amendment H—3989 filed by him and moved its adoption:

H—3989

1 Amend Senate File 436 as passed by the Senate as  
2 follows:  
3 1. Page 1, line 17, by inserting after the word  
4 "pollutant." the words "The director shall also suspend  
5 the permit or modify the permit to require that the  
6 payment of property taxes be given priority over other  
7 payments if the county auditor certifies to the director  
8 that the public water supply system is delinquent in the  
9 payment of property taxes."

Amendment H—3989 was adopted.

Miller of Buchanan offered the following amendment H—5062 filed by him and moved its adoption:

H—5062

1 Amend Senate File 436 as passed by the Senate as  
2 follows:  
3 1. Page 5, line 5, by inserting after the word

4 "consumers." the words "The department shall not make  
5 the test results regarding that requirement available  
6 to the public until after a determination on the  
7 granting of the exemption is made. If the exemption  
8 is granted the permit of the public water supply  
9 system shall be approved or remain approved in the  
10 same manner as any other public water supply system  
11 that is in compliance with the requirements."

A non-record roll call was requested.

The ayes were 33, nays 44.

Amendment H—5062 lost.

Miller of Buchanan asked and received unanimous consent to suspend the rules for the consideration of the following amendment H—5065 filed by him from the floor and moved its adoption:

H—5065

1 Amend Senate File 436 as passed by the Senate as  
2 follows:  
3 1. Page 1, line 2, by striking the word  
4 "subsection" and inserting in lieu thereof the words  
5 "subsection two (2) and subsection".  
6 2. Page 1, line 3, by striking the word "is" and  
7 inserting in lieu thereof the word "are".  
8 3. Page 1, by inserting after line 3, the follow-  
9 ing:  
10 "2. Conduct periodic surveys and inspection of  
11 the construction, operation, self-monitoring, record  
12 keeping and reporting of all public water supply  
13 systems and all disposal systems except as provided  
14 in section 455B.45. If a chemical test is required  
15 of the water in a public water supply system, including  
16 those under section four hundred fifty-five B point  
17 forty-five (455B.45) of the Code, the sample shall  
18 be collected and the cost of the test paid by the  
19 department unless the public water supply system is  
20 in a city having a population of twenty thousand or  
21 more."

A non-record roll call was requested.

The ayes were 49, nays 33.

Amendment H—5065 was adopted.

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

On the question "Shall the bill pass?" (S.F. 436)

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Connors	Corey	Cusack
Davitt	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Howell	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Lageschulte	Lind	Lloyd-Jones	Loneran
Maulsby	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Perkins
Rapp	Spear	Welden	Wells
Welsh	Woods		

The nays were, 40:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	De Groot	Egenes
Halvorson, R.A.	Hanson, D.	Hibbs	Hoffmann
Holt	Kirkenslager	Krewson	Larsen
Lorenzen	Lura	McKean	Mullins
Pelton	Poffenberger	Pope	Renken
Ritsema	Schneklöth	Schroeder	Shimanek
Shull	Smalley	Swearingen	Thompson
Tyrrell	Van Maanen	West	Mr. Speaker (Hansen of O'Brien)

Absent or not voting, 14:

Chiodo	Connolly	Dieleman	Harbor
Horn	Hullinger	Johnson, W.	Menke
Millen	Patchett	Sherzan	Stromer
Tofte	Walter		

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

**Senate File 286**, a bill for an act relating to the cancellation of property interests granted for pipeline or electric transmission line purposes, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered amendment H—5052 filed by the committee on commerce on January 23 and found on page 187 of the House Journal and moved its adoption.

The committee amendment H—5052 was adopted.

Bennett of Ida offered the following amendment H—3840 filed by him:

H—3840

- 1 Amend Senate File 286 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "landowner" the words "or a person serving in a
- 5 fiduciary capacity in the landowner's behalf".
- 6 2. Page 1, line 11, by inserting after the word
- 7 "landowner" the words "or such fiduciary".
- 8 3. Page 1, line 11, by striking the words "both
- 9 orally and".
- 10 4. Page 1, line 13, by striking the period."
- 11 following the word "landowner" and inserting "or such
- 12 fiduciary."
- 13 5. Page 1, line 14, by inserting after the word
- 14 "landowner" the words "or a person serving in a
- 15 fiduciary capacity in the landowner's behalf".
- 16 6. Page 1, line 20, by inserting after the word
- 17 "landowner" the words "or a person serving in a
- 18 fiduciary capacity in the landowner's behalf".
- 19 7. Page 1, line 27, by inserting after the word
- 20 "landowner" the words "or a person serving in a
- 21 fiduciary capacity in the landowner's behalf".
- 22 8. Page 1, line 31, by inserting after the word
- 23 "landowner" the words "or such fiduciary".
- 24 9. Page 1, line 31, by striking the words "both
- 25 orally and".
- 26 10. Page 1, line 33, by striking the period."
- 27 following the word "landowner" and inserting "or such
- 28 fiduciary."
- 29 11. Page 1, line 34, by inserting after the word
- 30 "landowner" the words "or a person serving in a
- 31 fiduciary capacity in the landowner's behalf".
- 32 12. Page 2, line 5, by inserting after the word
- 33 "landowner" the words "or a person serving in a
- 34 fiduciary capacity in the landowner's behalf".

Avenson of Fayette offered the following amendment H—5068, to amendment H—3840, filed by him from the floor:



H—5068

- 1 Amend amendment H—3840 to Senate File 286 as
- 2 follows:
- 3 1. Page 1, line 21, by inserting after the
- 4 word "behalf" the words "to cancel an action for
- 5 the exercise of eminent domain commenced under
- 6 the authority of the permit issued by the Iowa
- 7 state commerce commission, docket number P-749,
- 8 after the effective date of this Act, and".

Schroeder of Pottawattamie rose on a point of order that amendment H—5068 was not germane.

The Speaker ruled the point well taken and amendment H—5068 not germane.

Avenson of Fayette moved that the rules be suspended to consider and adopt amendment H—5068.

Roll call was requested by Avenson of Fayette and Rapp of Black Hawk.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider and adopt amendment H—5068?"

The ayes were, 41:

Andersor, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Conlon	Connors	Corey
Cusack	Davitt	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Howell	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Lonergan	McKean	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Spear	Wells	Welsh
Woods			

The nays were, 44:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Kirkenslager	Krewson

Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	Mullins	Pellett
Pelton	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimaneck	Shull
Smalley	Swearingen	Thompson	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Hansen of O'Brien)

Absent or not voting, 15:

Chiodo	Connolly	Dieleman	Harbor
Horn	Hullinger	Johnson, W.	Menke
Millen	Patchett	Poffenberger	Sherzan
Stromer	Tofte	Walter	

The motion lost.

Bennett of Ida moved the adoption of amendment H—3840.

Amendment H—3840 was adopted.

Howell of Floyd offered the following amendment H—3982 filed by him:

H—3982

- 1 Amend Senate File 286 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 6 the following:
- 4 "Sec. 3. Chapter four hundred seventy-nine (479),
- 5 Code 1979, is amended by adding the following new
- 6 section:
- 7 **NEW SECTION. PRESUMPTION.** In case of injury to
- 8 a person or property by a pipeline, negligence shall
- 9 be presumed on the part of the person or corporation
- 10 operating the pipeline in causing the injury, but
- 11 the presumption may be rebutted. The presumption
- 12 does not exist in favor of employees of the person
- 13 or corporation operating the pipeline who are charged
- 14 with or engaged in the construction, reconstruction,
- 15 repair, or maintenance of the pipeline, unless
- 16 otherwise provided by the employers liability and
- 17 workers' compensation laws of the state."
- 18 2. By renumbering the sections to conform with
- 19 this amendment.

Ritsema of Sioux rose on a point of order that amendment H—3982 was not germane.

The Speaker ruled the point well taken and amendment H—3982 not germane.

Howell of Floyd moved that the rules be suspended to consider and adopt amendment H—3982.

Roll call was requested by Howell of Floyd and Woods of Polk.

On the question "Shall the rules be suspended to consider and adopt amendment H—3982?"

The ayes were, 37:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Connors	Cusack	Davitt
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hanson, D.	Hinkhouse	Howell
Husak	Jay	Jesse	Jochum
Lloyd-Jones	McKean	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Spear	Wells	Welsh
Woods			

The nays were, 44:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hibbs	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shull	Swearingen	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Hansen of O'Brien)

Absent or not voting, 19:

Chiodo	Clark, B.J.	Connolly	Dieleman
Harbor	Horn	Hullinger	Johnson, W.
Lonergan	Menke	Millen	Patchett
Sherzan	Shimanek	Smalley	Stromer
Thompson	Tofte	Walter	

The motion lost.

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

On the question "Shall the bill pass?" (S.F. 286)

The ayes were, 77:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Howell	Jesse	Jochum	Johnson, J.
Johnson, R.	Kirkenslager	Krewson	Lageschulte
Larsen	Lloyd-Jones	Loneragan	Lorenzen
Maulsby	McKean	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schroeder	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tyrrell
Van Maanen	Wells	Welsh	West
Mr. Speaker (Hansen of O'Brien)			

The nays were, 8:

Corey	Hummel	Husak	Lind
Lura	Schneklath	Welden	Woods

Absent or not voting, 15:

Chiodo	Connolly	Dieleman	Harbor
Horn	Hullinger	Jay	Johnson, W.
Menke	Millen	Patchett	Sherzan
Stromer	Tofte	Walter	

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

**Senate File 121**, a bill for an act relating to the hunting of crows, with report of committee recommending amendment and passage was taken up for consideration.

Smalley of Polk asked and received unanimous consent to withdraw amendment H—3366 filed by the committee on natural resources on March 12, 1979 and found on page 907 of the 1979 House Journal.

Pelton of Clinton offered the following amendment H—5061 filed by him and moved its adoption:

H—5061

- 1 Amend Senate File 121 as follows:
- 2 1. Page 1, line 15, by adding the following
- 3 sentence after the period "However, crows taken under
- 4 this section shall be used for human consumption."

Amendment H—5061 lost.

Holt of Clay moved that the bill be read a last time now and 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, 73:

Anderson, J.	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connors	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Diemer	Doyle	Egenes	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Howell	Hummel	Johnson, J.	Johnson, R.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lonergan	Lorenzen	Lura
Maulsby	McKean	Miller	Mullins
O'Kane	Oxley	Pavich	Pellett
Perkins	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tyrrell	Van Maanen	Welden
Wells	Welsh	West	Woods
Mr. Speaker			
(Hansen of			
O'Brien)			

The nays were, 10:

Anderson, R.	Arnould	Cochran	Cusack
Gettings	Husak	Jay	Jochum
Pelton	Poffenberger		

Absent or not voting, 17:

Chiodo	Connolly	Dieleman	Harbor
Horn	Hullinger	Jesse	Johnson, W.
Lloyd-Jones	Menke	Millen	Norland
Patchett	Sherzan	Stromer	Tofte
Walter			

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

#### HOUSE FILE 285 WITHDRAWN

Smalley of Polk asked and received unanimous consent to withdraw House File 285 from further consideration by the House.

#### MOTIONS TO RECONSIDER (Senate File 436)

I move to reconsider the vote by which Senate File 436 failed to pass the House on January 25, 1980.

SMALLEY of Polk

(Amendment H—5065 to Senate File 436)

I move to reconsider the vote by which amendment H—5065 to Senate File 436 was adopted by the House on January 25, 1980.

SMALLEY of Polk

(Amendment H—5063 to Senate File 436)

I move to reconsider the vote by which amendment H—5063 to Senate File 436 was adopted by the House on January 25, 1980.

JOHNSON of Howard

**SUBCOMMITTEE ASSIGNMENTS**

**House Joint Resolution 2011**

Judiciary and Law Enforcement: Hibbs, Chair; Jesse and Maulsby.

**House File 91**

Judiciary and Law Enforcement: Lonergan, Chair; Johnson of Howard, Lloyd-Jones, Ritsema and Conlon.

**House File 110**

Judiciary and Law Enforcement: Walter, Chair; Maulsby and Doyle.

**House File 112**

Judiciary and Law Enforcement: Conlon, Chair; Johnson of Howard and Welsh.

**House File 122 (Reassigned)**

Judiciary and Law Enforcement: Patchett, Chair; Clark of Cerro Gordo and Corey.

**House File 129 (Reassigned)**

Judiciary and Law Enforcement: Ritsema, Chair; Jesse, Hibbs, Welsh and Holt.

**House File 144 (Reassigned)**

Judiciary and Law Enforcement: Walter, Chair; Welsh and Conlon.

**House File 145**

Judiciary and Law Enforcement: Conlon, Chair; Johnson of Howard and Welsh.

**House File 146**

Judiciary and Law Enforcement: Jesse, Chair; Clark of Cerro Gordo and Smalley.

**House File 157**

Judiciary and Law Enforcement: Smalley, Chair; Lonergan and Pelton.

**House File 159 (Reassigned)**

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Patchett and Corey.

**House File 164**

Judiciary and Law Enforcement: Conlon, Chair; Johnson of Howard and Welsh.

**House File 170 (Reassigned)**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett and Ritsema.

**House File 205**

Judiciary and Law Enforcement: Patchett, Chair; Clark of Cerro Gordo and Hibbs.

**House File 206 (Reassigned)**

Judiciary and Law Enforcement: Ritsema, Chair; Patchett, Hibbs, Welsh and Holt.

**House File 207 (Reassigned)**

Judiciary and Law Enforcement: Ritsema, Chair; Patchett, Hibbs, Welsh and Holt.

**House File 208**

Judiciary and Law Enforcement: Patchett, Chair; Clark of Cerro Gordo and Hibbs.

**House File 242 (Reassigned)**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett and Ritsema.

**House File 272 (Reassigned)**

Judiciary and Law Enforcement: Maulsby, Chair; Smalley and Walter.

**House File 282**

Judiciary and Law Enforcement: Shimanek, Chair; Pelton, Ritsema, Jesse and Patchett.

**House File 283**

Judiciary and Law Enforcement: Patchett, Chair; Johnson of Howard and Jesse.

**House File 312 (Reassigned)**

Judiciary and Law Enforcement: Ritsema, Chair; Corey and Arnould.

**House File 319 (Reassigned)**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**House File 335 (Reassigned)**

Judiciary and Law Enforcement: Anderson of Audubon, Chair; Lloyd-Jones and Maulsby.



**House File 336 (Reassigned)**

Judiciary and Law Enforcement: Conlon, Chair; Holt and Jesse.

**House File 360 (Reassigned)**

Judiciary and Law Enforcement: Shimanek, Chair; Pelton, Ritsema, Jesse and Patchett.

**House File 361 (Reassigned)**

Judiciary and Law Enforcement: Hibbs, Chair; Conlon, Smalley, Lonergan and Lloyd-Jones.

**House File 380 (Reassigned)**

Judiciary and Law Enforcement: Doyle, Chair; Smalley and Corey.

**House File 410 (Reassigned)**

Judiciary and Law Enforcement: Patchett, Chair; Anderson of Audubon and Pelton.

**House File 431 (Reassigned)**

Judiciary and Law Enforcement: Pelton, Chair; Rapp and Corey.

**House File 465**

Judiciary and Law Enforcement: Shimanek, Chair; Ritsema and Patchett.

**House File 525 (Reassigned)**

Judiciary and Law Enforcement: Rapp, Chair; Clark of Cerro Gordo and Doyle.

**House File 560**

Judiciary and Law Enforcement: Smalley, Chair; Jesse and Hibbs.

**House File 561 (Reassigned)**

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Rapp and Maulsby.

**House File 574 (Reassigned)**

Judiciary and Law Enforcement: Pelton, Chair; Walter and Ritsema.

**House File 603 (Reassigned)**

Judiciary and Law Enforcement: Anderson of Audubon, Chair; Lloyd-Jones and Maulsby.

**House File 653**

Judiciary and Law Enforcement: Walter, Chair; Maulsby and Doyle.

**House File 663**

Human Resources: Shimanek, Chair; Kirkenslager and Connors.

**House File 727**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Conlon, Jesse and Johnson of Howard.

**House File 731**

Commerce: Ritsema, Chair; Conlon and Jesse.

**House File 2005**

Transportation: Lageschulte, Chair; Bennett and Oxley.

**House File 2006**

Judiciary and Law Enforcement: Holt, Chair; Welsh and Smalley.

**House File 2009**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**House File 2015**

Judiciary and Law Enforcement: Johnson of Howard, Chair; Lonergan and Maulsby.

**House File 2017**

Transportation: Schroeder, Chair; Jay and Menke.

**House File 2018**

Judiciary and Law Enforcement: Ritsema, Chair; Lonergan and Conlon.

**House File 2019**

Labor and Industrial Relations: Menke, Chair; Egenes and Horn.

**House File 2021**

Transportation: Egenes, Chair; Davitt, Jay, Lageschulte and McKean.

**House File 2022**

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Arnould and Anderson of Audubon.

**House File 2024**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**House File 2030**

Transportation: Egenes, Chair; Davitt, Jay, Lageschulte and McKean.

**House File 2034**

Education: Lura, Chair; Thompson and Jay.

**House File 2035**

Judiciary and Law Enforcement: Jesse, Chair; Clark of Cerro Gordo and Conlon.

**House File 2036**

Judiciary and Law Enforcement: Jesse, Chair; Clark of Cerro Gordo and Conlon.

**House File 2039**

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Arnould and Hibbs.

**House File 2040**

Judiciary and Law Enforcement: Ritsema, Chair; Arnould and Corey.

**House File 2041**

Judiciary and Law Enforcement: Jesse, Chair; Clark of Cerro Gordo and Conlon.

**House File 2044**

Judiciary and Law Enforcement: Holt, Chair; Welsh and Conlon.

**House File 2045**

Education: Larsen, Chair; Perkins and Spear.

**House File 2046**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**House File 2047**

Judiciary and Law Enforcement: Smalley, Chair; Patchett and Conlon.

**House File 2050**

Commerce: Crabb, Chair; Swearingen and Bruner.

**House File 2051**

Education: Johnson of Woodbury, Chair; Crawford and Horn.

**House File 2055**

Judiciary and Law Enforcement: Jesse, Chair; Clark of Cerro Gordo and Conlon.

**House File 2058**

Judiciary and Law Enforcement: Smalley, Chair; Rapp and Ritsema.

**House File 2059**

Judiciary and Law Enforcement: Conlon, Chair; Patchett and Welsh.

**House File 2061**

Judiciary and Law Enforcement: Walter, Chair; Clark of Cerro Gordo and Hibbs.

**House File 2063**

Commerce: Johnson of Linn, Chair; Shull and Walter.

**House File 2064**

Energy: Howell, Chair; De Groot, Perkins, Smalley and Ritsema.

**House File 2066**

Transportation: McKean, Chair; Hoffmann and Davitt.

**House File 2068**

Transportation: Hoffmann, Chair; Oxley and Pellett.

**House File 2069**

Judiciary and Law Enforcement: Ritsema, Chair; Patchett and Corey.

**House File 2070**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**House File 2074**

Transportation: Egenes, Chair; Davitt, Jay, Lageschulte and McKean.

**House File 2077**

Judiciary and Law Enforcement: Jesse, Chair; Conlon and Lonergan.

**House File 2078**

Education: Hansen of O'Brien, Chair; Jay and Wells.

**House File 2079**

Judiciary and Law Enforcement: Welsh, Chair; Corey and Clark of Cerro Gordo.

**House File 2080**

Judiciary and Law Enforcement: Smalley, Chair; Johnson of Howard and Jesse.

**House File 2081**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones and Rapp.

**Houses File 2082**

Commerce: Johnson of Linn, Chair; Swearingen and Jesse.

**House File 2085**

Human Resources: Lind, Chair; Arnould and Hoffmann.

**House File 2086**

Labor and Industrial Relations: Pope, Chair; Lorenzen, Corey, Gettings and Jochum.

**House File 2087**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**House File 2088**

Agriculture: Schroeder, Chair; Crabb and Byerly.

**House File 2090**

Judiciary and Law Enforcement: Walter, Chair; Maulsby and Clark of Cerro Gordo.

**House File 2091**

Transportation: Menke, Chair; Binneboese and Kirkenslager.

**House File 2092**

Education: Thompson, Chair; Lonergan and Norland.

**House File 2093**

Agriculture: De Groot, Chair; Hummel and Sherzan.

**House File 2094**

Judiciary and Law Enforcement: Smalley, Chair; Rapp and Ritsema.

**House File 2095**

Transportation: Schnekloth, Chair; Binneboese and Lageschulte.

**House File 2096**

Agriculture: Crabb, Chair; Corey and Anderson of Jasper.

**House File 2097**

Transportation: Schroeder, Chair; Menke and Jay.

**House File 2102**

Human Resources: Shimanek, Chair; Husak and Arnould.

**House File 2104**

Judiciary and Law Enforcement: Ritsema, Chair; Welsh and Holt.

**House File 2105**

Transportation: Menke, Chair; Hullinger and Kirkenlager.

**House File 2107**

Transportation: Egenes, Chair; Davitt, Jay, Lageschulte and McKean.

**House File 2109**

Education: Hansen of O'Brien, Chair; Maulsby and Horn.

**House File 2110**

Transportation: Schroeder, Chair; Hoffmann and Miller.

**House File 2112**

Transportation: Bennett, Chair; Hinkhouse and Lageschulte.

**House File 2114**

Human Resources: Clark of Cerro Gordo, Chair; Sherzan and Cusack.

**House File 2116**

Education: Daggett, Chair; Lura and Perkins.

**House File 2117**

Education: Menke, Chair; Groth and Norland.

**House File 2119**

Judiciary and Law Enforcement: Patchett, Chair; Maulsby and Pelton.

**House File 2122**

Education: Stromer, Chair; Jay and Lura.

**House File 2124**

Agriculture: Van Maanen, Chair; Bennett and Halvorson of Webster.

**House File 2125**

Human Resources: Connors, Chair; Shimanek and Mullins.

**House File 2128**

Commerce: Pope, Chair; Egenes and Bina.

**House File 2131**

Transportation: McKean, Chair; Binneboese and Kirkenlager.

**House File 2132**

Labor and Industrial Relations: Thompson, Chair; Corey and Gettings.

**House File 2133**

Judiciary and Law Enforcement: Patchett, Chair; Johnson of Howard and Ritsema.

**House File 2136**

Judiciary and Law Enforcement: Smalley, Chair; Patchett and Corey.

**House File 2137**

Education: Daggett, Chair; Menke and Patchett.

**House File 2138**

Education: Maulsby, Chair; Lura and Wells.

**House File 2139**

Transportation: Menke, Chair; Hullinger and Kirkenslager.

**House File 2141**

Judiciary and Law Enforcement: Doyle, Chair; Holt and Welsh.

**House File 2142**

Judiciary and Law Enforcement: Lloyd-Jones, Chair; Ritsema and Johnson of Howard.

**House File 2144**

Judiciary and Law Enforcement: Ritsema, Chair; Patchett, Hibbs, Welsh and Holt.

**House File 2146**

Human Resources: Bennett, Chair; Lind and Arnould.

**House File 2148**

Judiciary and Law Enforcement: Conlon, Chair; Holt and Patchett.

**House File 2152**

Judiciary and Law Enforcement: Pelton, Chair; Anderson of Audubon and Arnould.

**House File 2156**

Transportation: Menke, Chair; Daggett, Oxley, Kirkenslager and Binneboese.

**House File 2157**

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Rapp and Lloyd-Jones.

**House File 2158**

Human Resources: Hoffmann, Chair; Krewson and Sherzan.

**House File 2159**

Transportation: Pellett, Chair; Jay and Binneboese.

**House File 2160**

Transportation: Kirkenslager, Chair; Hoffmann and Woods.



**House File 2161**

Education: Hansen of O'Brien, Chair; Maulsby and Horn.

**House File 2162**

Judiciary and Law Enforcement: Smalley, Chair; Arnould and Doyle.

**House File 2166**

Transportation: Menke, Chair; Miller and Schroeder.

**House File 2169**

Transportation: Pellett, Chair; Hinkhouse and Kirkenlager.

**House File 2170**

Transportation: Kirkenlager, Chair; Gettings and McKean.

**House File 2177**

Human Resources: Lind, Chair; Husak and Kirkenlager.

**House File 2178**

Human Resources: Bennett, Chair; Miller and Hoffmann.

**House File 2186**

Transportation: Bennett, Chair; Gettings and Hoffmann.

**House File 2195**

Transportation: Egenes, Chair; Davitt, Jay, Lageschulte and McKean.

**Senate File 28 (Reassigned)**

Judiciary and Law Enforcement: Rapp, Chair; Clark of Cerro Gordo and Doyle.

**Senate File 176**

Commerce: Conlon, Chair; Bina and Pelton.

**Senate File 230 (Reassigned)**

Judiciary and Law Enforcement: Hibbs, Chair; Conlon, Smalley, Lonergan and Lloyd-Jones.

**Senate File 235 (Reassigned)**

Judiciary and Law Enforcement: Johnson of Howard, Chair; Corey and Arnould.

**Senate File 292**

Judiciary and Law Enforcement: Shimanek, Chair; Ritsema and Patchett.

**Senate File 423 (Reassigned)**

Judiciary and Law Enforcement: Shimanek, Chair; Ritsema and Patchett.

**Senate File 426 (Reassigned)**

Judiciary and Law Enforcement: Lloyd-Jones, Chair; Maulsby and Patchett.

**Senate File 437 (Reassigned)**

Judiciary and Law Enforcement: Corey, Chair; Clark of Cerro Gordo and Jesse.

**Senate File 446**

Agriculture: Anderson of Audubon, Chair; Bennett and Husak.

**Senate File 468**

Judiciary and Law Enforcement: Ritsema, Chair; Arnould and Conlon.

**Senate File 469**

Commerce: Conlon, Chair; Renken and Jesse.

**Senate File 470**

Commerce: Pelton, Chair; Pope and Jochum.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS****Study Bill 119**

Human Resources: Miller, Chair; Lind and Hoffmann.

**Study Bill 176**

Human Resources: Shimanek, Chair; De Groot and Horn.

**Study Bill 195**

Human Resources: Clark of Cerro Gordo, Chair; Miller and Sherzan.

**Study Bill 500**

Transportation: Schnekloth, Chair; Lageschulte and Davitt.

**Study Bill 501**

Transportation: Egenes, Chair; Davitt, Jay, McKean and Lageschulte.

**Study Bill 513**

Commerce: Pope, Chair; Swearingen and Dieleman.

**Study Bill 514**

Commerce: Schroeder, Chair; Hibbs, Pope, Rapp and Dieleman.

**Study Bill 515**

Commerce: Johnson of Linn, Chair; Schroeder and Chiodo.

**Study Bill 535**

Human Resources: Kirkenlager, Chair; Shimanek and Miller.

**Study Bill 536**

Human Resources: Mullins, Chair; Lonergan and Clark.

**Study Bill 544**

Human Resources: Kirkenlager, Chair; Maulsby and Arnould.

**Study Bill 545**

Human Resources: Clark, Chair; Krewson and Daggett.

**Study Bill 551**

Commerce: Pelton, Chair; Shull and Woods.

**Study Bill 556 (Reassigned)**

Education: Crawford, Chair; Krewson and Spear.

**Study Bill 557 (Reassigned)**

Education: Krewson, Chair; Perkins and Diemer.

**Study Bill 573**

Human Resources: Daggett, Chair; De Groot and Clark of Cerro Gordo.

**Study Bill 574**

Human Resources: Maulsby, Chair; Daggett and Spear.

**Study Bill 575**

Transportation: Hoffmann, Chair; Egenes and Woods.

**Study Bill 576**

Agriculture: Tyrrell, Chair; Crabb and Husak.

**Study Bill 577**

Agriculture: Bennett, Chair; Crabb and Husak.

**Study Bill 578**

Agriculture: Corey, Chair; De Groot and Chiodo.

**Study Bill 579**

Agriculture: Corey, Chair; De Groot and Chiodo.

**Study Bill 580**

Agriculture: Corey, Chair; De Groot and Chiodo.

**Study Bill 587**

Education: Stromer, Chair; Larsen and Patchett.

**Study Bill 588**

Transportation: Bennett, Chair; McKean and Miller.

**Study Bill 589**

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Patchett, Ritsema, Holt and Walter.

**SPONSORS ADDED**  
**(House Joint Resolution 2011)**

*The following members requested to be added as sponsors of House Joint Resolution 2011:*

Corey of Louisa, Miller of Buchanan, Danker of Pottawattamie, Larsen of Wapello, Pellett of Cass, Anderson of Audubon, Branstad of Winnebago, Holt of Clay, Perkins of Greene, Hinkhouse of Cedar, Binneboese of Plymouth, Lura of Marshall, Hansen of O'Brien, Lorenzen of Scott, Dieleman of Marion, West of Marshall, Hall of Linn, Hummel of Benton, Tyrrell of Iowa, Conlon of Muscatine,

Swearingen of Keokuk, Oxley of Linn, Lageschulte of Bremer, Hullinger of Decatur, Johnson of Howard, Howell of Floyd, Daggétt of Taylor, Kirkenlager of Des Moines, Maulsby of Calhoun, De Groot of Lyon, Diemer of Black Hawk, Schnekloth of Scott, Cochran of Webster, Hanson of Delaware, Lind of Black Hawk, Welden of Hardin, Clark of Cerro Gordo, Krewson of Polk, Van Maanen of Mahaska, Hoffmann of Muscatine, Shull of Warren, Lonergan of Boone, McKean of Jones, Gettings of Wapello, Egenes of Story, Halvorson of Clayton, Schroeder of Pottawattamie, Smalley of Polk, Davitt of Warren, Husak of Tama and Welsh of Dubuque.

### STUDY BILL COMMITTEE ASSIGNMENTS

#### **S.B. 592 State Government**

Providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

#### **S.B. 593 State Government**

Relating to responsibility for the operation, maintenance and public tours of the Terrace Hill governor's residence and making an appropriation to replace funds which will no longer be appropriated to the governor's office.

#### **S.B. 594 State Government**

Relating to the payment of expenses of the Iowa national guard.

#### **S.B. 595 State Government**

To provide for a single state letterhead for state stationery.

#### **S.B. 596 State Government**

Limiting the percent of the contract price of a public improvement which may be retained by a public corporation to pay claims for materials furnished and labor performed on public improvements.

#### **S.B. 597 State Government**

Transferring the duties of the treasurer of the state fair board to the secretary of the state fair board.

**S.B. 598 State Government**

Providing that members of the state fair board shall be appointed by the governor subject to confirmation by two-thirds of the members of the senate.

**S.B. 599 Judiciary and Law Enforcement**

Relating to the hospitalization of mentally ill persons.

**S.B. 600 Judiciary and Law Enforcement**

Requiring presentence investigators to inquire into mental disabilities of the defendant.

**S.B. 601 State Government**

Relating to the operations of the citizens' aide office.

**S.B. 602 Ways and Means**

Relating to the amount of fee collected for services performed, and certificates and copies of records issued within the department of health.

**S.B. 603 Ways and Means**

To provide or increase the penalty for failure to file or pay the state income, sales and use, or inheritance and estate taxes.

**S.B. 604 Ways and Means**

Establishing the rate of interest payable on interest-bearing obligations arising under title sixteen (XVI) of the Code, as it relates to taxation by the state.

**S.B. 605 Energy**

Allowing the executive council to purchase or condemn and lease land to be used as a site for a hazardous waste treatment or disposal facility.

**S.B. 606 Commerce**

Relating to the powers of savings and loan associations.

**HOUSE RESOLUTION 103**

By Committee on Rules

- 1 *Be It Resolved by the House of Representatives, That*  
 2 the temporary rules of the House of Representatives adopted  
 3 by the 1979 session of the sixty-eighth general assembly be  
 4 amended as follows:
- 5 1. Rule 40 is amended to read as follows:  
 6 **Rule 40**  
 7 **Consideration of Committee Amendments**  
 8 After a bill has been committed referred and reported  
 9 back it shall be considered on its first reading after  
 10 the amendments of the committee have been read.
- 11 2. Rule 48 is amended to read as follows:  
 12 **Rule 48**  
 13 **Recommitment Rereferral**  
 14 After the commitment referral and report thereof to  
 15 the house, or at any time before its passage, a bill may be  
 16 recommitted rereferred. A bill placed on the house calendar  
 17 by a committee which is later rereferred to a committee is  
 18 exempted from joint rule 18 (1) for the remainder of the session.
- 19 3. Rule 55 is amended to read as follows:  
 20 **Rule 55**  
 21 **Smoking**  
 22 Smoking shall not be permitted in the house committee  
 23 rooms while a committee is meeting or in on the chamber  
 24 floor of the house except in the perimeter area while the  
 25 house is in session.
- 26 4. Rule 57 is amended to read as follows:  
 27 **Rule 57**  
 28 **Open Meetings**  
 29 Standing, sifting and steering committee meetings shall  
 30 be open, and voting by secret ballot shall be prohibited.  
 31 The administration committee has the option to close its  
 32 meetings to evaluate the professional competency of an  
 33 individual whose appointment, hiring, performance or discharge  
 34 is being considered when necessary to prevent needless and

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- 1 irreparable injury to that individual's reputation on the  
 2 request of the affected individual.
- 3 5. Rule 59.1 is amended to read as follows:  
 4 **Rule 59.1**  
 5 **Time of Filing Report and Contents**  
 6 A report committee attendance record shall be filed  
 7 with the chief clerk no later than 10:00 a.m. of the

8 legislative day immediately following the day of the  
 9 committee meeting. The committee report attendance  
 10 record and the report of committee form shall be of public  
 11 record and may be published in the journal. The report  
 12 committee attendance record shall include the following  
 13 information:

- 14 a. The time the meeting was scheduled to convene.
- 15 b. The time the meeting convened.
- 16 c. The members present at time of convening.
- 17 d. The time the meeting adjourned.

18 If any bills are finally disposed of in committee,  
 19 the report committee attendance record shall also include  
 20 a list of such actions the ayes and the nays of the  
 21 committee on such disposition.

22 A report of committee form shall be filed with the  
 23 chief clerk no later than 10:00 a.m. of the legislative  
 24 day immediately following the day of the committee meeting  
 25 for each study bill, numbered bill or resolution receiving  
 26 final committee disposition. The report of committee  
 27 form shall include the following information:

- 28 a. The committee action taken.
- 29 b. The amendment attached, if any.
- 30 c. The ayes and nays of the committee on  
 31 such disposition.

32 Upon final adjournment of the first session and  
 33 final adjournment of the second session of the general  
 34 assembly, the chairperson of each committee shall have  
 35 placed the committee's book of record containing minutes,

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1 roll calls, rules, etc., with the chief clerk for access  
 2 of any interested person.

3 6. Rule 73 is amended to read as follows:

#### Rule 73

5 Order and Precedence of Motions

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

- 8 1. A motion to adjourn.
- 9 2. A motion to lay on the table.
- 10 3. A motion for the previous question.
- 11 4. A motion to postpone action until a certain day.
- 12 5. A motion to amend the bill under consideration  
 13 by striking the enacting words.
- 14 6. A motion to commit refer or rerefer.
- 15 7. A motion to amend by committee.
- 16 8. A motion to amend by an individual.
- 17 9. A motion to postpone indefinitely.

18 These motions have precedence as listed.

19 A motion to postpone to a certain day, to commit  
 20 refer or rerefer, or to postpone indefinitely a particular  
 21 question will not be considered more than once in the



22 same day.

23 If a motion to amend a bill by striking the enacting  
24 words is adopted, the action is equivalent to rejection  
25 of the bill.

26 7. Rule 77 is amended to read as follows:

27 Rule 77

28 Commitment Referral and Rereferral

29 Motions and reports may be ~~committed~~ referred and  
30 rereferred at the pleasure of the house.

31 8. Rule 78 is amended by striking the old rule and  
32 inserting in lieu thereof the following:

33 Rule 78

34 Reconsideration

35 a. A motion to reconsider may be made only by a

**Page 4**

1 member who voted on the prevailing side of the question  
2 sought to be reconsidered.

3 b. A motion to reconsider may be made not later than  
4 adjournment on the day following the day of the action  
5 sought to be reconsidered. Where the floor manager voted  
6 on the prevailing side, he has the prior right to make the  
7 motion, until adjournment on the day of the action sought  
8 to be reconsidered.

9 c. A motion to reconsider made following the one  
10 hundred fourteenth calendar day of the first regular  
11 session, or the ninety-fourth calendar day of the second  
12 regular session, shall be taken up when made. A motion  
13 made at any other time may be taken up prior to the  
14 third day succeeding the day of the action sought to  
15 be reconsidered only if called up by the mover, and  
16 after the second day succeeding the day of the action  
17 sought to be reconsidered if called up by any member.

18 d. A motion to reconsider takes precedence over  
19 all other questions, but is subject to consideration  
20 of a report of a committee of conference, and to motions  
21 to fix the day to which the house shall adjourn, to  
22 recess, to adjourn, and to lay on the table.

23 e. No motion to reconsider passage or adoption,  
24 or failure, of any bill or joint resolution, shall  
25 prevail, unless it shall obtain a constitutional  
26 majority. Where passage, adoption or failure is  
27 reconsidered, questions on amendments may then be  
28 reconsidered, and shall be disposed of without delay.

29 f. A motion that the motion to reconsider be  
30 laid on the table is in order. The effect of laying  
31 the motion to reconsider on the table is to cause the  
32 bill or joint resolution to proceed on its regular  
33 course, as if the motion to be reconsidered had not  
34 been made.

35 9. Rule 79 is amended by striking the old rule and

**Page 5**

1 inserting in lieu thereof the following:

2 **Rule 79**

3 **Manner of Voting**

4 During the taking of a vote of the house on any  
5 question, only those members at their desks and voting  
6 shall be counted except as follows:

7 1. An original vote on any question may be  
8 recorded any time within 10 minutes after the vote  
9 has been announced providing the vote does not  
10 change the outcome of the vote on that question.  
11 The presiding official shall announce the names of  
12 the persons so recorded.

13 2. Members meeting in a conference committee  
14 at the time a vote is taken on a question may have  
15 their vote recorded within 30 minutes of the vote or  
16 by adjournment of that same legislative day, whichever  
17 is first, providing the vote does not change the  
18 outcome of the vote on that question.

19 10. Rule 85 is amended to read as follows:

20 **Rule 85**

21 **Method of Calling the Roll**

22 Upon calls of the house, or in taking the ayes and  
23 nays on any question, the electrical roll call system  
24 shall be used. In the event the electrical roll call  
25 system is not in operating order when it is necessary  
26 to take a record roll call vote, the presiding officer  
27 shall order that the aye and nay votes be taken by  
28 calling the roll in alphabetical order, except that the  
29 name of the speaker of the house shall be called last.

30 During the casting of the vote with the voting  
31 machine, the individual votes and the vote totals shall  
32 be shown on the display boards. Before the voting  
33 machine is closed, the presiding officer shall inquire  
34 of the house, "Have you all voted?"

Laid over under Rule 30.

### COMMITTEE RECOMMENDATION

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

DAVID L. WRAY  
Chief Clerk of the House

## COMMITTEE ON RULES

**House Resolution**, amending House Rules.

Recommended **Do Pass**.

## AMENDMENTS FILED

H-5066	H.F. 747	Van Maanen of Mahaska
H-5067	H.F. 2098	Brandt of Black Hawk
H-5069	H.F. 2082	Brandt of Black Hawk
H-5070	H.F. 747	Norland of Worth
H-5071	S.F. 426	Spear of Lee

On motion by Halvorson of Clayton, the House adjourned at 11:43 a.m., until 10:00 a.m., Monday, January 28, 1980.

# JOURNAL OF THE HOUSE

Fifteenth Calendar Day—Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 28, 1980

The House met pursuant to adjournment, Clark of Lee in the chair.

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

The Journal of Friday, January 25, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Loren Parker, Des Moines.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lura of Marshall for January 28, 29 and 30 a.m. on request of Renken of Grundy; Harbor of Mills on request of Renken of Grundy; Horn of Linn on request of Byerly of Polk.

## QUORUM CALL

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

## INTRODUCTION OF BILLS

**House File 2247**, by Conlon, a bill for an act authorizing the Iowa housing finance authority to establish a secondary money market for funds used in financing the construction or acquisition of residential real property.

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

**House File 2248**, by Brandt, a bill for an act relating to antique gambling devices, and providing a penalty.

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

**House File 2249**, by Howell, a bill for an act requiring the installation of plumbing that facilitates the future installation of solar water heating equipment in new single family residences.

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

**House File 2250**, by Welsh, a bill for an act prohibiting electronic media and photographic coverage of judicial proceedings in the state trial and appellate courts.

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

**House File 2251**, by Spear and Corey, a bill for an act relating to the classification of portions of the great river road.

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

**House File 2252**, by Welsh, a bill for an act providing for a state lottery, establishing a state lottery commission to administer the lottery, establishing a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, providing for the licensing of lottery ticket sales agents, delegating rule-making authority and other administrative authority necessary for the implementation of the Act, making certain acts illegal and prescribing penalties for their commission.

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

**House File 2253**, by Brandt, a bill for an act prohibiting the sale of excessive or duplicate coverage in insurance or subscriber contracts which are regulated by title twenty (XX) of the Code, and providing penalties.

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

**House File 2254**, by Perkins, a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by defining distributors to include dealers who act as wholesalers and retaining the one cent handling fee.

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

**House File 2255**, by Hinkhouse, a bill for an act relating to the sale of vacated secondary roads.

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

**House File 2256**, by Welsh, a bill for an act relating to the time for appearance in small claims actions.

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

**House File 2257**, by Patchett, a bill for an act repealing chapter five hundred seventy-two (572) of the Code relating to mechanics' liens and enacting in lieu thereof sections based upon article five of the uniform simplification of land transfer Act.

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

**House File 2258**, by Wells, a bill for an act relating to the time of taking the oath of office by persons elected to the city council.

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

**House File 2259**, by Wells, a bill for an act relating to city councils.

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

**House File 2260**, by Kirkenlager, a bill for an act relating to the eligibility of residents of bordering states to purchase nonresident licenses for the taking of fish, mussels, game, or furbearing animals.

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

**House File 2261**, by Lonergan, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

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

**House File 2262**, by McKean, a bill for an act relating to the sale of raw milk and to the establishment of county milk commissions.

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

**House File 2263**, by Husak, a bill for an act relating to the days school may be in session.

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

**House File 2264**, by McKean, a bill for an act relating to the sale of raw milk, including home delivery and health food stores sales, and establishing county milk commissions.

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

**House File 2265**, by Lind and Brandt, a bill for an act providing for modifications of the basic allowable growth per pupil for certain eligible school districts.

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

**House File 2266**, by Welsh, a bill for an act relating to the percentage of city fines and forfeitures to be paid to the county.

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

**House File 2267**, by Maulsby, a bill for an act to authorize the temporary consolidation of certain permanent precincts for purposes of the state primary and general election.

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

**House File 2268**, by Larsen, a bill for an act relating to the jurisdiction of a civil service commission to hear and determine appeals involving the rights of civil service employees.

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

**House File 2269**, by Spear, a bill for an act relating to the qualifications of court interpreters.

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

**House File 2270**, by Pope, a bill for an act relating to the sale of individual policies of accident and sickness insurance, and providing penalties.

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

**House File 2271**, by Howell, a bill for an act relating to the sale and use of gasohol.

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

**House File 2272**, by Anderson of Jasper, a bill for an act providing for a property tax credit for railroad property and making a standing appropriation.

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

**House File 2273**, by Stromer and Doyle, a bill for an act relating to certified shorthand reporters.

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

**House File 2274**, by Hinkhouse and McKean, a bill for an act to require that certain establishments operated for profit remain closed on Sunday and to provide a penalty.

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

**House File 2275**, by committee on education, a bill for an act to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year.

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

**House File 2276**, by Spear, a bill for an act relating to engineering and traffic investigations.

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



**House File 2277**, by committee on human resources, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services.

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

**CONFERENCE COMMITTEE REPORT FAILED**  
(Senate File 344)

Poffenberger of Dallas called up for consideration the report of the conference committee on Senate File 344, a bill for an act relating to access to and use of solar energy, filed on January 16 and found on pages 73 and 74 of the House Journal.

Poffenberger of Dallas moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Lageschulte of Bremer and O'Kane of Woodbury.

On the question "Shall the conference committee report be adopted?"

The ayes were, 27:

Anderson, J.	Bennett	Clark, B.J.	Crawford
Danker	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Johnson, R.	Larsen
Lind	Menke	Millen	Miller
Pellett	Pelton	Poffenberger	Schroeder
Shimanek	Shull	Stromer	Thompson
Welden	West	Mr. Speaker	
		(Clark of Lee)	

The nays were, 65:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Branstad	Bruner	Byerly
Chiodo	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Cusack
Daggett	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Holt	Howell	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones

Lonergan	Lorenzen	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Perkins	Pope	Rapp
Renken	Ritsema	Schnekloth	Sherzan
Smalley	Spear	Swearingen	Tyrrell
Van Maanen	Walter	Wells	Welsh
Woods			

Absent or not voting, 8:

Arnould	Harbor	Horn	Hullinger
Jesse	Lura	Patchett	Tofte

The conference committee report failed to be adopted.

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 426**, a bill for an act relating to the employment of legal counsel by school cooperations, with report of committee recommending passage was taken up for consideration.

Byerly of Polk offered the following amendment H—3760 filed by him:

H—3760

- 1 Amend Senate File 426, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "corporation." the words "If an attorney, other than
- 5 an attorney who is a salaried employee of the school
- 6 corporation, is employed for collective bargaining
- 7 services, the amount of compensation shall be the
- 8 same as the amount authorized by the public employment
- 9 relations board for the compensation of an arbitrator."

Shimanek of Jones rose on a point of order that amendment H—3760 was not germane.

The Speaker ruled the point not well taken and amendment H—3760 germane.

Byerly of Polk moved the adoption of amendment H—3760.

Roll call was requested by Chiodo of Polk and Woods of Polk.

Under the provisions of Rule 81, Pope of Polk and Doyle of Woodbury refrained from voting.

On the question "Shall amendment H—3760 be adopted?"

The ayes were, 23:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Byerly	Chiodo	Connolly
Connors	Cusack	Davitt	Gettings
Halvorson, R.N.	Howell	Husak	Jochum
Miller	Norland	Pavich	Spear
Wells	Welsh	Woods	

The nays were, 68:

Anderson, J.	Bennett	Brandt	Branstad
Bruner	Clark, B.J.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Dieleman	Diemer	Egenes
Groth	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Maulsby	McKean
Menke	Millen	Mullins	O'Kane
Oxley	Patchett	Pellett	Pelton
Perkins	Poffenberger	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
Walter	Welden	West	Mr. Speaker (Clark of Lee)

Absent or not voting, 9:

Cochran	Doyle	Harbor	Horn
Höllinger	Jesse	Lura	Pope
Tofte			

Amendment H—3760 lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5071 filed by him on January 25.

Lloyd-Jones 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. 426)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneran
Lorenzen	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimaneck
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	
		(Clark of Lee)	

The nays were, none.

Absent or not voting, 9:

Avenson	Egenes	Harbor	Horn
Howell	Hullinger	Jesse	Lura
Tofte			

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

**Senate File 247**, a bill for an act relating to policies of boards of directors of school districts concerning the residence of employees, with report of committee recommending passage was taken up for consideration.

Pellett of Cass offered the following amendment H—5064 filed by him and Schroeder of Pottawattamie and moved its adoption:

H - 5064

- 1 Amend Senate File 247 as follows:
- 2 1. Page 1, by striking lines 3 through 6 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. RESIDENCY OF EMPLOYEES. Employees
- 5 shall not be required to be residents of the school
- 6 district in which they are employed. School districts
- 7 may set reasonable maximum distances outside of the
- 8 corporate boundaries of the school district that school
- 9 district employees may live."

Amendment H - 5064 lost.

Larsen 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.

Under the provisions of Rule 81, Lind of Black Hawk refrained from voting.

On the question "Shall the bill pass?" (S.F. 247)

The ayes were, 85:

Anderson, R.	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lloyd-Jones	Lonerган
Lorenzen	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Schneklath	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tyrrell.	Van Maanen	Walter
Wells	Welsh	West	Woods
Mr.-Speaker			
(Clark of Lee)			

The nays were, 8:

Anderson, J. Ritsema	Johnson, R. Schroeder	Maulsby Stromer	Pellett Welden
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Absent or not voting, 7:

Arnould Lind	Harbor Lura	Horn Tofte	Jesse
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 377 WITHDRAWN

Stromer of Hancock asked and received unanimous consent to withdraw House File 377 from further consideration by the House.

### SPONSORS ADDED (House File 2191)

Bruner of Story requested to be added as a sponsor of House File 2191.

(House Joint Resolution 2011)

Thompson of Polk requested to be added as a sponsor of House Joint Resolution 2011.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday morning, January 25. Had I been present, I would have voted "aye" on Senate Files 121, 286, 436; "Shall the rules be suspended to consider and adopt" amendment H-5068, amendment H-3982 to Senate File 286 and amendment H-5063 to Senate File 436.

DIELEMAN of Marion

### STUDY BILL COMMITTEE ASSIGNMENTS

**S.B. 607 State Government**

Relating to the national guard, duties, training and definitions.

**S.B. 608 Agriculture**

Relating to the abolishment of the meat and poultry section of the regulatory division of the department of agriculture.

**S.B. 609 Education**

Relating to the authorized uses of schoolhouses and their grounds.

**S.B. 610 Education**

Relating to the purchase of school buses.

**CERTIFICATES OF RECOGNITION**

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

1980-4     Debbie Kelso, Iowa Heart Fund Princess

1980-5     Todd Clark, Iowa Heart Fund Prince

DAVID L. WRAY  
Chief Clerk of the House

**AMENDMENT FILED**

H-5072

H.F. 2246

Conlon of Muscatine

On motion by Halvorson of Clayton, the House adjourned at 12:15 p.m., until 9:00 a.m., Tuesday, January 29, 1980.

## JOURNAL OF THE HOUSE

Sixteenth Calendar Day—Eleventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 29, 1980

The House met pursuant to adjournment, Clark of Lee in the chair.

Prayer was offered by the Reverend Donald S. Ripley, pastor of the Bethany Baptist Church, Ottumwa.

The Journal of Monday, January 28, 1980 was approved.

### LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, Iowa City.

### INTRODUCTION OF BILLS

**House Joint Resolution 2016**, by West, Anderson of Audubon, Bennett, Branstad, Corey, Daggett, Danker, De Groot, Diemer, Halvorson of Clayton, Hansen of O'Brien, Harbor, Hinkhouse, Holt, Hummel, Johnson of Howard, Johnson of Linn, Johnson of Woodbury, Lageschulte, Lind, Lura, Maulsby, Pellett, Pope, Renken, Schneklath, Schroeder, Shull, Smalley, Stromer, Swearingen and Tyrrell, a joint resolution proposing an amendment to the Constitution of the state of Iowa relating to the protection of taxpayers' rights by limiting taxes, revenue, and related activities of the state and local governments.

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

**House File 2278**, by Anderson of Jasper, Davitt, Hullinger, Jay, Groth, Arnould, Husak, Walter, Connors, Halvorson of Webster, Doyle, Pavich, Brandt, Norland, Cusack and Miller, a bill for an act to increase the appropriation for the medical assistance program for the fiscal year beginning July 1, 1980, for the purpose of eliminating the cost-report time lag in reimbursement of intermediate care facilities which care for medical assistance recipients.

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



**House File 2279**, by committee on county government, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts.

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

**House File 2280**, by Diemer, Lind, Perkins, Hansen of O'Brien, Stromer and Groth, a bill for an act relating to the recording of agency agreements for joint or cooperative action.

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

**House File 2281**, by Johnson of Woodbury, a bill for an act to provide that collective bargaining agreements with political subdivisions of the state shall be for two years.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2282**, by Egenes, a bill for an act repealing the requirement that any school bus must stop prior to crossing any railroad track.

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

**House File 2283**, by Bruner, a bill for an act to repeal the Iowa personal net income tax deduction for political contributions.

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

**House File 2284**, by Johnson of Linn, Tyrrell, Brandt, Hoffmann and Egenes, a bill for an act relating to strip searches subsequent to arrest.

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

**House File 2285**, by Pellett and Crabb, a bill for an act relating to the gathering of members of a governmental body for travel purposes under the open meetings law.

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

**House File 2286**, by Maulsby, a bill for an act relating to operation of county compensation boards, including terms of office and publication requirements.

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

**House File 2287**, by Crabb, a bill for an act removing the ceiling on interest rates for loan or credit transactions involving the construction as acquisition of residential property.

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

**House File 2288**, by Rapp, a bill for an act relating to the method of adopting rules of procedure in probate.

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

**House File 2289**, by Maulsby, a bill for an act relating to the detention of juvenile runaways.

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

**House File 2290**, by Anderson of Jasper, a bill for an act relating to property tax deferral for property owners sixty-five years of age or older and making an appropriation.

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

**House File 2291**, by Brandt, a bill for an act providing for the employment of a citizen's aide within the department of insurance, and making an appropriation for that purpose.

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

**House File 2292**, by Van Maanen, a bill for an act providing an individual income tax credit for the care of a handicapped individual.

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

**House File 2293**, by Gettings, a bill for an act to authorize counties to levy a tax for the support of ambulance service provided under authority of the county board of supervisors, under certain circumstances.

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

**House File 2294**, by Johnson of Linn, a bill for an act relating to reports filed by financial institutions with the Iowa housing finance authority under chapter five hundred thirty-five A (535A) of the Code.

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

**House File 2295**, by Lura, a bill for an act relating to the application of the open meetings law to the subcommittees of a governmental body.

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

**House File 2296**, by Kirkenlager and Wells, a bill for an act increasing the tax on cigarettes with tax revenues to be used for fire protection purposes.

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

**House File 2297**, by Cochran, a bill for an act relating to soil conservation including qualification for the agricultural land tax credit and making appropriations.

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

**House File 2298**, by Husak, a bill for an act relating to prohibiting the adding of a gratuity to a guest check in restaurants and other food and drink establishments open to the public.

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

**House File 2299**, by Daggett and Anderson of Jasper, a bill for an act relating to the dates on which school districts count special education students and report the count to the department of public instruction.

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

**House File 2300**, by Welsh, a bill for an act to extend voting rights on questions of annexation to qualified voters within two miles of the territory to be annexed.

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

**House File 2301**, by Woods, a bill for an act relating to the annual registration fee of motor homes and recreational vehicles.

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

**House File 2302**, by Patchett, a bill for an act to repeal the exemptions of employees of the Iowa commission for the blind from collective bargaining and merit employment.

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

**House File 2303**, by Pelton, a bill for an act relating to contract and bid requirements for solid waste agencies organized under chapter twenty-eight E (28E) of the Code.

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

**House File 2304**, by Larsen, a bill for an act relating to the alcoholic content of beer and alcoholic liquor.

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

**House File 2305**, by Diemer, Husak, Smalley, Avenson, Lind, Lageschulte, Branstad and Schneklath, a bill for an act to allow county conservation boards to exchange property.

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

**House File 2306**, by Anderson of Jasper, a bill for an act authorizing the commissioner of public health to apply to district court for appointment of a receiver for a health care facility, as an alternative to suspending, revoking or refusing to renew the facility's license, and authorizing a resident or the care review committee of a health care facility to file a similar application.

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

**House File 2307**, by Pelton, a bill for an act relating to the rights of foster parents concerning a termination of parental rights hearing involving their foster child.

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

**House File 2308**, by Rapp, Lloyd-Jones and Hinkhouse, a bill for an act relating to affairs and decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the Uniform Probate Code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing inconsistent legislation.

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

**House File 2309**, by Welsh, a bill for an act prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

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

**House File 2310**, by Lageschulte, Ritsema, Pope, Dieleman, Cochran, Doyle and Shull, a bill for an act to establish an Iowa tuition differential grant and to provide for its payment from a fund established in the Act.

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

**House File 2311**, by Holt, Hansen of O'Brien, Menke and Groth, a bill for an act to legalize the proceedings of the board of supervisors of Clay county, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 25, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 741, a bill for an act to exempt from the real estate transfer tax certain deeds between family corporations or authorized farm corporations and their stockholders.

Also: That the Senate has on January 25, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 101, amending the joint rules of the Sixty-eighth General Assembly.

FRANK J. STORK, Secretary

### SENATE AMENDMENT TO HOUSE FILE 741

H—5073

- 1 Amend House File 741 as passed by the House
- 2 as follows:
- 3 1. Page 1, line 4, by striking the word "or".
- 4 2. Page 1, by striking lines 5 and 6.
- 5 3. Page 1, line 7, by striking the words and
- 6 figures "(8) and nine (9) of the Code,".
- 7 4. Page 1, by striking lines 21 and 22.
- 8 5. Title, lines 2 and 3 by striking the words
- 9 "or authorized farm corporations".

SENATE CONCURRENT RESOLUTION 101  
By Committee on Rules and Administration

1 *Be It Resolved by the Senate, the House of Representatives*  
2 *Concurring, That the joint rules of the senate and house for*  
3 *the 1980 session of the sixty-eighth general assembly be*  
4 *amended as follows:*

5 **Rule 16**  
6 **Fiscal Notes**

7 A fiscal note shall be attached to any bill or joint  
8 resolution which reasonably could have an annual effect of  
9 at least one hundred thousand dollars or a combined total  
10 effect within five years after enactment of five hundred  
11 thousand dollars or more on the aggregate revenues,  
12 expenditures or fiscal liability of the state or its  
13 subdivisions. This rule does not apply to appropriation  
14 measures where the total effect is stated in dollar amounts.

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

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

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

30 The legislative fiscal director shall prepare the fiscal

**Page 2**

1 note within a reasonable time after receiving the request.  
2 A copy of the fiscal note shall be filed by the legislative  
3 fiscal director, for distribution, with the secretary of the  
4 senate or the chief clerk of the house unless within one  
5 legislative day a request for a revised fiscal note is filed  
6 with the legislative fiscal director. The legislative fiscal  
7 director may request the cooperation of the state comptroller  
8 or any state department or agency. If a fiscal note is  
9 prepared by the comptroller or any state department or agency  
10 at the request of the fiscal director, that fact shall be  
11 stated in the note.

12 Each fiscal note shall state in dollars the estimated  
13 effect of the bill on the revenues, expenditures, and fiscal  
14 liability of the state during each of the first five years  
15 after enactment. Sources of funds for expenditures under  
16 the bill shall be stated, including federal funds. If the

17 fiscal director cannot make an accurate estimate, he shall  
18 state his best available estimate or shall state that no  
19 dollar estimate can be made and state concisely the reason.

20 The fiscal note shall be attached or printed in the bill  
21 following the explanation or shall be printed in the daily  
22 clip sheet.

23 A revised fiscal note may be requested by a committee  
24 chairman or a sponsor of the bill if the fiscal effect of  
25 the bill has been changed by adoption of an amendment.  
26 However, a request for a revised fiscal note shall not delay  
27 action on a bill unless so ordered by the presiding officer  
28 of the house in which the bill is under consideration.

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

### 33 Rule 18

#### 34 Time of Committee Passage and Consideration of Bills

35 1. To be placed on the house calendar, all bills except

### Page 3

1 appropriations bills, ways and means bills, bills or joint  
2 resolutions co-sponsored by the majority and minority floor  
3 leaders, companion bills sponsored and introduced by the  
4 senate majority leader, after consultation with the Senate  
5 minority leader, and the house majority leader, after  
6 consultation with the House minority leader, beginning with  
7 the 16th week of the first session and beginning with the  
8 14th week of the second session, the claims committee report,  
9 and conference committee reports must be reported out of  
10 committee no later than the following deadlines:

11 House bills under individual sponsorship must be reported  
12 out of a standing committee no later than the Friday of the  
13 10th week of the first session and the 8th week of the second  
14 session.

15 House bills sponsored by a committee must be reported out  
16 of a standing committee no later than the Friday of the 11th  
17 week of the first session and the 9th week of the second  
18 session.

19 Senate bills under individual sponsorship must be reported  
20 out of a standing committee no later than the Friday of the  
21 ~~12th~~ 13th week of the first session and the ~~10th~~ 11th week  
22 of the second session.

23 Senate bills sponsored by a committee must be reported  
24 out of a standing committee no later than the Friday of the  
25 ~~13th~~ 14th week of the first session and the ~~11th~~ 12th week  
26 of the second session.

27 2. To be placed on the senate calendar, all bills except  
28 appropriations bills, ways and means bills, bills or joint  
29 resolutions co-sponsored by the majority and minority floor  
30 leaders, companion bills sponsored and introduced by the



31 senate majority leader, after consultation with the Senate  
32 minority leader, and the house majority leader, after  
33 consultation with the House minority leader, beginning with  
34 the 16th week of the first session and beginning with the  
35 14th week of the second session, the claims committee report.

**Page 4**

1 and conference committee reports must be reported out of  
2 committee no later than the following deadlines:

3 Senate bills under individual sponsorship must be reported  
4 out of a standing committee no later than the Friday of the  
5 10th week of the first session and the 8th week of the second  
6 session. Senate bills sponsored by a committee must be  
7 reported out of a standing committee no later than the Friday  
8 of the 11th week of the first session and the 9th week of  
9 the second session.

10 House bills under individual sponsorship must be reported  
11 out of a standing committee no later than the Friday of the  
12 ~~12th~~ 13th week of the first session and the ~~10th~~ 11th week  
13 of the second session.

14 House bills sponsored by a committee must be reported out  
15 of a standing committee no later than the Friday of the ~~13th~~  
16 14th week of the first session and the ~~11th~~ 12th week of the  
17 second session.

18 3. During the ~~14th~~ 12th week of the first session and  
19 the ~~12th~~ 10th week of the second session each house will  
20 consider only bills originating in that house and unfinished  
21 business. During the 15th week of the first session and the  
22 13th week of the second session each house will consider only  
23 bills originating in and passed by the other house and  
24 unfinished business. Beginning with the 16th week of the  
25 first session and beginning with the 14th week of the second  
26 session, each house will consider only appropriations bills,  
27 ways and means bills, bills or joint resolutions co-sponsored  
28 by the majority and minority floor leaders, companion bills  
29 sponsored and introduced by the senate majority leader, after  
30 consultation with the Senate minority leader, and the house  
31 majority leader, after consultation with the House minority  
32 leader, claims report, bills coming from conference committee,  
33 and unfinished business.

34 4. Rule 18 shall not apply to concurrent or simple  
35 resolutions, senate confirmations, or bills passed by both

**Page 5**

1 houses in different form prior to being sent to a conference  
2 committee, or claims report.

3 5. A bill reported out of any committee within the  
4 deadlines established by this rule and then referred to the  
5 same or another committee may be reported out by that  
6 committee.

7 6. A motion to reconsider filed and not disposed of on  
8 action taken on a bill or resolution which is subject to a  
9 deadline under this rule may be called up at any time on the  
10 day of the deadline or at any time after the deadline by the  
11 person filing the motion or by the majority leader, any other  
12 rule to the contrary notwithstanding.

Referred to committee on rules.

## SECOND CONFERENCE COMMITTEE APPOINTED (Senate File 344)

The Speaker announced the appointment of the second conference committee appointed to consider the differences between the House and Senate concerning Senate File 344: Pelton of Clinton, Chair; Ritsema of Sioux, Smalley of Polk, O'Kane of Woodbury and Bruner of Story.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 104

Halvorson of Clayton called up for consideration House Concurrent Resolution 104, relating to a joint convention for the condition of the judiciary message, filed on January 23 and found on page 185 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

## REREFERRED TO COMMITTEE ON TRANSPORTATION

The Speaker announced that **House File 2242**, previously referred to the committee on **state government**, was rereferred to the committee on **transportation**.

## COMMITTEE ON COMMERCE SPECIAL SUBCOMMITTEE ON SMALL BUSINESS NEEDS

Schroeder of Pottawattamie, chair of the committee on commerce, announced the appointment of the following members as a special subcommittee on small business needs: Pope of Polk, chair; Schroeder of Pottawattamie, Johnson of Linn, Woods of Polk and Chiodo of Polk.

**COMMUNICATIONS RECEIVED****THE CHIEF JUSTICE**

A communication regarding the following matters was received on January 29 from the Honorable W. W. Reynoldson, Chief Justice of the Supreme Court, and is on file in the office of the Chief Clerk:

Rules of Civil Procedure. (Pursuant to sections 684.18 (1) and 684.19, Code of Iowa.)

Rules of Criminal Procedure. (Pursuant to sections 813.4 and 684.19, Code of Iowa.)

Rules of Appellate Procedure. (Pursuant to sections 684.18 (2) and 684.19, Code of Iowa.)

Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill. (Pursuant to sections 229.40 and 684.19, Code of Iowa.)

Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act. (Pursuant to section 6 of the Uniform Certification of Questions of Law Act and section 684.19, Code of Iowa.)

Rules, Standards, Qualifications and Training Requirements for Juvenile Probation Officers. (Pursuant to sections 684.21 and 684.19, Code of Iowa.)

**THE DEPARTMENT OF TRANSPORTATION**

There is on file in the office of the Chief Clerk a Vehicle Report received from the Department of Transportation on January 30, as required by section 5, subsection 3, unnumbered paragraph 2 of Chapter 11 of the Laws of the Sixty-eighth General Assembly, 1979 Session.

**STUDY BILL COMMITTEE ASSIGNMENTS****S.B. 611 Transportation**

To include roads on properties owned by the state conservation commission which are not parks in the state park road system.

**S.B. 612 County Government**

Relating to the county statutes study committee.

**S.B. 613 Ways and Means**

Providing a residential energy credit against individual state income tax liability and making provisions retroactive.

**S.B. 614 Ways and Means**

Providing for uniformity in the computation of interest on over-payments made under the individual and corporate income and franchise taxes.

**S.B. 615 Ways and Means**

Relating to the sales and use tax by allowing retailers to issue sales tax exemption certificates, allowing a deduction for uncollectible checks and by correcting inapplicable provisions in the law.

**S.B. 616 State Government**

Creating a department of data processing, providing for the appointment of a director, specifying powers and duties, and transferring present personnel, authority, and equipment to the department.

**S.B. 617 Judiciary and Law Enforcement**

To recover defense costs from indigent defendants and defendants able but unwilling to obtain legal assistance and providing a penalty.

**S.B. 618 Judiciary and Law Enforcement**

To authorize certain trusts to be shareholders in a family farm corporation.

**S.B. 619 Judiciary and Law Enforcement**

To legalize certain plats of city or town lots recorded before January 1, 1970.

**S.B. 620 Judiciary and Law Enforcement**

Amending the date for presumption of abandonment on a contract for deed.

**S.B. 621 Judiciary and Law Enforcement**

To allow the recording of a memorandum of lease of agricultural lands in lieu of the complete lease.

**S.B. 622 Judiciary and Law Enforcement**

Relating to the dates for limitations of actions on title to real property.

**S.B. 623 Judiciary and Law Enforcement**

Relating to notice requirements for termination of farm tenancies.

**S.B. 624 Judiciary and Law Enforcement**

Relating to the disclosure of information concerning inmates interviewed by the board of parole.

**S.B. 625 Judiciary and Law Enforcement**

Relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services.

**S.B. 626 Judiciary and Law Enforcement**

To establish a sentencing guidelines commission.

**S.B. 627 Judiciary and Law Enforcement**

Relating to pretrial and post trial criminal procedures, release, and sentences.

**S.B. 628 Judiciary and Law Enforcement**

To repeal section two hundred forty-six point seventeen (246.17) of the Code.

**S.B. 629 Judiciary and Law Enforcement**

Establishing the office of state appellate defender.

**S.B. 630 Judiciary and Law Enforcement**

Providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel.

**S.B. 631 Judiciary and Law Enforcement**

Relating to the assessment of costs for a jury trial.

**S.B. 632 Judiciary and Law Enforcement**

Relating to the use of computers for the storage of court records.

**S.B. 633 Natural Resources**

To establish a land preservation policy and organizations and procedures to implement that policy.

**S.B. 634 Human Resources**

Relating to the delivery of substance abuse programs in the state by reorganizing the department of substance abuse as a division in the department of social services, changing the duties of the commission on substance abuse, abolishing the advisory council on substance abuse and changing certain licensing requirements.

**S.B. 635 Human Resources**

Abolishing the state advisory council on substance abuse.

**S.B. 636 Human Resources**

Exempting certain health care facilities from licensing under chapter one hundred twenty-five (125) of the Code.

**S.B. 637 Human Resources**

Relating to inspections of beauty salons, schools of cosmetology, barber shops, and barber schools.

**S.B. 638 Cities**

Relating to enforcement of the housing code.

COMMITTEE RECOMMENDATIONS

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

DAVID L. WRAY  
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

**Study Bill 576**, providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

Recommended **Amend and Do Pass**.

COMMITTEE ON COMMERCE

**Senate File 176**, a bill for an act repealing chapter three hundred twenty-three (323) of the Code, relating to franchises of distributors and dealers of motor fuels and special fuels.

Recommended **Do Pass**.

**House File 731**, a bill for an act amending section five hundred thirty-seven point five thousand one hundred ten (537.5110) of the Code by amending subsection two (2) of that section to authorize a creditor to commence attachment proceedings prior to giving a notice of right to cure.

Recommended **Do Pass**.

COMMITTEE ON COUNTY GOVERNMENT

**Study Bill 505**, relating to the storage of a registered snowmobile.

Recommended **Do Pass**.

Fiscal Note is not required.

**Study Bill 507**, providing a fee for the filing of instruments in the office of county recorder.

Recommended **Amend and Do Pass**.

Fiscal Note is not required.

**Study Bill 509**, relating to increasing the fee for transfers made in the transfer books by the county auditor.

**Recommended Do Pass.**

Fiscal Note is not required.

#### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House File 2012), a bill for an act relating to speech and hearing diagnostic services for nonpublic pupils.

**Recommended Amend and Do Pass.**

**House File 2138**, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area.

**Recommended Amend and Do Pass.**

H—5074

- 1 Amend House File 2138 as follows:
- 2 1. Page 1, by striking lines 30 and 31.

**Study Bill 552**, relating to the educational program of schools, including course requirements relating to physical education, science, and foreign languages.

**Recommended Amend and Do Pass.**

**Study Bill 554**, to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

**Recommended Amend and Do Pass.**

#### COMMITTEE ON HUMAN RESOURCES

**House File 402**, a bill for an act relating to attorney notices of subrogation to Department of Social Services under medical assistance.

**Recommended Amend and Do Pass.**

H—5075

- 1 Amend House File 402 as follows:
- 2 1. By striking lines 13 and 14.

**Study Bill 186**, relating to use of polygraph examinations as a condition of employment.

**Recommended Amend and Do Pass.**



## COMMITTEE ON NATURAL RESOURCES

**House File 275**, a bill for an act relating to a penalty for taking a deer in violation of law.

Recommended **Amend and Do Pass** in accordance with H—3365, filed March 12, 1979, and found on page 906 of the 1979 House Journal.

**Senate File 89**, a bill for an act relating to borrow pits.

Recommended **Amend and Do Pass** in accordance with H—3668, filed April 2, 1979, and found on page 1272 of the 1979 House Journal.

## AMENDMENTS FILED

H—5076	H.F. 747	Hall of Linn
Johnson of Linn		Lorenzen of Scott
Cusack of Scott		Hibbs of Johnson
Chiodo of Polk		Connolly of Dubuque
Connors of Polk		Diemer of Black Hawk
Lloyd-Jones of Johnson		O'Kane of Woodbury
Wells of Linn		Pavich of Pottawattamie
Bina of Scott		Jochum of Dubuque
Krewson of Polk		
H—5077	S.F. 432	Connolly of Dubuque
H—5078	H.F. 747	Van Maanen of Mahaska
H—5079	H.R. 103	Stromer of Hancock
H—5080	H.F. 2003	Avenson of Fayette
H—5081	H.F. 747	Walter of Pottawattamie
		Pavich of Pottawattamie
		Bina of Scott
		Gettings of Wapello
		Kirkenslager of Des Moines
		Woods of Polk
H—5082	H.F. 747	Egenes of Story
		Krewson of Polk
		Pavich of Pottawattamie

On motion by Halvorson of Clayton, the House adjourned at 9:22 a.m., until 9:00 a.m., Wednesday, January 30, 1980.

# JOURNAL OF THE HOUSE

Seventeenth Calendar Day—Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 30, 1980

The House met pursuant to adjournment, Clark of Lee in the chair.

Prayer was offered by the Reverend Robert Bell, pastor of the First United Methodist Church, Perry.

The Journal of Tuesday, January 29, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Valin, Des Moines.

## INTRODUCTION OF BILLS

**House Joint Resolution 2017**, by Bennett, a joint resolution proposing an amendment to the Constitution of the State of Iowa limiting the availability of bail.

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

**House File 2312**, by Norland, a bill for an act relating to the valuation of property pursuant to chapter four hundred fifty (450) of the Code.

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

**House File 2313**, by Connolly, a bill for an act relating to reseeding the topsoil of open ditches with prairie grass seed.

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

**House File 2314**, by O'Kane, a bill for an act relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund.

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

**House File 2315**, by Anderson of Jasper, a bill for an act requiring publication of a statement of the economic impact of a proposed administrative rule.

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

**House File 2316**, by Connolly, a bill for an act relating to the transition of roads from the primary road system to the secondary road system.

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

**House File 2317**, by Connolly, a bill for an act requiring issuers of lender credit cards and seller credit cards to pay the charges for telephone calls from cardholders when related to billing errors.

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

**House File 2318**, by Larsen, Van Maanen, Swearingen, Conlon, Bina, Tyrrell, Gettings, Crabb, Cusack, Kirkenlager, Lind, Hanson of Delaware, Danker, Wells, and Welsh, a bill for an act doubling the penalties for certain public offenses committed against a person sixty-five years of age or older.

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

**House File 2319**, by Connolly, a bill for an act relating to use of conservation tillage in fall plowing of land in Iowa.

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

**House File 2320**, by Stromer and Hansen of O'Brien, a bill for an act relating to eligibility of health care facilities to participate in the state medical assistance program, and making an appropriation.

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

**House File 2321**, by Norland, a bill for an act to allow certain persons whose property taxes are suspended by the county board of supervisors to apply for and receive the extraordinary property tax credit allowed against the homestead.

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

**House File 2322**, by Connolly, a bill for an act relating to public gas and electric company meters.

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

**House File 2323**, by O'Kane, a bill for an act relating to the duration of contracts of teachers.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2324**, by Horn, a bill for an act relating to the maximum age limits set by the civil service commission for police officers and fire fighters.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2325**, by Welden, a bill for an act relating to the sewage works construction fund and the payment of eligible costs of sewage works construction.

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

**House File 2326**, by Brandt, a bill for an act relating to the inspection of vehicles and providing a civil fine and penalties.

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

**House File 2327**, by Cochran, Harbor, Hullinger, Davitt, Branstad, Halvorson, Webster, Lonergan, and Connors, a bill for an act to exempt certain holders of federal permits to manufacture alcohol for use as fuel, from the requirement of obtaining a state manufacturer's permit.

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

**House File 2328**, by Stromer, a bill for an act allowing the operation of a golf cart on the highway under certain circumstances.

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

**House File 2329**, by Krewson, Pope, Larsen, Hoffmann, Lorenzen, Crawford, Shimanek, and Hibbs, a bill for an act providing for a renter's credit to an individual for the renting of the individual's principal residence.

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

**House File 2330**, by De Groot, a bill for an act relating to the payment of fees by nonprofit organizations for ownership or use of outdoor advertising devices.

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

**House File 2331**, by Welsh, Connolly and Gettings, a bill for an act providing for appointment by the board of supervisors of the trustees of a county public hospital.

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

**House File 2332**, by Pope, a bill for an act relating to the laying of water mains along highways.

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

**House File 2333**, by Davitt and Crabb, a bill for an act relating to the regulation by the commissioner of insurance of self-insured accident or health insurance plans or programs offered to employees.

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

**House File 2334**, by Horn, a bill for an act requiring license plates for motor trucks that weigh four tons or less to include the county name.

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

**House File 2335**, by Jay, a bill for an act relating to the mandatory revocation of an operator's license for drag racing.

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

**House File 2336**, by Kirkenlager, Woods, Chiodo, Johnson of Woodbury, Dieleman, Daggett, Tyrrell, Anderson of Audubon, Perkins, Holt, Van Maanen, Swearingen, Menke, Johnson of Howard, Lind, Branstad, Hansen of O'Brien, McKean, Howell, and Shull, a bill for an act to permit handicapped persons, paraplegic persons, and persons sixty-five years of age or older to use studded pneumatic tires from October fifteenth of each year to April fifteenth of the following year.

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

**House File 2337**, by Kirkenlager and Bina, a bill for an act making supplemental appropriations from the general fund of the state to the state department of transportation for public transit purposes, including the implementation of a state assistance program for reimbursement of fuel costs, acquisition of public transportation vehicles, and providing additional transportation services.

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

**House File 2338**, by Welsh, a bill for an act providing for the issuance of one frontally displayed license plate for specialized mobile equipment, dump trucks, cement trucks, and tar trucks.

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

**House File 2339**, by Hall, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-80 fiscal year.

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

**House File 2340**, by committee on education, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

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

**House File 2341**, by committee on county government, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor.

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

**House File 2342**, by committee on county government, a bill for an act relating to the storage of a registered snowmobile.

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

On motion by Halvorson of Clayton, the House was recessed at 9:20 a.m., until 3:30 p.m.

### AFTERNOON SESSION

The House reconvened, Clark of Lee in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rapp of Black Hawk on request of Avenson of Fayette.

### CONSIDERATION OF BILLS Ways and Means Calendar

**House File 747**, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations, with report of committee recommending passage was taken up for consideration.

Pelton of Clinton offered the following amendment H-4348 filed by him and moved its adoption:

H-4348

- 1 Amend House File 747 as follows:
- 2 1. Amend the title page, by striking line 4.

Amendment H-4348 lost.

Bennett of Ida offered amendment H-5002 filed by the committee on ways and means and requested division as follows:

H-5002

- 1 Amend House File 747 as follows:

## H-5002A

2 1. Page 1, by inserting after line 12 the following  
3 new section:  
4 "Sec. .Section three hundred twenty-one point  
5 one (321A), subsection seventy-two (72), Code 1979,  
6 is amended to read as follows:  
7 72. A "special truck" means a motor truck or truck  
8 tractor not used for hire with a gross weight  
9 registration of eight through ~~eighteen~~ thirty-three  
10 tons used by a person engaged in farming to transport  
11 commodities produced only by the owner, or to transport  
12 commodities purchased by the owner for use in his  
13 or her own farming operation or occasional use for  
14 charitable purposes."

## H-5002B

15 2. Page 2, line 1, by striking the word "thirty-  
16 five" and inserting in lieu thereof the word "forty-  
17 five".  
18 3. Page 2, lines 1 and 2, by striking the word  
19 "twenty-five" and inserting in lieu thereof the word  
20 "thirty-five".

## H-5002C

21 4. Page 4, line 15, by striking the figure "1979"  
22 and inserting in lieu thereof the figure "1980".  
23 5. Page 6, by striking lines 3 and 4 and inserting  
24 in lieu thereof the following:  
25 "AXLE, TANDEM AXLE, AND GROUPS OF AXLES  
26 WEIGHT VIOLATIONS".  
27 6. Page 6, line 16, by striking the word "six"  
28 and inserting in lieu thereof the word "seven".  
29 7. Page 6, line 18, by striking the figure "250"  
30 and inserting in lieu thereof the figure "200".  
31 8. Page 6, line 18, by striking the word "seven"  
32 and inserting in lieu thereof the word "ten".

## H-5002D

33 9. Page 7, by inserting after line 4 the following  
34 new section:  
35 "Sec. . Acts of the Sixty-eighth General  
36 Assembly, 1979 Session, chapter seventy (70), section  
37 six(6), subsection three (3), paragraph e, amending  
38 chapter three hundred twenty-one (321), Code 1979,  
39 is amended to read as follows:  
40 e. For multipurpose vehicles, seventy-five dollars  
41 for the first ten five registrations and fifty-five  
42 dollars for each succeeding registration."



H-5002E

43 10. Page 7, line 6, by striking the words "first  
44 following enactment" and inserting in lieu thereof  
45 the figures "1, 1980".

46 11. Page 7, line 7, by striking the word and  
47 figures "July 1, 1979 to December 31, 1979" and  
48 inserting in lieu thereof the word and figures "July  
49 1, 1980 to December 31, 1980".

50 12. Page 7, line 13, by striking the figure "1979"

**Page 2**

1 and inserting in lieu thereof the figure "1980".

2 13. Page 7, line 15, by striking the figure "1980"

3 and inserting in lieu thereof the figure "1981".

H-5002A

4 14. Renumber sections and correct internal  
5 references as are necessary in accordance with this  
6 amendment.

Bennett of Ida rose on a point of order that amendment  
H-5002D was not germane:

The Speaker ruled the point well taken and amendment  
H-5002D not germane.

Walter of Pottawattamie moved that the rules be suspended for  
the consideration of amendment H-5002D.

Roll call was requested by Bina of Scott and Byerly of Polk.

On the question "Shall the rules be suspended to consider  
amendment H-5002D?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Krewson	Lloyd-Jones	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Swearingen	Thompson	Tyrrell
Van Maanen	Weiden	West	Mr. Speaker (Clark of Lee)

Absent or not voting, 4:

Lonergan	Rapp	Stromer	Tofte
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The motion lost.

O'Kane of Woodbury offered the following amendment H—5059, to the committee amendment H—5002A, filed by him and moved its adoption:

H—5059

1 Amend the Committee on Ways and Means amendment,  
 2 H-5002, to House File 747, 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 14 the follow-  
 6 ing new section:  
 7 "Sec. 2. Section three hundred twenty-one point  
 8 one hundred nine (321.109), subsection one (1), Code  
 9 1979, is amended to read as follows:  
 10 1. The annual fee for all motor vehicles\*including  
 11 vehicles designated by manufacturers as station wagons,  
 12 except motor trucks with an unladen weight exceeding  
 13 four tons which shall be subject to the registration  
 14 fees determined pursuant to section three hundred  
 15 twenty-one point one hundred twenty-two (321.122)  
 16 of the Code, hearses, motorcycles, and motor bicycles,  
 17 shall be equal to one percent of the value as fixed  
 18 by the department plus forty cents for each one hundred  
 19 pounds or fraction thereof of weight of vehicle, as  
 20 fixed by the department. The weight of a motor  
 21 vehicle, fixed by the department for registration

22 purposes; shall include the weight of a battery,  
23 heater, bumpers, spare tire, and wheel. Provided,  
24 however, that for any new vehicle purchased in this  
25 state by a nonresident for removal to his or her state  
26 of residence the purchaser may make application to  
27 the county treasurer in the county of purchase for  
28 a transit plate for which a fee of five dollars shall  
29 be paid. And provided, however, that for any used  
30 vehicle held by a registered dealer and not currently  
31 registered in this state, or for any vehicle held  
32 by an individual and currently registered in this  
33 state, when purchased in this state by a nonresident  
34 for removal to his or her state of residence, the  
35 purchaser may make application to the county treasurer  
36 in the county of purchase for a transit plate for  
37 which a fee of three dollars shall be paid. The  
38 county treasurer shall issue a nontransferable  
39 certificate of registration for which no refund shall  
40 be allowed; and the transit plates shall be void  
41 thirty days after issuance. Such purchaser may apply  
42 for a certificate of title by surrendering the  
43 manufacturer's or importer's certificate or certificate  
44 of title, duly assigned as provided in this chapter.  
45 In this event, the treasurer in the county of purchase  
46 shall, when satisfied with the genuineness and  
47 regularity of the application, and upon payment of  
48 a fee of two dollars, issue a certificate of title  
49 in the name and address of such nonresident purchaser  
50 delivering the same to the person entitled thereto

**Page 2**

- 1 as provided in this chapter."
- 2 3. Page 1, by striking lines 15 through 20 and
- 3 inserting in lieu thereof the following:
- 4 " . Page 1, line 28, by inserting after the
- 5 words "motor trucks" the words "with an unladen weight
- 6 exceeding four tons".
- 7 . Page 1, by striking line 35.
- 8 . Page 2, by striking lines 1 through 4."

**A non-record roll call was requested.**

**The ayes were 23, nays 64.**

**Amendment H—5059 lost.**

**Pelton of Clinton offered the following amendment H—5090, to the committee amendment H—5002A, filed by him from the floor:**

H—5090

1 Amend the Committee on Ways and Means amendment,  
2 H—5002, to House File 747 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 14 the following  
6 new section:  
7 "Sec. . Section three hundred twenty-one point  
8 one hundred nine (321.109), Code 1979, as amended  
9 by Acts of the Sixty-eighth General Assembly, 1979  
10 Session, chapter seventy (70), section four (4), is  
11 amended by adding the following new subsection:  
12 NEW SUBSECTION. If a motor vehicle is used  
13 primarily by an individual with a physical handicap  
14 which substantially interferes with the individual's  
15 normal physical movement or used primarily by an  
16 individual over sixty-two years of age, and if the  
17 vehicle is registered by the individual and the  
18 individual also had a net income, as defined in section  
19 four hundred twenty-two point seven (422.7) of the  
20 Code, of less than eight thousand dollars for the  
21 calendar year preceding the year for which the  
22 registration will apply, there shall be a reduction  
23 in the registration fee. The reduced fee shall be  
24 one-half the registration fee otherwise computed  
25 under subsection one (1) of this section. The appli-  
26 cation for a reduced fee shall be made upon forms  
27 provided by the department not to exceed one page  
28 in length. The reduced fee provided under this  
29 subsection shall be available only for applications  
30 made after January first of the year for which the  
31 registration applies."

Bennett of Ida rose on a point of order that amendment H—5090 was not germane.

The Speaker ruled the point well taken and amendment H—5090 not germane.

Perkins of Greene moved that the rules be suspended for the consideration of amendment H—5090.

Roll call was requested by Anderson of Jasper and Perkins of Greene.

On the question "Shall the rules be suspended to consider amendment H—5090?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Horn	Howell	Hullinger
Jay	Jesse	Krewson	Lloyd-Jones
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Pelton	Perkins
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hinkhouse	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	West
Mr. Speaker (Clark of Lee)			

Absent or not voting, 5:

Jochum	Lonergan	Rapp	Stromer
Tofte			

The motion lost.

Bennett of Ida moved the adoption of the committee amendment H—5002A.

A non-record roll call was requested.

The ayes were 23, nays 70.

The committee amendment H—5002A lost.

(House File 747 and the committee amendment H—5002 pending at adjournment.)

**MOTION TO RECONSIDER**  
(Amendment H—5002A to House File 747)

I move to reconsider the vote by which the committee amendment H—5002A to House File 747 failed to be adopted by the House on January 30, 1980.

SCHROEDER of Pottawattamie

**PROOF OF PUBLICATION**  
(House File 2311)

Published copy of House File 2311 and verified proof of publication of said bill in The Daily Reporter, a daily newspaper printed and published in Spencer, Clay County, Iowa on January 23, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**STUDY BILL COMMITTEE ASSIGNMENTS**

**S.B. 639 Labor and Industrial Relations**

To exclude persons employed by the public employment relations board from collective bargaining.

**S.B. 640 Labor and Industrial Relations**

Transferring certain office and personnel support responsibilities for the occupational safety and health review commission from the executive council and the commission to the industrial commissioner.

**S.B. 641 Labor and Industrial Relations**

Relating to the licensing and inspection of elevators.

**S.B. 642 Human Resources**

Relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

## REPORT OF COMMITTEE MEETING

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

**DAVID L. WRAY**  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., January 29, 1980

Convened: 1:40 p.m.

Adjourned: 2:55 p.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Arnould, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Jesse, Johnson of Howard, Lloyd-Jones, Maulsby, Pelton, Smalley, Walter and Welsh.

Absent: Patchett, Ranking Member and Rapp.

Excused: Lonergan.

### COMMITTEE RECOMMENDATIONS

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

**DAVID L. WRAY**  
Chief Clerk of the House

### COMMITTEE ON CITIES

**Study Bill 543**, increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time.

**Recommended Amend and Do Pass.**

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 468**, a bill for an act relating to the forfeiture of installment real estate contracts.

**Recommended Amend and Do Pass.**

H-5085

- 1 Amend Senate File 468 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "of" the words "preparing and".

**Study Bill 600**, requiring presentence investigators to inquire into mental disabilities of the defendant.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

## COMMITTEE ON STATE GOVERNMENT

**Senate File 97**, a bill for an act relating to providing for the licensing of occupational therapists and occupational therapy assistants and subjecting persons to penalties.

**Recommended Amend and Do Pass.**

H-5091

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "of" the words "physical and".
- 5 2. Page 4, line 13, by striking the words "file
- 6 an application for" and inserting in lieu thereof
- 7 the words "successfully complete the".
- 8 3. Page 6, by striking lines 13 through 15 and
- 9 inserting in lieu thereof the following: "chiropractic,
- 10 chiropractic examiners; for physical therapists and
- 11 occupational therapists, physical and occupational
- 12 therapy examiners; for nursing, board of nursing;"
- 13 4. Page 6, by inserting after line 21 the
- 14 following:
- 15 "Sec. . Section one hundred forty-seven point
- 16 fourteen (147.14), subsection one (1), Code 1979,
- 17 is amended to read as follows:
- 18 1. For podiatry, ~~physical therapy~~, cosmetology,
- 19 barbering, and mortuary science, three members each,
- 20 licensed to practice the profession for which the
- 21 board conducts examinations, and two members who are
- 22 not licensed to practice the profession for which
- 23 the board conducts examinations and who shall represent
- 24 the general public. A quorum shall consist of a
- 25 majority of the members of the board."
- 26 5. Page 6, by striking lines 25 through 30 and



27 inserting in lieu thereof the following:

28 "NEW SUBSECTION. For physical therapy and  
29 occupational therapy, three members licensed to  
30 practice physical therapy, two members licensed to  
31 practice occupational therapy, and two members who  
32 are not licensed to practice physical therapy or  
33 occupational therapy and who shall represent the  
34 general public. A quorum shall consist of a majority  
35 of the members of the board."

36 6. Page 6, by inserting after line 30 the  
37 following:

38 "Sec. . Section one hundred forty-seven point  
39 twenty-five (147.25), unnumbered paragraph four (4),  
40 Code 1979, is amended to read as follows:

41 In addition to any other fee provided by law, a  
42 fee may be set by the respective examining boards  
43 for each license and renewal of a license to practice  
44 medicine, surgery, podiatry, osteopathy, osteopathic  
45 medicine and surgery, chiropractic, nursing, dentistry,  
46 dental hygiene, optometry, pharmacy, physical therapy,  
47 occupational therapy, and veterinary medicine, which  
48 fee shall be based on the annual cost of collecting  
49 information for use by the department of health in  
50 the administration of the system of health manpower

**Page 2**

1 statistics established by this section. The fee shall  
2 be collected, transmitted to the treasurer of state  
3 and deposited in the general fund of the state in  
4 the manner in which license and renewal fees of the  
5 respective professions are collected, transmitted,  
6 and deposited in the general fund."

7 7. Page 6, by inserting before line 31 the  
8 following:

9 "Sec. . Section one hundred forty-seven point  
10 eighty (147.80), subsection seven (7), Code 1979,  
11 is amended to read as follows:

12 7. License to practice physical therapy issued  
13 upon the basis of an examination given by the board  
14 of physical and occupational therapy examiners, license  
15 to practice physical therapy issued under a reciprocal  
16 agreement, renewal of a license to practice physical  
17 therapy."

18 8. Page 7, line 1, by inserting after the word  
19 "of" the words "physical and".

20 9. Page 7, line 6, by inserting after the word  
21 "of" the words "physical and".

22 10. Page 7, by inserting after line 9 the  
23 following:

24 "Sec. . Section two hundred fifty-eight A point  
25 one (258A.1), subsection one (1), paragraph r, Code

26 1979, is amended by striking the paragraph and  
27 inserting in lieu thereof the following:

28 r. The board of physical and occupational therapy  
29 examiners, created pursuant to chapter one hundred  
30 forty-seven (147) of the Code."

31 11. Page 7, by inserting after line 35 the  
32 following:

33 "Sec. . The members of the board of physical  
34 therapy examiners shall become members of the board  
35 of physical and occupational therapy examiners and  
36 may continue to serve the terms to which they were  
37 appointed; however, service on both boards shall be  
38 considered together for the purposes of section one  
39 hundred forty-seven point nineteen (147.19) of the  
40 Code. The governor shall appoint two persons who  
41 would be qualified to take or have waived the  
42 examination to become a licensed occupational therapist  
43 pursuant to this Act to the initial positions for  
44 licensed occupational therapists on the board of  
45 physical and occupational therapy examiners. The  
46 board shall grant these appointees licenses as  
47 occupational therapists. One initial appointee shall  
48 be appointed to a term of three years and the other  
49 to a term of two years."

50 12. By renumbering the sections and correcting

### Page 3

1 internal references to conform with this amendment.

Fiscal Note is not required.

**Committee Bill** (Formerly House File 235), a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

### COMMITTEE ON TRANSPORTATION

**House File 2160**, a bill for an act repealing the minors' school license.

**Recommended Amend and Do Pass.**

H-5089

1 Amend House File 2160 as follows:

2 1. Page 2, by striking lines 11 through 20 and  
3 inserting in lieu thereof the following:

4 "Sec. 4. Section eight hundred five point eight  
5 (805.8), subsection two (2), paragraph e, Code 1979,

6 as that section is amended by Acts of the Sixty-eighth  
7 General Assembly, 1979 Session, chapter one hundred  
8 forty-nine (149) section two (2), is amended to  
9 read as follows:

10 e. For violations of a restricted license under  
11 sections 321.180, and 321.193 and 321.194, the  
12 scheduled fine is twenty dollars.

13 Sec. 5. Section three hundred twenty-one point  
14 one hundred ninety-four (321.194), Code 1979, is  
15 repealed."

**House File 2169**, a bill for an act relating to contracts for bridge or road construction on secondary roads.

**Recommended Do Pass.**

**House File 2095**, a bill for an act to require the revenues from the sales tax on gasohol to be deposited in the road use tax fund.

**Recommended Amend and Do Pass.**

H-5086

1 Amend House File 2095 as follows:

2 1. Page 1, line 16, by inserting after the word  
3 "gasohol." the words ""Gasohol" means motor fuel  
4 containing at least ten percent alcohol distilled  
5 from agricultural products."

6 2. Page 1, line 28, by inserting after the word  
7 "fund." the words ""Gasohol" means a motor fuel  
8 containing at least ten percent alcohol distilled  
9 from agricultural products."

10 3. Page 1, by striking lines 29 and 30.

**Study Bill 588**, providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

**Recommended Amend and Do Pass.**

### AMENDMENTS FILED

H-5083

H.F. 747

Krewson of Polk  
Walter of Pottawattamie  
Cusack of Scott  
Hibbs of Johnson  
Mullins of Kossuth  
Clark of Lee  
McKean of Jones  
Clark of Cerro Gordo  
Johnson of Woodbury

H-5084	H.F. 747	Schroeder of Pottawattamie Bennett of Ida
H-5087	H.F. 2138	Egenes of Story
H-5088	H.F. 2245	Conlon of Muscatine Spear of Lee Clark of Cerro Gordo Daggett of Taylor Mullins of Kossuth Maulsby of Calhoun
H-5092	H.F. 180	Gettings of Wapello
H-5093	H.F. 747	Schroeder of Pottawattamie Norland of Worth Branstad of Winnebago
H-5094	S.F. 436	Smalley of Polk Miller of Buchanan
H-5095	S.F. 436	Smalley of Polk Miller of Buchanan
H-5096	H.F. 747	Norland of Worth
H-5097	H.F. 747	Krewson of Polk
H-5098	H.F. 747	Norland of Worth De Groot of Lyon Schroeder of Pottawattamie Perkins of Greene Husak of Tama
H-5099	H.F. 2275	Miller of Buchanan
H-5100	H.F. 2003	Lorenzen of Scott Connolly of Dubuque
H-5101	H.F. 747	Spear of Lee
H-5102	H.F. 747	Schroeder of Pottawattamie Bennett of Ida Egenes of Story
H-5103	H.F. 747	Horn of Linn
H-5104	H.F. 747	Welsh of Dubuque

On motion by Halvorson of Clayton, the House adjourned at 5:13 p.m., until 9:00 a.m., Thursday, January 31, 1980.

# JOURNAL OF THE HOUSE

Eighteenth Calendar Day—Thirteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 31, 1980

The House met pursuant to adjournment, Clark of Lee in the chair.

Prayer was offered by the Reverend Don V. Johnston, Jr., pastor of the Faith Baptist Church, Knoxville.

The Journal of Wednesday, January 30, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lynn Leibel, Council Bluffs.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago for January 31 and February 1 on request of Lorenzen of Scott.

## INTRODUCTION OF BILLS

**House Joint Resolution 2018**, by Tyrrell, a joint resolution concerning the federal judiciary; applying for a constitutional convention to amend the Constitution of the United States to provide for state removal of federal judges; encouraging other states to take similar actions; making application permanent; and directing distribution.

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

**House File 2343**, by Cochran, a bill for an act making gasohol subject to the motor fuel tax based upon a percent of the retail price and making coordinating amendments.

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

**House File 2344**, by Pope, a bill for an act repealing the statutory restriction on the use of due-on-sale clauses in real property loan agreements.

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

**House File 2345**, by Thompson, a bill for an act to increase the maximum tax levy for the improvement, maintenance and replacements of county public hospitals.

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

**House File 2346**, by Hummel, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

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

**House File 2347**, by Hansen of O'Brien, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts due and owing for the care, support or maintenance of a child.

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

**House File 2348**, by Dieleman, a bill for an act relating to the enforcement of the state's gambling laws.

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

**House File 2349**, by Bruner, a bill for an act to amend chapter four hundred twenty-six (426) of the Code, by requiring the filing of a claim to receive the agricultural land tax credit, limiting the tax credit to the first six hundred thousand dollars of assessed value of agricultural land owned by a resident and authorizing a double tax credit for tracts of agricultural land which are farmed organically.

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

**House File 2350**, by Rapp, a bill for an act requiring any issuer of a lender credit card or seller credit card who permits the use of the card to purchase gasoline to also permit the use of the card to purchase gasohol, and providing a civil penalty.

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

**House File 2351**, by Norland, a bill for an act relating to employer contribution rates for employers newly subject to the unemployment compensation law and for employers with increasing numbers of employees.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2352**, by Howell, a bill for an act transferring ten percent of two-thirds of the net retail sales tax receipts to the road use tax fund and the state public transit assistance plan.

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

**House File 2353**, by Anderson of Jasper, a bill for an act relating to the billing information supplied to gas and electric public utilities.

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

**House File 2354**, by Bina, a bill for an act relating to the limitation on garnishment.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2355**, by Daggett and Pellett, a bill for an act to legalize and validate the proceedings of the board of directors of the area education agency 14 in the counties of Montgomery, Adams, Taylor, Ringgold, Union, Adair, Madison, Clarke, Decatur, Page, Lucas, Wayne and Pottawattamie, in connection with an election authorizing a lease-purchase agreement and the lease-purchase authorization.

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

**House File 2356**, by Schnekloth, a bill for an act providing a school bond surtax for the payment of school bonds.

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

**House File 2357**, by Jay, a bill for an act to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties.

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

**House File 2358**, by Bina, a bill for an act to establish a consignment relationship between artists and art dealers for the sale of the artist's works.

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

**House File 2359**, by Schroeder, a bill for an act relating to the Iowa Administrative Procedure Act.

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

**House File 2360**, by Connolly, a bill for an act providing for the creation, management, and administration of a protected water area system in this state.

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

**House File 2361**, by Lorenzen, a bill for an act relating to the fuel efficiency of state-owned motor vehicles.

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

**House File 2362**, by Welsh, Hanson of Delaware, Binneboese, Miller, Connolly and Branstad, a bill for an act requiring the submission of evidence of liability insurance as a condition precedent to the registration of a motor vehicle.

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

**House File 2363**, by Horn, a bill for an act to establish a supplementary retirement income program under applicable sections of the Internal Revenue Code.



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

**House File 2364**, by Mullins, a bill for an act to define group day care homes as an additional category of child care facility regulated under chapter two hundred thirty-seven A (237A) of the Code, and to provide for the registration of group day care homes by the department of social services.

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

**House File 2365**, by Hansen of O'Brien, a bill for an act to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties.

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

**House File 2366**, by Bina, a bill for an act relating to the consignment of art works.

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

**House File 2367**, by Brandt, a bill for an act to allow assessors to mail forms for claiming a homestead tax credit or a military service exemption to persons within the assessor jurisdiction.

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

**House File 2368**, by Lind, a bill for an act requiring mandatory liability insurance coverage for motor vehicles and providing a penalty.

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

**House File 2369**, by Sherzan, a bill for an act relating to refunds upon the return of goods to a merchant by a consumer and providing a penalty.

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

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the second conference committee on the part of the Senate, appointed January 30, 1980, for Senate File 344, a bill for an act relating to access to and use of solar energy, are: The Senator from Scott, Senator Holden, Chair; the Senator from Dubuque, Senator Bisenius; the Senator from Scott, Senator Deluhery; the Senator from Black Hawk, Senator Hansen; and the Senator from Johnson, Senator Small.

FRANK J. STORK, Secretary

### REREFERRED TO COMMITTEE ON APPROPRIATIONS (House File 2320)

The Speaker announced that House File 2320, previously referred to the committee on **human resources**, was rereferred to the committee on **appropriations**.

On motion by Halvorson of Clayton, the House was recessed at 9:18 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Clark of Lee in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lonergan of Boone on request of Avenson of Fayette.

### BUSINESS PENDING AT ADJOURNMENT Ways and Means Calendar

The House resumed consideration of **House File 747**, a bill for an act relating to the length, weight; and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

Bennett of Ida rose on a point of order and requested that the Speaker withdraw his previous ruling that amendment H-5002D was not germane.

In deference to Representative Bennett's request, the Speaker withdrew his previous ruling that amendment H-5002D was not germane.

### QUORUM CALL

Roll call was requested by Bennett of Ida and Shimanek of Jones to determine that a quorum was present.

Present, 91:

Anderson, J.	Avenson	Bennett	Bina
Binneboese	Brandt	Bruner	Byerly
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellet	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	
		(Clark of Lee)	

Absent, 9:

Anderson, R.	Arnould	Branstad	Chiodo
Jay	Jesse	Larsen	Lonergan
Tofte			

The House resumed consideration of the committee amendment H-5002B, lines 15 through 20, found on page 270 of the House Journal.

Norland of Worth offered the following amendment H-5053, to the committee amendment H-5002B, filed by him and moved its adoption:

H-5053

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-5002, to House File 747, as follows:
- 3 1. Page 1, by striking lines 15 through 20 and
- 4 inserting in lieu thereof the following:
- 5 " . Page 2, line 4, by striking the word "fifty-
- 6 five" and inserting in lieu thereof the word "forty-
- 7 five"."

Amendment H-5053 lost.

Horn of Linn offered the following amendment H-5103, to the committee amendment H-5002B, filed by him and moved its adoption:

H-5103

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-5002, to House File 747, as follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 " . Page 3, by inserting after line 20 the
- 6 following:
- 7 "Sec. . Section three hundred twenty-one point
- 8 one hundred sixty-six (321.166), subsection two (2),
- 9 Code 1979, is amended to read as follows:
- 10 2. Every registration plate or pair of plates
- 11 shall display a registration plate number which shall
- 12 consist of alphabetical or numerical characters or
- 13 a combination thereof and the name of this state,
- 14 which may be abbreviated. Every registration plate
- 15 issued by the county treasurer shall display the name
- 16 of the county except plates issued for motor trucks,
- 17 truck tractors, motorcycles, motorized bicycles,
- 18 travel trailers, mobile homes, semitrailers and
- 19 trailers. However, effective December 1, 1980,
- 20 registration plates issued by the county treasurer
- 21 on or after that date for motor trucks with a combined
- 22 gross weight not exceeding four tons shall display
- 23 the name of the county. The year of expiration or
- 24 the date of expiration shall be displayed on vehicle
- 25 registration plates, except plates issued under the
- 26 provisions of section 321.19. Registration plates
- 27 issued for motor trucks and truck tractors shall be
- 28 designed in such a manner that the gross weight for
- 29 which the vehicle is registered may be displayed on
- 30 the plate. Special truck registration plates shall
- 31 display the word "special"."

32 2. By renumbering sections and correcting internal  
33 references as necessary in accordance with this  
34 amendment.

Amendment H—5103 was adopted.

On motion by Bennett of Ida, the committee amendment H—5002B, as amended, was adopted.

On motion by Bennett of Ida, the committee amendment H—5002C was adopted.

Bennett of Ida asked and received unanimous consent to withdraw the committee amendment H—5002D, placing out of order amendment H—5081 (to amendment H—5002D) filed by Walter, et al., on January 29.

On motion by Bennett of Ida, the committee amendment H—5002E was adopted.

Woods of Polk offered amendment H—4214 filed by Lonergan of Boone and Woods of Polk. Division was requested as follows:

H—4214

1 Amend House File 747 as follows:

H—4214A

2 1. Page 1, by inserting before line 1 the following  
3 new section:  
4 "Section . Section three hundred seven point  
5 ten (307.10), subsection five (5), Code 1979, is  
6 amended to read as follows:  
7 5. Adopt rules in accordance with the provisions  
8 of chapter 17A as it may deem necessary to transact  
9 its business and for the administration and exercise  
10 of its powers and duties. The transportation  
11 commission shall also adopt rules, which rules shall  
12 be exempt from the provisions of chapter 17A, governing  
13 the length of vehicles and combinations of vehicles  
14 which are subject to the limitations imposed under  
15 section 321.457. The commission may adopt such rules  
16 which permit vehicles and combinations of vehicles  
17 in excess of the length limitations imposed under  
18 section 321.457, but not exceeding sixty-five feet  
19 in length, which may be moved on the highways of this

20 state. Any such proposed rules shall be submitted  
 21 to the general assembly within five days following  
 22 the convening of a regular session of the general  
 23 assembly. The general assembly may approve or  
 24 disapprove the rules submitted by the commission not  
 25 later than sixty days from the date such rules are  
 26 submitted and, if approved or no action is taken by  
 27 the general assembly on the proposed rules, such rules  
 28 shall become effective May 1 and thereafter all laws  
 29 in conflict therewith shall be of no further force  
 30 and effect."

H-4214B

31 2. Page 3, line 33, by striking the words and  
 32 figure "subsections five (5) and six (6)" and inserting  
 33 in lieu thereof the words and figure "subsection five  
 34 (5)".

35 3. Page 3, line 34, by striking the words "are  
 36 amended by striking the subsections" and inserting  
 37 in lieu thereof the words "is amended by striking  
 38 the subsection".

39 4. Page 4, by striking line 8 and inserting in  
 40 lieu thereof the following new sections:

41 "Sec. . Section three hundred twenty-one point  
 42 four hundred fifty-seven (321.457), subsection six  
 43 (6), Code 1979, is amended to read as follows:

44 6. No combination of three vehicles coupled  
 45 together one of which is a motor vehicle, unladen  
 46 or with load, shall have an overall length, inclusive  
 47 of front, and rear bumpers in excess of sixty sixty-  
 48 five feet.

49 Sec. . Section three hundred twenty-one point  
 50 four hundred fifty-seven (321.457), Code 1979, is

**Page 2**

1 amended by adding the following new subsection:  
 2 NEW SUBSECTION. A semitrailer shall not have a  
 3 total length of more".

4 5. Renumber sections and correct internal  
 5 references as are necessary in accordance with this  
 6 amendment.

Woods of Polk moved the adoption of amendment H-4214A.

Amendment H-4214A lost.

Walter of Pottawattamie offered the following amendment  
 H-4372 filed by Walter, et al.:

H-4372

- 1 Amend House File 747 as follows:
- 2 1. Page 1, by striking lines 1 through 12.
- 3 2. By renumbering the sections of the bill as
- 4 necessary.

Hall of Linn offered the following amendment H-5076, to amendment H-4372, filed by Hall, et al., and moved its adoption:

H-5076

- 1 Amend amendment H-4372 to page 1 of House File
- 2 747 as follows:
- 3 1. Page 1, by striking lines 2 through 4 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, by inserting after line 8 the following:
- 6 "and to the street construction fund of the cities from
- 7 the road use tax fund the sum of one million five hundred
- 8 thousand dollars"."

Roll call was requested by Woods of Polk and Pelton of Clinton.

Rule 80 was invoked.

On the question "Shall amendment H-5076 be adopted?"

The ayes were, 46:

Arnould	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Crawford
Cusack	Diemer	Doyle	Gettings
Hall	Halvorson, R.N.	Hibbs	Horn
Hullinger	Hummel	Jay	Jochum
Johnson, R.	Kirkenslager	Krewson	Lind
Lloyd-Jones	Lorenzen	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Pelton	Perkins	Rapp	Sherzan
Smalley	Spear	Walter	Wells
Welsh	Woods		

The nays were, 49:

Anderson, J.	Anderson, R.	Bennett	Clark, B.J.
Conlon	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Egenes	Groth	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hinkhouse	Hoffmann
Holt	Husak	Johnson, J.	Johnson, W.

Lageschulte	Larsen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	West
Mr. Speaker (Clark of Lee)			

Absent or not voting, 5:

Branstad	Howell	Jesse	Lonergan
Tofte			

Amendment H—5076 lost.

Walter of Pottawattamie moved the adoption of amendment H—4372.

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

Rule 80 was invoked.

On the question "Shall amendment H—4372 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Crawford
Cusack	Davitt	Diemer	Døyle
Gettings	Hall	Halvorson, R.N.	Hibbs
Horn	Hullinger	Jay	Jochum
Johnson, R.	Kirkenslager	Krewson	Lloyd-Jones
Miller	O'Kane	Oxley	Patchett
Pavich	Rapp	Sherzan	Smalley
Spear	Thompson	Wells	Welsh
Woods			

The nays were, 55:

Anderson, J.	Bennett	Brandt	Clark, B.J.
Conlon	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Egenes
Groth	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hinkhouse	Hoffmann	Holt
Howell	Hummel	Husak	Johnson, J.
Johnson, W.	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean



Menke	Millen	Mullins	Norland
Pellett	Pelton	Perkins	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimaneck	Shull	Stromer
Swearingen	Tyrrell	Van Maanen	Walter
Welden	West	Mr. Speaker	
		(Clark of Lee)	

Absent or not voting, 4: /

Branstad	Jesse	Lonergan	Tofte
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Amendment H—4372 lost.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—4261 filed by him on May 3, 1979 and found on pages 2614 through 2616 of the 1979 House Journal.

O’Kane of Woodbury asked and received unanimous consent to withdraw amendment H—4309 filed by him on May 7, 1979 and found on pages 2619 through 2621 of the 1979 House Journal.

Welsh of Dubuque offered the following amendment H—5104 filed by him:

H—5104

- 1 Amend House File 747 as follows:
- 2 1. Page 1, by inserting after line 12 the
- 3 following:
- 4 Sec. 2. Section three hundred twenty-one point
- 5 thirty-seven (321.37), unnumbered paragraph one (1),
- 6 Code 1979, is amended to read as follows:
- 7 Registration plates issued for a motor vehicle
- 8 other than a motorcycle, a motorized bicycle ~~or~~, a
- 9 truck tractor, specialized mobile equipment, a dump
- 10 truck, a cement truck, or a tar truck shall be attach-
- 11 ed to the motor vehicle, one in the front and the
- 12 other in the rear. The registration plate issued
- 13 for a motorcycle or ~~other vehicle~~ motorized bicycle
- 14 required to be registered hereunder shall be attach-
- 15 ed to the rear of the vehicle. The registration
- 16 plate issued for a truck tractor, specialized mobile
- 17 equipment, a dump truck, a cement truck, or a tar
- 18 truck shall be attached to the front of the ~~truck~~
- 19 ~~tractor vehicle~~. The special plate issued to a
- 20 dealer shall be attached on the rear of the vehicle
- 21 when operated on the highways of this state.
- 22 2. By renumbering sections as made necessary
- 23 by this amendment.

Schroeder of Pottawattamie rose on a point of order that amendment H—5104 was not germane.

The Speaker ruled the point well taken and amendment H—5104 not germane.

Binneboese of Plymouth offered the following amendment H—4204 filed by him and moved its adoption:

H—4204

- 1 Amend House File 747 as follows:
- 2 1. Page 1, by striking lines 13 through 22.
- 3 2. Renumber sections and correct internal
- 4 references as are necessary in accordance with this
- 5 amendment.

Roll call was requested by Schroeder of Pottawattamie and Stromer of Hancock.

On the question "Shall amendment H—4204 be adopted?"

The ayes were, 35:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Dieleman
Doyle	Gettings	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Jay	Jochum	Lloyd-Jones	Maulsby
Miller	Norland	O'Kane	Oxley
Pavich	Rapp	Spear	Walter
Wells	Welsh	Woods	

The nays were, 58:

Anderson, J.	Bennett	Brandt	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Diemer	Egenes	Groth	Halvorson, R.A.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hoffmann	Holt	Hummel	Husak
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	McKean	Menke	Millen
Mullins	Pellet	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Stromer	Swearingen

Thompson  
West

Tyrrell  
Mr. Speaker  
(Clark of Lee)

Van Maanen

Welden

Absent or not voting, 7:

Branstad  
Lonergan

Cusack  
Patchett

Jesse  
Tofte

Johnson, R.

Amendment H—4204 lost.

Krewson of Polk offered the following amendment H—5083 filed by Krewson, et al. :

H—5083

1 Amend House File 747 as follows:

2 1. Page 1, by inserting after line 12 the following  
3 new section:

4 "Sec. . Section three hundred twenty-one point  
5 one hundred nine (321.109), Code 1979, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. For 1981 model motor vehicles  
8 registered in this state, the owner of the motor  
9 vehicle shall be allowed a credit against the  
10 registration fee as computed under subsection one  
11 (1) of this section. The amount of the credit shall  
12 be determined on the basis of the average estimate  
13 gasoline mileage rating in miles per gallon calculated  
14 on an average for city and highway driving as  
15 determined by the department. The amount of credit  
16 to be allowed shall be as follows:

17	Average Miles	Percent of
18	Per Gallon	Credit
19	25-28	5
20	29-30	7
21	31-32	9
22	33-35	11
23	36-40	13
24	Over 40	15"

25 2. Renumber sections and correct internal  
26 references as are necessary in accordance with this  
27 amendment.

Krewson of Polk offered the following amendment H—5097, to amendment H—5083, filed by him and moved its adoption:

H—5097

1 Amend amendment H—5083, to House File 747, as  
2 follows:

- 3 1. Page 1, by striking line 7 and inserting in  
 4 lieu thereof the following:  
 5 "NEW SUBSECTION. For 1981, and all subsequent  
 6 model motor vehicles".

Amendment H—5097 was adopted.

Bennett of Ida rose on a point of order that amendment H—5083 was not germane.

The Speaker ruled the point well taken and amendment H—5083 not germane.

Krewson of Polk moved that the rules be suspended for the consideration of amendment H—5083, as amended.

Roll call was requested by Krewson of Polk and Walter of Pottawattamie.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5083?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hibbs	Horn	Howell
Hullinger	Husak	Jay	Jochum
Krewson	Lloyd-Jones	McKean	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pelton	Perkins	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 50:

Anderson, J.	Bennett	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Harbor	Hinkhouse
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lorenzen	Lura

Maulsby	Menke	Millen	Miller
Pellett	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	ShimaneK
Shull	Smalley	Stromer	Swearingen
Thompson	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Clark of Lee)		

Absent or not voting, 4:

Branstad	Jesse	Lonergan	Tofte
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The motion lost.

Schroeder of Pottawattamie asked for unanimous consent to defer action on amendment H—5093.

Objection was raised.

Schroeder of Pottawattamie moved to defer action on amendment H—5093.

A non-record roll call was requested.

The ayes were 56, nays 26.

The motion prevailed and amendment H—5093 was deferred.

Schroeder of Pottawattamie offered the following amendment H—5084 filed by him and Egenes of Story:

H—5084

- 1 Amend House File 747 as follows:
- 2 1. Page 2, line 1, by striking the word "thirty-
- 3 five" and inserting in lieu thereof the word "forty-
- 4 five".
- 5 2. Page 2, lines 1 and 2, by striking the word
- 6 "twenty-five" and inserting in lieu thereof the word
- 7 "thirty-five".
- 8 3. Page 2, by striking lines 3 and 4.
- 9 4. Page 2, by striking lines 10 through 35 and
- 10 inserting in lieu thereof the following:
- 11 "3 tons..... 4 tons..... \$ 60
- 12 4 tons..... 5 tons..... \$ 70
- 13 5 tons..... 6 tons..... \$ 85
- 14 6 tons..... 7 tons..... \$ 110
- 15 7 tons..... 8 tons..... \$ 145
- 16 8 tons..... 9 tons..... \$ 180

17	9 tons.....	10 tons.....	\$ 215
18	10 tons.....	11 tons.....	\$ 250
19	11 tons.....	12 tons.....	\$ 285
20	12 tons.....	13 tons.....	\$ 320
21	13 tons.....	14 tons.....	\$ 355
22	14 tons.....	15 tons.....	\$ 445
23	15 tons.....	16 tons.....	\$ 485
24	16 tons.....	17 tons.....	\$ 525
25	17 tons.....	18 tons.....	\$ 565
26	18 tons.....	19 tons.....	\$ 610
27	19 tons.....	20 tons.....	\$ 675
28	20 tons.....	21 tons.....	\$ 715
29	21 tons.....	22 tons.....	\$ 755
30	22 tons.....	23 tons.....	\$ 795
31	23 tons.....	24 tons.....	\$ 835
32	24 tons.....	25 tons.....	\$ 965
33	25 tons.....	26 tons.....	\$1,010
34	26 tons.....	27 tons.....	\$1,060
35	27 tons.....	28 tons.....	\$1,105
36	28 tons.....	29 tons.....	\$1,150
37	29 tons.....	30 tons.....	\$1,200
38	30 tons.....	31 tons.....	\$1,245
39	31 tons.....	32 tons.....	\$1,295
40	32 tons.....	33 tons.....	\$1,340
41	33 tons.....	34 tons.....	\$1,415
42	34 tons.....	35 tons.....	\$1,465
43	35 tons.....	36 tons.....	\$1,510
44	36 tons.....	37 tons.....	\$1,555
45	37 tons.....	38 tons.....	\$1,605
46	38 tons.....	39 tons.....	\$1,650
47	39 tons.....	40 tons.....	\$1,695"
48	5. Page 3, by striking lines 1 through 10.		
49	6. Page 3, line 13, by striking the word "twenty-		
50	five" and inserting in lieu thereof the word "ninety-		

**Page 2**

1 five".

Norland of Worth offered the following amendment H—5096, to amendment H—5084, filed by him and moved its adoption:

H—5096

- 1 Amend amendment H—5084 to page 2 of House
- 2 File 747 as follows:
- 3 1. Page 1, by striking lines 19 through 50
- 4 and inserting in lieu thereof the following words
- 5 and figures:
- 6 "11 tons..... 12 tons..... \$ 315
- 7 12 tons..... 13 tons..... \$ 355

8	13 tons.....	14 tons.....	\$ 395
9	14 tons.....	15 tons.....	\$ 455
10	15 tons.....	16 tons.....	\$ 500
11	16 tons.....	17 tons.....	\$ 540
12	17 tons.....	18 tons.....	\$ 580
13	18 tons.....	19 tons.....	\$ 625
14	19 tons.....	20 tons.....	\$ 690
15	20 tons.....	21 tons.....	\$ 730
16	21 tons.....	22 tons.....	\$ 775
17	22 tons.....	23 tons.....	\$ 815
18	23 tons.....	24 tons.....	\$ 860
19	24 tons.....	25 tons.....	\$ 990
20	25 tons.....	26 tons.....	\$1,040
21	26 tons.....	27 tons.....	\$1,085
22	27 tons.....	28 tons.....	\$1,135
23	28 tons.....	29 tons.....	\$1,180
24	29 tons.....	30 tons.....	\$1,230
25	30 tons.....	31 tons.....	\$1,280
26	31 tons.....	32 tons.....	\$1,380
27	32 tons.....	33 tons.....	\$1,430
28	33 tons.....	34 tons.....	\$1,510
29	34 tons.....	35 tons.....	\$1,560
30	35 tons.....	36 tons.....	\$1,610
31	36 tons.....	37 tons.....	\$1,660
32	37 tons.....	38 tons.....	\$1,710
33	38 tons.....	39 tons.....	\$1,760
34	39 tons.....	40 tons.....	\$1,810
35	5. Page 3, by striking lines 1 through 10.		
36	6. Page 3, lines 12 and 13, by striking the words		
37	"six hundred twenty-five" and inserting in lieu		
38	thereof the words "eight hundred ten".		
39	2. Page 2, by striking line 1.		

Roll call was requested by Groth of Buena Vista and Perkins of Greene.

On the question "Shall amendment H—5096 be adopted?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Conlon	Connolly	Crawford
Cusack	Dieleman	Gettings	Groth
Hall	Halvorson, R.N.	Hanson, D.	Hibbs
Horn	Howell	Jochum	Johnson, R.
Kirkenslager	Krewson	Lloyd-Jones	Miller
Norland	Oxley	Patchett	Pavich
Pelton	Rapp	Sherzan	Shimanek
Spear	Walter	Wells	Welsh

The nays were, 55:

Anderson, J.	Bennett	Clark, B.J.	Cochran
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Diemer	Doyle
Egenes	Halvorson, R.A.	Hansen, I.	Harbor
Hinkhouse	Hoffmann	Holt	Hullinger
Hummel	Husak	Jay	Johnson, J.
Johnson, W.	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	O'Kane
Pellett	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Stromer	Swearingen
Thompson	Tyrrell	Van Maanen	Welden
West	Woods	Mr. Speaker	
		(Clark of Lee)	

Absent or not voting, 5:

Branstad	Connors	Jesse	Lonergan
Tofte			

Amendment H—5096 lost.

The following amendment H—5109, to amendment H—5084, filed by Schroeder of Pottawattamie from the floor was adopted by unanimous consent:

H—5109

- 1 Amend amendment H—5084 to House File 747 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 7.

Schroeder of Pottawattamie moved the adoption of amendment H—5084, as amended.

Amendment H—5084, as amended, was adopted.

With the adoption of amendment H—5084, the following amendments are out of order:

H—4371 filed by Evans, et al., on May 9, 1979 and found on pages 2632 and 2633 of the 1979 House Journal.

H—5066, to amendment H—4371, filed by Van Maanen of Mahaska on January 25, 1980.

H—5070, to amendment H—4371, filed by Norland of Worth on January 25, 1980.



H—5102, to amendment H—4371, filed by Schroeder, et al., on January 30, 1980.

H—5082 filed by Egenes, et al., on January 29, 1980.

H—4215 filed by Evans of Grundy and Norland of Worth on May 1, 1979 and found on pages 2607 and 2608 of the 1979 House Journal.

H—4239, to amendment H—4215, filed by Evans of Grundy on May 2, 1979 and found on page 2610 of the 1979 House Journal.

Egenes of Story offered the following amendment H—4350 filed by her and moved its adoption:

H—4350

- 1 Amend House File 747 as follows:
- 2 1. Page 3, by inserting after line 14 the following
- 3 new paragraph:
- 4 "e. The registration fees specified in paragraphs
- 5 c and d of this subsection shall be applicable through
- 6 the 1983 registration year. The general assembly
- 7 meeting in the year 1983 shall review the registration
- 8 fees specified in paragraphs c and d of this
- 9 subsection."

A non-record roll call was requested.

The ayes were 42, nays 48.

Amendment H—4350 lost.

(House File 747 pending at adjournment.)

**MOTION TO RECONSIDER**  
(Amendment H—4372 to House File 747)

I move to reconsider the vote by which amendment H—4372 to House File 747 failed to be adopted by the House on January 31, 1980.

GROTH of Buena Vista

**HOUSE FILE 2120 WITHDRAWN**

Brandt of Black Hawk asked and received unanimous consent to withdraw House File 2120 from further consideration by the House.

## COMMUNICATION RECEIVED

The following communication was received and placed on file in the office of the Chief Clerk:

### DEPARTMENT OF TRANSPORTATION

A report of Municipal Street Finance for Fiscal Year 1978 which summarizes data submitted by Iowa cities, in accordance with Chapter 312.14, Code of Iowa.

A report of State Employee Transit Subsidy Program, in accordance with Section 4, Subsection 2, paragraph 6 of Chapter 11, Laws of the Sixty-eighth General Assembly, 1979 Session.

### COMMITTEE RECOMMENDATION

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

DAVID L. WRAY  
Chief Clerk of the House

### COMMITTEE ON RULES

**Senate Concurrent Resolution 101**, a concurrent resolution amending the joint rules.

**Recommended Do Pass.**

### AMENDMENTS FILED

H-5105	H.F. 584	Johnson of Linn
H-5106	S.F. 97	Conlon of Muscatine
H-5107	S.F. 97	Conlon of Muscatine
H-5108	H.F. 2240	Hoffmann of Muscatine
		Crawford of Story
		Brandt of Black Hawk
H-5110	H.R. 103	Byerly of Polk
		Avenson of Fayette
H-5111	S.F. 97	Conlon of Muscatine
H-5112	H.F. 2160	Conlon of Muscatine
		Hanson of Delaware
		Tyrrell of Iowa
		Spear of Lee
		Jochum of Dubuque
		Cusack of Scott
		Johnson of Howard
		Lura of Marshall
		Smalley of Polk
		Bruner of Story
		Halvorson of Webster

Rapp of Black Hawk  
 Pavich of Pottawattamie  
 Kirkenlager of Des Moines  
 Danker of Pottawattamie  
 Maulsby of Calhoun  
 Anderson of Audubon  
 Thompson of Polk  
 Van Maanen of Mahaska  
 Jay of Appanoose  
 Gettings of Wapello  
 Patchett of Johnson  
 Connolly of Dubuque  
 Binneboese of Plymouth  
 O'Kane of Woodbury  
 Arnould of Scott  
 Connors of Polk  
 Cochran of Webster  
 Hullinger of Decatur  
 Corey of Louisa  
 Lind of Black Hawk

H-5113	H.F. 2286
H-5114	H.R. 103
H-5115	H.F. 747

Wells of Linn  
 Lloyd-Jones of Johnson  
 Harbor of Mills  
 Husak of Tama  
 Johnson of Linn  
 Larsen of Wapello  
 Daggett of Taylor  
 Shull of Warren  
 Krewson of Polk  
 Bina of Scott  
 Walter of Pottawattamie  
 Welsh of Dubuque  
 Perkins of Greene  
 Groth of Buena Vista  
 Hall of Linn  
 Diemer of Black Hawk  
 Doyle of Woodbury  
 Holt of Clay  
 Swearingen of Keokuk

Maulsby of Calhoun  
 Byerly of Polk  
 Avenson of Fayette  
 Welsh of Dubuque

On motion by Halvorson of Clayton, the House adjourned at 4:39 p.m.; until 9:00 a.m., Friday, February 1, 1980.

## JOURNAL OF THE HOUSE

Nineteenth Calendar Day—Fourteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 1, 1980

The House met pursuant to adjournment, Clark of Lee in the chair.

Prayer was offered by Rabbi Jay Goldberg of the Temple B'nai Jeshurun, Des Moines.

The Journal of Thursday, January 31, 1980 was approved.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk on request of Woods of Polk; Sherzan of Polk, for a portion of the morning on request of Bina of Scott; Halvorson of Webster, for a portion of the morning on request of Hanson of Delaware; Patchett of Johnson on request of Jochum of Dubuque.

### SPECIAL PRESENTATION

Van Maanen of Mahaska escorted to the Speaker's station and presented to the House Marla Smith, 1980 Iowa Pork Queen, and her parents, Mr. and Mrs. Marvin Smith of Oskaloosa.

The House rose and expressed its welcome. Miss Smith responded explaining she is the 1980 spokesperson and representative for the pork industry working to upgrade the overall pork image.

### INTRODUCTION OF BILLS

**House File 2370**, by Avenson, a bill for an act relating to the construction of pipelines.

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

**House File 2371**, by Lloyd-Jones, Perkins, Pavich, Bruner, Davitt, Cusack, Johnson of Linn, McKean, Hall, Crabb, Cochran, Halvorson of Webster, Binneboese, Danker and Wells, a bill for an

act to contract with the national railroad passenger corporation for railroad passenger service and making an appropriation therefor.

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

**House File 2372**, by Chiodo, a bill for an act relating to consumer credit transactions involving a savings and loan association.

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

**House File 2373**, by Lloyd-Jones, a bill for an act to authorize a county board of supervisors to suspend property taxes on certain railroad property proposed to be abandoned if the railroad corporation agrees to continue rail service.

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

**House File 2374**, by Husak, a bill for an act making an appropriation to the Iowa development commission to reserve space for Iowa at the energy expo to be held in 1982.

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

**House File 2375**, by Thompson, a bill for an act relating to the rate of interest payable on interest-bearing bonds and warrants and other obligations issued by public agencies and on special assessments levied by public agencies.

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

**House File 2376**, by Anderson of Jasper, a bill for an act establishing a financial assistance program to enable developmentally disabled individuals to remain in or to return to their homes.

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

**House File 2377**, by Crabb, a bill for an act relating to the protection of senior citizens and other tenants in the conversion of residential real estate from rental status to cooperative or condominium ownership.

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

**House File 2378**, by Jesse, a bill for an act providing that the county court expense fund may be used to supplement costs of the county juvenile detention and shelter care facilities.

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

**House File 2379**, by Husak, Renken and Hummel, a bill for an act increasing an annual appropriation from the state general fund to support an Indian settlement officer.

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

**House File 2380**, by Mullins, a bill for an act relating to the establishment of city evacuation routes.

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

**House File 2381**, by Daggett, a bill for an act to establish state area school aid and provide for its allocation and administration and to make an appropriation.

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

**House File 2382**, by Hullinger, a bill for an act relating to the duties of county and city assessors.

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

**House File 2383**, by Chiodo, a bill for an act increasing the minimum financial responsibility requirements for property damage under the Iowa motor vehicle financial and safety responsibility Act.

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

**House File 2384**, by Larsen, a bill for an act to provide for a compact on midwestern regional education.

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

**House File 2385**, by O'Kane, a bill for an act relating to a local fuel tax, providing for state administration, and providing penalties.

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

**House File 2386**, by Thompson, a bill for an act making a supplemental appropriation to the municipal assistance fund for the fiscal year beginning July 1, 1980.

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

**House File 2387**, by Menke, Holt and De Groot, a bill for an act relating to the number of members for merged area boards and their corresponding area education agency boards.

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

**House File 2388**, by Jesse, a bill for an act amending section six hundred thirteen A point seven (613A.7) of the Code to authorize the governing body of a municipality to collect proceeds from the tax levy provided in that section as a fund for the payment of claims arising under chapter six hundred thirteen A (613A) of the Code.

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

**House File 2389**, by O'Kane, a bill for an act appropriating from the road use tax fund moneys for the resurfacing of memorial drive in Sioux City, Iowa.

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

**House File 2390**, by Anderson of Jasper and Avenson, a bill for an act relating to unemployment compensation contribution rates and benefit eligibility requirements.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2391**, by Avenson, a bill for an act to establish a season for the taking of deer by the use of muzzleloaded muskets and rifles and other primitive firearms.

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

**House File 2392**, by Avenson, a bill for an act relating to the conservation commission establishing a rule to allow a handicapped individual to use a crossbow.

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

**House File 2393**, by committee on human resources, a bill for an act relating to the use of polygraph examinations as a condition of employment.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2394**, by Hullinger, a bill for an act relating to the definition of grain dealer for purposes of chapter five hundred forty-two (542) of the Code.

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

**House File 2395**, by Schroeder, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties.

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

**House File 2396**, by McKean, Avenson, Shimanek, Hall, Tyrrell, Branstad, Hanson of Delaware, Howell, Johnson of Howard, Binneboese, Poffenberger, Davitt, Pelton, Hinkhouse and Halvorson of Clayton, a bill for an act relating to pipelines.

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

**House File 2397**, by Johnson of Linn, a bill for an act providing for cities and counties to impose a local sales, services and use tax, a vehicle tax, an income tax and an earnings tax.

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

**House File 2398**, by Jesse, a bill for an act permitting use of court expense funds for courthouse renovation or remodeling.

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



**House File 2399**, by Jesse, a bill for an act authorizing the levy of a property tax to fund a joint tort liability insurance pool by counties.

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

**House File 2400**, by Norland, a bill for an act relating to the discharge of attorneys employed by the fiduciary.

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

**House File 2401**, by Norland, a bill for an act relating to resubmission of bond issues by school districts.

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

**House File 2402**, by Bennett, a bill for an act to allow a county board of supervisors to transfer funds from the county farm-to-market road fund to the secondary road fund.

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

**House File 2403**, by Rapp, Lind, Brandt, Diemer, Miller and Hummel, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

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

**House File 2404**, by Byerly, a bill for an act to provide status as a vested member of the Iowa public employees' retirement system for certain persons who terminated employment prior to July 1, 1973.

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

**House File 2405**, by Hansen of O'Brien, a bill for an act relating to the support of a stepchild.

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

**House File 2406**, by Chiodo, a bill for an act relating to the disclosure of covered medical and other services and the payments for the services to subscribers of nonprofit hospital service plans regulated under chapter five hundred fourteen (514) of the Code and providing a penalty.

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

**House File 2407**, by Avenson, a bill for an act relating to shooting ranges.

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

**House File 2408**, by Patchett, a bill for an act relating to the long-arm jurisdictional provisions in the Code.

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

**House File 2409**, by committee on education, a bill for an act relating to certain diagnostic services for nonpublic school pupils.

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

**House File 2410**, by committee on cities, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems.

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

**House File 2411**, by Norland, Clark of Lee, O'Kane, Cochran, Hullinger, Anderson of Jasper, Lloyd-Jones, Hansen of O'Brien, Miller, Mullins, Howell, Horn, Connolly, Poffenberger, Perkins, Hall, Groth, Schnekloth, Pelton, Davitt, Ritsema, Spear, Husak, Egenes, Welsh, Binneboese, Jochum, Patchett, Krewson, Hanson of Delaware, Diemer, Maulsby, Dieleman, McKean, Jay, Shull, Walter, Pavich, Smalley, Woods, Pellett, Hinkhouse, Byerly, Harbor, Gettings, Daggett, Corey, Avenson, Oxley, Tyrrell, Brandt, Branstad and Pope, a bill for an act providing an individual income tax credit for the ownership of chisel type plows, till planters and no-till planters.

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

**House File 2412**, by Swearingen, a bill for an act providing for the regulation and licensing of auctioneers and apprentice auctioneers, and providing penalties.

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

**House File 2413**, by Connolly, a bill for an act relating to the release of physical and medical information to an employee relative to an alleged or future workers' compensation claim.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2414**, by Lloyd-Jones, Davitt, Cusack, Perkins, Pavich, Binneboese, Bruner, Howell, Cochran, Woods, Walter, Jay, Norland, Anderson of Jasper, Bina, Groth, Connolly, Hibbs, Wells, Hinkhouse and Dieleman, a bill for an act to provide for the cataloging of railbeds which are abandoned in this state which need to be retained for future railroad routes.

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

**House File 2415**, by Norland, a bill for an act to establish a utility cost credit program for certain persons eligible to claim additional property tax relief and making an appropriation.

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

**House File 2416**, by Avenson, a bill for an act providing for the exemption of forest reservations and wetlands from real property taxes, granting a credit for forest reservations and wetlands to be applied to other real property which is taxed and making an appropriation.

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

**House File 2417**, by Doyle, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a parent or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer.

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

**House File 2418**, by Thompson, a bill for an act regulating the installation of multi-way stops at intersections.

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

**House File 2419**, by Lorenzen, Perkins, Woods, Welsh, Connolly, Hall and Johnson of Linn, a bill for an act relating to the exemption of beer and alcoholic beverage sales from the computations of license fees under chapter one hundred seventy A (170A) of the Code.

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

**House File 2420**, by Cochran, Walter, Davitt, Halvorson of Webster, Hullinger, O'Kane, Groth, Lloyd-Jones, Doyle, Norland and Hall, a bill for an act to encourage reforestation of the state and making an appropriation.

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

**REREFERRED TO COMMITTEE ON WAYS AND MEANS**  
(House File 2095)

The Speaker announced that House File 2095, presently on the **regular calendar**, was rereferred to the committee on **ways and means**.

**BUSINESS PENDING AT ADJOURNMENT**  
**Ways and Means Calendar**

The House resumed consideration of **House File 747**, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

Howell of Floyd asked and received unanimous consent to defer action on amendment H—5055.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—4273 filed by him on May 3, 1979 and found on page 2617 of the 1979 House Journal, placing out of order amendment H—4303, (to amendment H—4273) filed by Poffenberger of Dallas on May 7, 1979 and found on page 2618 of the 1979 House Journal.

Poffenberger of Dallas asked and received unanimous consent to withdraw amendment H-4304 filed by her on May 7, 1979 and found on page 2618 of the 1979 House Journal.

The House resumed consideration of amendment H-4214B found on page 292 of the House Journal.

Spear of Lee asked and received unanimous consent to withdraw amendment H-4403, (to amendment H-4214B) filed by him on May 10, 1979 and found on pages 2635 and 2636 of the 1979 House Journal, and to take up out of order the following amendment H-5101, to amendment H-4214B, filed by him:

H-5101

- 1 Amend the Lonergan and Woods amendment, H-4214,
- 2 to House File 747, as follows:
- 3 1. Page 1, line 48, by inserting after the word
- 4 "feet." the words "A combination of three vehicles
- 5 in excess of sixty feet but not exceeding sixty-five
- 6 feet may be operated only as follows:
- 7 a. On highways which are fully-controlled access,
- 8 divided, multilaned highways including the national
- 9 system of interstate highways designated by the federal
- 10 highway administration and this state.
- 11 b. Outside the corporate limits of a city, on
- 12 four-lane primary roads designated by the department.
- 13 c. Within the corporate limits of a city, on
- 14 primary roads designated by the department with the
- 15 concurrence of the city council.
- 16 d. Within the corporate limits of a city on streets
- 17 other than primary roads as designated by the city
- 18 council.
- 19 e. With the approval of the department, upon
- 20 request of the city council of a city, on an access
- 21 route of not more than five miles in distance from
- 22 the corporate limits of a city to a highway within
- 23 or outside the state on which the combination of three
- 24 vehicles is permitted by law to operate.
- 25 f. On an access route not to exceed five miles
- 26 in distance from a highway specified in paragraph
- 27 a of this subsection for the purpose of obtaining
- 28 access to terminals or to facilities for fuel, food,
- 29 repairs, or rest."

Spear of Lee moved the adoption of amendment H-5101, to amendment H-4214B.

Roll call was requested by Spear of Lee and Perkins of Greene.

On the question "Shall amendment H—5101 be adopted?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Connolly
Connors	Crawford	Cusack	Davitt
Doyle	Egenes	Gettings	Groth
Hall	Hanson, D.	Hibbs	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Lloyd-Jones	Menke
Miller	Norland	O'Kane	Pavich
Pelton	Rapp	Spear	Walter
Wells	Welsh	Woods	

The nays were, 51:

Bennett	Clark, B.J.	Cochran	Conlon
Corey	Crabb	Daggett	Danker
De Groot	Dieleman	Diemer	Halvorson, R.A.
Hansen, I.	Harbor	Hinkhouse	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Millen	Mullins	Oxley
Pellett	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
Welden	West	Mr. Speaker (Clark of Lee)	

Absent or not voting, 10:

Anderson, J.	Branstad	Byerly	Chiodo
Halvorson, R.N.	Hoffmann	Lonergan	Patchett
Sherzan	Tofte		

Amendment H—5101 lost.

Spear of Lee offered the following amendment H—5057, to amendment H—4214B, filed by him and moved its adoption:

H—5057

- 1 Amend the Lonergan and Woods amendment, H—4214,
- 2 to House File 747, as follows:
- 3 1. Page 1, line 48, by inserting after the word
- 4 "feet." the words "A combination of three vehicles
- 5 in excess of sixty feet but not exceeding sixty-five

- 6 feet may be operated only as follows:
- 7 a. On highways which are fully-controlled access,
- 8 divided, multilaned highways including the national
- 9 system of interstate highways designated by the federal
- 10 highway administration and this state.
- 11 b. Outside the corporate limits of a city, on
- 12 four-lane primary roads designated by the department.
- 13 c. Within the corporate limits of a city, on
- 14 primary roads designated by the department with the
- 15 concurrence of the city council.
- 16 d. Within the corporate limits of a city on streets
- 17 other than primary roads as designated by the city
- 18 council.
- 19 e. With the approval of the department, upon
- 20 request of the city council of a city, on an access
- 21 route of not more than five miles in distance from
- 22 the corporate limits of a city to a highway within
- 23 or outside the state on which the combination of three
- 24 vehicles is permitted by law to operate.
- 25 f. On an access route not to exceed one-half mile
- 26 in distance from a highway specified in paragraph
- 27 a of this subsection for the purpose of obtaining
- 28 access to truck service centers or where the operator
- 29 may obtain food or lodging.”

A non-record roll call was requested.

The ayes were 30, nays 58.

Amendment H – 5057 lost.

Woods of Polk moved the adoption of amendment H – 4214B.

Roll call was requested by Hullinger of Decatur and Bennett of Ida.

On the question “Shall amendment H – 4214B be adopted?”

The ayes were, 27:

Anderson, R.	Binneboese	Cochran	Connolly
Connors	Davitt	Dieleman	Doyle
Hall	Hinkhouse	Howell	Hullinger
Jay	Jesse	Jochum	Lura
Maulsby	Miller	Norland	O’Kane
Pavich	Perkins	Rapp	Ritsema
Wells	Welsh	Woods	

The nays were, 66:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Brandt	Bruner	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Cusack	Daggett	Danker	De Groot
Diemer	Egenes	Gettings	Groth
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Horn
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lorenzen
McKean	Menke	Millen	Mullins
Oxley	Pellett	Pelton	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Walter	Welden
West	Mr. Speaker (Clark of Lee)		

Absent or not voting, 7:

Branstad	Byerly	Chiodo	Halvorson, R.N.
Lonergan	Patchett	Tofte	

Amendment H—4214B lost.

Howell of Floyd asked and received unanimous consent to withdraw amendment H—5055 (to page 3) filed by him on January 23, 1980.

Gettings of Wapello offered the following amendment H—4305 filed by Gettings, et al., and moved its adoption:

H—4305

- 1 Amend House File 747 as follows:
- 2 1. Page 4, by inserting after line 21 the following
- 3 new section:
- 4 "Sec. . . . Section three hundred twenty-one point
- 5 four hundred fifty-seven (321.457), Code 1979, is
- 6 amended by adding the following new subsection:
- 7 **NEW SUBSECTION.** Vehicles or combinations of
- 8 vehicles with a combined gross weight exceeding
- 9 seventy-two thousand pounds may be operated only as
- 10 follows:
- 11 a. On highways which are fully-controlled access,
- 12 divided, multi-laned highways including the national
- 13 system of interstate highways designated by the federal



- 14 highway administration and this state, except as  
 15 provided in paragraph b of this subsection.  
 16 b. On highways designated in paragraph a of this  
 17 subsection and primary roads if the property being  
 18 transported consists of raw agricultural products  
 19 or livestock.  
 20 c. A distance of not to exceed five miles from  
 21 a fully-controlled access, divided, multi-laned highway  
 22 or a primary road, if the vehicle or combination of  
 23 vehicles is allowed to move on a primary road under  
 24 paragraph b of this subsection, to a point not more  
 25 than five miles from the highway for purposes of  
 26 making a delivery or to pick up goods for transport  
 27 from a point not more than five miles from the highway  
 28 and return to the highway on the most direct route.”  
 29 2. Renumber sections and correct internal  
 30 references as are necessary in accordance with this  
 31 amendment.

Roll call was requested by Gettings of Wapello and Walter of Pottawattamie.

On the question “Shall amendment H—4305 be adopted?”

The ayes were, 31:

Arnould	Bina	Binneboese	Bruner
Connolly	Connors	Corey	Crawford
Cusack	Doyle	Gettings	Groth
Hall	Hanson, D.	Hibbs	Howell
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Miller	O’Kane	Pavich
Pelton	Sherzan	Spear	Thompson
Walter	Wells	Welsh	

The nays were, 61:

Anderson, J.	Anderson, R.	Avenson	Bennett
Brandt	Clark, B.J.	Cochran	Conlon
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Harbor
Hinkhouse	Hoffmann	Holt	Horn
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Norland	Oxley	Pellett	Perkins
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Tyrrell

Van Maanen  
Mr. Speaker  
(Clark of Lee)

Weiden

West

Woods

Absent or not voting, 8:

Branstad  
Loneragan

Byerly  
Patchett

Chiodo  
Rapp

Hullinger  
Tofte

Amendment H — 4305 lost.

Hullinger of Decatur offered the following amendment H — 4194 filed by him and Jay of Appanoose and moved its adoption:

H — 4194

- 1 Amend House File 747 as follows:
- 2 1. Page 5, line 5, by inserting after the word
- 3 "tires," the words "except that the maximum weight
- 4 on the steering axles shall not exceed eighteen
- 5 thousand pounds,".

Roll call was requested by Pelton of Clinton and Davitt of Warren.

On the question "Shall amendment H — 4194 be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Cochran
Connolly	Connors	Corey	Cusack
Danker	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Johnson, R.	Krewson
Lloyd-Jones	Miller	O'Kane	Oxley
Pavich	Pelton	Perkins	Rapp
Spear	Walter	Wells	Welsh
Woods			

The nays were, 49:

Anderson, J.	Bennett	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lorenzen	Lura

Maulsby	McKean	Menke	Millen
Mullins	Norland	Pellett	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	West
Mr. Speaker (Clark of Lee)			

Absent or not voting, 6:

Branstad	Byerly	Chiodo	Lonergan
Patchett	Tofte		

Amendment H—4194 lost.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—5078 (to page 5) filed by him on January 29, 1980.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—4213 (to page 6) filed by him on May 1, 1979 and found on pages 2605 and 2606 of the 1979 House Journal.

Pavich of Pottawattamie asked and received unanimous consent to withdraw amendment H—4272 (to page 7) filed by him and Walter of Pottawattamie on May 3, 1979 and found on page 2616 of the 1979 House Journal.

Egenes of Story asked and received unanimous consent to withdraw amendment H—4351 (to page 7) filed by her on May 8, 1979 and found on pages 2628 and 2629 of the 1979 House Journal.

Norland of Worth offered the following amendment H—5098 filed by Norland, et al., and moved its adoption:

H—5098

- 1 Amend House File 747 as follows:
- 2 1. Page 7, by striking lines 5 through 18 and
- 3 inserting in lieu thereof the following new sections:
- 4 "Sec. . . The department shall issue permits
- 5 for the period beginning fifteen days following the
- 6 effective date of this Act to December 31, 1980 to
- 7 interstate and intrastate carriers that apply for
- 8 registration authority at a weight higher than the
- 9 current registered gross weight. The department shall

10 assess a prorated fee from the schedule of fees set  
 11 forth in section three (3) of this Act. Permit fees  
 12 shall be payable on an annual basis. A minimum fee  
 13 of ten dollars shall be collected by the department.  
 14 Trucks, motor trucks, and truck tractors registered  
 15 under the provisions of section three hundred twenty-  
 16 one point one hundred twenty-two (321.122) of the  
 17 Code on the effective date of this Act shall not be  
 18 eligible to reregister under section three hundred  
 19 twenty-one point one hundred twenty-one (321.121)  
 20 of the Code during the 1980 registration year. The  
 21 commission shall adopt temporary rules as are necessary  
 22 to implement the provisions of this Act as it relates  
 23 to revised registrations in 1980 and temporary rules  
 24 adopted for this purpose are not rules as defined  
 25 in section seventeen A point two (17A.2), subsection  
 26 seven (7), of the Code and shall not be subject to  
 27 chapter seventeen A (17A) of the Code.  
 28 Sec. . This Act, being deemed of immediate  
 29 importance, takes effect from and after its publication  
 30 in the Globe-Gazette, a newspaper published in Mason  
 31 City, Iowa, and in The Sioux City Journal, a newspaper  
 32 published in Sioux City, Iowa."

Amendment H—5098 was adopted.

Welsh of Dubuque offered the following amendment H—5115  
 filed by him:

H—5115

1 Amend House File 747 as follows:  
 2 1. Page 1, by inserting after line 12 the  
 3 following:  
 4 "Sec. 2. Section three hundred twenty-one point  
 5 thirty-seven (321.37), unnumbered paragraph one (1),  
 6 Code 1979, is amended to read as follows:  
 7 Registration plates issued for a motor vehicle  
 8 other than a motorcycle, ~~a motorized bicycle or, a~~  
 9 truck tractor, specialized mobile equipment, a dump  
 10 truck, a cement truck, or a tar truck shall be attach-  
 11 ed to the motor vehicle, one in the front and the  
 12 other in the rear. The registration plate issued  
 13 for a motorcycle or ~~other vehicle~~ motorized bicycle  
 14 required to be registered ~~hereunder~~ shall be attach-  
 15 ed to the rear of the vehicle. The registration  
 16 plate issued for a truck tractor, specialized mobile  
 17 equipment, a dump truck, a cement truck, or a tar  
 18 truck shall be attached to the front of the truck  
 19 tractor vehicle. The special plate issued to a  
 20 dealer shall be attached on the rear of the vehicle

21 when operated on the highways of this state. Any  
22 vehicle qualifying for one plate shall pay an  
23 additional fee of twenty-five cents."  
24 2. By renumbering sections as made necessary  
25 by this amendment.

Welsh of Dubuque offered the following amendment H—5116, to amendment H—5115, filed by him from the floor and moved its adoption:

H—5116

1 Amend the Welsh amendment H—5115 to House File 747  
2 as follows:  
3 1. Page 1, line 23, by inserting before the period  
4 the following: "except motor cycles, motorized bicycle  
5 and special dealer plate"

Amendment H—5116 was adopted.

Welsh of Dubuque moved the adoption of amendment H—5115, as amended.

Amendment H—5115, as amended, was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to defer action on amendment H—5093.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider the committee amendment H—5002A filed by him on January 30, 1980.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5093 (to page 1) filed by Schroeder, et al., on January 30, 1980.

Groth of Buena Vista called up for consideration the motion to reconsider amendment H—4372 filed by him on January 31 and moved to reconsider the vote by which amendment H—4372 failed to be adopted by the House on January 31, 1980.

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

Rule 80 was invoked.

On the question "Shall the motion to reconsider amendment H—4372 prevail?"

The ayes were, 50:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Cochran
Connolly	Connors	Crawford	Cusack
Davitt	Dieleman	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Johnson, R.	Kirkenslager	Krewson
Larsen	Lloyd-Jones	Lura	McKean
Miller	Norland	O'Kane	Oxley
Pavich	Pelton	Rapp	Sherzan
Smalley	Spear	Walter	Wells
Welsh	Woods		

The nays were, 44:

Anderson, J.	Bennett	Clark, B.J.	✓ Conlon
Corey	Crabb	Daggett	Danker
De Groot	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, W.	Lageschulte
Lind	Lorenzen	Maulsby	Menke
Millen	Mullins	Pellett	Perkins
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Stromer	Swearingen	Thompson	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Clark of Lee)

Absent or not voting, 6:

Branstad	Byerly	Chiodo	Lonergan
Patchett	Tofte		

The motion prevailed and the House reconsidered amendment H—4372 (to page 1), found on page 293 of the House Journal.

Halvorson of Clayton moved that the House recess until 1:00 p.m.

Roll call was requested by Groth of Buena Vista and Connors of Polk.

Rule 80 was invoked.

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

The ayes were, 52:

Anderson, J.	Bennett	Clark, B.J.	Conlon
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	Mr. Speaker (Clark of Lee)

The nays were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Miller	Norland	O'Kane
Oxley	Pavich	Perkins	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

Absent or not voting, 6:

Branstad	Byerly	Loneragan	Patchett
Tofte	West		

The motion prevailed and the House recessed at 12:04 p.m. until 1:00 p.m.

(House File 747 and amendment H-4372 pending at recess.)

### AFTERNOON SESSION

The House reconvened, Clark of Lee in the chair.

The House stood at ease at 1:01 p.m. until the fall of the gavel.

The House resumed session at 1:20 p.m., Clark of Lee in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

Rule 80 was invoked.

The vote revealed ninety-two members present, eight absent.

## HOUSE CONCURRENT RESOLUTION 105

By Lloyd-Jones, Anderson of Jasper, Bina, Cochran,  
Connolly, Davitt, Dieleman, Groth, Hibbs, Howell,  
Hullinger, Jay, Norland, Pavich, Walter, Wells and Woods

- 1     *Whereas*, transportation in the midwest is in a  
2 precarious position because of the bankruptcies of  
3 two major railroads and the uncertain financial con-  
4 ditions of others; and  
5     *Whereas*, the production and marketing of grain  
6 is central to the economies of the midwest, as  
7 demonstrated by the fact that twelve midwestern  
8 states accounted for more than 53% of the United  
9 States' agricultural exports in 1975-1976; and  
10    *Whereas*, the export of Iowa farm products in  
11 1977 contributed \$2,042,000 toward offsetting the  
12 national balance of payments deficit; and  
13    *Whereas*, one-third of the cost of the nation's  
14 imported oil was offset by American agricultural  
15 export revenues; and  
16    *Whereas*, the production and export of grain are  
17 expected to play an increasingly important role in  
18 the state and the nation's economy; and  
19    *Whereas*, it frequently takes more than one  
20 month for a train loaded with grain to make its  
21 way to the Gulf of Mexico and back again; *Now*  
22 *Therefore*,  
23    *Be It Resolved by the House of Representatives*,

## Page 2

- 1    *The Senate Concurring*, That the President of the  
2 United States appoint a commission to study and  
3 make recommendations concerning modes of trans-  
4 portation to be used to ship grain to export points  
5 and ways of coordinating transportation of grain to  
6 export points. The plan should allow for smooth  
7 and efficient transportation of increasingly large  
8 quantities of grain to export points with trucks,  
9 barges, and railroads in a coordinated and inex-  
10 pensive fashion.

Laid over under Rule 30.



## HOUSE CONCURRENT RESOLUTION 106

By Lloyd-Jones, Anderson of Jasper, Bina, Cochran,  
Connolly, Davitt, Dieleman, Groth, Hibbs, Hinkhouse,  
Howell, Hullinger, Jay, Norland, Pavich, Walter, Wells  
and Woods

1 *Whereas*, 75% of the railroad trackage in the  
2 state of Iowa is owned by rail companies already in  
3 bankruptcy or in precarious financial condition; and

4 *Whereas*, service on the state's second largest  
5 rail carrier, the Chicago, Rock Island and Pacific,  
6 has been continued only under federal government  
7 order; and service on the state's third largest  
8 carrier, the Chicago, Milwaukee, St. Paul and  
9 Pacific, has continued only with an appropriation  
10 of federal funds; and

11 *Whereas*, rail companies nationwide are sinking  
12 into bankruptcy and the industry's profits are de-  
13 clining; and

14 *Whereas*, agriculture is the cornerstone of the  
15 state's and the nation's economies and the value of  
16 Iowa's agricultural products is dependent on the  
17 transportation needed to get those crops to market;  
18 and

19 *Whereas*, the nation faces a continuing energy  
20 shortage with severe shortages possible, and rail-  
21 roads are more energy-efficient than trucks; *Now*  
22 *Therefore*,

23 *Be It Resolved by the House of Representatives*,

**Page 2**

1 *The Senate Concurring*, That the United States De-  
2 partment of Transportation establish a national  
3 transportation policy which encourages the use of  
4 trucks for short hauls and railroads for long hauls;

5 *Be It Further Resolved*, That the intermodal  
6 policy should clearly identify various modes of  
7 passenger and freight transportation and set a  
8 schedule for improvements of facilities for each  
9 appropriate mode and also set goals for the amount  
10 and type of utilization of each mode of trans-  
11 portation.

Laid over under Rule 30.

**HOUSE CONCURRENT RESOLUTION 107**  
 By Cochran, Lloyd-Jones, Walter, Davitt, Pavich,  
 Groth, Norland, Howell, Perkins, Hullinger, Jay,  
 Binneboese and Cusack

1     *Whereas*, the rail transportation system in this state  
 2 is of utmost importance to the economic well-being of  
 3 this state; and  
 4     *Whereas*, two railroad corporations operating in this  
 5 state are currently in bankruptcy; and  
 6     *Whereas*, the state has in recent years developed and  
 7 implemented a railroad assistance program to assist the  
 8 rail lines in this state in upgrading railroad branch  
 9 lines; and  
 10    *Whereas*, it is necessary for the state to undertake a  
 11 more significant program to assure the continuance of  
 12 rail service which is vitally needed by industry and  
 13 agriculture and necessary for the general well-being of  
 14 all of the citizens of the state; *Now Therefore*,  
 15    *Be It Resolved by the House of Representatives, the*  
 16 *Senate Concurring*, That the legislative council is  
 17 requested to create a study committee composed of members  
 18 of the committees on transportation to study the feasi-  
 19 bility of the state acquiring all railroad right-of-way  
 20 in the state and to develop a comprehensive plan for the  
 21 orderly acquisition on a prioritized basis of railroad  
 22 right-of-way, including the continued use of the right-  
 23 of-way by railroad corporations; and  
 24    *Be It Further Resolved*, That the study committee shall  
 25 report its findings and recommendations, with legislative  
 26 bill drafts required to implement its recommendations to  
 27 the standing committees on transportation, the legislative  
 28 council, and the general assembly convening in January,  
 29 1981.

Laid over under Rule 30.

**HOUSE CONCURRENT RESOLUTION 108**  
 By Halvorson of Clayton and Avenson

1     *Be It Resolved by the House of Representatives,*  
 2 *the Senate Concurring*, That a joint convention of the  
 3 two houses of the 1980 session of the sixty-eighth  
 4 general assembly be held in the House chamber on  
 5 Tuesday, February 12, 1980, at 11:30 a.m.  
 6     *Be It Further Resolved*, That the Honorable Arthur  
 7 A. Neu be invited to deliver an address to the joint  
 8 session in observance of Lincoln's birthday.

Laid over under Rule 30.

## HOUSE RESOLUTION 104

By Arnould, Jochum, Patchett, Brandt, O'Kane,  
Halvorson of Webster, Walter, Hanson of Delaware,  
Jesse, Cusack and Bruner

1 *Whereas*, Iowans do not support reinstatement of  
2 peacetime draft registration, and  
3 *Whereas*, Iowans believe alternative measures should  
4 be considered, *Now Therefore*,  
5 *Be It Resolved by the House of Representatives*, That  
6 the House of Representatives of the State of Iowa  
7 opposes reinstatement of peacetime draft legislation and  
8 urges Congress to refuse to fund such a proposal, and  
9 *Be It Further Resolved*, That copies of this resolution  
10 be forwarded to the President of the United States and  
11 Iowa's Congressional delegation.

Laid over under Rule 30.

## HOUSE RESOLUTION 105

By Pope, Mullins, Shull, West, Schroeder, Conlon, Oxley,  
Woods, Renken, Hullinger, Corgy, Holt, Davitt, Avenson,  
Lind, Connors, Crabb, Kirkenslager, Halvorson of Clayton,  
Welden, Clark of Cerro Gordo, Hall, Johnson of Woodbury,  
Schnekloth, Lorenzen, Dieleman, Lageschulte, Krewson, Gettings,  
Jochum, Lloyd-Jones, Daggett, Thompson, Horn, Swearingen,  
Jay, Lura, Hanson of Delaware, Larsen, Sherzan, Bina, Menke,  
De Groot, Hibbs, Howell, Anderson of Audubon, Groth, O'Kane,  
Diemer, Pellett, Perkins, Jesse, Chiodo, Rapp, Johnson of Howard,  
Norland, Cochran, Danker, Harbor, Pelton, Shimanek, Ritsema,  
Maulsby, Hansen of O'Brien and Connolly

1 *Whereas*, Iowans have followed, with great  
2 concern and interest, the efforts to secure  
3 the safe return of our hostages in Iran, and  
4 *Whereas*, a number of our Americans in  
5 Tehran found themselves in the Canadian Embassy  
6 at the time of the takeover of the American  
7 Embassy, and  
8 *Whereas*, the Canadian diplomatic personnel  
9 in Tehran gave shelter and protection to the  
10 Americans present at their mission, and  
11 *Whereas*, the Canadian diplomatic personnel,  
12 at great personal risk to their own safety,  
13 worked to secure the safe passage of the Ameri-  
14 cans out of Iran, and  
15 *Whereas*, the six Americans did safely es-  
16 cape from Iran because of the efforts of the  
17 Canadian diplomatic personnel;  
18 *Now Therefore, Be It Resolved by the House*  
19 *of Representatives of the State of Iowa*, That  
20 the Iowa House of Representatives wishes to ex-

21 tend its deep and heartfelt gratitude to the  
 22 Canadian government and the Canadian diplomatic  
 23 personnel in Tehran who helped secure the safe  
 24 departure of our diplomats, and  
 25 *Be It Further Resolved*, That the Iowa House  
 26 of Representatives further wishes to extend  
 27 its gratitude to the people of the great nation  
 28 of Canada for their support during these times  
 29 of international peril.

Laid over under Rule 30.

### BUSINESS PENDING

The House resumed consideration of **House File 747**, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations, and amendment H—4372, found on page 293 of the House Journal.

Walter of Pottawattamie moved the adoption of amendment H—4372.

Roll call was requested by Woods of Polk and Bina of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—4372 be adopted?"

The ayes were, 52:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Chiodo	Cochran
Connolly	Connors	Crawford	Cusack
Davitt	Dieleman	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Johnson, R.	Kirkenslager	Krewson
Lageschulte	Larsen	Lloyd-Jones	McKean
Miller	Norland	O'Kane	Oxley
Pavich	Pelton	Sherzan	Shull
Smalley	Spear	Thompson	Tyrrell
Walter	Wells	Welsh	Woods

The nays were, 42:

Anderson, J.	Bennett	Brandt	Clark, B.J.
Conlon	Corey	Crabb	Daggett
Danker	De Groot	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, W.
Lind	Lorenzen	Lura	Maulsby
Menke	Millen	Mullins	Pellett
Perkins	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimaneck
Stromer	Swearingen	Van Maanen	Welden
West	Mr. Speaker (Clark of Lee)		

Absent or not voting, 6:

Branstad	Byerly	Lonergan	Patchett
Rapp	Tofte		

Amendment H—4372 was adopted.

Schroeder of Pottawattamie moved to reconsider the vote by which the committee amendment H—5002B, as amended, found on page 270 of the House Journal, was adopted by the House on January 31, 1980, which motion prevailed and the House reconsidered amendment H—5002B, as amended.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5103 filed by him from the floor and moved to reconsider the vote by which amendment H—5103 was adopted by the House on January 31.

The motion prevailed and the House reconsidered amendment H—5103, found on pages 290 and 291 of the House Journal.

Perkins of Greene rose on a point of order that amendment H—5103 was not germane.

The Speaker ruled the point not well taken and amendment H—5103 germane.

Horn of Linn moved the adoption of amendment H—5103, to amendment H—5002B.

Amendment H—5103 lost.

On motion by Bennett of Ida, the committee amendment H—5002B was adopted.

Bennett of Ida moved to reconsider the vote by which the committee amendment H—5002E was adopted by the House on January 31, which motion prevailed.

Bennett of Ida asked and received unanimous consent to withdraw the committee amendment H—5002E, found on page 271 of the House Journal.

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

Under the provisions of Rule 81, Lorenzen of Scott refrained from voting.

On the question "Shall the bill pass?" (H.F. 747)

The ayes were, 77:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Brandt	Bruner	Chiodo
Clark, B.J.	Cochran	Conlon	Connors
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hinkhouse	Hoffmann	Holt
Horn	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pellett
Perkins	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Tyrrell	Van Maanen	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Clark of Lee)			

The nays were, 14:

Arnould	Binneboese	Connolly	Crawford
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Cusack  
Lind  
Spear

Gettings  
Lloyd-Jones  
Walter

Hibbs  
Pelton

Howell  
Sherzan

Absent or not voting, 9:

Branstad  
Lorenzen  
Tofte

Byerly  
Patchett

Jesse  
Pavich

Lonergan  
Rapp

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

**IMMEDIATE MESSAGE**  
(House File 747)

Bennett of Ida asked and received unanimous consent that House File 747 be immediately messaged to the Senate.

**SUBCOMMITTEE ASSIGNMENTS**

**House Joint Resolution 2001**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2002**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2003**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2004**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2005**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2006**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2008**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2009**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2010**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2012**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2013**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2014**

State Government: Lageschulte, Chair; Johnson of Woodbury and Hinkhouse.

**House Joint Resolution 2016**

Ways and Means: West, Chair; Hummel, Renken, Husak and Jochum.

**House File 114 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 121 (Reassigned)**

County Government: Smalley, Chair; Welsh and Johnson of Linn.

**House File 199 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 238 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 245 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 262 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.



**House File 303 (Reassigned)**

Appropriations: Hansen of O'Brien, Chair; Harbor and Cusack.

**House File 433 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 541 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 563 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 609 (Reassigned)**

Appropriations: Harbor, Chair; Shull and Miller.

**House File 630 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 638 (Reassigned)**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**House File 665**

Cities: Hanson of Delaware, Chair; Halvorson of Webster and Lorenzen.

**House File 681**

Cities: Poffenberger, Chair; Connors and Larsen.

**House File 689**

Ways and Means: Conlon, Chair; Pavich and Connolly.

**House File 732**

Cities: Lind, Chair; Hall and Tyrrell.

**House File 2002**

State Government: Shimanek, Chair; Swearingen and Brandt.

**House File 2004**

County Government: Lageschulte, Chair; Welsh and Clark of Lee.

**House File 2007**

State Government: Shimanek, Chair; Swearingen and Brandt.

**House File 2014**

Ways and Means: West, Chair; Schnekloth and Norland.

**House File 2026**

State Government: Shimanek, Chair; Swearingen and Brandt.

**House File 2029**

State Government: Hoffmann, Chair; Lura and Brandt.

**House File 2031**

State Government: Hoffmann, Chair; Johnson of Woodbury and Woods.

**House File 2032**

State Government: Hoffmann, Chair; Lura and Lloyd-Jones.

**House File 2037**

State Government: Hoffmann, Chair; Lura and Lloyd-Jones.

**House File 2038**

County Government: Swearingen, Chair; Dieleman and Hanson of Delaware.

**House File 2049**

State Government: Hibbs, Chair; Lura and Lloyd-Jones.

**House File 2057**

State Government: Crawford, Chair; Hibbs, Branstad, Arnould and Walter.

**House File 2075**

State Government: Crawford, Chair; Hansen of O'Brien, Stromer, Brandt and Dieleman.

**House File 2083**

County Government: Danker, Chair; Oxley and Johnson of Howard.

**House File 2088**

Agriculture: Schroeder, Chair; Corey (New member) and Byerly.

**House File 2089**

State Government: Hoffmann, Chair; Lura and Lloyd-Jones.

**House File 2098**

Appropriations: Welden, Chair; Harbor and Miller.

**House File 2101**

State Government: Stromer, Chair; Swearingen and Woods.

**House File 2103**

State Government: Hibbs, Chair; Lura and Lloyd-Jones.

**House File 2113**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**House File 2118**

State Government: Hoffmann, Chair; Lura and Lloyd-Jones.

**House File 2126**

County Government: Schnekloth, Chair; Binneboese and Smalley.

**House File 2127**

County Government: Johnson of Howard, Chair; Bruner and Schnekloth.

**House File 2129**

State Government: Hoffmann, Chair; Lura and Lloyd-Jones.

**House File 2130**

Cities: Krewson, Chair; Bina and Tyrrell.

**House File 2134**

State Government: Crawford, Chair; Hansen of O'Brien, Stromer, Brandt and Dieleman.

**House File 2135**

County Government: Danker, Chair; Hullinger and Branstad.

**House File 2150**

Cities: Tyrrell, Chair; Danker and Hall.

**House File 2153**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**House File 2168**

Appropriations: Hansen of O'Brien, Chair; Halvorson of Clayton and Anderson of Jasper.

**House File 2171**

Commerce: Ritsema, Chair; Pelton and Woods.

**House File 2172**

Commerce: Hibbs, Chair; Shull and Dieleman.

**House File 2174**

Energy: Mullins, Chair; De Groot and Doyle.

**House File 2175**

County Government: Johnson of Linn, Chair; Gettings and Clark of Cerro Gordo.

**House File 2176**

State Government: Crawford, Chair; Hansen of O'Brien, Stromer, Brandt and Dieleman.

**House File 2179**

Commerce: Pope, Chair; Pelton and Walter.

**House File 2180**

County Government: Shull, Chair; Bruner and Swearingen.

**House File 2181**

Judiciary and Law Enforcement: Conlon, Chair; Holt and Patchett.

**House File 2185**

State Government: Crawford, Chair; Hibbs, Branstad, Arnould and Walter.

**House File 2190**

Judiciary and Law Enforcement: Pelton, Chair; Rapp and Ritsema.

**House File 2191**

Judiciary and Law Enforcement: Smalley, Chair; Clark of Cerro Gordo and Doyle.

**House File 2192**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**House File 2193**

Judiciary and Law Enforcement: Johnson of Howard, Chair; Walter and Lonergan.

**House File 2194**

Commerce: Hibbs, Chair; Shull and Dieleman.

**House File 2197**

State Government: Crawford, Chair; Hansen of O'Brien, Stromer, Brandt and Dieleman.

**House File 2198**

Transportation: Daggett, Chair; Jay and Tofte.

**House File 2199**

Commerce: Johnson of Linn, Chair; Schroeder and Chiodo.

**House File 2200**

Commerce: Crabb, Chair; Renken and Jesse.

**House File 2202**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**House File 2204**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**House File 2208**

Cities: Johnson of Linn, Chair; Crabb and Connors.

**House File 2210**

County Government: Hanson of Delaware, Chair; Dieleman and Lageschulte.

**House File 2212**

Agriculture: Hummel, Chair; Halvorson of Webster and Tyrrell.

**House File 2213**

County Government: Branstad, Chair; Connolly and Hanson of Delaware.

**House File 2214**

Judiciary and Law Enforcement: Shimanek, Chair; Ritsema and Patchett.

**House File 2215**

Judiciary and Law Enforcement: Smalley, Chair; Lloyd-Jones and Anderson of Audubon.

**House File 2216**

Judiciary and Law Enforcement: Smalley, Chair; Holt and Patchett.

**House File 2217**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**House File 2218**

Commerce: Pope, Chair; Woods and Shull.

**House File 2219**

Commerce: Swearingen, Chair; Pope and Bina.

**House File 2221**

Commerce: Crabb, Chair; Bruner and Johnson of Linn.

**House File 2222**

Judiciary and Law Enforcement: Ritsema, Chair; Lonergan and Conlon.

**House File 2223**

Commerce: Crabb, Chair; Pope and Walter.

**House File 2226**

Judiciary and Law Enforcement: Johnson of Howard, Chair; Clark of Cerro Gordo and Maulsby.

**House File 2227**

Commerce: Johnson of Linn, Chair; Pope and Chiodo.

**House File 2228**

Commerce: Johnson of Linn, Chair; Pope and Chiodo.

**House File 2232**

Judiciary and Law Enforcement: Conlon, Chair; Jesse and Clark of Cerro Gordo.

**House File 2234**

Commerce: Swearingen, Chair; Dieleman and Conlon.

**House File 2235**

Commerce: Crabb, Chair; Johnson of Linn and Bina.

**House File 2238**

Judiciary and Law Enforcement: Smalley, Chair; Conlon and Walter.

**House File 2241**

Judiciary and Law Enforcement: Anderson of Audubon, Chair; Smalley and Doyle.

**House File 2243**

Transportation: Lageschulte, Chair; Bennett and Jay.

**House File 2244**

Commerce: Pope, Chair; Pelton and Rapp.

**House File 2247**

Commerce: Johnson of Linn, Chair; Pope and Chiodo.

**House File 2249**

Energy: Pellett, Chair; Binneboese, Sherzan, Smalley and Lind.

**House File 2253**

Commerce: Crabb, Chair; Hibbs and Walter.

**House File 2254**

Energy: Krewson, Chair; Perkins, Cusack, McKean and De Groot.

**House File 2258**

Cities: Hall, Chair; Danker and Clark of Lee.

**House File 2259**

Cities: Tyrrell, Chair; West and Groth.

**House File 2270**

Commerce: Johnson of Linn, Chair; Swearingen and Dieleman.

**House File 2274**

Commerce: Pope, Chair; Shull and Jochum.

**House File 2281**

Labor and Industrial Relations: Thompson, Chair; Corey and Gettings.

**Senate File 75**

Cities: Hanson of Delaware, Chair; Halvorson of Webster and Lorenzen.

**Senate File 97**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**Senate File 205 (Reassigned)**

State Government: Stromer, Chair; Shimanek, Branstad, Lloyd-Jones and Hinkhouse.

**Senate File 227**

County Government: Lageschulte, Chair; Hullinger and Johnson of Howard.

**Senate File 358**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**Senate File 396**

County Government: Schneklath, Chair; Doyle and Branstad.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS****Study Bill 563**

State Government: Hibbs, Chair; Shimanek and Woods.

**Study Bill 564**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**Study Bill 565**

State Government: Hibbs, Chair; Shimanek and Woods.



**Study Bill 566**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**Study Bill 567**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**Study Bill 568**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**Study Bill 572**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**Study Bill 584**

State Government: Hansen of O'Brien, Chair; Lura and Dieleman.

**Study Bill 586**

State Government: Crawford, Chair; Hibbs, Branstad, Arnould and Walter.

**Study Bill 590**

Transportation: Hoffmann, Chair; Binneboese, Hinkhouse, Kirkenlager and Schroeder.

**Study Bill 591**

Transportation: Hoffmann, Chair; Hinkhouse, Kirkenlager, Oxley and Schroeder.

**Study Bill 592**

State Government: Lageschulte, Chair; Anderson of Audubon and Dieleman.

**Study Bill 593**

State Government: Lageschulte, Chair; Anderson of Audubon and Dieleman.

**Study Bill 594**

State Government: Hoffmann, Chair; Swearingen and Bina.

**Study Bill 595**

State Government: Hibbs, Chair; Branstad and Walter.

**Study Bill 596**

State Government: Lura, Chair; Johnson of Woodbury and Walter.

**Study Bill 597**

State Government: Anderson of Audubon, Chair; Stromer and Hinkhouse.

**Study Bill 598**

State Government: Anderson of Audubon, Chair; Stromer and Hinkhouse.

**Study Bill 599**

Judiciary and Law Enforcement: Ritsema, Chair; Arnould, Holt, Pelton and Walter.

**Study Bill 600**

Judiciary and Law Enforcement: Ritsema, Chair; Arnould, Holt, Pelton and Walter.

**Study Bill 601**

State Government: Johnson of Woodbury, Chair; Hoffmann and Lloyd-Jones.

**Study Bill 602**

Ways and Means: Thompson, Chair; Shull and Connolly.

**Study Bill 603**

Ways and Means: Thompson, Chair; Shull and Connolly.

**Study Bill 604**

Ways and Means: Thompson, Chair; Shull and Connolly.

**Study Bill 605**

Energy: Poffenberger, Chair; Ritsema, De Groot, Hullinger and Rapp.

**Study Bill 606**

Commerce: Johnson of Linn, Chair; Chiodo and Pope.

**Study Bill 607**

State Government: Hoffmann, Chair; Lura, Branstad, Dieleman and Bina.

**Study Bill 608**

Agriculture: Crabb, Chair; Chiodo and Corey.

**Study Bill 609**

Education: Daggett, Chair; Wells and Larsen.

**Study Bill 610**

Education: Hansen of O'Brien, Chair; Maulsby and Horn.

**Study Bill 612**

County Government: Danker, Chair; Connolly and Schnekloth.

**Study Bill 613**

Ways and Means: Clark, Chair; Howell and Diemer.

**Study Bill 614**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 615**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 617**

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Johnson of Howard, Patchett and Jesse.

**Study Bill 618**

Judiciary and Law Enforcement: Anderson of Audubon, Chair; Jesse and Pelton.

**Study Bill 619**

Judiciary and Law Enforcement: Smalley, Chair; Patchett and Conlon.

**Study Bill 620**

Judiciary and Law Enforcement: Smalley, Chair; Patchett and Conlon.

**Study Bill 621**

Judiciary and Law Enforcement: Corey, Chair; Welsh and Ritsema.

**Study Bill 622**

Judiciary and Law Enforcement: Smalley, Chair; Patchett and Conlon.

**Study Bill 623**

Judiciary and Law Enforcement: Conlon, Chair; Anderson of Audubon, and Welsh.

**Study Bill 624**

Judiciary and Law Enforcement: Shimanek, Chair; Clark of Cerro Gordo and Doyle.

**Study Bill 625**

Judiciary and Law Enforcement: Shimanek, Chair; Clark of Cerro Gordo and Doyle.

**Study Bill 626**

Judiciary and Law Enforcement: Shimanek, Chair; Clark of Cerro Gordo and Doyle.

**Study Bill 627**

Judiciary and Law Enforcement: Shimanek, Chair; Clark of Cerro Gordo and Doyle.

**Study Bill 628**

Judiciary and Law Enforcement: Ritsema, Chair; Holt, Walter, Arnould and Pelton.

**Study Bill 629**

Judiciary and Law Enforcement: Shimanek, Chair; Johnson of Howard, Conlon, Jesse and Patchett.

**Study Bill 630**

Judiciary and Law Enforcement: Shimanek, Chair; Ritsema and Patchett.

**Study Bill 631**

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Johnson of Howard, Jesse and Patchett.

**Study Bill 632**

Judiciary and Law Enforcement: Shimanek, Chair; Johnson of Howard, Conlon, Patchett and Jesse.

**Study Bill 633**

Natural Resources: McKean, Chair; Cochran, Lloyd-Jones, Pellett and Larsen.

**Study Bill 638**

Cities: Krewson, Chair; Lind, Hanson of Delaware, Connors and O'Kane.

**Study Bill 639**

Labor and Industrial Relations: Pope, Chair; Corey and Wells.

**Study Bill 640**

Labor and Industrial Relations: Kirkenslager, Chair; Conlon and Connolly.

**Study Bill 641**

Labor and Industrial Relations: Holt, Chair; Egenes and Pavich.

**INTRODUCTION OF BILLS**

**House File 2421**, by Anderson of Jasper, Avenson, Chiodo, Welsh, Howell, O'Kane, Bruner, Halvorson of Webster, Cochran, Connolly, Lloyd-Jones, Byerly, Husak, Hinkhouse, Brandt, Rapp, Hall, Patchett, Wells, Groth, Norland, Jay, Spear, Dieleman, Woods, Pavich, Walter, Davitt, Miller, Connors, Arnould, Bina, Binneboese, Cusack, Doyle, Gettings, Horn, Hullinger, Jesse and Oxley, a bill for an act providing for the promotion, encouragement and assistance of small businesses in this state, by establishing an Iowa small business development authority to issue bonds and use the proceeds for financial assistance to small businesses.

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

**House File 2422**, by Connolly, a bill for an act relating to the audits of certain cities and all school districts.

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

**House File 2423**, by Walter, a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool.

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

**House File 2424**, by Anderson of Jasper, Avenson, Chiodo, Welsh, Howell, O'Kane, Bruner, Halvorson of Webster, Cochran, Connolly, Lloyd-Jones, Byerly, Husak, Hinkhouse, Brandt, Rapp, Hall, Patchett, Wells, Groth, Norland, Jay, Spear, Dieleman, Woods, Pavich, Walter, Davitt, Miller, Connors, Arnould, Bina, Binneboese, Cusack, Doyle, Gettings, Horn, Hullinger, Jesse and Oxley, a bill for an act providing for the promotion, encouragement and assistance

of small businesses in this state, by establishing a small business division within the Iowa development commission, and providing for the reservation of certain state purchase contracts for small businesses, and making an appropriation.

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

**House File 2425**, by committee on education, a bill for an act relating to the educational requirements of schools, by requiring that high school science courses teach about energy conservation and environmental awareness and by providing for a waiver of physical education requirements for certain students and a waiver of foreign language requirements under certain conditions.

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

**House File 2426**, by Connors, Kirkenlager, Jochum, Hibbs, Swearingen, Bina, Krewson, Connolly, Horn, Patchett and Larsen, a bill for an act relating to the scope of negotiations in public employment collective bargaining.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2427**, by Schnekloth, a bill for an act to allow a stockholder of a family farm corporation to claim a homestead tax credit on a homestead owned by the corporation and occupied by the stockholder.

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

**House File 2428**, by Bruner and Krewson, a bill for an act relating to the use and regulation of public utilities and public utility services, and creating the office of consumer utility counsel within the office of attorney general to represent the interest of utility consumers, and making an appropriation therefor, limiting the termination of residential utility service during certain months of the year, modifying the procedures which relate to the establishment of utility service rates, charges, schedules and regulations, prohibiting the inclusion of lobbying expenses for rate-making purposes, establishing lifeline rates for gas and electric service, requiring the Iowa state commerce commission to continually investigate and implement methods of public utility cost accounting

and cost apportionment which promote energy conservation or cost reduction, requiring public utilities to undertake comprehensive energy management programs, including provisions for the financing of customer energy conservation improvements and provisions for peak load interruption, and expanding the authority of the Iowa housing finance authority to enable it to make and purchase loans for solar energy and weatherization services.

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

**House File 2429**, by committee on judiciary and law enforcement, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant.

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

**House File 2430**, by Howell, a bill for an act to provide for the recycling of oil used by the department of transportation.

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

**House File 2431**, by Lloyd-Jones, Davitt, Cusack, Pavich, Binneboese, Howell, Bruner, Bina, Hibbs, Wells, Hullinger, Cochran, Woods, Walter, Jay, Norland, Anderson of Jasper, Groth, Connolly and Dieleman, a bill for an act relating to the use of railroad assistance funds and making an appropriation.

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

**House File 2432**, by Brandt, a bill for an act relating to the rights of an individual to acquire property owned by the individual against which a tax lien exists.

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

**House File 2433**, by Lloyd-Jones and Pellett, a bill for an act relating to the funding of county conservation board projects.

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

**House File 2434**, by Hanson of Delaware, Davitt, Howell, O'Kane and Shull, a bill for an act providing that it is a discriminatory practice to deny reimbursement or payment for health services to certain persons.

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

**House File 2435**, by Chiodo, a bill for an act allowing the Iowa state commerce commission, under certain circumstances, to require a public utility to refund the utility's excess profits to its customers.

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

**House File 2436**, by Norland, a bill for an act to exempt a certain amount of gifts made in contemplation of death from the tax imposed by chapter four hundred fifty (450) of the Code.

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

**House File 2437**, by Bina, a bill for an act relating to the safety and operation of mopeds and motorcycles.

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

**House File 2438**, by committee on agriculture, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

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

**House File 2439**, by Mullins, a bill for an act establishing a privacy commission and making an appropriation.

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

**House File 2440**, by Mullins, a bill for an act relating to public and confidential governmental records and providing a penalty.

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



**House File 2441**, by Brandt, a bill for an act relating to strip-searches of visitors of penal or correctional institutions.

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

**House File 2442**, by Lloyd-Jones, Cochran, Howell, Pavich, Davitt, Hullinger, Binneboese, Walter, Jay, Norland, Anderson of Jasper, Connolly, Hibbs, Wells, Hinkhouse and Dieleman, a bill for an act authorizing the department of transportation to initiate efforts to formulate a midwestern railroad compact and authorizing the governor to approve Iowa's participation in the compact.

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

**House File 2443**, by committee on state government, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

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

**House File 2444**, by Lorenzen, a bill for an act exempting from the sales, service and use tax property purchased by a dry cleaning business for use in packaging dry cleaned items.

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

**House File 2445**, by Jesse, a bill for an act relating to the administration of justice by establishing the office of public defender and the office of district attorney.

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

**House File 2446**, by Jesse, a bill for an act relating to county boards of health, allowing the board of supervisors in counties of two hundred thousand population or more to act as the county board of health, creating a county board of health fund, and providing for the levy of taxes.

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

**House File 2447**, by Connolly, a bill for an act limiting the use of studded snow tires to school buses, authorized emergency vehicles and vehicles used by the elderly and the handicapped.

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

**House File 2448**, by Hansen of O'Brien, a bill for an act relating to benefits paid to retired members of the peace officers' retirement, accident and disability system and police and fire systems.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2449**, by Jay and Norland, a bill for an act relating to the officers of school boards.

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

**House File 2450**, by Daggett, Bennett, Binneboese, Avenson, Hinkhouse, Cochran, Connolly, Pavich, Arnould, Pellett, Cusack, Miller, Wells, Howell, Bruner, Davitt, Welsh, Gettings, Jay, Oxley, O'Kane, Groth, Hall, Halvorson of Webster, Horn, Woods, Byerly, Connors, Jochum, Perkins, Norland, Anderson of Jasper, Chiodo, Husak, Jesse, Bina, Lloyd-Jones, Walter, Sherzan, Hullinger, Spear and Dieleman, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds and prescribing its powers and duties.

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

**House File 2451**, by Lloyd-Jones, Ritsema, Avenson, Doyle, Cusack, Woods, Conlon, Jesse, Pavich, Miller, Connors, Cochran, Howell, Davitt, Hullinger, Binneboese, Walter, Jay, Norland, Rapp, Anderson of Jasper, Connolly, Hibbs, Wells, Hinkhouse, Dieleman and Oxley, a bill for an act creating the Iowa railway improvement finance authority to aid in the construction, renovation and repairing of railway facilities and providing for the authority to issue revenue bonds for that purpose.

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

**House File 2452**, by Welden, Miller, Hummel, Conlon, Anderson of Jasper, Harbor, Pavich, Danker, Husak, Crabb, Wells, Maulsby, Jesse, Hinkhouse, Binneboese, Welsh, Connolly, West, Horn, Jay,

Avenson, Pellett, Hansen of O'Brien, De Groot, Woods, Daggett, Van Maanen, Shull, Lura, Tyrrell, Lind, Cusack, Schroeder, Doyle, Johnson of Woodbury, Hullinger, Perkins, Davitt, Smalley, Holt, Corey, Spear, Ritsema, McKean, Hall, Hoffmann, Menke, Lageschulte, Groth, Anderson of Audubon, Dieleman, Howell, Bennett, Walter, Kirkenlager, Lloyd-Jones, Thompson, Gettings, Johnson of Howard, Renken and Swearingen, a bill for an act to allow an action of the general assembly to disapprove administrative rules.

Read first time and referred to committee on rules.

### AMENDMENTS FILED

H-5117	S.F.	97	Ritsema of Sioux
H-5118	S.F.	97	Ritsema of Sioux
H-5119	S.F.	97	Ritsema of Sioux
H-5120	S.F.	97	Ritsema of Sioux
H-5121	S.F.	97	Ritsema of Sioux
H-5122	S.F.	97	Lura of Marshall
H-5123	S.F.	97	Lura of Marshall
H-5124	S.F.	97	Lura of Marshall
H-5125	S.F.	97	Lura of Marshall
H-5126	S.F.	97	Lura of Marshall
H-5127	S.F.	97	Lura of Marshall
H-5128	H.R.	103	Woods of Polk
H-5129	S.F.	432	Smalley of Polk
			Johnson of Howard
			Chiodo of Polk
			Jay of Appanoose
			Van Maanen of Mahaska
			Halvorson of Webster
			Johnson of Linn
			Tyrrell of Iowa
			Diemer of Black Hawk
			Husak of Tama
			Schroeder of Pottawattamie
			Corey of Louisa
H-5130	H.F.	2003	Lura of Marshall
H-5131	H.F.	2199	Poffenberger of Dallas
H-5132	S.F.	436	Daggett of Taylor
			Perkins of Greene
			Miller of Buchanan

**On motion by Halvorson of Clayton, the House adjourned at 2:45 p.m., until 10:00 a.m., Monday, February 4, 1980.**

# JOURNAL OF THE HOUSE

Twenty-second Calendar Day—Fifteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 4, 1980

The House met pursuant to adjournment, Thompson of Polk in the chair.

Prayer was offered by the Reverend H. I. Thomas, pastor of the Union Baptist Church, Des Moines.

The Journal of Friday, February 1, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Howard Beatty, Creston.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson on request of Walter of Pottawattamie.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2003**, a bill for an act to restrict the operation of motor boats by persons less than sixteen years of age, with report of committee recommending amendment and passage was taken up for consideration.

Holt of Clay offered amendment H—5051 filed by the committee on natural resources on January 23 and found on page 188 of the House Journal.

Lorenzen of Scott offered the following amendment H—5100, to the committee amendment H—5051, filed by him and Connolly of Dubuque:

H—5100

- 1 Amend the Committee on Natural Resources amendment,
- 2 H-5051, to House File 2003 as follows:

3 1. Page 1, by striking lines 2 through 5 and  
 4 inserting in lieu thereof the following:  
 5 "1. Page 1, by striking lines 2 through 11 and  
 6 inserting in lieu thereof the following: "subsection  
 7 six (6), Code 1979, is amended by striking the  
 8 subsection and inserting in lieu thereof the following:

9 6. Effective July 1, 1981, a person born after  
 10 July 1, 1965, shall not operate a vessel propelled  
 11 by a motor of more than six horsepower on waters of  
 12 this state under the jurisdiction of the commission  
 13 without having in his or her immediate possession  
 14 a valid safety certificate issued by the commission.

15 Sec. 2. Chapter one hundred six (106), Code 1979,  
 16 is amended by adding the following new section:  
 17 **NEW SECTION. MOTORBOAT INSTRUCTION COURSE.**

18 1. The commission shall provide by rule for the  
 19 establishment of a course of instruction on the safe  
 20 use and operation of motorboats to be conducted  
 21 throughout the state. The curriculum shall include  
 22 instruction in the safe use, operation, and equipping  
 23 of motorboats consistent with the provisions of this  
 24 chapter and rules adopted by the commission and shall  
 25 include other matters the commission deems pertinent.

26 2. The commission may certify an experienced,  
 27 qualified motorboat operator to be an instructor of  
 28 a class established under this section.

29 3. The commission shall provide for the  
 30 administration of a written test to be given upon  
 31 completion of the motorboat instruction course to  
 32 students wishing to apply for a safety certificate.

33 4. The commission shall provide safety material  
 34 relating to the operation of motorboats for the use  
 35 of private or public elementary and secondary schools  
 36 in this state.

37 Sec. 3. Chapter one hundred six (106), Code 1979,  
 38 is amended by adding the following new section:  
 39 **NEW SECTION. SAFETY CERTIFICATE.**

40 1. Upon application and payment of a three dollar  
 41 fee, a qualified applicant shall be issued a safety  
 42 certificate. The certificate shall be valid until  
 43 the certificate is suspended or revoked. The  
 44 application shall be on forms issued by the commission  
 45 and shall contain information the commission reasonably  
 46 requires.

47 2. An applicant for a safety certificate shall,  
 48 prior to issuance of the certificate, successfully  
 49 complete a motorboat instruction course including  
 50 passage of the written test provided in section two

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1 (2), subsection three (3) of this Act. However, the

2 commission may waive the requirement of completing  
 3 a motorboat instruction course if the applicant  
 4 successfully passes a written test on the operation  
 5 of motorboats administered by the commission.  
 6 3. The safety certificate fees collected under  
 7 this section shall be credited to the state  
 8 conservation fund and shall be used for motorboat  
 9 safety and education programs.  
 10 4. A valid motorboat safety certificate or license  
 11 issued to a nonresident by a governmental authority  
 12 of another state is a valid safety certificate in  
 13 this state if the certificate or license requirements  
 14 of such governmental authority, excluding fees, are  
 15 substantially the same as the requirements of this  
 16 chapter as determined by the commission.  
 17 5. The commission shall establish by rule  
 18 procedures for the suspension or revocation of a  
 19 safety certificate. The certificate may be suspended  
 20 or revoked by the commission for a violation of the  
 21 provisions of this chapter or the rules of the  
 22 commission."  
 23 2. By renumbering sections and internal references  
 24 as necessary in conformance with this amendment.

Menke of O'Brien rose on a point of order that amendment H-5100 was not germane.

The Speaker ruled the point not well taken and amendment H-5100 germane.

Lorenzen of Scott moved the adoption of amendment H-5100, to the committee amendment H-5051.

Amendment H-5100 lost.

Holt of Clay moved the adoption of the committee amendment H-5051.

Roll call was requested by Groth of Buena Vista and Diemer of Black Hawk.

On the question "Shall amendment H-5051 be adopted?"

The ayes were, 35:

Anderson, J.	Anderson, R.	Arnould	Bina
Binneboese	Brandt	Bruner	Byerly
Conlon	Corey	Cusack	Davitt

Dieleman	Diemer	Groth	Hall
Hinkhouse	Howell	Hummel	Husak
Jay	Jesse	Jochum	Krewson
Lageschulte	Lorenzen	Mausby	McKean
Millen	Norland	Pellett	Poffenberger
Ritsema	Sherzan	Walter	

The nays were, 62:

Avenson	Bennett	Branstad	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Connors	Crabb	Crawford	Danker
De Groot	Doyle	Egenes	Gettings
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbör	Hibbs	Hoffmann	Holt
Horn	Hullinger	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Larsen	Lind
Lloyd-Jones	Lonergan	Lura	Menke
Miller	Mullins	O'Kane	Oxley
Pavich	Pelton	Perkins	Pope
Renken	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Wells	Welsh	West
Woods	Madam Speaker (Thompson)		

Absent or not voting, 3:

Daggett                      Patchett                      Rapp

The committee amendment H—5051 lost.

Avenson of Fayette offered the following amendment H—5080 filed by him:

H—5080

- 1 Amend House File 2003 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "vessel" the words "unless the person is twelve
- 4 years of age or older and is the holder of a valid
- 5 boat safety certificate issued by the commission".

Johnson of Woodbury rose on a point of order that amendment H—5080 was not germane.

The Speaker ruled the point not well taken and amendment H—5080 germane.



Avenson of Fayette moved the adoption of amendment H—5080.

A non-record roll call was requested.

The ayes were 35, nays 58.

Amendment H—5080 lost.

Lura of Marshall offered the following amendment H—5130 filed by him:

H—5130

- 1 Amend House File 2003 as follows:
- 2 1. Page 1, line 5, by striking the period and
- 3 the word "An", and inserting in lieu thereof the
- 4 following: ", and an".

The following amendment H—5134, to amendment H—5130, filed by Lura of Marshall from the floor was adopted by unanimous consent:

H—5134

- 1 Amend amendment H—5130 to House File 2003 as
- 2 follows:
- 3 1. Page 1, by adding the following after line 4:
- 4 "2. Page 1, line 9, by inserting a comma after
- 5 the word "vessel" as follows: ",'"."

Lura of Marshall moved the adoption of amendment H—5130, as amended.

Amendment H—5130, as amended, lost.

Perkins of Greene moved that House File 2003 be rereferred to the committee on natural resources.

A non-record roll call was requested.

The ayes were 35, nays 57.

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2003)

The ayes were, 57:

Anderson, J.	Avenson	Bennett	Brandt
Branstad	Bruner	Clark, B.J.	Conlon
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Hummel
Husak	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Larsen	Maulsby
McKean	Menke	Millen	Miller
Mullins	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schroeder	Shull	Smalley	Stromer
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Wells	West	Woods
Madam Speaker (Thompson)			

The nays were, 41:

Anderson, R.	Arnould	Bina	Binneboese
Byerly	Chiodo	Clark, J.H.	Cochran
Connolly	Connors	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Harbor	Hinkhouse	Horn
Howell	Hullinger	Jay	Jesse
Jochum	Kirkenslager	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Norland
O'Kane	Oxley	Pavich	Schnekloth
Sherzan	Shimaneck	Spear	Walter
Welsh			

Absent or not voting, 2:

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

**MOTIONS TO RECONSIDER**  
(House File 2003)

I move to reconsider the vote by which House File 2003 passed the House on February 4, 1980.

HOLT of Clay

(House File 2003)

I move to reconsider the vote by which House File 2003 passed the House on February 4, 1980.

AVENSON of Fayette

(House File 2003)

I move to reconsider the vote by which House File 2003 passed the House on February 4, 1980.

PERKINS of Greene

**SPONSORS ADDED**

(House File 2347)

Bruner of Story requested to be added as a sponsor of House File 2347.

(House File 2250)

Lind of Black Hawk requested to be added as a sponsor of House File 2250.

(House File 2310)

Jay of Appanoose requested to be added as a sponsor of House File 2310.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**COMMISSION ON THE AGING**

A report from the Elderly Care Inter-Agency Coordinating Committee pursuant to House File 758, first session, Sixty-eighth General Assembly.

## CERTIFICATES OF RECOGNITION

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

1980-6	Dubuque-Hempstead Football Team
1980-7	Optimist Club of Burlington
1980-8	Marla Smith, Iowa Pork Queen for 1980

DAVID L. WRAY  
Chief Clerk of the House

### HOUSE CONCURRENT RESOLUTION 109

By Pellett, Anderson of Audubon, Hansen of O'Brien, Schnekloth, Harbor, Danker, Husak, Corey, Hinkhouse, Lloyd-Jones, Woods, Welsh, Chiodo, Hummel, Lind, Walter, Shull, West, Conlon, Hanson of Delaware, Renken, Smalley, Wells, Pavich, Miller, O'Kane, Gettings, Krewson, Crabb, Connors, Welden, Bennett, Pope, Branstad, Maulsby, Johnson of Linn, Diemer, Egenes, Hullinger, Clark of Lee, Lorenzen, Cochran, Schroeder, Stromer, Johnson of Woodbury, Crawford, Pelton, McKean, Ritsema, Tofte, Shimanek, Holt, Mullins, Spear, Clark of Cerro Gordo, Bruner, De Groot, Menke, Lageschulte, Doyle, Davitt, Avenson and Halvorson of Clayton

1     *Whereas*, the future service level of Iowa's rail trans-  
2 portation system is uncertain as a result of mergers,  
3 bankruptcies and restructuring of midwestern railroads and  
4 the resultant reorganization of financially insolvent  
5 carriers; and

6     *Whereas*, the Chicago, Rock Island and Pacific Railroad  
7 Company and the Chicago, Milwaukee, St. Paul and Pacific  
8 Railroad, which provide about fifty percent of Iowa's  
9 trackage and rail service, are in bankruptcy and facing  
10 liquidation; and

11    *Whereas*, the rail restructuring gives Iowa an opportunity  
12 to give direction to the future of Iowa's rail system to meet  
13 users' rail service needs; and

14    *Whereas*, continued service in Iowa by the Rock Island and  
15 Milwaukee railroads may cease on March 2, 1980; and

16    *Whereas*, discontinued or interrupted service on essential  
17 branchlines and mainlines would create a direct negative  
18 impact upon the industrial and agricultural sectors of Iowa's  
19 economy and its future economic growth; and

20    *Whereas*, the nationally recognized Iowa branchline financial  
21 assistance program created by the sixty-fifth general assembly  
22 has been an effective and successful program for preserving  
23 and rehabilitating hundreds of miles of viable branchlines;  
24 and

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1     *Whereas*, substantial progress is being made in the branchline  
2 rehabilitation program, it is imperative that we immediately  
3 begin addressing the heavy backlog of needs on mainlines,  
4 yards, terminals, and sidings; and

5     *Whereas*, in the restructuring process it is necessary that  
6 a safe and efficient mainline system is developed and preserved  
7 to connect our viable branchlines to market opportunities  
8 in the south, north, east and west; and

9     *Whereas*, the state department of transportation has  
10 demonstrated effective leadership in rail planning and  
11 closely coordinated their activities with the general  
12 assembly, the United States Congress, federal and state  
13 agencies, shipper groups, rail users, other states and the  
14 bankruptcy courts to develop a private sector solution  
15 to the midwest rail crisis; *Now Therefore*,

16     *Be It Resolved by the House of Representatives, the Senate*  
17 *Concurring*, That the general assembly express support of the  
18 state department of transportation and the direction of its  
19 efforts to achieve a sound and rational solution to the midwest  
20 rail crisis, and the general assembly supports the financial  
21 efforts of federal, state and local officials to develop a rail  
22 system capable of providing the service essential to the economic  
23 health of Iowa and its citizens; and

24     *Be It Further Resolved*, That the general assembly pledges  
25 its support through the railroad assistance program to help bring about a  
26 viable private sector solution to the midwest rail crisis; and

27     *Be It Further Resolved*, That the general assembly supports  
28 the state department of transportation's efforts to preserve  
29 service on essential and viable Milwaukee lines and to  
30 assure a prompt and orderly transfer of property and service

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1 to successor railroads, and secure extended directed service  
2 by the Interstate Commerce Commission on essential and viable  
3 Rock Island lines to assure an orderly transfer of property and service to  
4 successor railroads; and

5     *Be It Further Resolved*, That the general assembly calls upon  
6 the President of the United States, the United States Congress  
7 and the Interstate Commerce Commission to provide for a  
8 minimum of a sixty day continuation of directed service on  
9 those parts of the Rock Island railroad for which the  
10 Trustee has, before March first, begun negotiations.

Laid over under Rule 30.

## AMENDMENTS FILED

H-5183	H.F. 2240	Mullins of Kossuth Crawford of Story Brandt of Black Hawk
H-5135	H.F. 2291	Brandt of Black Hawk
H-5136	S.F. 97	Ritsema of Sioux
H-5137	S.F. 97	Conlon of Muscatine
H-5138	H.R. 103	Byerly of Polk
H-5139	S.F. 468	Hummel of Benton
H-5140	S.F. 432	Connolly of Dubuque
H-5141	H.C.R. 108	Halvorson of Clayton
H-5142	H.F. 2003	Lura of Marshall Perkins of Greene

On motion by Halvorson of Clayton, the House adjourned at 12:08 p.m., until 9:00 a.m., Tuesday, February 5, 1980.

# JOURNAL OF THE HOUSE

Twenty-third Calendar Day—Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 5, 1980

The House met pursuant to adjournment, Thompson of Polk in the chair.

Prayer was offered by the Reverend Ezell Wiggins, pastor of the True Bible Baptist Church, Des Moines.

The Journal of Monday, February 4, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Reubin Widmer, Iowa City.

## PETITION FILED

The following petition was received and placed on file:

By Smalley of Polk, from 161 constituents of district 60 favoring legislation to amend statutorily Section 109.7 (2a), Iowa Administrative Code, to permit corporal punishment, including spanking, shaking and slapping, with parental consent.

## INTRODUCTION OF BILL

**House File 2453**, by committee on transportation, a bill for an act providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

Read first time and placed on the calendar.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 4, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 104, providing for the joint convention of the two houses on February 6, 1980, for the condition of the judicial message.

Also: That the Senate has on February 4, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2072, a bill for an act relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 2072

H-5144

- 1 Amend House File 2072, as amended, passed,
- 2 and reprinted by the House, as follows:
- 3 1. Page 8, line 8, by striking the word
- 4 "ten" and inserting in lieu thereof the word "eight".
- 5 2. Page 8, line 16, by striking the word
- 6 "Property" and inserting in lieu thereof the words
- 7 "For valuations established as of January 1, 1980,
- 8 and each year thereafter, property".
- 9 3. Page 11, line 26, by striking the words
- 10 "In any case where, in trans-".
- 11 4. Page 11, by striking lines 27 through
- 12 32 and inserting in lieu thereof the words "The county
- 13 auditor shall list the aggregate actual value and
- 14 the aggregate taxable value of all taxable property
- 15 within the county and each political subdivision on
- 16 the tax list".
- 17 5. Page 11, line 33, by striking the words
- 18 "onto the tax list".
- 19 6. Page 12, by inserting after line 18 the
- 20 following:
- 21 "Sec. . Section twenty-four point
- 22 seventeen (24.17), unnumbered paragraph one (1), Code
- 23 1979, is amended to read as follows:
- 24 The local budgets of the various political
- 25 subdivisions shall be certified by the chairman of
- 26 the certifying board or levying board, as the case
- 27 may be, in duplicate to the county auditor not later
- 28 than March 15 of each year unless a city or county
- 29 holds a special levy election, in which case
- 30 certification shall not be later than fourteen days
- 31 following the special levy election, on blanks
- 32 prescribed by the state board, and according to the
- 33 rules and instruction which shall be furnished all
- 34 certifying and levying boards in printed form by the
- 35 state board or city finance committee in the case
- 36 of cities.
- 37 Sec. . Section twenty-four point forty-
- 38 eight (24.48), Code 1979, as amended by Acts of the



39 Sixty-eighth General Assembly, 1979 Session, chapter  
 40 twenty-five (25), section one (1), is amended by  
 41 adding the following new unnumbered paragraphs:  
 42 **NEW UNNUMBERED PARAGRAPH.** The city finance  
 43 committee shall have officially notified any city  
 44 of its approval, modification or rejection of the  
 45 city's request for a suspension of the statutory  
 46 property tax levy limitation prior to thirty-five  
 47 days before March fifteenth.  
 48 **NEW UNNUMBERED PARAGRAPH.** The state appeals  
 49 board shall have officially notified any county of  
 50 its approval, modification or rejection of the county's

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1 request for a suspension of the statutory property  
 2 tax levy limitation prior to thirty-five days before  
 3 March fifteenth.  
 4 Sec. . Section three hundred eighty-four  
 5 point twelve (384.12), Code 1979, is amended by adding  
 6 the following new subsection:  
 7 **NEW SUBSECTION.** A tax that exceeds any tax  
 8 levy limit within this chapter, provided; the question  
 9 has been submitted at a special levy election and  
 10 received a simple majority of the votes cast on the  
 11 proposition to authorize the enumerated levy limit  
 12 to be exceeded for the proposed budget year.  
 13 a. The election may be held as specified  
 14 herein if notice is given by the city council, not  
 15 later than February fifteenth, to the county  
 16 commissioner of elections that the election is to  
 17 be held.  
 18 b. An election under this subsection shall  
 19 be held on the second Tuesday in March and be conducted  
 20 by the county commissioner of elections in accordance  
 21 with the law.  
 22 c. The proposition to be submitted shall  
 23 be substantially in the following form:  
 24 Vote for only one of the following:  
 25 Shall the city of \_\_\_\_\_ levy a  
 26 (name of city)  
 27 tax for the purpose of \_\_\_\_\_  
 28 (state purpose of levy election)  
 29 at a rate of \_\_\_\_\_ which will provide \$ \_\_\_\_\_.  
 30 (rate) (amount)  
 31 The city of \_\_\_\_\_ shall continue  
 32 under the maximum rate of \_\_\_\_\_ providing  
 33 \$ \_\_\_\_\_  
 34 (amount)  
 35 d. The commissioner of elections conducting  
 36 the election shall notify the city officials and other  
 37 county auditors where applicable, of the results

38 within two days of the canvass which shall be held  
39 beginning at one o'clock on the second day follow-  
40 ing the special levy election.

41 e. Notice of the election shall be published  
42 twice in accordance with the provisions of section  
43 three hundred sixty-two point three (362.3) of the  
44 Code, except that the first such notice shall be given  
45 at least two weeks before the election.

46 f. The cost of the election shall be borne  
47 by the city.

48 g. The election provisions of this subsection  
49 shall supersede other provisions for elections only  
50 to the extent necessary to comply with the provisions

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1 hereof.

2 h. The provisions of this subsection apply  
3 to all cities, however organized, including special  
4 charter cities which may adopt ordinances where  
5 necessary to carry out these provisions.

6 i. The council shall certify the city's  
7 budget with the tax askings not exceeding the amount  
8 approved by the special levy election.

9 Sec. . Section four hundred forty-four  
10 point nine (444.9), subsection two (2), Code 1979,  
11 is amended by adding the following new unnumbered  
12 paragraph:

13 NEW UNNUMBERED PARAGRAPH. Any county may  
14 exceed a tax levy limit contained in this chapter,  
15 provided; the proposition has been submitted at a  
16 special levy election and received a simple majority  
17 of the votes cast on the proposition to authorize  
18 the enumerated levy limit rate to be exceeded. The  
19 following provisions shall prevail for special levy  
20 elections.

21 1. The election may be held as specified  
22 herein if notice is given by the board of supervisors,  
23 not later than February fifteenth, to the county  
24 commissioner of elections that the election is to  
25 be held.

26 2. An election under this subsection shall  
27 be held on the second Tuesday in March and be conducted  
28 by the county commissioner of elections in accordance  
29 with the law.

30 3. The proposition to be submitted shall  
31 be substantially in the following form:

32 Vote for only one of the following:

33 Shall the county of \_\_\_\_\_ levy a  
34 (name of county)

35 tax for the purpose of \_\_\_\_\_  
36 (state purpose of levy election)

37 at a rate of \_\_\_\_\_ which will provide \$ \_\_\_\_\_.  
 38 (rate) (amount)

39 The county of \_\_\_\_\_ shall continue  
 40 under the maximum rate of \_\_\_\_\_ providing

41 \$ \_\_\_\_\_.  
 42 (amount)

43 4. The commissioner of elections conducting  
 44 the election shall notify the board of supervisors  
 45 of the results within two days of the canvass which  
 46 shall be held beginning at one o'clock on the second  
 47 day following the special levy election.

48 5. Notice of the special levy election shall  
 49 be published at least twice in a newspaper having  
 50 general circulation in the county prior to the date

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1 of the special levy election. The first notice shall  
 2 appear as early as practicable after the county has  
 3 decided to seek a special levy.

4 6. Election provisions conflicting with  
 5 the provisions of the subsection shall not apply to  
 6 a special levy election."

7 7. Page 13, by inserting after line 10 the  
 8 following:

9 "Sec. . Notwithstanding the time limit  
 10 provisions of section twenty-four point seventeen  
 11 (24.17), unnumbered paragraph one (1), section twenty-  
 12 four point forty-eight (24.48), section three hundred  
 13 eighty-four point twelve (384.12), and section four  
 14 hundred forty-four point nine (444.9), subsection  
 15 two (2), of the Code as amended by this Act, a city  
 16 or county wishing to exceed a tax levy limit for the  
 17 fiscal year beginning July 1, 1980, shall notify the  
 18 county commissioner of elections not later than thirty  
 19 days following the effective date of this Act that  
 20 a special levy election is to be held and the city  
 21 or county holding such an election shall certify the  
 22 local budget to the county auditor not later than  
 23 fourteen days following the special levy election."

24 8. Page 13, by striking lines 30 through  
 25 34 and inserting in lieu thereof the following:

26 "NEW SECTION. The legislative council is  
 27 directed to create a tax study committee to be composed  
 28 of the following members: The lieutenant governor  
 29 is to serve as chairman of this committee and the  
 30 legislative council shall appoint four members of  
 31 the senate and four members of the house, two from  
 32 each political party, to serve on this committee.  
 33 Twelve members shall be appointed from the public  
 34 at large, two from each of Iowa's congressional  
 35 districts. The governor shall appoint two members

36 from each congressional district from lists submitted  
37 by the chair of the republican state party and the  
38 chair of the democratic state party. This committee  
39 shall conduct a comprehensive study".

40 9. Page 14, by inserting after line 15 the  
41 following new subsection:

42 "6. The impact of the failure to index the  
43 income tax to adjust for inflation."

44 10. Page 14, line 20, by striking the word  
45 and figure "fourteen (14)" and inserting in lieu  
46 thereof the word and figure "thirteen (13)".

47 11. Page 14, line 24, by striking the word  
48 and figure "fourteen (14)" and inserting in lieu  
49 thereof the word "thirteen (13)".

50 12. Amend the title page, line 7, by

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1 inserting after the word "purposes" the words ", by  
2 providing a procedure to exceed levy limits".

3 13. Amend the title, line 7, by inserting  
4 after the word "purposes," the words "by establishing  
5 agricultural dwellings as one class of property and  
6 combining agricultural buildings with agricultural  
7 land into another class of property."

8 14. Renumber sections and correct internal  
9 references as are necessary in accordance with this  
10 amendment.

### SPONSOR WITHDRAWN (House File 2179)

Lura of Marshall requested to be withdrawn as a sponsor of  
House File 2179.

### EXPLANATION OF VOTE

I was necessarily absent from the House Chamber on Friday,  
February 1 when the vote was taken on House File 747. Had I been  
present, I would have voted "nay."

PAVICH of Pottawattamie

**PROOF OF PUBLICATION**  
**(House File 2357)**

Published copy of House File 2357 and verified proof of publication of said bill in the Centerville Iowegian & Citizen, a daily newspaper printed and published in Centerville, Appanoose County, Iowa on January 25, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**STUDY BILL COMMITTEE ASSIGNMENTS**

**S.B. 643 Ways and Means**

To allow the department of revenue and the state department of transportation to waive the payment of interest on a delinquent fuel tax return.

**S.B. 644 Ways and Means**

To provide for the apportionment of income of financial institutions with offices in other states.

**S.B. 645 Ways and Means**

Relating to the definition of active duty for the purposes of the military service tax exemption.

**S.B. 646 Ways and Means**

Proposing a constitutional amendment to the Constitution of the State of Iowa to limit state and local expenditures and to provide certain exemptions.

**S.B. 647 Ways and Means**

Allowing special income tax treatment for the receipt of a lump sum distribution from an employees' pension, retirement or annuity plan.

**S.B. 648 Ways and Means**

Providing for the deduction of the federal income tax accrued for

the tax year in computing the state individual and corporate income tax for that year.

**S.B. 649 Ways and Means**

Authorizing a taxpayer to income average in determining the taxpayer's individual income tax liability for the tax year.

**S.B. 650 Transportation**

Relating to emergency repair, restoration, or reconstruction of a primary highway or bridge.

**S.B. 651 County Government**

To provide for consultation between the board of supervisors and other elected county officers on collective bargaining proposals.

**S.B. 652 County Government**

Relating to the percentage of city fines and forfeitures to be paid to the county.

**S.B. 653 County Government**

To provide for a fee for the collection of special city assessments.

**S.B. 654 Judiciary and Law Enforcement**

Correcting erroneous, inconsistent or obsolete provisions of the Code of Iowa.

**S.B. 655 Judiciary and Law Enforcement**

Establishing the minimum financial responsibility requirements under the laws of this state requiring proof of ability to respond in damages.

**S.B. 656 Judiciary and Law Enforcement**

Relating to computer crime and providing penalties.

**S.B. 657 Judiciary and Law Enforcement**

Rules of criminal procedure, pursuant to sections 813.4 and 684.19, Code of Iowa.

**S.B. 658 Judiciary and Law Enforcement**

Rules of procedure and forms for the involuntary hospitalization of the mentally ill, pursuant to sections 229.40 and 684.19, Code of Iowa.

**S.B. 659 Judiciary and Law Enforcement**

Rules, standards, qualifications and training requirements for juvenile probation officers, pursuant to sections 684.21 and 684.19, Code of Iowa.

**S.B. 660 Judiciary and Law Enforcement**

Rules of civil procedure, pursuant to sections 684.18 (1) and 684.19, Code of Iowa.

**S.B. 661 Judiciary and Law Enforcement**

Rules of procedure concerning the answering and certification of questions of law under the uniform certification of questions of law act, pursuant to section 6 of the Uniform Certification of Questions of Law Act and section 684.19, Code of Iowa.

**S.B. 662 Judiciary and Law Enforcement**

Rules of appellate procedure, pursuant to sections 684.18 (2) and 684.19, Code of Iowa.

**S.B. 663 Human Resources**

Relating to licensed practical nurses.

**S.B. 664 Agriculture**

Relating to agricultural promotional agencies.

**S.B. 665 Agriculture**

Relating to the office of state entomologist.

**S.B. 666 Judiciary and Law Enforcement**

For the construction, alteration, repair, or maintenance of a building, structure, highway bridge, viaduct, water, sewer, or gas distribution system, or other work dealing with construction, or for any moving, demolition, or excavation connected with such construction.

**S.B. 667 Cities**

Relating to retention of budget documents.

**S.B. 668 Agriculture**

To establish the Iowa Farm Development Program.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Study Bill 547**, relating to tort liability of soil conservation districts and their officers, employees, and agents.

**Recommended Do Pass.**

**Study Bill 550**, relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

**Recommended Do Pass.**

**COMMITTEE ON COMMERCE**

**House File 2171**, a bill for an act relating to the definition of insolvent insurer for purposes of the Iowa insurance guaranty association.



**Recommended Do Pass.**

**Study Bill 606**, relating to the powers of savings and loan associations.

**Recommended Do Pass.**

**COMMITTEE ON COUNTY GOVERNMENT**

**Study Bill 511**, relating to writing fees collected by county recorders for boat and snowmobile registrations.

**Recommended Do Pass.**

Fiscal Note is not required.

**Study Bill 512**, extending the property tax levy for flood and erosion control under chapter four hundred sixty-seven B (467B) of the Code to all taxable property outside the corporate limits of a city.

**Recommended Do Pass.**

Fiscal Note is not required.

**COMMITTEE ON EDUCATION**

**House File 160**, a bill for an act to require the development of programs for autistic children.

**Recommended Do Pass.**

**House File 2109**, a bill for an act to increase the maximum interest rate payable on installment contracts for the purchase of school buses.

**Recommended Amend and Do Pass.**

H-5143

- 1 Amend House File 2109 as follows:
- 2 1. Page 1, by striking lines 14 and 15.

**Study Bill 553**, relating to the authority of reorganized school districts to levy the schoolhouse tax.

**Recommended Amend and Do Pass.**

**COMMITTEE ON HUMAN RESOURCES**

**Senate File 432**, a bill for an act relating to licensing and regulation of child foster care facilities, and prescribing penalties.

**Recommended Amend and Do Pass.**

H-5152

1 Amend Senate File 432, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 23 the  
4 following:

5 "c. Care furnished by a private boarding school  
6 subject to approval by the state board of public  
7 instruction pursuant to section two hundred fifty-  
8 seven point twenty-five (257.25) of the Code.

9 d. Child day care furnished by a licensed child  
10 care center or a registered or nonregistered child  
11 day care facility under chapter two hundred thirty-  
12 seven A (237A) of the Code."

13 2. Page 2, line 9, by inserting after the word  
14 "facilities" the words ", including but not limited  
15 to residential treatment centers, group homes, and  
16 foster family homes".

17 3. Page 3, line 5, by inserting after the word  
18 "care" the words "provided by agencies".

19 4. Page 3, by inserting after line 29 the  
20 following:

21 "6. Rules of the department shall not prohibit  
22 the licensing, as foster family homes, of individuals  
23 who are departmental employees not directly engaged  
24 in the administration of the child foster care program  
25 pursuant to this Act."

26 5. By striking page 3, line 34 through page 4,  
27 line 4 and inserting in lieu thereof the following:  
28 "However, a license is not required of the following:

29 1. An individual providing out of home care for  
30 a total of not more than twenty days in one calendar  
31 year.

32 2. A hospital licensed under chapter one hundred  
33 thirty-five B (135B) of the Code.

34 3. A health care facility licensed under chapter  
35 one hundred thirty-five C (135C) of the Code.

36 4. A juvenile detention home or juvenile shelter  
37 care home approved under section two hundred thirty-  
38 two point one hundred forty-two (232.142) of the Code.

39 5. An institution listed in section two hundred  
40 eighteen point one (218.1) of the Code."

41 6. Page 5, line 4, by striking the words "or to"  
42 and inserting in lieu thereof the words ". A licensee  
43 shall not furnish child foster care to".

44 7. Page 6, by striking line 5 and inserting in  
45 lieu thereof the words and figure "two hundred thirty-  
46 two point sixty-nine (232.69) of the Code."

## AMENDMENTS FILED

H-5145	H.F. 2095	Davitt of Warren
H-5146	H.F. 2169	Schroeder of Pottawattamie
H-5147	H.F. 2275	Lind of Black Hawk
		Brandt of Black Hawk
H-5148	H.F. 2072	Bina of Scott
H-5149	H.F. 2242	Bina of Scott
H-5150	H.F. 2003	Perkins of Greene
H-5151	H.F. 2443	Brandt of Black Hawk
H-5153	H.F. 2072	Bina of Scott
H-5154	S.F. 358	Hansen of O'Brien
		O'Kane of Woodbury
H-5155	H.F. 2072	Avenson of Fayette
H-5156	H.F. 2072	Bina of Scott
H-5157	S.F. 97	Hanson of Delaware
H-5158	H.F. 2072	Johnson of Howard
H-5159	H.F. 2072	Halvorson of Webster
		O'Kane of Woodbury
		Lloyd-Jones of Johnson
		Doyle of Woodbury
H-5160	H.F. 2072	Anderson of Jasper
H-5161	H.F. 2246	O'Kane of Woodbury
		Doyle of Woodbury
H-5162	H.F. 2072	O'Kane of Woodbury
H-5163	H.R. 103	Poffenberger of Dallas

On motion by Halvorson of Clayton, the House adjourned at 9:17 a.m., until 9:00 a.m., Wednesday, February 6, 1980.

# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day—Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 6, 1980

The House met pursuant to adjournment, Thompson of Polk in the chair.

Prayer was offered by the Reverend Frederick Strickland, pastor of the Corinthian Baptist Church, Des Moines.

The Journal of Tuesday, February 5, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rodney Carlson, Ankeny.

## PRESENTATION OF VISITORS

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

A group of students from Indian Hills Community College, Ottumwa, Iowa, accompanied by Clark Mefford. By Larsen of Wapello.

## INTRODUCTION OF BILLS

**House File 2454**, by committee on commerce, a bill for an act authorizing savings and loan associations to offer, subject to the existence of certain conditions, accounts under which the account owner may order or authorize the withdrawal of funds by means of a negotiable or nonnegotiable check or similar instrument.

Read first time and placed on the calendar.

**House File 2455**, by committee on county government, a bill for an act providing a fee for the filing of instruments in the office of county recorder.

Read first time and placed on the calendar.

**House File 2456**, by committee on county government, a bill for an act relating to writing fees collected by county recorders for boat and snowmobile registrations.

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

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 4, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 286, a bill for an act relating to the cancellation of property interests granted for pipeline or electric transmission line purposes.

Also: That the Senate has on February 4, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2051, a bill for an act relating to the registration and licensing of class A motor homes.

Also: That the Senate has on February 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2098, a bill for an act to provide procedures and committees for the investigation and confirmation of appointees.

Also: That the Senate respectively requests the return of House File 2072, a bill for an act relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, to the Senate, for corrections to the Senate amendment.

FRANK J. STORK, Secretary

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 108**

Halvorson of Clayton called up for consideration House Concurrent Resolution 108, relating to a joint convention to observe Lincoln's birthday, filed on February 1, and found on page 328 of the House Journal.

Halvorson of Clayton offered the following amendment H-5141 filed by him and moved its adoption:

H-5141

1 Amend House Concurrent Resolution No. 108 as follows:

- 2 1. Page 1, line 5, by striking the time "11:30 a.m."
- 3 and inserting in lieu thereof the time "11:00 a.m."

Amendment H—5141 was adopted.

Halvorson of Clayton moved the adoption of House Concurrent Resolution 108.

The motion prevailed and the resolution, as amended, was adopted.

On motion by Halvorson of Clayton, the House was recessed at 9:23 a.m., until 10:45 a.m.

The House reconvened, Thompson of Polk in the chair.

#### COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Conlon of Muscatine, McKean of Jones and Jay of Appanoose.

#### REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

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

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

#### JOINT CONVENTION

In accordance with law and House Concurrent Resolution 104,

duly adopted, the joint convention was called to order, President Branstad presiding.

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

The motion prevailed.

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

Senator DeKoster moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Chief Justice W. W. Reynoldson that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators DeKoster of Sioux, Ramsey of Clarke and Rush of Linn, on the part of the Senate, and Representatives Shimanek of Jones, Ritsema of Sioux and Patchett of Johnson, on the part of the House.

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

The committee waited upon Chief Justice W. W. Reynoldson and escorted him to the Speaker's station.

President Branstad then presented Chief Justice W. W. Reynoldson who delivered the following Condition of the Judiciary Message:

MR. PRESIDENT, MADAM SPEAKER, MEMBERS OF THE SIXTY-EIGHTH GENERAL ASSEMBLY, STATE OFFICIALS, AND FELLOW IOWANS:

A year ago, pursuant to your new enactment now found at section 684.22 of the 1979 Code, and for the first time in Iowa's history, we appeared here to report to you about the judicial branch of government. We are gratified that you did not promptly repeal that statute. We welcome the opportunity to reappear this morning to continue our examination of judicial department problems and to ask for your wisdom and continued assistance and support in resolving them.

As we closed our remarks last year, we voiced our concern with the erosion of public confidence in courts, and the implications that held for our ongoing experiment

in self-government. We noted the enormous tensions in our country, and the challenge of foreign ideologies at war with the spirit of the Declaration of Independence.

For several recent weeks Americans were transfixed by televised scenes of violence and chaos in a country in which local law has broken and international law is spurned. The faulty justice system which contributed to that revolution, and the total absence of one which now exacerbates the tragedy, should furnish a somber backdrop, however remote, to the study of any judicial system here.

Swinging our focus northward from Iran, we note that for years millions of Russian political and ethnic prisoners died in what Solzhenitsyn in his book, *The Gulag Archipelago*, described as Russia's "sewage disposal system." During the same time, Article 125 of the Constitution, or "Fundamental Law," of the Union of Soviet Socialist Republics essentially contained those same safeguards of freedom found in our Bill of Rights.

And so one must conclude that it takes more than the force long displayed in Iran, and more than brave words like those in the Russian Constitution, to insure basic freedoms and a stable social structure. We suggest that an independent judiciary whose rulings are respected by the people, and attorneys willing to stand up and defend individual rights, are indispensable in any democratic government.

Although time prohibits going into detail, a national survey and *The Des Moines Register's "Iowa Poll"* both confirm a degree of public dissatisfaction with the courts. One root cause identified is a deep concern with street crime. One also senses that Iowa's citizens, both rural and urban, attuned to the "QuikTrip" philosophy, simply demand faster and cheaper justice.

The national survey additionally disclosed that the general public had little information about our justice system and how it functions. Thirty-seven percent believe an accused must prove his or her innocence; sixty-two percent believe the county attorney's task is to defend the accused at the taxpayer's expense; seventy-one percent believe the United States Supreme Court can overrule any state court decision.

Returning to the public's concerns relating to the judiciary, and without reflection on any other branch of government, we can hardly assume total responsibility for crime in the streets when for every one thousand reported crimes there are only one hundred fifty-three arrests. And we are sure Iowans do not want justice administered with the speed and efficiency of a lynch mob, nor even the efficiency of Justice of Peace Roy Bean, who you will recall was the "law west of the Pecos" at the end of the railroad in Vinegaroon, Texas. His was not the rule of law but the rule of one man, administered ad hoc and sometimes at the business end of a six-shooter.

On the other hand, if our system is to operate with less waste of time and money for litigants, we must study our administrative structure and our personnel requirements. And because no citizen should be expected to value a branch of government he or she does not understand, we should explore methods to furnish that knowledge.



## ADMINISTRATIVE STRUCTURE

Last year we traced some of the judicial reforms you implemented in the '60's and '70's — a unified court system, a modern procedure for judicial selection and tenure, the Iowa Court of Appeals. We requested your study and ultimate support in making that unified state court system viable and responsive by centralized state funding of the state system, with a concomitant consolidated budget procedure, and by bringing the personnel who serve the judicial department under its administration. This concept is not new: Twenty-two state court systems now are totally or substantially state funded.

You reacted with characteristic cooperation and concern to face this issue. On April 17, 1979, responding to the language of nonpartisan Senate Resolution 11, your Legislative Council unanimously voted to create a Court Study Joint Subcommittee comprised of the members of the standing Senate Judiciary Committee and the House Judiciary and Law Enforcement Committee. That joint subcommittee has met several times. As a result of its deliberations it requested the Legislative Council to apply for federal funds available through the National Center for State Courts to finance the necessary study, and to engage a private contractor for that purpose. Your council obtained \$57,260 in federal funds and contracted with the Resource Planning Corporation, a firm experienced in conducting judicial studies in other states. Its report is scheduled to be presented to the council by July 31, 1980.

Several of the itemized goals of the study now under way are themselves an indictment of the present statutory administrative and support structure for Iowa's judicial department. A unified state court system in 1980 should be so organized administratively that it quickly could provide the legislature with "the costs which presently are incurred in the operation of the Iowa court system" and "the number and types of personnel who presently serve the . . . system."

Our current fragmented administrative structure was erected in the nineteenth century. In this century it has been cobbled up and subjected to jerry-built additions without any consideration of its overall design and efficiency. Times does not permit us to read aloud a portion of the introduction to the request for study bids formulated by the joint subcommittee, summarizing some of the bizarre methods by which judicial personnel presently are obtained and paid. We attach it to this message as an appendix, for the insight it furnishes into the existing administrative morass.

There is more involved here than tax relief for local units of government. There is more at stake than the elimination of tensions between the state court system and elements of local government. Above all is the task of preparing Iowa's judicial system for the challenges of the twenty-first century.

Meanwhile, within budgetary constraints and constitutional and statutory parameters, the judiciary has initiated needed reforms through the Iowa Judicial Planning Committee and the Litigation Cost Study Committee.

### • 1. Iowa Judicial Planning Committee

In 1978, using available federal funds, we created and staffed the Iowa Judicial Planning Committee. Its members include lay persons, judges, attorneys, and administrators.

For the first time we are acquiring the capability to make in-depth analyses of current and potential judicial problems and engage in long-range planning to meet them. Such a resource in some form is an accepted adjunct of every well-organized private enterprise of comparable size and budget.

Projects described in the planning committee's 1980 Judicial Action Plan, now being implemented, include a study to devise improved methods of rapidly assembling and disseminating information necessary to administer the department, a study to develop recommendations for improving the structure and organization of the court system, a separate study to recommend improvements for the magistrate system, and experiments with "dispute settlement centers" designed to divert from adversary court proceedings certain controversies which may be resolved by mediation or arbitration.

Our planning committee and staff, and the new studies and experiments now launched, contribute toward an undercurrent of excitement in the judicial department — a sense that our options are not exhausted; that there may be ways to help ease the crushing case loads our trial judges carry; that there may be better conveyances for delivering judicial and related services to Iowa's citizens.

## 2. **Litigation Cost Study Committee**

A year ago we reported the appointment of a blue-ribbon committee to study litigation costs, chaired by former Chief Justice C. Edwin Moore. The judges and the uncompensated lay persons and attorneys on this task force worked long and hard. They reported to the supreme court on September 12, 1979. The court studied the committee's recommendations and on October 15, 1979, issued its report which endorsed most of the task force proposals. We have filed with you the necessary civil and criminal rule amendments, and have forwarded these reports to the chairpersons of your standing judiciary committees, identifying the statutory changes required to implement the approved recommendations.

Generally, the reforms include bringing litigation discovery processes under control, a simplified method of taxing costs, adoption of the Uniform Arbitration Act (except as it would force mandatory arbitration of disputes under contracts generally regarded by courts as adhesion, consumer-type contracts), reduction of jury size, increase in interest rate on judgments, and increase in the small claims jurisdictional amount. Several of these innovations should short-cut administrative procedures and save judicial time in order to serve better your constituents who daily appear in our courtrooms. We urge you to adopt these reforms.

## PERSONNEL REQUIREMENTS

In addition to a modern administrative structure, Iowa's citizens are entitled to qualified judges in sufficient number to process their legal business.

### 1. Quality of Judges

No one can compute how many of Iowa's three million citizens must be affected, directly or indirectly, by the almost one-half million legal matters processed each year by Iowa's judicial system. Too infrequently we pause to reflect on the awesome frontline responsibility carried by less than three hundred judges and magistrates. They daily bear the emotional trauma of adjudicating child custody disputes, balancing the risks in persons' freedom or incarceration, and applying the intricate calculus of adjudicating property rights and damage claims. They seldom grapple with broad policy concepts like legislators, or with cold records and abstract legal philosophy like appellate judges. Each day they just directly face the troubled people, and people in trouble, whose fate and fortune they determine. They operate continually and gallantly in the eye of legal storms.

By June 30th of this year twenty-seven seasoned Iowa judges will be age sixty-five or over. In this year and a few following years they will all be replaced. To perform the role we have described, and to replace those judges, Iowa must recruit persons of the same character, intelligence, judgment, sensitivity, stamina, drive, and emotional maturity required to reach the top in the private sectors of the legal profession, or in any business or profession for that matter.

But we suggest that today an attorney with those qualifications may view a judicial appointment with some reservations. That potential applicant must weigh exchanging some measure of personal control over his or her economic destiny for a career in which the salary from July 1, 1977, to January 1, 1980, increased only 8.8 percent while the cost of living mushroomed 25.9 percent. He or she might consider that the judges and magistrates who rode a 1,046,000 mile circuit in fiscal year 1979 to bring justice to Iowa's rural population, subsidized the state because their car operating expenses exceeded the reimbursement allowed under statutory limits.

We know that as time permits you will address these issues, as you have in the past. But in considering ways and means to recruit the best for Iowans, we also suggest you reexamine the concepts in House File 54, adopted by the House last year, relating to district associate judges and judicial magistrates. Full-time magistrates must be attorneys and give up private practice. They have responsible jurisdic-

tion in civil actions and criminal cases. They are often designated as juvenile court judges — making choices affecting the futures of Iowa's children. An enactment like House File 54 would offer recruits the title of district associate judge. It would provide them a minimal tenure in office while for the first time affording citizens the right to vote whether they should be retained. Retirement benefits of these judges would remain under IPERS. While the proposed changes from the present structure are few, they could make the difference in the quality of persons who might be influenced to choose a bench career.

No judicial system can perform better than the quality of its judges. We are proud of the vast majority of our present judges and magistrates who are hardworking, intelligent, conscientious, and concerned jurists. We know you want to maintain that quality.

## 2. **Judicial Force Quantity**

At the same time, you also determine the quantity of Iowa's judicial force. In 1967 you wisely devised a flexible statutory formula, based on population and case filings, to determine the number of district court judges required to process Iowans' legal matters. Since your 1977 amendment freezing those judgeships at ninety-two, civil case filings have climbed 17.8 percent and criminal filings have risen 7.7 percent, for an overall increase in filings of 13.8 percent.

This significant increase in case load entitles the people of Iowa to fifteen additional judgeships under the statutory formula, or a total of one hundred seven district court judges. Iowa needs this judge power to provide the speedy justice which deters crime. At the same time, the civil litigation of law-abiding Iowans should not be relegated to the back burner, nor can we eliminate the time required to supervise and expedite probate proceedings and for all other judicial department responsibilities.

In 1977, the year of the judgeship freeze amendment, and in the years which have followed, new legislation which you adopted to meet your constituents' needs has become effective. These legislative innovations have resulted, and will result, in burdensome increases in trial court attention and responsibilities. Some new code provisions which come readily to mind are chapter 229, involuntary hospitalization; chapter 232, juvenile justice act; section 321.215 (1), permitting application to district court for temporary restricted driver's license; chapter 455B, department of environmental quality; chapter 553, Iowa competition law; chapter 600, the revised adoption law, and chapter 147, Laws of the Sixty-eighth General Assembly, the domestic abuse act. All of this

legislation ultimately will be challenged, tested, interpreted, and enforced by court actions.

We know you are concerned about taxpayers' dollars and the inherent expense of proposed legislation. Some of those costs may be projected. Others soon appear. But an expense often hidden until it ultimately surfaces in the judgeship formula computation is the cost in terms of additional judge time, and additional judges. That you have been unable to obtain this information from the judicial department in advance, in the form of a time-translated-into-expense impact statement, is our shortfall. We intend to rectify it.

For the first time, in all areas of Iowa, judges and magistrates who have volunteered for the task will keep a record of the myriad of duties performed in their daily activities for a three-month period. Our prior statistical reports have provided no empirical evidence of time spent in juvenile, involuntary hospitalization, domestic abuse, probate, pretrial conference, pretrial motion, sentencing and postconviction matters. When the legislation you have under consideration requires a court hearing, we cannot tell you the average length of a hearing in Iowa district court, much less project the length of the particular hearing you contemplate, or estimate the number which will occur each year. Neither can we tell you how many dollars it will cost the taxpayers to fund the expenses of the judicial department in conducting the hearings or trials involved in the proposed enactment. You should have that information.

The Judicial Council, comprised of the chief judge of the Iowa Court of Appeals and the district chief judges, together with our staff, working with the Judicial Planning Committee and utilizing the evidence generated by our volunteer judges and magistrates, will devise the necessary formulae so that, upon your request, we can provide you with meaningful judicial impact statements. The same information as it relates to judicial work load may be of interest to you in considering revisions of the statutory judgeship formula and your 1977 freeze amendment.

All of us — you, Governor Ray, and the judiciary — anticipated the Senior Judge Act soon would provide some relief for Iowa's judge shortage. The senior judge is available for thirteen weeks of judicial service annually, receives no salary, but his or her retirement compensation will have a limited shelter from inflation by pro rata escalation with any increase in the salary for the position formerly held. Out of twelve eligible judges retiring prior to December 31, 1979, only Justices Moore and Mason, and Judge James E. Hughes elected senior judge status. Anyone who may have con-

sidered the legislation a boondoggle for retired judges should be convinced by this response that retiring judges do not so view it. Nonetheless, those three judges have all either performed a full one-fourth year of trial court judicial services or shortly will complete that annual tour of duty. Their reports of judicial service are on file. They held court in various counties in the second and fifth judicial districts, adjudicating equity actions and hearing and deciding motions and applications. However, while each senior judge performs valuable judicial services one-fourth time, the three cannot substitute for one full-time trial judge.

We closed out 1979 with more cases on file in every judicial district — a total of over 4200 more civil and criminal cases pending than were on our dockets at the end of 1978. In view of this case backlog, and the congestion of hearing and probate matters in your trial courts, we know you will move soon to relieve Iowa's citizens from that frustration of justice which results from unresolved controversies and delay in processing important legal matters.

#### **PUBLIC LACK OF KNOWLEDGE OF JUDICIAL SYSTEM**

We turn now to a concern we expressed earlier, relating to the public's lack of knowledge of its judicial system and the inevitable erosion of public confidence in the law and the administration of justice. It is basic human nature for people to oppose what they do not understand.

But it is the courtroom crucible which distills truth, that imprints lasting impressions, that sends a clear signal about the law's expectations and the penalties which await law violators. The courtroom is government in action. It can function as a classroom, teaching law and its underlying rationale; it can provide a vivid demonstration of time-tested rules which separate fact from fiction; it can serve as a living laboratory, exploring the application of the substantive laws you enact to a given set of circumstances.

In bygone days when life moved more leisurely, people visited the courtroom. In today's hectic race they go only in response to a subpoena or summons, or when they are directly involved in a legal proceeding.

On November 21, 1979, following the lead of twenty-one other states and the recommendations of a hardworking Media Advisory Committee, we instituted an experiment to take the courtroom to the people. For one year, under carefully formulated safeguards, the electronic media — television, radio and cameras — will cover Iowa courts, just as the print media and sketch artists have done throughout our history.

Trials with electronic coverage are now in progress. Our media committee is monitoring the experiment, surveying the participants, and will report to us at the year's close. We hope this experiment will be successful — a demonstration that the judiciary and the news media, cooperating, can help Iowans better understand how the judicial branch of their government functions.

## CONCLUSION

Before closing we direct your attention to Appendix F, attached to this message, reviewing those improvements we recommended last year which are still pending. An old friend and wise senator told us we simply suggested too many reforms for one session. You will note these items are not for the personal benefit of judges, but for the benefit of Iowans who must use the judicial system. The costs are nonexistent or nominal. In any event, it should be observed here that the same national poll which brought us bad news also brought good news: seventy-four percent of the public is more willing to spend tax dollars on improving the judiciary than on any other part of the criminal justice system.

A potential item of future business alarms us more. 1980 is the year of the census, triggering the constitutional mandate to reapportion in 1981. One hundred fifty years ago, the young French political philosopher Alexis de Tocqueville, examining America's democracy while the thunder of her revolution still echoed, wrote, "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." In Iowa, by constitutional amendment, an ominous political question is converted to a judicial question if your reapportionment is unsuccessful. We implore you to take now the necessary steps to keep that issue from our bench.

In closing, we salute and commend you for the study you have launched, and pledge our full cooperation. We ask you to support the reforms we propose, and we are ready to aid in implementing them.

In the final analysis, the judicial department has no resources unless you provide them. Iowans will hold each of our departments responsible, in varying degrees

- For deterring crime while preserving those basic human rights which distinguish our democracy from dictatorship,
- For accelerating delivery of even-handed justice without shattering those fragile freedoms so vulnerable to impatient haste,
- For effecting economies in legal processes while retaining and recruiting the necessary number of high-quality judges,
- For testing measures to open court operations to Iowans without disrupting trials.

Let us wish each other success in this challenging joint venture.

## APPENDIX F

THE NEEDS MENTIONED IN THE FOLLOWING QUOTED PORTIONS OF THE CHIEF JUSTICE'S 1979 MESSAGE HAVE NOT BEEN ADDRESSED:

### 1. Judicial Nominating Commissioners

Members of the Judicial Nominating Commission screen

candidates for judgeships and submit nominees for vacancies. This is a vital and often time-consuming duty. We think it simply has been an oversight that you have not provided these commissioners be reimbursed for their mileage, meals and lodging while on state business attending commission meetings. We recommend such reimbursement be provided.

**2. Appellate Rules**

We recently met with majority and minority members of your judiciary committees and suggested several technical amendments to statutes which would enable the supreme court, by rule, to conform appellate rules in civil and criminal cases. We recommend adoption of these amendments.

**5. Commission on Judicial Qualifications**

This commission of four lay persons, two lawyers and one judge investigates complaints about judges and makes disciplinary recommendations to the supreme court. It performs an important function. The commission deserves a permanent staff person who could also follow up on complaints. Its jurisdiction should be extended to include complaints against magistrates."

Chief Justice W. W. Reynoldson was escorted from the House chamber by the committee previously appointed.

Halvorson of Clayton moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Thompson of Polk in the chair.

On motion by Halvorson of Clayton, the House was recessed at 11:55 a.m., until 3:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Thompson of Polk in the chair.

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 109**

Pellett of Cass called up for consideration House Concurrent Resolution 109, supporting the development of essential rail services in Iowa through the railroad assistance program and calling



upon the President and Congress to provide for extended service, filed on February 4 and found on pages 362 and 363 of the House Journal.

Lloyd-Jones of Johnson offered the following amendment H-5164 and moved that the rules be suspended for the consideration of amendment H-5164 filed by Lloyd-Jones, Connors, Cochran, Davitt, Hullinger and Avenson from the floor:

H-5164

- 1 Amend page 2 of House Concurrent Resolution 109 by
- 2 striking lines 16 through 23 and inserting in lieu
- 3 thereof the following:
- 4 *"Be It Resolved by the House of Representatives,*
- 5 *the Senate Concurring,* That the general assembly
- 6 approve legislation establishing an Iowa Rail Finance
- 7 Authority with the authorization to issue up to one
- 8 hundred million dollars worth of industrial develop-
- 9 ment bonds for rail rehabilitation projects; and"
- 10 *"Be It Further Resolved,* That the general
- 11 assembly express support of the state department of
- 12 transportation and the direction of its efforts to
- 13 achieve a sound and rational solution to the midwest
- 14 rail crisis, and the general assembly supports the
- 15 financial efforts of federal, state and local
- 16 officials to develop a rail system capable of
- 17 providing the service essential to the economic
- 18 health of Iowa and its citizens; and"

A non-record roll call was requested.

The ayes were 41, nays 50.

The motion lost.

Pellett of Cass moved the adoption of House Concurrent Resolution 109.

The motion prevailed and the resolution was adopted.

**IMMEDIATE MESSAGE**  
(House Concurrent Resolution 109)

Pellett of Cass asked and received unanimous consent that House Concurrent Resolution 109 be immediately messaged to the Senate.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**Senate File 437**, a bill for an act to repeal the limitation on charitable devises, with report of committee recommending amendment and passage was taken up for consideration.

Corey of Louisa asked and received unanimous consent to withdraw amendment H—3809 filed by the committee on judiciary and law enforcement on April 9, 1979 and found on page 1473 of the 1979 House Journal.

Corey of Louisa offered amendment H—5056 filed by the committee on judiciary and law enforcement on January 24 and found on page 197 of the House Journal and moved its adoption.

The committee amendment H—5056 was adopted.

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

On the question "Shall the bill pass?" (S.F. 437)

The ayes were, 92:

Anderson, R.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellatt	Pelton	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimanek	Shull

Spear	Stromer	Swearingen	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Madam Speaker (Thompson)

The nays were, 6:

Anderson, J.	Branstad	Hinkhouse	Johnson, R.
Maulsby	Perkins		

Absent or not voting, 2:

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

**House File 2240**, a bill for an act to make library circulation and registration records confidential records, with report of committee recommending passage was taken up for consideration.

Hoffmann of Muscatine offered the following amendment H—5108 filed by Hoffmann, et al. :

H—5108

- 1 Amend House File 2240 as follows:
- 2 1. Page 1, by striking line 3 and inserting in
- 3 lieu thereof the following:
- 4 "NEW SUBSECTION. The official file of the names
- 5 of those holding borrowing privileges at a library
- 6 and the circulation".

Mullins of Kossuth offered the following amendment H—5133, to amendment H—5108, filed by Mullins, et al., and moved its adoption:

H—5133

- 1 Amend amendment H—5108 to House File 2240 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 6 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, by striking lines 3 and 4 and
- 6 inserting in lieu thereof the following:
- 7 "NEW SUBSECTION. Records which include any
- 8 identification of items checked out or requested by
- 9 an individual library patron." "

A non-record roll call was requested.

The ayes were 25, nays 71.

Amendment H—5133 lost.

Hoffmann of Muscatine moved the adoption of amendment H—5108.

Amendment H—5108 was adopted.

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

Under the provisions of Rule 81, Conlon of Muscatine refrained from voting.

On the question "Shall the bill pass?" (H.F. 2240)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle.
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	McKean	Menke
Millen	Miller	Mulliins	O'Kane
Oxley	Patchett	Payich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	West	Madam Speaker (Thompson)

The nays were, 5:

Hullinger  
Woods

Lura

Maulsby

Welsh

Absent or not voting, 3:

Conlon

Johnson, W.

Norland

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

### ADOPTION OF HOUSE RESOLUTION 103

Harbor of Mills called up for consideration House Resolution 103, amending the temporary rules of the House, filed on January 25 and found on page 229 of the House Journal.

Stromer of Hancock offered the following amendment H—5079 filed by him:

H—5079

- 1 Amend House Resolution 103, found on pages
- 2 229 through 232 of the House Journal as follows:
- 3 Page 1 by inserting after line 4 the following:
- 4 "1. Rule 39 is amended to read as follows:
- 5 . Rule 39
- 6 Debate Calendar
- 7 The members of the majority floor leadership
- 8 shall cause a weekly debate calendar to be prepared
- 9 and distributed to the house members by the chief clerk.
- 10 Said calendar shall be available by noon on the last
- 11 session day of any week when floor action by the house
- 12 is scheduled for the next week. Any bill except
- 13 appropriations and ways and means bills not listed on the
- 14 debate calendar shall not be considered by the house
- 15 during the week covered by the debate calendar.
- 16 The members of the majority floor leadership shall
- 17 cause to be prepared and distributed to the members at
- 18 the opening of each session day when floor action is
- 19 scheduled, a daily calendar setting forth the number,
- 20 title, and order of consideration of bills for the next
- 21 session day that floor action is scheduled.
- 22 A bill listed on the daily calendar which is not taken
- 23 up in proper order shall be deleted from the debate
- 24 calendar and be placed on the regular calendar."

Byerly of Polk rose on a point of order that amendment H—5079 was not germane.

The Speaker ruled the point well taken and amendment H—5079 not germane.

Byerly of Polk asked and received unanimous consent to withdraw amendments H—5110 and H—5114 filed by him and Avenson of Fayette on January 31.

Woods of Polk offered the following amendment H—5128 filed by him and moved its adoption:

H—5128

- 1 Amend House Resolution 103 as follows:
- 2 1. Page 1, by striking lines 20 through 25
- 3 and inserting in lieu thereof the following:
- 4                   Rule 56
- 5                   Smoking
- 6 Smoking shall not be permitted in the house
- 7 committee rooms while a committee is meeting or in
- 8 the chamber of the house except in the perimeter area
- 9 while the house is in session.

A non-record roll call was requested.

The ayes were 23, nays 70.

Amendment H—5128 lost.

Connors of Polk rose on a point of order regarding the germaneness ruling on amendment H—5079 and the withdrawal of amendments H—5110 and H—5114.

The Speaker ruled the point well taken and amendments H—5079, H—5110 and H—5114 germane and in order.

The House resumed consideration of amendment H—5079.

Stromer of Hancock asked for unanimous consent to withdraw amendment H—5079.

Objection was raised.

Stromer of Hancock moved the adoption of amendment H—5079.

Amendment H — 5079 lost.

The House resumed consideration of amendment H — 5110.

Byerly of Polk asked and received unanimous consent to withdraw amendment H — 5110 filed by him and Avenson of Fayette on January 31.

The House resumed consideration of amendment H — 5114.

Byerly of Polk asked and received unanimous consent to withdraw amendment H — 5114 filed by him and Avenson of Fayette on January 31.

Byerly of Polk offered the following amendment H — 5138 filed by him:

H — 5138

- 1 Amend House Resolution 103 as follows:
- 2 1. Page 4, by striking line 35.
- 3 2. Page 5, by striking lines 1 through 18.
- 4 3. By renumbering as necessary.

Halvorson of Clayton asked and received unanimous consent to suspend Rule 2 to continue session beyond the 6:00 p.m. time limit.

Byerly of Polk moved the adoption of amendment H — 5138.

Roll call was requested by Schroeder of Pottawattamie and Husak of Tama.

On the question "Shall amendment H — 5138 be adopted?"

The ayes were, 48:

Anderson, J.	Anderson, R.	Bennett	Branstad
Bruner	Byerly	Clark, B.J.	Conlon
Connolly	Connors	Corey	Crawford
Cusack	Daggett	Danker	De Groot
Diemer	Gettings	Groth	Hall
Halvorson, R.N.	Hansen, I.	Harbor	Hibbs
Howell	Hummel	Johnson, J.	Lind
Lloyd-Jones	Loneragan	Lorenzen	McKean
Menke	Millen	Miller	Norland
Poffenberger	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Swearingen	Tofte
Tyrrell	Van Maanen	Welsh	Woods

The nays were, 46:

Avenson	Bina	Binneboese	Brandt
Chiodo	Clark, J.H.	Cochran	Crabb
Davitt	Dieleman	Doyle	Egenes
Halvorson, R.A.	Hanson, D.	Hinkhouse	Hoffmann
Holt	Horn	Hullinger	Husak
Jay	Jesse	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lura	Maulsby	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Rapp	Shimanek	Shull
Smalley	Spear	Stromer	Wells
West	Madam Speaker (Thompson)		

Absent or not voting, 6:

Arnould	Lageschulte	Mullins	Pope
Walter	Welden		

Amendment H—5138 was adopted, placing out of order amendment H—5163 filed by Poffenberger of Dallas on February 5.

Harbor of Mills moved the adoption of House Resolution 103.

The motion prevailed and the resolution, as amended, was adopted.

#### HOUSE CONCURRENT RESOLUTION 110

By Lloyd-Jones, Hullinger, Cochran, Howell, Woods, Pavich, Walter, Jay, Norland, Anderson of Jasper, Davitt, Bina, Groth, Connolly, Hibbs, Wells and Dieleman

- 1 *Whereas*, section 103 of the United States Internal
- 2 Revenue Code provides for the issuance of industrial
- 3 revenue bonds by a political unit for the construction
- 4 of private or public facilities; and
- 5 *Whereas*, the majority of these tax-exempt bonds are
- 6 limited to ten million dollars in any one instance; and
- 7 *Whereas*, certain facilities have been deemed to have
- 8 a public purpose and are therefore not subject to the
- 9 ten million tax exempt limit; and
- 10 *Whereas*, these exempt facilities include airports,
- 11 docks, wharves, mass commuting, parking, and other
- 12 transportation facilities; and
- 13 *Whereas*, the construction, repair, and upgrading
- 14 of railbeds, trackage, and appurtenances, but not
- 15 rolling stock, are also deemed to have a public purpose;
- 16 *Now Therefore*,



17 *Be It Resolved by the House of Representatives, the*  
 18 *Senate Concurring,* That the Iowa General Assembly urges  
 19 the Congress of the United States to amend the United  
 20 States Internal Revenue Code, section 103, to provide  
 21 for unlimited exemptions on obligations issued to finance  
 22 certain railroad improvement projects; and  
 23 *Be It Further Resolved,* That copies of this resolution  
 24 be forwarded to members of the Iowa Congressional Dele-  
 25 gation, the Speaker of the United States House of  
 26 Representatives, the President of the United States  
 27 Senate, and the chairpersons of the Ways and Means Commit-  
 28 tees of the United States House of Representatives and  
 29 Senate.

Laid over under Rule 30.

REPORT OF THE CONFERENCE COMMITTEE  
 ON HOUSE FILE 687

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 687, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, respectfully make the following report:

1. That the House recede from its amendment S—3678 to the Senate amendment H—4141 to House File 687 as amended, passed and reprinted by the House.

2. That the Senate amendment H—4141 to House File 687 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, by inserting after line 7 the following:

**"NEW SUBSECTION.** "Candidate" means a candidate as defined in section fifty-six point two (56.2) of the Code for a statewide office or the general assembly."

2. Page 1, by inserting after line 41 the following:

**"NEW SUBSECTION.** "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted pursuant to this chapter.

**NEW SUBSECTION.** "Immediate family members" means the spouse or minor children of a person required to file reports pursuant to this chapter or required by the rules adopted or executive order issued pursuant to this chapter."

3. Page 1, by striking lines 45 through page 2, line 20 and inserting in lieu thereof the following:

"1. The house of representatives and the senate shall adopt rules relating to the reporting of gifts made to members of the general assembly, legislative employees and

their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

2. The governor shall issue an executive order relating to the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

3. The supreme court of this state shall adopt rules relating to the reporting of gifts made to officials and employees of the judicial department of this state and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

4. The governing body of a political subdivision of this state may adopt rules relating to the reporting of gifts made to its respective members or their immediate family members and employees of the political subdivision of this state or their immediate family members. Such rules as adopted shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals having a value which exceeds fifteen dollars in any one occurrence.

Where such rules are not adopted a local official or local employee shall make public disclosure by filing a report with the county auditor of the county of that person's residence setting out the nature, amount, date and donor of any gift made to the person or to the person's immediate family members which exceeds fifteen dollars in value in any one occurrence. The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. A person who does not make public disclosure of gifts as required by the rules adopted or executive order issued pursuant to this chapter or who does not make public disclosure as required by this chapter shall be guilty of a serious misdemeanor."

4. Page 2, by striking lines 21 through 36 and inserting in lieu thereof the following:

"Sec. 8. Section sixty-eight B point five (68B.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

**68B.5 GIFTS SOLICITED OR ACCEPTED.** An official, employee, member of the general assembly, candidate, or legislative employee shall not, directly or indirectly, solicit, accept, or receive any gift having a value of fifty dollars or more in any one occurrence. A person shall not, directly or indirectly, offer or make any such gift to an official, employee, member of the general assembly, candidate or legislative employee which has a value in excess of fifty dollars in any one occurrence."

5. Page 3, by inserting after line 2 the following:

" . Page 2, by striking lines 17 through 32."

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

" . Page 19, by inserting after line 4 the following:

"Sec. . Section five hundred seven B point four (507B.4), subsections twelve (12) and thirteen (13), Code 1979, are amended by striking the subsections." "

7. Page 6, by inserting after line 31 the following:

"11. Page 19, by inserting after line 24 the following:

"Sec. . Senate File three hundred sixty-two (362), section four (4), subsection three (3), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

3. To be eligible for the loans, the local development corporation must secure the agreement of the commission to make the loan for the ~~second~~ first year after completion before commencing construction of the building."

12. Page 19, by striking lines 25 and 26."

8. By renumbering the amendment to conform with this amendment.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

WILLIAM H. HARBOR, Chair  
RICHARD L. BYERLY  
NORMAN G. JESSE  
LAVERNE W. SCHROEDER

RICHARD R. RAMSEY, Chair  
RICHARD F. DRAKE  
BERL E. PRIEBE  
BOB RUSH  
ARNE WALDSTEIN

**REREFERRED TO COMMITTEE ON  
JUDICIARY AND LAW ENFORCEMENT  
(House File 2445)**

The Speaker announced that **House File 2445**, referred to the committee on **state government**, was rereferred to the committee on **judiciary and law enforcement**.

**SPONSOR ADDED  
(House File 2397)**

Thompson of Polk requested to be added as a sponsor of House File 2397.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on February 6

when the vote was taken on Senate File 437. Had I been present, I would have voted "aye."

SMALLEY of Polk

**PROOF OF PUBLICATION**  
(House File 2365)

Published copy of House File 2365 and verified proof of publication of said bill in the Sibley Tribune, a weekly newspaper printed and published in Sibley, Osceola County, Iowa, on January 31, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**STUDY BILL COMMITTEE ASSIGNMENTS**

**S.B. 669 Transportation**

Relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

**S.B. 670 Education**

To prescribe school year requirements and attendance requirements in hours rather than weeks of five days each.

**S.B. 671 County Government**

Relating to the release of a security interest on a registered vehicle.

**S.B. 672 County Government**

Relating to the disposition of fines and forfeitures.

**S.B. 673 Human Resources**

Relating to the rights of insured spouses under group accident and health insurance or services contracts upon the dissolution of marriage.

**REPORT OF COMMITTEE MEETING**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 1:30 p.m., February 5, 1980

Convened: 1:35 p.m.

Adjourned: 3:15 p.m.

Present: Shimanek, Chair; Patchett, Ranking Member; Anderson of Audubon, Arnould, Conlon, Corey, Doyle, Hibbs, Holt, Jesse, Johnson of Howard, Lloyd-Jones, Lonergan, Malsby, Rapp, Smalley and Walter.

Absent: Ritsema, Vice Chair (arrived at 1:40 p.m.), Clark of Cerro Gordo (arrived at 1:45 p.m.), Pelton and Welsh (arrived at 1:45 p.m.).

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON ENERGY**

**Study Bill 524**, providing a residential energy credit against individual state income tax liability and making provisions retroactive.

**Recommended Do Pass.**

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Committee Bill** (Formerly House File 2141), a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same, etc.

**Recommended Do Pass.**

Fiscal Note is not required.

**Committee Bill** (Formerly House File 2142), a bill for an act relating to the purchase of goods or services by a political subdivision from a member of the political subdivision's governing board.

**Recommended Amend and Do Pass.**

**Study Bill 65**, to amend the Uniform Controlled Substance Act.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

**Study Bill 599**, relating to the hospitalization of mentally ill persons.

**Recommended Amend and Do Pass.**

Fiscal Note is required.

**Study Bill 623**, relating to notice requirements for termination of farm tenancies.

**Recommended Do Pass.**

#### COMMITTEE ON TRANSPORTATION

**House File 2105**, a bill for an act relating to the loading and unloading of pupils from school buses.

**Recommended Do Pass.**

**Study Bill 500**, requiring fines and penalties collected for overweight vehicles to be credited to the road use tax fund.

**Recommended Do Pass.**

#### AMENDMENTS FILED

H—5168	H.F. 2453	Jay of Appanoose
H—5169	H.F. 2277	Spear of Lee
Clark of Cerro Gordo		Krewson of Polk
Shimanek of Jones		Poffenberger of Dallas
Connors of Polk		Arnould of Scott
Miller of Buchanan		Lonergan of Boone
Cusack of Scott		Maulsby of Calhoun
Mullins of Kossuth		Daggett of Taylor
Lind of Black Hawk		Horn of Linn
Husak of Tama		
H—5170	H.F. 2313	Brandt of Black Hawk

H—5171	H.F. 2393	Schroeder of Pottawattamie Holt of Clay Crabb of Crawford
H—5172	H.F. 2072	Norland of Worth
H—5173	H.F. 2072	Perkins of Greene Bina of Scott Miller of Buchanan Jochum of Dubuque Walter of Pottawattamie Husak of Tama Cusack of Scott Sherzan of Polk Rapp of Black Hawk Groth of Buena Vista Brandt of Black Hawk Halvorson of Webster
		Dieleman of Marion Pavich of Pottawattamie Lloyd-Jones of Johnson Arnould of Scott Gettings of Wapello Wells of Linn Welsh of Dubuque Hullinger of Decatur Howell of Floyd Bruner of Story O'Kane of Woodbury Connolly of Dubuque
H—5174	H.F. 2072	Welsh of Dubuque

On motion by Halvorson of Clayton, the House adjourned at 6:08 p.m., until 9:00 a.m., Thursday, February 7, 1980.

# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day—Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 7, 1980

The House met pursuant to adjournment, Thompson of Polk in the chair.

Prayer was offered by Dr. Friedhelm Radant, President of Northwestern College, Orange City.

The Journal of Wednesday, February 6, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, Clarion.

## PETITION FILED

The following petition was received and placed on file:

By Crawford of Story, from ninety-five constituents of the 42nd district supporting the decriminalization of marijuana, and furthermore urging the complete legalization of the plant known as Cannabis Sativa.

## INTRODUCTION OF BILLS

**House File 2457**, by committee on county government, a bill for an act to extend the property tax levy for flood and erosion control under chapter four hundred sixty-seven B (467B) of the Code to all taxable property outside the corporate limits of a city.

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

**House File 2458**, by committee on education, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax.

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



**House File 2459**, by committee on transportation, a bill for an act requiring fines and penalties collected for overweight vehicles to be credited to the road use tax fund.

Read first time and placed on the calendar.

**House File 2460**, by committee on judiciary and law enforcement, a bill for an act relating to notice requirements for termination of farm tenancies.

Read first time and placed on the calendar.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 5, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 471, a bill for an act relating to local advisory councils for vocational education.

Also: That the Senate has on February 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 87, a bill for an act relating to the granting of utility easements by the department of social services.

Also: That the Senate has on February 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2003, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined.

Also: That the Senate has on February 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2012, a bill for an act relating to the definition of insolvent insurer for purposes of the Iowa insurance guaranty association.

Also: That the Senate has on February 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2015, a bill for an act relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state.

Also: That the Senate has on February 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2088, a bill for an act allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse.

FRANK J. STORK, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2051**, by committee on transportation, a bill for an act relating to the registration and licensing of class A motor homes.

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

**Senate File 2098**, by committee on rules and administration, a bill for an act to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule.

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

On motion by Halvorson of Clayton, the House was recessed at 9:18 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Thompson of Polk in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Davitt of Warren for February 7 p.m. and February 8, on request of Cochran of Webster; Gettings of Wapello on request of Walter of Pottawattamie.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 6, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2072, a bill for an act relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit.

FRANK J. STORK, Secretary

### ADOPTION OF SENATE CONCURRENT RESOLUTION 101

Harbor of Mills called up for consideration Senate Concurrent Resolution 101, amending the joint rules of the Senate and House, filed on January 29 and found on pages 253 through 256 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

### CONSIDERATION OF BILLS (Regular Calendar)

**House File 2245**, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5088 filed by Spear, et al., and moved its adoption:

H—5088

- 1 Amend House File 2245 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "may" the words ", with the approval of the
- 4 commissioner of social services,".

Amendment H—5088 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2245)

The ayes were, 94:

Anderson, J.  
Bennett

Anderson, R.  
Bina

Arnould  
Binneboese

Avenson  
Brandt

Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusaack	Daggett	Danker
De Groot	Dieleman	Diemer	Doyle
Egenes	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Spear	Stromer
Swearingen	Tofte	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Madam Speaker (Thompson)		

The nays were, 3:

Johnson, J.	Smalley	Tyrrell
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Absent or not voting, 3:

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

### UNANIMOUS CONSENT TO VOTE

Connolly of Dubuque asked and received unanimous consent to be recorded as voting "aye" on House File 2245 and the vote was so recorded.

**House File 2275**, a bill for an act to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year, with report of committee recommending passage was taken up for consideration.

Lind of Black Hawk asked and received unanimous consent to withdraw amendment H-5147 filed by him and Brandt of Black Hawk on February 5.

Miller of Buchanan offered the following amendment H-5099 filed by him and moved its adoption:

H-5099

1 Amend House File 2275 as follows:

2 1. Page 1, line 5, by striking the word "years"  
3 and inserting in lieu thereof the words "years year".

4 2. Page 1, line 6, by striking the words and  
5 figures "and July 1, 1980" and inserting in lieu  
6 thereof the words and figures "and July 1, 1980".

7 3. Page 1, line 10, by striking the figure "442.7"  
8 and inserting in lieu thereof the figure "442.7".  
9 For the school year beginning July 1, 1980 school  
10 districts may submit proposed programs for gifted  
11 and talented children to the department of public  
12 instruction".

13 4. Page 1, line 11, by striking the word "and"  
14 and inserting in lieu thereof the words "and which  
15 will be".

16 5. Page 1, line 26, by striking the word "approved"  
17 and inserting in lieu thereof the word "approved".

18 6. Page 2, by striking line 2 and inserting in  
19 lieu thereof the words "ten school districts in this  
20 state, and for the school year".

21 7. Page 2, by striking lines 3 through 12 and  
22 inserting in lieu thereof the following: "beginning  
23 July 1, 1980 may renew approval for the programs  
24 established for the school year beginning July 1,  
25 1979 and may approve additional programs for gifted  
26 and talented children in school districts in this  
27 state, including districts of various enrollments  
28 and geographic locations. The department shall approve  
29 at least one program in each area education agency  
30 to the extent that districts in an area education  
31 agency make application for approval of a program  
32 of instruction which meets the qualifications for  
33 approval prescribed in the rules of the department.  
34 A single program".

35 8. Page 2, line 15, by striking the words "may  
36 allocate an amount" and inserting in lieu thereof  
37 the words "shall allocate".

38 9. Page 2, line 15, by inserting after the word  
39 "district" the words "which submits a proposed program  
40 an amount".

41 10. Page 2, line 16, by striking the word  
42 "approved" and inserting in lieu thereof the word  
43 "proposed".

44 11. Page 2, by striking line 26 and inserting  
45 in lieu thereof the following:

46 "442.35 COMMITTEE INFORMED. For the school year

47 beginning”.

48 12. Page 2, line 27, by striking the words and  
49 figures “July 1, 1979, the The” and inserting in lieu  
50 thereof the words and figures “July 1, 1979, the”.

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1 13. Page 2, line 31, by inserting after the figure  
2 “1980,” the words “the department shall inform the  
3 school budget review committee of the names of school  
4 districts that submitted a proposed program and the  
5 proposed budget of each program listed separately  
6 for each district and”.

7 14. Page 3, line 6, by striking the words “budget  
8 approved” and inserting in lieu thereof the words  
9 “proposed budget”.

A non-record roll call was requested.

The ayes were 30, nays 58.

Amendment H—5099 lost.

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

On the question “Shall the bill pass?” (H.F. 2275)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Dieleman	Diemer	Doyle
Egenes	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenlager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O’Kane	Oxley
Patchett	Pavich	Pellett	Pelton

Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Madam Speaker (Thompson)			

The nays were, none.

Absent or not voting, 3:

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

**Senate File 468**, a bill for an act relating to the forfeiture of installment real estate contracts, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered amendment H—5085 filed by the committee on judiciary and law enforcement on January 30 and found on page 278 of the House Journal and moved its adoption.

A non-record roll call was requested.

The ayes were 32, nays 50.

The committee amendment H—5085 lost.

Hummel of Benton offered the following amendment H—5139 filed by him:

H—5139

- 1 Amend Senate File 468 as follows:
- 2 1. Page 1, by inserting after line 22 the following
- 3 new section:
- 4 "Sec. Chapter six hundred fifty-six (656),
- 5 Code 1979, is amended by adding the following new
- 6 section:
- 7 **NEW SECTION. ACTION TO ENJOIN FORFEITURE—COSTS.**
- 8 If the vendee or the vendee's successor in interest
- 9 files an action to enjoin the forfeiture and the court
- 10 finds that no cause exists for the forfeiture or the

11 vendor or the vendor's successor in interest agrees  
12 that no cause exists, the vendor or the vendor's  
13 successor in interest shall pay to the vendee or the  
14 vendee's successor in interest the costs incurred  
15 in bringing the action to enjoin the forfeiture,  
16 including reasonable attorney fees."  
17 2. By renumbering sections as required by this  
18 amendment.

Conlon of Muscatine offered the following amendment H—5180, to amendment H—5139, filed by him from the floor and moved its adoption:

H—5180

1 Amend the amendment, H—5139, to Senate File 468  
2 as follows:  
3 1. By striking lines 10 through 15, and by  
4 inserting in lieu thereof the following: "finds  
5 that either party has asserted a claim or defense  
6 with no substantial merit of law or fact, or  
7 either party agrees that he or she has asserted  
8 an unmeritorious claim or defense, that party shall  
9 pay to the offended party the costs occasioned by the  
10 unmeritorious claim or defense,".

A non-record roll call was requested.

The ayes were 52, nays 32.

Amendment H—5180 was adopted.

Hummel of Benton moved the adoption of amendment H—5139, as amended.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 50, nays 42.

Amendment H—5139, as amended, was adopted.

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



## On the question "Shall the bill pass?" (S.F. 468)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Branstad	Bruner
Chiodo	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crawford
Cusack	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Larsep	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Rapp	Renken	Ritsema	Schnekloth
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Tyrrell	Van Maanen
Walter	Wells	Welsh	West
Woods	Madam Speaker (Thompson)		

The nays were, 14:

Binneboese	Brandt	Byerly	Clark, B.J.
Crabb	Doyle	Husak	Kirkenslager
Krewson	Lind	Pope	Schroeder
Sherzan	Tofte		

Absent or not voting, 4:

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

## SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration **House File 2072**, a bill for an act relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the depart-

ment of revenue at a percentage of its actual value for tax purposes, by altering the qualification for a county to levy a property tax because of a federal ordnance plant and making the Act retroactive, amended by the following Senate amendment H-5175, which replaces amendment H-5144 received from the Senate on February 5:

## H-5175

- 1 Amend House File 2072, as amended, passed,  
 2 and reprinted by the House, as follows:  
 3 1. Page 8, line 8, by striking the word  
 4 "ten" and inserting in lieu thereof the word "eight".  
 5 2. Page 8, line 16, by striking the word  
 6 "Property" and inserting in lieu thereof the words  
 7 "For valuations established as of January 1, 1980,  
 8 and each year thereafter, property".  
 9 3. Page 11, line 26, by striking the words  
 10 "In any case where, in trans-".  
 11 4. Page 11, by striking lines 27 through  
 12 32 and inserting in lieu thereof the words "The county  
 13 auditor shall list the aggregate actual value and  
 14 the aggregate taxable value of all taxable property  
 15 within the county and each political subdivision on  
 16 the tax list".  
 17 5. Page 11, line 33, by striking the words  
 18 "onto the tax list".  
 19 6. Page 12, by inserting after line 18 the  
 20 following:  
 21 "Sec. . Section twenty-four point  
 22 seventeen (24.17), unnumbered paragraph one (1), Code  
 23 1979, is amended to read as follows:  
 24 The local budgets of the various political  
 25 subdivisions shall be certified by the chairman of  
 26 the certifying board or levying board, as the case  
 27 may be, in duplicate to the county auditor not later  
 28 than March 15 of each year unless a city or county  
 29 holds a special levy election, in which case  
 30 certification shall not be later than fourteen days  
 31 following the special levy election, on blanks  
 32 prescribed by the state board, and according to the  
 33 rules and instruction which shall be furnished all  
 34 certifying and levying boards in printed form by the  
 35 state board or city finance committee in the case  
 36 of cities.  
 37 Sec. . Section twenty-four point forty-  
 38 eight (24.48), Code 1979, as amended by Acts of the  
 39 Sixty-eighth General Assembly, 1979 Session, chapter

40 twenty-five (25), section one (1), is amended by  
41 adding the following new unnumbered paragraphs:

42 NEW UNNUMBERED PARAGRAPH. The city finance  
43 committee shall have officially notified any city  
44 of its approval, modification or rejection of the  
45 city's request for a suspension of the statutory  
46 property tax levy limitation prior to thirty-five  
47 days before March fifteenth.

48 NEW UNNUMBERED PARAGRAPH. The state appeals  
49 board shall have officially notified any county of  
50 its approval, modification or rejection of the county's

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1 request for a suspension of the statutory property  
2 tax levy limitation prior to thirty-five days before  
3 March fifteenth.

4 Sec. . Section three hundred eighty-four  
5 point twelve (384.12), Code 1979, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. A tax that exceeds any tax  
8 levy limit within this chapter, provided; the question  
9 has been submitted at a special levy election and  
10 received a simple majority of the votes cast on the  
11 proposition to authorize the enumerated levy limit  
12 to be exceeded for the proposed budget year.

13 a. The election may be held as specified  
14 herein if notice is given by the city council, not  
15 later than February fifteenth, to the county  
16 commissioner of elections that the election is to  
17 be held.

18 b. An election under this subsection shall  
19 be held on the second Tuesday in March and be conducted  
20 by the county commissioner of elections in accordance  
21 with the law.

22 c. The proposition to be submitted shall  
23 be substantially in the following form:

24 Vote for only one of the following:

25 Shall the city of \_\_\_\_\_ levy a  
26 (name of city)

27 tax for the purpose of \_\_\_\_\_  
28 (state purpose of levy election)

29 at a rate of \_\_\_\_\_ which will provide \$ \_\_\_\_\_  
30 (rate) (amount)

31 The city of \_\_\_\_\_ shall continue  
32 under the maximum rate of \_\_\_\_\_ providing  
33 \$ \_\_\_\_\_  
34 (amount)

35 d. The commissioner of elections conducting  
36 the election shall notify the city officials and other  
37 county auditors where applicable, of the results  
38 within two days of the canvass which shall be held

39 beginning at one o'clock on the second day follow-  
40 ing the special levy election.

41 e. Notice of the election shall be published  
42 twice in accordance with the provisions of section  
43 three hundred sixty-two point three (362.3) of the  
44 Code, except that the first such notice shall be given  
45 at least two weeks before the election.

46 f. The cost of the election shall be borne  
47 by the city.

48 g. The election provisions of this subsection  
49 shall supersede other provisions for elections only  
50 to the extent necessary to comply with the provisions

**Page 3**

1 hereof.

2 h. The provisions of this subsection apply  
3 to all cities, however organized, including special  
4 charter cities which may adopt ordinances where  
5 necessary to carry out these provisions.

6 i. The council shall certify the city's  
7 budget with the tax askings not exceeding the amount  
8 approved by the special levy election.

9 Sec. . Section four hundred forty-four  
10 point nine (444.9), subsection two (2), Code 1979,  
11 is amended by adding the following new unnumbered  
12 paragraph:

13 NEW UNNUMBERED PARAGRAPH. Any county may  
14 exceed a tax levy limit contained in this chapter,  
15 provided; the proposition has been submitted at a  
16 special levy election and received a simple majority  
17 of the votes cast on the proposition to authorize  
18 the enumerated levy limit rate to be exceeded. The  
19 following provisions shall prevail for special levy  
20 elections.

21 1. The election may be held as specified  
22 herein if notice is given by the board of supervisors,  
23 not later than February fifteenth, to the county  
24 commissioner of elections that the election is to  
25 be held.

26 2. An election under this subsection shall  
27 be held on the second Tuesday in March and be conducted  
28 by the county commissioner of elections in accordance  
29 with the law.

30 3. The proposition to be submitted shall  
31 be substantially in the following form:

32 Vote for only one of the following:

33 Shall the county of \_\_\_\_\_ levy a  
34 (name of county)

35 tax for the purpose of \_\_\_\_\_  
36 (state purpose of levy election)

37 at a rate of \_\_\_\_\_ which will provide \$ \_\_\_\_\_.  
 38 (rate) (amount)  
 39 The county of \_\_\_\_\_ shall continue  
 40 under the maximum rate of \_\_\_\_\_ providing  
 41 \$ \_\_\_\_\_.  
 42 (amount)

43 4. The commissioner of elections conducting  
 44 the election shall notify the board of supervisors  
 45 of the results within two days of the canvass which  
 46 shall be held beginning at one o'clock on the second  
 47 day following the special levy election.

48 5. Notice of the special levy election shall  
 49 be published at least twice in a newspaper having  
 50 general circulation in the county prior to the date

**Page 4**

1 of the special levy election. The first notice shall  
 2 appear as early as practicable after the county has  
 3 decided to seek a special levy.

4 6. Election provisions conflicting with  
 5 the provisions of the subsection shall not apply to  
 6 a special levy election."

7 7. Page 13, by inserting after line 10 the  
 8 following:

9 "Sec. . Notwithstanding the time limit  
 10 provisions of section twenty-four point seventeen  
 11 (24.17), unnumbered paragraph one (1), section twenty-  
 12 four point forty-eight (24.48), section three hundred  
 13 eighty-four point twelve (384.12), and section four  
 14 hundred forty-four point nine (444.9), subsection  
 15 two (2), of the Code as amended by this Act, a city  
 16 or county wishing to exceed a tax levy limit for the  
 17 fiscal year beginning July 1, 1980, shall notify the  
 18 county commissioner of elections not later than thirty  
 19 days following the effective date of this Act that  
 20 a special levy election is to be held and the city  
 21 or county holding such an election shall certify the  
 22 local budget to the county auditor not later than  
 23 fourteen days following the special levy election."

24 8. Page 13, by striking lines 30 through  
 25 34 and inserting in lieu thereof the following:

26 "NEW SECTION. The legislative council is  
 27 directed to create a tax study committee to be composed  
 28 of the following members: The lieutenant governor  
 29 is to serve as chairman of this committee and the  
 30 legislative council shall appoint four members of  
 31 the senate and four members of the house, two from  
 32 each political party, to serve on this committee.  
 33 Twelve members shall be appointed from the public  
 34 at large, two from each of Iowa's congressional  
 35 districts. The governor shall appoint two members

36 from each congressional district from lists submitted  
 37 by the chair of the republican state party and the  
 38 chair of the democratic state party. This committee  
 39 shall conduct a comprehensive study".

40 9. Page 14, by inserting after line 11 the  
 41 following new subsection:

42 "6. The impact of the failure to index the  
 43 income tax to adjust for inflation."

44 10. Page 14, line 20, by striking the word  
 45 and figure "fourteen (14)" and inserting in lieu  
 46 thereof the word and figure "thirteen (13)".

47 11. Page 14, line 24, by striking the word  
 48 and figure "fourteen (14)" and inserting in lieu  
 49 thereof the word "thirteen (13)".

50 12. Amend the title page, line 7, by

**Page 5**

1 inserting after the word "purposes" the words ", by  
 2 providing a procedure to exceed levy limits".

3 13. Amend the title, line 7, by inserting  
 4 after the word "purposes," the words "by establishing  
 5 agricultural dwellings as one class of property and  
 6 combining agricultural buildings with agricultural  
 7 land into another class of property,".

8 14. Renumber sections and correct internal  
 9 references as are necessary in accordance with this  
 10 amendment.

Halvorson of Clayton asked and received unanimous consent that all properly filed amendments to the Senate amendment H-5144 be corrected to address amendment H-5175.

The House stood at ease at 3:12 p.m. until the fall of the gavel.

The House resumed session at 3:58 p.m., Thompson of Polk in the chair.

Perkins of Greene offered the following amendment H-5173, to the Senate amendment H-5175, filed by Perkins, et al. :

**H-5173**

1 Amend Senate amendment H-5175 to House File 2072  
 2 as amended, passed and reprinted by the House as  
 3 follows:

4 "1. Page 1, by inserting before line 1 the  
 5 following new section:

6 "Section 1. Section twenty-four point forty-eight

7 (24.48), Code 1979, as amended by Acts of the Sixty-  
 8 eighth General Assembly, 1979 Session, chapter twenty-  
 9 five (25), section one (1), is amended by adding the  
 10 following new unnumbered paragraph:  
 11 NEW UNNUMBERED PARAGRAPH. For property tax budgets  
 12 based upon property valuations established as of  
 13 January 1, 1979 and each year thereafter, a city or  
 14 county shall be allowed an increase in its property  
 15 tax levy for the general fund equal in dollars to  
 16 the amount of the preceding year's property taxes  
 17 actually levied for the general fund plus four percent  
 18 of that amount. If the property tax levy for the  
 19 general fund, as computed under this section with  
 20 the allowable four percent increase exceeds any  
 21 statutory property tax levy limitations, the city  
 22 or county shall be allowed to exceed the statutory  
 23 property tax levy limitations without appealing to  
 24 the state appeal board, or in the case of a city,  
 25 to the city finance committee. However, where a city  
 26 or county of the state exceeds any statutory property  
 27 tax levy limitations and is not required to appeal,  
 28 the city or county shall file a report with the state  
 29 appeal board, or in the case of a city, with the city  
 30 finance committee, that the city or county will exceed  
 31 the statutory property tax levy limitations on its  
 32 general fund." "  
 33 2. Renumber sections and correct internal  
 34 references as are necessary in accordance with this  
 35 amendment.

The following amendment H—5188, to amendment H—5173, (to the Senate amendment H—5175) filed by Perkins of Greene from the floor was adopted by unanimous consent:

H—5188

- 1 Amend amendment H—5173 to Senate amendment
- 2 H—5175 to House File 2072 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 1, by inserting after line 3, the
- 5 following:
- 6 "1. Page 1, by inserting after line 2, the
- 7 following:".

West of Marshall 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.

Avenson of Fayette moved that the rules be suspended to consider and adopt amendment H—5173, as amended.

Roll call was requested by Perkins of Greene and Bina of Scott.

On the question "Shall the rules be suspended to consider and adopt amendment H—5173?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binnebdese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Dieleman	Doyle	Groth	Hall
Halvorson, R.N.	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jochum
Lloyd-Jones	Loneragan	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 56:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Dankern	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hoffmann.
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Stromer	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	West	Madam Speaker (Thompson)

Absent or not voting, 4:

Cusack	Davitt	Gettings	Jesse
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The motion lost.

Avenson of Fayette asked for unanimous consent to defer action on all amendments for the consideration of amendment H—5162.



Objection was raised.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5156, to the Senate amendment H—5175, filed by him on February 5.

Johnson of Howard asked for unanimous consent to withdraw the following amendment H—5158, to the Senate amendment H—5175, filed by him:

H—5158

1 Amend the Senate Amendment, H-5175, to House File  
2 2072, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 2 the following:  
5 " . Page 2, by inserting after line 12 the  
6 following new sections:  
7 "Sec. . Section four hundred twenty-five point  
8 two (425.2), Code 1979, is amended by striking the  
9 section and inserting in lieu thereof the following:  
10 425.2 QUALIFYING FOR CREDIT. A person who wishes  
11 to qualify for the credit allowed under this chapter,  
12 shall obtain the appropriate forms for filing for  
13 the credit from the assessor. The person claiming  
14 the credit shall file a verified statement and  
15 designation of homestead with the assessor for the  
16 year for which the person is first claiming the credit.  
17 The claim shall be filed not later than July first  
18 of the year for which the person is claiming the  
19 credit.  
20 Upon the filing of the claim, the claim shall be  
21 allowed to that person for successive years without  
22 further filing as long as the property is used as  
23 a homestead. The person filing the claim need not  
24 file additional claims on that homestead. When the  
25 property is sold or transferred, a person who wishes  
26 to qualify shall refile for credit. A person who  
27 ceases to use a property for a homestead shall notify  
28 the assessor not later than June thirtieth of the  
29 year in which the use is changed.  
30 In case the owner of the homestead is in active  
31 service in the military, naval, or air forces or nurse  
32 corps of this state or of the United States, the  
33 statement and designation may be delivered or filed  
34 by any member of the owner's family. The commissioner  
35 of social services or the commissioner's designee  
36 shall make application for the benefits of this chapter  
37 as the agent for and on behalf of persons receiving  
38 assistance under chapter two hundred forty-nine (249)

39 of the Code.

40 Sec. . Section four hundred twenty-five point  
41 three (425.3), Code 1979, is amended by striking the  
42 section and inserting in lieu thereof the following:

43 425.3 VERIFICATION OF CLAIMS FOR HOMESTEAD CREDIT.

44 The assessor shall retain a permanent file of current  
45 homestead claims filed in the assessor's office.

46 The assessor shall file a notice of transfer of  
47 property for which a claim is filed when notice is  
48 received from the office of the county recorder.

49 The county recorder shall give notice to the  
50 assessor of each transfer of title filed in the

**Page 2**

1 recorder's office. The notice shall describe the  
2 property transferred, the name of the person  
3 transferring the title to the property, and the name  
4 of the person to whom title to the property has been  
5 transferred.

6 Not later than July second of each year, the  
7 assessor shall remit the statements and designation  
8 of homesteads to the county auditor with the assessor's  
9 recommendation for allowance or disallowance. If  
10 the assessor recommends disallowance of a claim, the  
11 assessor shall submit the reasons for the  
12 recommendation, in writing, to the county auditor.

13 The county auditor shall forward the claims to  
14 the board of supervisors. The board shall examine  
15 all claims filed and delivered and shall allow or  
16 disallow the claims. If the board disallows a claim,  
17 it shall send written notice, by certified mail, to  
18 the claimant at the claimant's last known address.  
19 The notice shall state the reasons for disallowing  
20 the claim for the credit.

21 Sec. . Section four hundred twenty-five point  
22 six (425.6), Code 1979, is amended to read as follows:

23 425.6 WAIVER BY NEGLECT. If any a person fails  
24 to make file a claim for the credits provided for  
25 under this chapter as herein required, he the person  
26 shall be deemed to have waived the homestead credit  
27 for the any year preceding the year in which he the  
28 person failed to make claim. " "

Objection was raised.

Welsh of Dubuque offered the following amendment H—5174, to amendment H—5158 (to the Senate amendment H—5175) filed by him:

H-5174

1 Amend the Johnson of Howard amendment H-5158  
 2 to the Senate amendment H-5175 to House File 2072  
 3 as amended, passed and reprinted by the House, as  
 4 follows:  
 5 1. Page 2, by inserting after line 28 the  
 6 following:  
 7 "Sec. . Section four hundred twenty-seven  
 8 point six (427.6) unnumbered paragraph one (1),  
 9 Code 1979, is amended to read as follows:  
 10 Said claim for exemption, if filed on or  
 11 before July 1 of any year and allowed by the  
 12 board of supervisors, shall be effective to  
 13 secure an exemption only for the year in which  
 14 such exemption is filed and for each successive  
 15 year, without further filing so long as the property  
 16 is owned by the claimant. Provided, notwith-  
 17 standing the filing or continuation of the claim  
 18 on or before July 1 of any year, the claimant  
 19 or the claimant's unremarried surviving spouse  
 20 shall be the legal or equitable owner of the  
 21 property upon which exemption is claimed, on  
 22 the first day of July of the year in which said  
 23 exemption is claimed."

West of Marshall rose on a point of order that amendment H-5174 was not germane.

The Speaker ruled the point well taken and amendment H-5174 not germane.

Johnson of Howard moved the adoption of amendment H-5158, to the Senate amendment H-5175.

Roll call was requested by Groth of Buena Vista and Wells of Linn.

On the question "Shall amendment H-5158 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Dieleman	Doyle	Groth
Hall	Halvorson, R.N.	Hanson, D.	Hinkhouse
Horn	Hullinger	Husak	Jay
Jochum	Johnson, J.	Lloyd-Jones	Lonergan

Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hibbs	Hoffmann	Holt	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Stromer	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	West	Madam Speaker (Thompson)

Absent or not voting, 6:

Davitt	Gettings	Harbor	Howell
Jesse	Krewson		

Amendment H – 5158 lost.

Norland of Worth asked and received unanimous consent to withdraw amendment H – 5172, to the Senate amendment H – 5175, filed by him on February 6.

Anderson of Jasper offered the following amendment H – 5160, to the Senate amendment H – 5175, filed by him and moved its adoption:

H – 5160

- 1 Amend the Senate amendment, H – 5175 to House
- 2 File 2072 as follows:
- 3 1. Page 1, by striking lines 42 through 50 and
- 4 Page 2, by striking lines 1 through 3 and inserting
- 5 in lieu thereof:
- 6 "NEW UNNUMBERED PARAGRAPH: To have the option of
- 7 a referendum on a tax that exceeds any tax levy
- 8 limit a city shall request a suspension of the tax
- 9 levy limit by the city finance committee at least
- 10 forty days prior to March 15. The city finance

11 committee shall officially notify any city of its  
 12 approval, modification or rejection of the city's  
 13 request for a suspension of the statutory property  
 14 tax levy limitation within five days.  
 15 NEW UNNUMBERED PARAGRAPH: For a county to have  
 16 the option of a referendum on a tax that exceeds  
 17 any tax levy limit a county shall request a  
 18 suspension of the tax levy limit from the state  
 19 appeals board at least forty days prior to March 15.  
 20 The state appeals board shall officially notify  
 21 any county of its approval, modification or  
 22 rejection of the county's request for a suspension  
 23 of the statutory property tax levy limitation within  
 24 five days."  
 25 By numbering and renumbering as necessary.

Amendment H—5160 lost.

Halvorson of Webster offered the following amendment H—5159, to the Senate amendment H—5175, filed by Halvorson, et al., and moved its adoption:

H—5159

1 Amend the Senate amendment H—5175, to House  
 2 File 2072, as amended, passed, and reprinted by the  
 3 House, as follows:  
 4 1. Page 2, by striking line 24 and lines  
 5 31 through 34.  
 6 2. Page 3, by striking line 32 and lines  
 7 39 through 42.

Amendment H—5159 lost.

Bina of Scott offered the following amendment H—5153, to the Senate amendment H—5175, filed by him and moved its adoption:

H—5153

1 Amend the Senate amendment, H—5175, to House File  
 2 2072 as amended, passed and reprinted by the House  
 3 as follows:  
 4 1. Page 2, line 27, by inserting after the  
 5 word "tax" the words "for \_\_\_\_\_ years".  
 6 (number)  
 7 2. Page 2, line 30, by inserting after the word  
 8 "amount" the words "per year".  
 9 3. Page 2, line 34, by inserting after the word  
 10 "amount" the words "per year".  
 11 4. Page 3, by inserting after line 8 the following:

12 "j. The council may exceed the tax levy limit  
13 for the number of years approved at the special levy  
14 election."

15 5. Page 3, line 35, by inserting after the word  
16 "tax" the words "for \_\_\_\_\_ years".  
17 (number)

18 6. Page 3, line 38, by inserting after the word  
19 "amount" the words "per year".

20 7. Page 3, line 42, by inserting after the word  
21 "amount" the words "per year".

22 8. Page 4, by inserting after line 6 the following:

23 "7. The board of supervisors may exceed the tax  
24 levy limit for the number of years approved at the  
25 special levy election."

A non-record roll call was requested.

The ayes were 37, nays 53.

Amendment H—5153 lost.

Bina of Scott offered the following amendment H—5148, to the  
Senate amendment H—5175, filed by him:

H—5148

1 Amend Senate amendment H-5175 to House File 2072  
2 as amended, passed and reprinted by the House as  
3 follows:

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

5 " . Page 12, by inserting after line 28 the  
6 following:

7 "Sec. . NEW SECTION.

8 1. A city whose general fund tax levy for the  
9 current fiscal year is at the maximum limit provided  
10 in section three hundred eighty-four point one (384.1)  
11 of the Code may impose by ordinance of the city council  
12 a local sales, service and use tax subject to this  
13 section.

14 2. A local tax shall be imposed originally or  
15 after a period of discontinuance only after an election  
16 at which a majority of those voting on the question  
17 favors imposition and shall then be imposed for a  
18 period not to exceed five years. If the tax is imposed  
19 by a city, it shall only apply within the corporate  
20 boundaries of that city.

21 3. A city council may direct the county  
22 commissioner of elections to submit the question of  
23 imposition of an authorized local tax to the quali-  
24 fied electors of the city on its own motion and shall

25 do so within sixty days from the date of receipt of  
26 a petition which is valid under section three hundred  
27 sixty-two point four (362.4) of the Code and which  
28 requests imposition of a local sales, service and  
29 use tax for a specific period of time, not to exceed  
30 five years and with revenues to be used for a specified  
31 purpose.

32 4. The county commissioner of elections shall  
33 submit the question of imposition of a local tax only  
34 at a general or regular city election. The ballot  
35 shall specify the period for which the tax is to be  
36 imposed and the purpose for this the revenues will  
37 be used.

38 5. If a majority of those voting favors imposition  
39 of the local tax, the council of that city shall  
40 impose the tax for the period specified.

41 Sec. . NEW SECTION. LOCAL SALES, SERVICES  
42 AND USE TAX. A local sales, services and use tax  
43 at the rate of one percent shall be imposed by a city  
44 on the gross receipts taxed by the state under chapter  
45 four hundred twenty-two (422), division four (IV),  
46 of the Code, and the uses taxed under chapter four  
47 hundred twenty-three (423) of the Code. A local  
48 sales, services and use tax shall be imposed on the  
49 same basis as the state sales, services and use tax  
50 and may not be imposed on the sale or use of any

Page 2

1 property or on any service not taxed by the state.  
2 A local sales, services and use tax is applicable  
3 only to transactions within the city where it is  
4 imposed and shall be collected by all persons required  
5 to collect state gross receipts or use taxes.

6 The amount of the sale, for purposes of determining  
7 the amount of the local sales, services and use tax,  
8 does not include the amount of any state gross receipts  
9 or use taxes.

10 A tax permit other than the state tax permit  
11 required under section four hundred twenty-two point  
12 fifty-three (422.53) of the Code shall not be required  
13 by local authorities.

14 Sec. . NEW SECTION. ADMINISTRATION. A local  
15 sales, services and use tax may be imposed either  
16 January first or July first following a favorable  
17 election.

18 The director of revenue shall administer the  
19 provisions of a local sales, services and use tax  
20 as nearly as possible in conjunction with the  
21 administration of state gross receipts and use tax  
22 laws. The director shall provide appropriate forms  
23 or provide on the regular state tax forms for reporting

24 local sales, services and use tax liability.  
 25 An ordinance of a city council imposing a local  
 26 sales, services and use tax shall adopt by reference  
 27 the applicable provisions of the appropriate sections  
 28 of chapter four hundred twenty-two (422), division  
 29 four (IV), of the Code and chapter four hundred twenty-  
 30 three (423) of the Code, and all powers of the director  
 31 to administer the state gross receipts and use tax  
 32 law are applicable to the administration of a local  
 33 sales, services and use tax law. Local officials  
 34 shall confer with the director of revenue for  
 35 assistance in drafting the ordinance imposing a local  
 36 sales, services and use tax. A certified copy of  
 37 the ordinance imposing a local sales, services and  
 38 use tax shall be filed with the director as soon as  
 39 possible after passage.  
 40 The director, in consultation with local officials,  
 41 shall collect and account for a local sales, services  
 42 and use tax. The director shall retain for the use  
 43 of the department of revenue one percent of all local  
 44 sales, services and use tax receipts, to cover  
 45 administrative expense, and shall credit remaining  
 46 local sales, services and use tax receipts to a "local  
 47 sales, services and use tax fund" hereby established  
 48 in the office of the treasurer of state.  
 49 Sec. 4. NEW SECTION. PAYMENT TO LOCAL GOVERNMENTS.  
 50 The treasurer of state shall remit quarterly, pursuant

**Page 3**

1 to rules of the director of revenue, to each city  
 2 the amount of sales, services and use tax collected  
 3 in that city. Moneys received by a city from this  
 4 fund shall be credited to the general fund of that  
 5 city and used only for the purpose for which the tax  
 6 was imposed." "

West of Marshall rose on a point of order that amendment H-5148 was not germane.

The Speaker ruled the point well taken and amendment H-5148 not germane.

Bina of Scott asked for unanimous consent to suspend the rules for the consideration of amendment H-5148.

Objection was raised.

Bina of Scott moved that the rules be suspended for the consideration of amendment H-5148.



A non-record roll call was requested.

The ayes were 40, nays 51.

The motion lost.

O'Kane of Woodbury offered the following amendment H—5162, to the Senate amendment H—5175, filed by him:

H—5162

1 Amend the Senate amendment, H—5175, to House File  
2 2072, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 4, by inserting after line 23 the following  
5 new section:  
6 "Sec. . NEW SECTION. Where the initial assessed  
7 value of property within an urban renewal area is  
8 reduced for the purpose of the division of revenue  
9 under section four hundred forty-one point twenty-  
10 one (441.21) of the Code, the amount of the reduction  
11 in revenue to a political subdivision resulting from  
12 the reduction in the initial assessed value of the  
13 property shall be reimbursed. The amount of the  
14 reimbursement shall be the difference between the  
15 amount of tax levied upon the assessed value of the  
16 property under this Act and the amount of the tax  
17 levy applied against the actual value of the property.  
18 The state comptroller shall issue warrants annually  
19 on or before December first to each political  
20 subdivision for the amount of revenue lost to the  
21 political subdivision as a result of the reduction  
22 in the initial assessed value until the bonds for  
23 the project have been retired."

West of Marshall rose on a point of order that amendment H—5162 was not germane.

The Speaker ruled the point well taken and amendment H—5162 not germane.

O'Kane of Woodbury moved that the rules be suspended to consider and adopt amendment H—5162.

Roll call was requested by Avenson of Fayette and O'Kane of Woodbury.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider and adopt amendment H — 5162?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Dieleman	Doyle	Groth
Hall	Halvorson, R.N.	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jochum	Lind	Lloyd-Jones	Lonergan
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	West
Madam Speaker (Thompson)			

Absent or not voting, 7:

Clark, J.H.	Davitt	Gettings	Harbor
Jesse	Miller	Patchett	

The motion lost.

Avenson of Fayette asked and received unanimous consent to withdraw amendment H — 5155, to the Senate amendment H — 5175, filed by him on February 5.

West of Marshall moved that the House concur in the Senate amendment H — 5175.

A non-record roll call was requested.

The ayes were 66, nays 26.

The motion prevailed and the House concurred in the Senate amendment H — 5175.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

West of Marshall 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. 2072)

The ayes were, 58:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Oxley	Pellett	Pelton
Perkins	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
West	Madam Speaker (Thompson)		

The nays were, 37:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Doyle	Groth	Hall
Halvorson, R.N.	Hinkhouse	Horn	Howell
Hullinger	Jay	Jochum	Krewson
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Pavich	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

Absent or not voting, 5:

Davitt  
Patchett

Gettings

Harbor

Jesse

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 TABLED**  
(House File 2072)

Halvorson of Clayton moved to reconsider the vote by which House File 2072 passed the House on February 7 and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 53, nays 40.

The motion prevailed.

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 1980, amended and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 109, relating to Iowa's rail transportation system.

FRANK J. STORK, Secretary

**SENATE AMENDMENT TO  
HOUSE CONCURRENT RESOLUTION 109**

H-5189

- 1 Amend House Concurrent Resolution 109 as follows:
- 2 1. Page 2, line 17, by inserting after the words
- 3 "of the" the words "federal administration including
- 4 the United States department of transportation and the
- 5 federal railroad administration and the".

**REREFERRED TO COMMITTEE ON WAYS AND MEANS  
(House File 2438)**

The Speaker announced that House File 2438, presently on the **regular calendar**, was rereferred to the committee on **ways and means**.

**HOUSE RESOLUTION 106**

By Branstad, Hullinger, Lorenzen, Schnekloth, Johnson of Woodbury, McKean, Bennett, Anderson of Audubon, Groth, Oxley, Maulsby, O'Kane, Wells, Stromer, Anderson of Jasper, De Groot, Gettings, Binneboese, Tyrrell, Renken, Millen, Swearingen, Van Maanen, Shull, Hanson of Delaware, Harbor, Poffenberger, Danker, Lura, Woods, Davitt, Loneragan, Hummel, Spear, Norland, Rapp, Krewson, Conlon, Lind, Hibbs, Johnson of Howard, Holt, Pelton, Dieleman, Schroeder, Tofte, Corey, Lageschulte, Walter, Jochum, Hansen of O'Brien, Hinkhouse, Pavich, Mullins, Ritsema, Shimanek, Clark of Cerro Gordo, Hall, Jay, Egenes, Clark of Lee, Pope, Welden, Doyle, Connors, Pellett, Brandt, Avenson, Smalley and Larsen

- 1     *Whereas*, the Iowa General Assembly appropriated
- 2 funds for the purpose of investigating a coal
- 3 gasification project for Forest City, Iowa, and
- 4     *Whereas*, a study was completed on the Forest City
- 5 Coal gasification project, and
- 6     *Whereas*, the Energy Policy Council accepted the report
- 7 of the Billings Corporation, and
- 8     *Whereas*, the United States Secretary of Energy has
- 9 requested the city of Forest City to submit an applica-
- 10 tion for funding the coal gasification plant to be
- 11 located in Forest City, and
- 12     *Whereas*, the ultimate determination of the economics
- 13 of coal gasification will require additional in-depth
- 14 study; *Now Therefore*,
- 15     *Be It Resolved by the House of Representatives*, That
- 16 the House of Representatives of the Sixty-eighth General
- 17 Assembly encourages the city of Forest City to make appli-
- 18 cation to the United States Department of Energy for the
- 19 necessary funds to complete the study.

Laid over under Rule 30.

**MOTIONS TO RECONSIDER  
(Senate File 468)**

I move to reconsider the vote by which Senate File 468 passed the House on February 7.

**PELLETT of Cass**

(Amendment H—5139 to Senate File 468)

I move to reconsider the vote by which amendment H—5139 to Senate File 468 was adopted by the House on February 7.

SCHROEDER of Pottawattamie

(Amendment H—5180 to Senate File 468)

I move to reconsider the vote by which amendment H—5180, to amendment H—5139, to Senate File 468 was adopted by the House on February 7.

SCHROEDER of Pottawattamie

(Amendment H—5085 to Senate File 468)

I move to reconsider the vote by which amendment H—5085 to Senate File 468 failed to be adopted by the House on February 7.

SMALLEY of Polk

#### SPONSORS ADDED

(House File 2261)

Hansen of O'Brien requested to be added as a sponsor of House File 2261.

(House File 2261)

Halvorson of Clayton requested to be added as a sponsor of House File 2261.

#### STUDY BILL COMMITTEE ASSIGNMENTS

##### **S.B. 674 State Government**

To redesignate the name and duties of the Iowa crime commission and transfer the staff to the department of public safety.

**S.B. 675 Ways and Means**

Relating to the computation of the individual and corporate income tax and the franchise tax by updating references to the Internal Revenue Code, providing technical corrections, and making the Act retroactive.

**SUBCOMMITTEE ASSIGNMENTS**

**House Joint Resolution 2017**

Judiciary and Law Enforcement: Ritsema, Chair; Walter and Patchett.

**House Joint Resolution 2018**

Judiciary and Law Enforcement: Patchett, Chair; Ritsema and Jesse.

**House File 697**

Education: Stromer, Chair; Menke and Jay.

**House File 2013**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2028**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**House File 2048**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2065**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2067**

Education: Crawford, Chair; Krewson and Spear.

**House File 2076**

Human Resources: Hoffmann, Chair; Horn and Clark of Cerro Gordo.

**House File 2095 (Reassigned)**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2100**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**House File 2121**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2125 (Reassigned)**

Human Resources: Lind, Chair; Daggett and Sherzan.

**House File 2145**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**House File 2147**

Education: Johnson of Woodbury, Chair; Lonergan and Diemer.

**House File 2149**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2154**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2155**

Education: Thompson, Chair; Larsen and Spear.

**House File 2163**

Education: Diemer, Chair; Norland and Johnson of Woodbury.

**House File 2173**

Education: Daggett, Chair; Menke and Patchett.

**House File 2183**

Education: Maulsby, Chair; Groth and Norland.

**House File 2187**

Ways and Means: Pope, Chair; Diemer and Chiodo.

**House File 2188**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**House File 2205**

Human Resources: Connors, Chair; Shimanek and Mullins.



**House File 2206**

Education: Larsen, Chair; Thompson and Lonergan.

**House File 2211**

Education: Hansen of O'Brien, Chair; Lura and Perkins.

**House File 2229**

Education: Johnson of Woodbury, Chair; Diemer and Lonergan.

**House File 2231**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2233**

Education: Hansen of O'Brien, Chair; Crawford and Wells.

**House File 2239**

Education: Thompson, Chair; Lura and Perkins.

**House File 2248**

Judiciary and Law Enforcement: Holt, Chair; Welsh and Smalley.

**House File 2250**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett and Ritsema.

**House File 2251**

Transportation: Kirkenlager, Chair; Gettings and Schnekloth.

**House File 2255**

Transportation: Lageschulte, Chair; Bennett and Hinkhouse.

**House File 2256**

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Johnson of Howard.

**House File 2257**

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Ritsema.

**House File 2260**

Natural Resources: Tyrrell, Chair; Hall and Johnson of Howard.

**House File 2263**

Education: Stromer, Chair; Menke and Groth.

**House File 2265**

Education: Crawford, Chair; Daggett and Lonergan.

**House File 2269**

Judiciary and Law Enforcement: Hibbs, Chair; Smalley, Conlon, Lonergan and Lloyd-Jones.

**House File 2273**

Judiciary and Law Enforcement: Hibbs, Chair; Rapp and Clark of Cerro Gordo.

**House File 2276**

Transportation: Schroeder, Chair; Pellett and Woods.

**House File 2284**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**House File 2286**

County Government: Hanson of Delaware, Chair; Gettings and Johnson of Howard.

**House File 2287**

Commerce: Johnson of Linn, Chair; Pope and Chiodo.

**House File 2288**

Judiciary and Law Enforcement: Ritsema, Chair; Jesse and Smalley.

**House File 2289**

Judiciary and Law Enforcement: Jesse, Chair; Conlon and Clark of Cerro Gordo.

**House File 2291**

Commerce: Pope, Chair; Dieleman and Crabb.

**House File 2294**

Commerce: Pope, Chair; Crabb and Chiodo.

**House File 2295**

Judiciary and Law Enforcement: Shimanek, Chair; Lloyd-Jones and Anderson of Audubon.

**House File 2298**

Commerce: Pope, Chair; Dieleman and Crabb.

**House File 2299**

Education: Stromer, Chair; Hansen of O'Brien and Horn.

**House File 2300**

Cities: West, Chair; Clark of Lee and Groth.

**House File 2301**

Transportation: Hoffmann, Chair; Schnekloth and Woods.

**House File 2303**

Cities: Diemer, Chair; Pavich and Hanson of Delaware.

**House File 2305**

County Government: Johnson of Howard, Chair; Hullinger and Swearingen.

**House File 2306**

Human Resources: De Groot, Chair; Bennett and Husak.

**House File 2307**

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Conlon and Jesse.

**House File 2308**

(Art. I Introduction)

Judiciary and Law Enforcement: Shimanek, Chair; Ritsema and Patchett.

**House File 2308**

(Art. II Intestate Succession)

Judiciary and Law Enforcement: Pelton, Chair; Anderson of Audubon and Arnould.

**House File 2308**

(Art. II Wills)

Judiciary and Law Enforcement: Smalley, Chair; Lloyd-Jones and Johnson of Howard.

**House File 2308**

(Art. III Probate of Wills and Administration)

Judiciary and Law Enforcement: Shimanek, Chair; Ritsema, Smalley, Rapp, Jesse, Walter and Clark of Cerro Gordo.

**House File 2308**

(Art. III Small Estates)

Judiciary and Law Enforcement: Rapp, Chair; Smalley, Ritsema, Jesse and Clark of Cerro Gordo.

**House File 2308**

(Art. IV Ancillary Administration)

Judiciary and Law Enforcement: Jesse, Chair; Conlon, Maulsby, Lloyd-Jones and Corey.

**House File 2308**

(Art. V Conservatorship)

Judiciary and Law Enforcement: Ritsema, Chair; Welsh, Hibbs, Clark of Cerro Gordo and Lonergan.

**House File 2308**

(Art. VI Nonprobate Transfers)

Judiciary and Law Enforcement: Doyle, Chair; Holt, Welsh, Pelton and Johnson of Howard.

**House File 2308**

(Art. VII Trusts)

Judiciary and Law Enforcement: Patchett, Chair; Walter, Corey, Clark of Cerro Gordo and Conlon.

**House File 2308**

(Art. VIII Effective Dates)

Judiciary and Law Enforcement: Conlon, Chair; Patchett and Anderson of Audubon.

**House File 2309**

Commerce: Pope, Chair; Dieleman and Crabb.

**House File 2310**

Education: Thompson, Chair; Crawford and Jay.

**House File 2311**

Judiciary and Law Enforcement: Smalley, Chair; Walter and Anderson of Audubon.

**House File 2312**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiодо.

**House File 2313**

Natural Resources: Larsen, Chair; Lloyd-Jones and Menke.

**House File 2315**

Commerce: Pope, Chair; Dieleman and Crabb.

**House File 2317**

Commerce: Pope, Chair; Dieleman and Crabb.

**House File 2318**

Judiciary and Law Enforcement: Patchett, Chair; Maulsby and Clark of Cerro Gordo.

**House File 2320**

Appropriations: West, Chair; Stromer and Cusack.

**House File 2321**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2322**

Commerce: Crabb, Chair; Swearingen and Walter.

**House File 2325**

Natural Resources: Van Maanen, Chair; O'Kane and Johnson of Howard.

**House File 2326**

Transportation: McKean, Chair; Gettings and Lageschulte.

**House File 2328**

Transportation: Tofte, Chair; Davitt and Pellett.

**House File 2332**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones and Anderson of Audubon.

**House File 2333**

Commerce: Pope, Chair; Dieleman and Crabb.

**House File 2334**

Transportation: Bennett, Chair; Oxley and Schroeder.

**House File 2335**

Transportation: Lageschulte, Chair; Hoffmann and Jay.

**House File 2336**

Transportation: Kirkenslager, Chair; Davitt and Tofte.

**House File 2338**

Transportation: Lageschulte, Chair; Tofte and Hullinger.

**House File 2343**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2344**

Commerce: Conlon, Chair; Ritsema and Rapp.

**House File 2346**

Judiciary and Law Enforcement: Ritsema, Chair; Jesse and Clark of Cerro Gordo.

**House File 2347**

Ways and Means: Daggett, Chair; Bennett and Husak.

**House File 2348**

Judiciary and Law Enforcement: Holt, Chair; Welsh and Smalley.

**House File 2350**

Commerce: Pelton, Chair; Pope and Woods.

**House File 2353**

Commerce: Crabb, Chair; Egenes and Dieleman.

**House File 2355**

Judiciary and Law Enforcement: Conlon, Chair; Welsh and Holt.

**House File 2356**

Education: Daggett, Chair; Johnson of Woodbury and Groth.

**House File 2357**

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Johnson of Howard.

**House File 2358**

Commerce: Conlon, Chair; Ritsema and Jochum.

**House File 2360**

Natural Resources: Hummel, Chair; Pellett and Lloyd-Jones.

**House File 2362**

Transportation: Menke, Chair; Miller and Schroeder.

**House File 2364**

Human Resources: Hoffmann, Chair; Lonergan and Shimanek.

**House File 2365**

Judiciary and Law Enforcement: Ritsema, Chair; Arnould and Conlon.

**House File 2366**

Commerce: Pelton, Chair; Pope and Woods.

**House File 2369**

Commerce: Swearingen, Chair; Shull and Bina.

**House File 2371**

Transportation: Menke, Chair; Lageschulte, Pellett, Hullinger, Davitt, Oxley and Egenes.

**House File 2372**

Commerce: Johnson of Linn, Chair; Pope and Walter.

**House File 2377**

Judiciary and Law Enforcement: Johnson of Howard, Chair; Ritsema and Arnould.

**House File 2380**

Cities: Larsen, Chair; Crabb and Wells.

**House File 2383**

Transportation: Menke, Chair; Davitt and Schroeder.

**House File 2395**

Judiciary and Law Enforcement: Pelton, Chair; Welsh and Smalley.

**House File 2400**

Judiciary and Law Enforcement: Shimanek, Chair; Ritsema, Patchett, Smalley and Jesse.

**House File 2402**

Transportation: Bennett, Chair; Davitt and Hoffmann.

**House File 2403**

Judiciary and Law Enforcement: Ritsema, Chair; Corey and Lonergan.

**House File 2408**

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Smalley.

**House File 2432**

Judiciary and Law Enforcement: Anderson of Audubon, Chair; Doyle and Maulsby.

**House File 2436**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**House File 2441**

Judiciary and Law Enforcement: Pelton, Chair; Lloyd-Jones, Jesse, Ritsema and Corey.

**Senate File 114**

Human Resources: Krewson, Chair; Cusack and Horn.

**Senate File 455**

Education: Stromer, Chair; Maulsby and Wells.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS****Study Bill 634**

Human Resources: Cusack, Chair; Krewson and Clark of Cerro Gordo.

**Study Bill 635**

Human Resources: Cusack, Chair; Krewson and Clark of Cerro Gordo.



**Study Bill 636**

Human Resources: Lind, Chair; Connors and Kirkenslager.

**Study Bill 637**

Human Resources: Poffenberger, Chair; Maulsby and Spear.

**Study Bill 642**

Human Resources: Mullins, Chair; Shimanek and Connors.

**Study Bill 643**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Hall, Anderson of Jasper, Jochum, Connolly and Conlon.

**Study Bill 644**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Hall, Anderson of Jasper, Jochum, Connolly and Conlon.

**Study Bill 645**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 646**

Ways and Means: West, Chair; Hummel, Renken, Husak and Jochum.

**Study Bill 647**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**Study Bill 648**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**Study Bill 649**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**Study Bill 650**

Transportation: Pellett, Chair; Hinkhouse and Kirkenslager.

**Study Bill 651**

County Government: Lageschulte, Chair; Dieleman and Branstad.

**Study Bill 652**

County Government: Shull, Chair; Oxley and Swearingen.

**Study Bill 654**

Judiciary and Law Enforcement: Anderson of Audubon, Chair; Johnson of Howard and Lloyd-Jones.

**Study Bill 655**

Judiciary and Law Enforcement: Anderson of Audubon, Chair; Patchett and Welsh.

**Study Bill 656**

Judiciary and Law Enforcement: Pelton, Chair; Jesse, Lloyd-Jones, Corey and Ritsema.

**Study Bill 657**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Ritsema, Jesse and Pelton.

**Study Bill 658**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Ritsema, Jesse and Pelton.

**Study Bill 659**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Ritsema, Jesse and Pelton.

**Study Bill 660**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Ritsema, Jesse and Pelton.

**Study Bill 661**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Ritsema, Jesse and Pelton.

**Study Bill 662**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Ritsema, Jesse and Pelton.

**Study Bill 663**

Human Resources: Clark of Cerro Gordo, Chair; Miller and Lonergan.

**Study Bill 666**

Judiciary and Law Enforcement: Smalley, Chair; Jesse, Anderson of Audubon, Lloyd-Jones and Pelton.

**Study Bill 667**

Cities: Lorenzen, Chair; Danker and Wells.

**Study Bill 669**

Transportation: Kirkenlager, Chair; Miller and Schroeder.

**COMMITTEE RECOMMENDATIONS**

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

DAVID L. WRAY  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**House File 2168**, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation.

**Recommended Do Pass.**

**Committee Bill**, a bill for an act relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base.

**Recommended Do Pass.**

**AMENDMENTS FILED**

H-5176	H.F. 2134	Crabb of Crawford
H-5177	H.F. 2324	Johnson of Linn
H-5178	S.F. 432	Jochum of Dubuque
		Smalley of Polk
H-5181	H.F. 2003	Perkins of Greene
		Lorenzen of Scott
H-5182	S.F. 432	Connolly of Dubuque
H-5183	S.F. 435	Lloyd-Jones of Johnson
H-5184	H.F. 2409	Lura of Marshall

H-5185	H.F. 2246	Spear of Lee
H-5186	H.F. 610	Kirkenslager of Des Moines
H-5187	H.F. 2138	Groth of Buena Vista
H-5190	H.F. 2138	Perkins of Greene

On motion by Halverson of Clayton, the House adjourned at 6:11 p.m., until 10:00 a.m., Monday, February 11, 1980.

## JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day – Nineteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 11, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Howell Bischoff, pastor of the Zion United Church of Christ, Calumet.

The Journal of Thursday, February 7, 1980 was approved.

### LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ashton McCrary, Lake City.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Linn for the week of February 11 on request of Maulsby of Calhoun; Arnould of Scott for the morning session on request of Cusack of Scott; Jay of Appanoose for the morning session on request of Halvorson of Webster.

### INTRODUCTION OF BILLS

**House File 2461**, by committee on agriculture, a bill for an act relating to tort liability of soil conservation districts and their officers, employees, and agents.

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

**House File 2462**, by committee on judiciary and law enforcement, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined.

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

**House File 2463**, by committee on agriculture, a bill for an act relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

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

**House File 2464**, by committee on appropriations, a bill for an act relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base.

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

**House File 2465**, by committee on energy, a bill for an act providing a residential energy credit against individual state income tax liability and making provisions retroactive.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 87**, by Miller of Des Moines, a bill for an act relating to the granting of utility easements by the department of social services.

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

**Senate File 2003**, by Junkins, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined.

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

**Senate File 2012**, by DeKoster, a bill for an act relating to the definition of insolvent insurer for purposes of the Iowa insurance guaranty association.

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

**Senate File 2015**, by Hutchins, a bill for an act relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state and making the Act retroactive.

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

**Senate File 2088**, by committee on appropriations, a bill for an act allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 6, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 18, a bill for an act relating to the collection and distribution of state publications by the depository library center within the Iowa library department.

Also: That the Senate has on February 6, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 668, a bill for an act relating to determination of attorney's fees by the court and the recovery of costs in actions to recover payment on a check.

Also: That the Senate has on February 6, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2102, a bill for an act relating to the hospitalization of mentally ill persons.

Also: That the Senate has on February 6, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2114, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption.

FRANK J. STORK, Secretary

### RULE 36.8 SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend Rule 36.8 during consideration of bills on today's, February 11, Daily Debate Calendar.

### ADOPTION OF HOUSE RESOLUTION 105

Pope of Polk called up for consideration House Resolution 105, extending gratitude to the Canadian people for their support, filed on February 1, 1980 and found on pages 329 and 330 of the House Journal.

Miller of Buchanan asked and received unanimous consent to include all members of the House as sponsors of House Resolution 105.

Pope of Polk moved the adoption of House Resolution 105.

The motion prevailed and the resolution was adopted.

### SENATE AMENDMENT CONSIDERED

Pellett of Cass called up for consideration **House Concurrent Resolution 109**, relating to Iowa's rail transportation system, amended by the Senate amendment H-5189, received from the Senate on February 7 and found on page 434 of the House Journal and moved that the House concur in the Senate amendment H-5189.

The motion prevailed and the House concurred in the Senate amendment H-5189.

Pellett of Cass moved that the resolution, as amended by the Senate and concurred in by the House, be adopted.

The motion prevailed and the resolution, as amended, was adopted.

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 176**, a bill for an act repealing chapter three hundred twenty-three (323) of the Code, relating to franchises of distributors and dealers of motor fuels and special fuels, with report of committee recommending passage was taken up for consideration.

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



Rule 80 was invoked.

On the question "Shall the bill pass?" (S.F. 176)

The ayes were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Hummel
Johnson, J.	Johnson, W.	Kirkenlager	Krewson
Lageschulte	Larsen	Lorenzen	Lura
Maulsby	Menke	Millen	Mullins
Pellett	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Shimaneck	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker (Harbor)			

The nays were, 42:

Anderson, R.	Avenson	Bina	Binneboese
Bruner	Byerly	Chiodo	Cochran
Cannolly	Connors	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hinkhouse	Holt
Horn	Howell	Hullinger	Husak
Lind	Lloyd-Jones	McKean	Miller
Norland	O'Kane	Oxley	Pavich
Pelton	Perkins	Rapp	Schroeder
Sherzan	Spear	Walter	Wells
Welsh	Woods		

Absent or not voting, 9:

Arnould	Brandt	Jay	Jesse
Jochum	Johnson, R.	Lonergan	Patchett
West			

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

**House File 2277**, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services. with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5169 filed by Spear, et al., and moved its adoption:

H—5169

- 1 Amend House File 2277 as follows:
- 2 1. Page 1, by striking lines 7 and 8 and inserting
- 3 in lieu thereof the following: "under the
- 4 jurisdiction of the department of social services
- 5 may be temporarily released. However, a class "A"
- 6 felon shall not be eligible for furlough unless his
- 7 or her sentence has been commuted to a term of years
- 8 and unless the parole board recommends the commencement
- 9 of gradual release."

Roll call was requested by Smalley of Polk and Johnson of Howard.

Rule 80 was invoked.

On the question "Shall amendment H—5169 be adopted?"

The ayes were, 50:

Anderson, R.	Avenson	Binneboese	Brandt
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Cannolly	Connors	Crawford
Cusack	Daggett	Davitt	Diemer
Doyle	Egenes	Gettings	Groth
Hanson, D.	Hinkhouse	Horn	Howell
Hullinger	Husak	Jochum	Krewson
Larsen	Lloyd-Jones	Loneragan	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Pavich	Perkins	Poffenberger
Pope	Rapp	Schroeder	Sherzan
Shimanek	Spear	Thompson	Tofte
Walter	Wells		

The nays were, 44:

Anderson, J.	Bennett	Bina	Branstad
Chiodo	Conlon	Corey	Crabb
Danker	De Groot	Dieleman	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hibbs
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lorenzen	Lura	Menke	Millen
Oxley	Pellett	Pelton	Renken

Ritsema	Schnekloth	Shull	Smalley
Stromer	Swearingen	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker (Harbor)

Absent or not voting, 6:

Arnould	Jay	Jesse	Johnson, R.
Patchett	West		

Amendment H—5169 was adopted.

Amendment H—5169 was adopted.

Daggett of Taylor called up for consideration the motion to reconsider amendment H—5169, filed by him from the floor, and moved to reconsider the vote by which amendment H—5169 was adopted by the House on February 11.

A non-record roll call was requested.

The ayes were 59, nays 29.

The motion prevailed and the House reconsidered amendment H—5169.

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

On the question "Shall the bill pass?" (H.F. 2277)

The ayes were, 91:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Holt	Horn

Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Walter	Welden
Wells	Welsh	Mr. Speaker (Harbor)	

The nays were, 2:

Van Maanen            Woods

Absent or not voting, 7:

Arnould                Hoffmann                Jesse                    Johnson, R.  
O'Kane                 Patchett                 West

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

**House File 402**, a bill for an act relating to attorney notices of subrogation to the department of social services under the medical assistance program, with report of committee recommending amendment and passage was taken up for consideration.

Poffenberger of Dallas offered amendment H—5075 filed by the committee on human resources on January 29 and found on page 262 of the House Journal and moved its adoption.

Amendment H—5075 was adopted.

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

On the question "Shall the bill pass?" (H.F. 402)

The ayes were, 93:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker (Harbor)			

The nays were, 1:

Maulsby

Absent or not voting, 6:

Arnould	Connolly	Jesse	Johnson, R.
Patchett	West		

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

### MOTION TO RECONSIDER (Senate File 176)

I move to reconsider the vote by which Senate File 176 failed to pass the House on February 11.

SCHROEDER of Pottawattamie

## PRESENTATION OF VISITORS

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

Twenty-four senior students from Rolfe Community School, Rolfe, accompanied by Carrol Shurson and Richard Barrett. By Mullins of Kossuth and Maulsby of Calhoun.

### REREFERRED TO COMMITTEE ON WAYS AND MEANS (House File 2327)

The Speaker announced that House File 2327, previously referred to the committee on **state government**, was rereferred to the committee on **ways and means**.

### 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 11th day of February, 1980: House File 2072.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

### SPONSORS ADDED (House File 2329)

Thompson of Polk requested to be added as a sponsor of House File 2329.

(House File 2337)

Thompson of Polk requested to be added as a sponsor of House File 2337.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February

7. Had I been present, I would have voted "aye" on House Files 2245 and 2275; "nay" on House File 2072.

GETTINGS of Wapello

COMMUNICATION RECEIVED

The following communication was received and placed on file in the office of the Chief Clerk:

IOWA CONSERVATION COMMISSION

The 1979 annual report of the Upper Mississippi River Basin Commission.

CERTIFICATES OF RECOGNITION

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

- 1980-9      Everett McGrath
- 1980-10     Herbert Tschöpp
- 1980-11     Western Christian High School
- 1980-12     A J S Farms
- 1980-13     VICA Club of Perry Community High School
- 1980-14     Shelly Kirk

DAVID L. WRAY  
Chief Clerk of the House

AMENDMENTS FILED

- |        |           |                            |
|--------|-----------|----------------------------|
| H-5192 | H.F. 2246 | O'Kane of Woodbury         |
| H-5193 | H.F. 2246 | O'Kane of Woodbury         |
| H-5194 | H.F. 2447 | Connolly of Dubuque        |
| H-5195 | H.F. 2138 | Groth of Buena Vista       |
| H-5196 | H.F. 2003 | Perkins of Greene          |
| H-5197 | H.F. 2425 | Perkins of Greene          |
|        |           | Daggett of Taylor          |
| H-5198 | H.F. 2169 | Pellett of Cass            |
| H-5199 | H.F. 2086 | Kirkenslager of Des Moines |
| H-5200 | H.F. 2160 | De Groot of Lyon           |

H—5201

H.F. 2340

Stromer of Hancock

H—5202

H.F. 2340

Stromer of Hancock

On motion by Halvorson of Clayton, the House adjourned at 11:44 a.m., until 9:00 a.m., Tuesday, February 12, 1980.



# JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Twentieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 12, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Donald A. Elly, pastor of the Covenant United Presbyterian Church, West Des Moines.

The Journal of Monday, February 11, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Doug Wagoner, Broadlawns Polk County Hospital, Des Moines.

## PRESENTATION OF VISITORS

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

Ninety-five 4-H members from Linn County, accompanied by Barbara Beermann. By Hall of Linn.

## INTRODUCTION OF BILL

**House File 2466**, by committee on judiciary and law enforcement, a bill for an act relating to the hospitalization of mentally ill persons.

Read first time and placed on the calendar.

## SENATE MESSAGES CONSIDERED

**Senate File 2102**, by committee on judiciary, a bill for an act relating to the hospitalization of mentally ill persons.

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

**Senate File 2114**, by committee on human resources, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 11, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 108, providing for a joint convention of the two houses in observance of Lincoln's birthday.

Also: That the Senate has on February 7, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2117, a bill for an act relating to requirements for holding a meeting with an area education agency board for the construction or renovation of a school building.

Also: That the Senate has on February 7, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2118, a bill for an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

Also: That the Senate has on February 7, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2119, a bill for an act to repeal section two hundred forty-six point seventeen (246.17) of the Code.

Also: That the Senate has on February 7, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2121, a bill for an act relating to the powers of savings and loan associations.

Also: That the Senate has on February 7, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2123, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

FRANK J. STORK, Secretary

On motion by Halvorson of Clayton, the House was recessed at 9:17 a.m., until 10:55 a.m.

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

### COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Stromer of Hancock, Crawford of Story and Brandt of Black Hawk.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

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

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

### JOINT CONVENTION LINCOLN'S BIRTHDAY OBSERVANCE

In accordance with House Concurrent Resolution 108 duly adopted, the joint convention was called to order, President Branstad presiding.

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

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

Senator Carney of Woodbury moved that a committee of six consisting of three members from the Senate and three members from the House be appointed to escort the Honorable Arthur A. Neu to the rostrum to deliver an address in observance of Lincoln's birthday.

The motion prevailed and the President appointed as such committee Senators Carney of Woodbury, Hutchins of Guthrie and Waldstein of Buena Vista, on the part of the Senate, and Representatives Crabb of Crawford, Anderson of Audubon and Perkins of Greene, on the part of the House.

The committee waited upon the Honorable Arthur A. Neu and escorted him to the Speaker's station.

President Branstad introduced the Honorable Arthur A. Neu who addressed the joint convention as follows:

Though I do not purport to be a Lincoln scholar like so many of those who have given these Lincoln Day addresses in the past, still I can't help but have an enduring admiration for Lincoln the President — but perhaps even more for Lincoln the human being. Clearly, the times in which he lived were more dismal than even the greatest pessimist among us would argue that today is. The Union was coming apart. The political process was disintegrating and the war was all about him. He was ridiculed, opposed and in the end assassinated. His army for some time after the war commenced, suffered one defeat after another, and lacked effective leadership until well into the struggle. Lincoln's own people in government were undermining his authority and programs. Foreign governments were seeking to keep the Union apart. Clearly, the period of Lincoln's presidency was a great time of stress for the Union — perhaps its greatest crisis.

It might be well for all of us to re-examine the period of the Lincoln presidency. To do so might give us certain insights into our own era. I have always felt that reading and studying history was more than just a pleasant pasttime. It also gives us a better understanding of history in general so as to enable us to put our own age in perspective. It will also give us a better understanding of what is taking place around us. I don't mean to suggest that answers to the dilemmas we face today will somehow unfold in front of our very eyes, but rather that we can better appreciate that others before us faced difficult circumstances. Hopefully, it will also teach us to be wary of the "quick fix" or "simple solution" that may sound good at the time.

It seems to me at least, that there is an obvious parallel between Lincoln's era and our contemporary sense of crisis. So many commentators see darkness all around us and note the widespread loss of confidence in the vitality of American civilization and in its future. Drift and disillusionment exist; a sense of things going wrong or being out of joint. This really shouldn't be surprising given the events of the sixties and seventies — the assassination of the two Kennedys, of Martin Luther King, Vietnam, Watergate and now the difficult problems of inflation and energy.

We also tend to look back and think that but a few years ago we were invincible and that no nation would dare seize our embassy as did the militants in Iran. Again, it helps to think back to periods still in our lifetime. In the forties we were the undisputed world power with a nuclear monopoly. Yet in the forties Czechoslovakia was subverted by Communists and Chinese Communists were victorious over the Nationalist Chinese. The fifties weren't too much better. In 1952 Nasser triumphed in Egypt; crises in Indochina; the Suez crisis in 1956; the shock of Sputnik in 1957; the toppling of pro-western regimes in Cuba and Iraq in 1958 and Khrushchev's challenges in Berlin. — The truth is that we have never been strong enough, nor will we ever be strong enough, to control the events of the world. America's current foreign policy problems, though serious, are no graver than problems we have experienced in past moments of our history. They are not necessarily symptomatic of America's decline but rather of the troubled times in which we live and of the global interests we now possess.

All public figures seem to be crying out for more military preparedness in the wake of events in Iran and Afghanistan. The tacit assumption seems to be that Khomeini and his followers would not have seized the U.S. Embassy nor would Russia have moved into Afghanistan had we a stronger military force. I doubt that to be true. Nonetheless, I feel confident that the kind of increased military spending that seems to be coming will not be examined carefully and that the military will use the funds on increasingly sophisticated weaponry that only an army of PhDs could operate and a nation of bankers could afford. True leadership would see that the proper expenditure of additional funds on weaponry would be for more practical weaponry that could be produced at modest cost, operated by ordinary mortals and be supplied, when deemed necessary, to our allies.

It is not that the crises today are more difficult than at other times in our history, but rather that we don't seem to have any Lincolns around. In fairness to those leading us today, we must remember that Lincoln's greatness was not discerned by his contemporaries, but only became apparent to most people after his death. Nonetheless, people are crying for leadership but so far at least, no one has clearly assumed the role to the satisfaction of the people. Perhaps a Lincoln isn't possible today. Perhaps we so completely expose all the frailties of any person in our national life that even Lincoln himself would be a pathetic caricature of himself.

One of the things I most admire about Lincoln and which is most lacking in our leaders today is that Lincoln was chastened by presidential power — not intoxicated by it. That while he was the consummate politician, he also had a brooding melancholy and fatalism; a sense of the tragic nature of life and, during the Civil War, a remarkable detachment and lack of malice. We need some of those qualities today.

Thank you.

President Branstad presented Senator Carney of Woodbury who introduced the Abu Bekr Shrine Chanters from Sioux City.

The Sioux City Chanters entertained the joint convention by singing the following: "Where in the World but in America," "This Land is Your Land," "America the Beautiful," "Let There Be Peace on Earth," and "The Battle Hymn of the Republic." They were directed by Shriner Don Kelsey and accompanied by Shriner Mike Hogan.

Halvorson of Clayton moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

On motion by Halvorson of Clayton, the House was recessed at 11:43 a.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

#### PRESENTATION OF VISITOR

The Speaker pro tempore, Harbor of Mills, announced that the following visitor was present in the House chamber:

Miss Silvia Horn of Frankfurt, Germany. She is a Youth for Understanding Student, presently living with Mr. and Mrs. Virgil Buettel of Manilla, Iowa. By Perkins of Greene.

#### 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.

**HOUSE FILE 731 DEFERRED**

Halvorson of Clayton asked and received unanimous consent that House File 731 be deferred and that the bill retain its place on the calendar.

• **CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 2138**, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area, with report of committee recommending amendment and passage was taken up for consideration.

Maulsby of Calhoun offered amendment H—5074 filed by the committee on education on January 29 and found on page 262 of the House Journal and moved its adoption.

The committee amendment H—5074 was adopted.

Perkins of Greene offered the following amendment H—5190 filed by him and moved its adoption:

H—5190

- 1 Amend House File 2138 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "devices" the words "except parking meters".

A non-record roll call was requested.

The ayes were 33, nays 53.

Amendment H—5190 lost.

Groth of Buena Vista offered the following amendment H—5187 filed by him:

H—5187

- 1 Amend House File 2138 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "rules." the following: "The rules shall provide
- 4 for a monthly parking fee of at least ten dollars
- 5 per vehicle and shall also provide for measures to

6 encourage ride-sharing by area school employees and  
 7 students, including car-pooling, van-pooling and  
 8 other ride-sharing arrangements. Proceeds from the  
 9 parking fee shall revert to the general fund of the  
 10 area school charging the fee."

Groth of Buena Vista offered the following amendment H—5195,  
 to amendment H—5187, filed by him and moved its adoption:

H—5195

1 Amend the amendment, H—5187 to House File  
 2 2138 as follows:  
 3 1. Page 1, line 10, by inserting after the  
 4 word "fee." the following: "However, an area  
 5 school shall not be required to charge a parking  
 6 fee if as part of the student registration process  
 7 information is gathered to facilitate and en-  
 8 courage ride-sharing by area school employees and  
 9 students, and the area school takes all reason-  
 10 able measures to encourage ride-sharing activities  
 11 by employees and students."

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 44, nays 50.

Amendment H—5195 lost.

Groth of Buena Vista asked and received unanimous consent to  
 withdraw amendment H—5187.

Conlon of Muscatine offered the following amendment H—5087  
 filed by him and moved its adoption:

H—5087

1 Amend House File 2138 as follows:  
 2 1. Page 1, by inserting the following after  
 3 line 29:  
 4 "To the greatest extent possible, the board of  
 5 directors shall apply the provisions of the Iowa  
 6 administrative procedure act in implementing this  
 7 subsection."

Amendment H—5087 lost.



Perkins of Greene moved to reconsider the vote by which amendment H — 5190 failed to be adopted by the House on February 12.

Roll call was requested by Perkins of Greene and Anderson of Jasper.

Rule 80 was invoked.

On the question "Shall the motion prevail to reconsider amendment H — 5190?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Kirkenslager
Krewson	Lloyd-Jones	Lonergan	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Rapp
Stromer	Walter	Wells	Welsh
Woods			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, W.	Lageschulte /
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Weiden	West	Mr. Speaker (Harbor)

Absent or not voting, 3:

Husak	Johnson, R.	Millen
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The motion lost.

Krewson of Polk asked for unanimous consent to suspend Rule 36.8 for the consideration of amendment H—5207.

Objection was raised.

Krewson of Polk moved that Rule 36.8 be suspended for the consideration of the following amendment H—5207 filed by Krewson, Connors, Kirkenlager and Poffenberger from the floor:

H—5207

- 1 Amend House File 2138 as follows:
- 2 1: Page 1, by inserting after line 29 the
- 3 following:
- 4 "The applicability of rules made under this
- 5 subsection to employees of an area school may be
- 6 subject to the provisions of a collective bargaining
- 7 agreement negotiated under chapter twenty (20) of
- 8 the Code."

A non-record roll call was requested.

The ayes were 49, nays 46.

The motion, having failed to receive a constitutional majority, lost.

Maulsby 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. 2138)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.

Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pellett
Pelton	Perkins	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimaneck	Shull	Smalley
Spear	Siromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welsh	West	Woods	Mr. Speaker (Harbor)

The nays were, 4:

Doyle	Halvorson, R.N.	Pavich	Wells
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Absent or not voting, 4:

Corey	Johnson, R.	Poffenberger	Welden
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2279**, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts, 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. 2279)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum

Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker (Harbor)		

The nays were, none.

Absent or not voting, 2:

Brandt                      Johnson, R.

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

**House File 2246**, a bill for an act relating to the punishment for violation of section three hundred twenty-one point five hundred sixty-one (321.561) of the Code, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5185 filed by him:

H—5185

- 1 Amend House File 2246 as follows:
- 2 1. Page 1, by striking lines 8 through 13 and
- 3 inserting in lieu thereof the words "the provisions
- 4 of this section shall upon conviction be punished
- 5 by imprisonment in the penitentiary for not more than
- 6 two years and notwithstanding the provisions of section
- 7 687.2, such conviction shall constitute a misdemeanor
- 8 and not a felony is guilty of an aggravated
- 9 misdemeanor".

O'Kane of Woodbury offered the following amendment H—5192, to amendment H—5185, filed by him and moved its adoption:

H—5192

- 1 Amend amendment H—5185 to House File 2246.
- 2 as follows:
- 3 1. Page 1, line 8, by striking the word
- 4 "aggravated" and inserting in lieu thereof the
- 5 word "serious".

Amendment H—5192 lost.

Spear of Lee moved the adoption of amendment H—5185.

Amendment H—5185 lost.

O'Kane of Woodbury offered the following amendment H—5161 filed by him and Doyle of Woodbury:

H—5161

- 1 Amend House File 2246 as follows:
- 2 1. Page 1, by striking lines 11 and 12 and in-
- 3 serting in lieu thereof the following: "~~687-2, such~~
- 4 committed to a community based correctional facility
- 5 for a period of time determined by the court. This
- 6 conviction shall constitute."

O'Kane of Woodbury offered the following amendment H—5193, to amendment H—5161, filed by him and moved its adoption:

H—5193

- 1 Amend amendment H—5161 to House File 2246 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 6 and
- 4 inserting in lieu thereof the following:
- 5 "~~687-2, such committed to a community based~~
- 6 correctional facility for a period of time determined
- 7 by the court. This conviction shall constitute a
- 8 serious misdemeanor and not a felony."

Amendment H—5193 lost.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—5161.

Conlon of Muscatine offered the following amendment H—5072 filed by him and moved its adoption:

H-5072

- 1 Amend House File 2246 as follows:
- 2 1. Page 1, line 13, by striking the words "and
- 3 not a felony", and by inserting in lieu thereof
- 4 the words "and not a felony".

Amendment H-5072 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2246)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochem	Johnson, J.
Johnson, W.	Kirkenlager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneran
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	Q'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, 1:

Tyrrell

Absent or not voting, 4:

Clark, J.H.	Danker	Johnson, R.	Shimanek
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 89**, a bill for an act relating to borrow pits, with report of committee recommending amendment and passage was taken up for consideration.

Tofte of Winneshiek offered the following amendment H—3668 filed by the committee on natural resources and moved its adoption:

H—3668

- 1 Amend Senate File 89, as passed and reprinted by
- 2 the Senate, as follows:
- 3 1. Page 1, line 10, by striking the words "by
- 4 agreement with the landowner" and inserting in lieu
- 5 thereof the words "by agreement with the landowner"
- 6 2. Page 1, lines 14 and 15, by striking the words
- 7 "for sidehill borrows, or".
- 8 3. Page 1, line 18, by inserting after the word
- 9 "sand," the word "loess".
- 10 4. Page 1, line 18, by inserting after the word
- 11 "clays." the following: "When the borrow pit is
- 12 acquired by easement, the restoration method shall
- 13 be determined by agreement with the landowner."

The committee amendment H—3668 was adopted.

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

On the question "Shall the bill pass?" (S.F. 89)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonegan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Norland

O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poiffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, 2:

Corey                      Mullins

Absent or not voting, 3:

Brandt                      Johnson, R.                      Thompson

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

**House File 2160**, a bill for an act repealing the minors' school license, with report of committee recommending amendment and passage was taken up for consideration.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—5200 filed by him on February 11.

Kirkenslager of Des Moines offered amendment H—5089 filed by the committee on transportation on January 30 and found on pages 280 and 281 of the House Journal.

Spear of Lee offered the following amendment H—5209, to the committee amendment H—5089, filed by him from the floor and moved its adoption:

H—5209

- 1 Amend the committee on transportation amendment
- 2 H—5089, to House File 2160 as follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "1. Page 1, by striking lines 19 through 28 and
- 6 inserting in lieu thereof the following:
- 7 "321.184 APPLICATIONS OF UNMARRIED MINORS PERSONS
- 8 UNDER THE AGE OF EIGHTEEN. The application of any
- 9 unmarried person under the age of eighteen years for
- 10 an instruction permit, operator's license, or motorized



11 bicycle license, ~~or permit issued under section 321.104~~  
 12 shall contain the ~~verified consent and confirmation~~  
 13 of the applicant's birthday and consent verified by  
 14 either parent of the applicant; or, if neither parent  
 15 is living, the guardian or other person having custody  
 16 or the employer of such minor may consent the  
 17 applicant. However, if the applicant is married,  
 18 the applicant's spouse, if at least eighteen years  
 19 of age, may sign the verification in lieu of the  
 20 parents or other persons. Officers and employees  
 21 of the department are hereby authorized to administer  
 22 such oaths of verification without charge."  
 23 2. By renumbering sections and internal references  
 24 as necessary.

Amendment H—5209 was adopted.

On motion by Kirkenlager of Des Moines, the committee amendment H—5089, as amended, was adopted.

Conlon of Muscatine offered the following amendment H—5112 filed by Conlon, et al., and moved its adoption:

H—5112

1 Amend House File 2160 as follows:  
 2 1. Page 2, line 1, by striking the words "with  
 3 respect to" and by inserting in lieu thereof the  
 4 words "with respect to on".

Amendment H—5112 was adopted.

Kirkenlager 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 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2160)

The ayes were, 53:

Anderson, R.	Arnould	Bennett	Binneboese
Bruner	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connolly	Corey	Crabb
Crawford	Daggett	Dieleman	Egenes
Groth	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann

Holt	Howell	Jochum	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lloyd-Jones
Lorenzen	Menke	Millen	Miller
Mullins	Norland	Patchett	Pavich
Pelton	Poffenberger	Rapp	Schneklath
Smalley	Spear	Stromer	Thompson
Tofte	Walter	Wells	Welsh
West			

The nays were, 46:

Anderson, J.	Avenson	Bina	Brandt
Branstad	Byerly	Cochran	Connors
Cusack	Danker	Davitt	De Groot
Diemer	Doyle	Gettings	Halvorson, R.N.
Horn	Hullinger	Hummel	Husak
Jay	Jesse	Johnson, J.	Krewson
Lind	Loneragan	Lura	Maulsby
McKean	O'Kane	Oxley	Pellett
Perkins	Pope	Renken	Ritsema
Schroeder	Sherzan	Shimanek	Shull
Swearingen	Tyrrell	Van Maanen	Weiden
Woods	Mr. Speaker (Harbor)		

Absent or not voting, 1:

Johnson, R.

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

**House File 2169**, a bill for an act relating to contracts for bridge or road construction on secondary roads, with report of committee recommending passage was taken up for consideration.

Pellett of Cass asked and received unanimous consent to withdraw amendment H—5146 filed by Schroeder of Pottawattamie on February 5, 1980.

Pellett of Cass offered the following amendmenet H—5198 filed by him and moved its adoption:

H—5198

- 1 Amend House File 2169 as follows:
- 2 1. Page 1, by inserting after line 7 the following
- 3 new section:

4 "Sec. . . Section three hundred nine point forty-  
 5 two (309.42), Code 1979, is amended to read as follows:  
 6 309.42 APPROVAL OF ROAD CONTRACTS. Contracts  
 7 for road construction work which, according to the  
 8 engineer's estimate, involve a cost of five thousand  
 9 dollars or more per mile, or more than twenty thousand  
 10 dollars in the aggregate shall be first approved by  
 11 the department before the same shall be effective  
 12 as a contract."  
 13 2. Renumber sections and correct internal  
 14 references as may be necessary in accordance with  
 15 this amendment.

Amendment H—5198 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2169)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, W.	Kirkenlager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shull	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	Welsh	West
Woods	Mr. Speaker (Harbor)		

The nays were, 2:

Smalley

Welden

Absent or not voting, 4:

Branstad

Johnson, R.

Norland

Shimanek

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

**House File 2340**, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district, with report of committee recommending passage was taken up for consideration.

Stromer of Hancock offered the following amendment H—5201 filed by him and moved its adoption:

H—5201

- 1 Amend House File 2340 as follows:
- 2 1. Page 2, by striking line 35 and inserting in
- 3 lieu thereof the words "of the board shall preside
- 4 at the hearing. The board".
- 5 2. Page 3, line 1, by striking the words ", and
- 6 if" and inserting in lieu thereof the words "and shall
- 7 adopt or amend and adopt the dissolution proposal.
- 8 If"
- 9 3. Page 3, line 2, by striking the word
- 10 "commission" and inserting in lieu thereof the word
- 11 "board".

Amendment H—5201 was adopted.

Stromer of Hancock offered the following amendment H—5202 filed by him and moved its adoption:

H—5202

- 1 Amend House File 2340 as follows:
- 2 1. Page 3, by inserting after line 4 the follow-
- 3 ing:
- 4 "If a dissolution proposal adopted by a board
- 5 contains provisions that ninety-five percent or more
- 6 of the taxable valuation of the dissolving district
- 7 would be assumed and attached to a single school
- 8 district, the dissolving school district shall cease

9 further proceedings to dissolve and shall comply  
10 with chapter two hundred seventy-five (275) of the  
11 Code."

Amendment H—5202 was adopted.

Menke of O'Brien asked and received unanimous consent to suspend Rule 36.8 for the consideration of the following amendment H—5212 filed by him and Hansen of O'Brien from the floor:

H—5212

1 Amend House File 2340 as follows:  
2 1. Page 4, by striking lines 18 through 22 and  
3 inserting in lieu thereof the following:  
4 "Sec. . . If the enrollment of a school district  
5 increases or is expected to increase because an  
6 adjacent district has dissolved or is expected to  
7 dissolve, the board of directors of the school district  
8 shall determine whether there is a need to hire  
9 additional certificated or noncertificated employees.  
10 If the board of directors determines that there is  
11 a need to hire additional employees, the board shall  
12 determine the nature and number of the necessary new  
13 positions. Individuals who were employees of the  
14 dissolved district may apply for the new positions.  
15 The board shall hire those applicants who were  
16 employees of the dissolved district whenever the  
17 applicant is certificated for the new position or,  
18 in the case of noncertificated personnel, is otherwise  
19 qualified. If two employees of the dissolved district  
20 apply for a single certificated position, the applicant  
21 who is best qualified in the opinion of the board  
22 shall be hired. The board is not required to hire  
23 applicants who were employees of the dissolved district  
24 if the district has been dissolved for two or more  
25 school years. Applicants who are reemployed under  
26 this section shall maintain in the reemploying district  
27 those benefits which were earned during employment  
28 with the dissolving school district under a statutory  
29 or contractual provision, including, but not limited  
30 to, salary or alternatively placement on a salary  
31 schedule based on years of experience, sick leave,  
32 and completion of probationary status as defined by  
33 section two hundred seventy-nine point nineteen  
34 (279.19) of the Code. It is unlawful for a school  
35 district to prejudicially deny the preference for  
36 reemployment which is granted by this section to an  
37 applicant who is qualified for the preference."

Menke of O'Brien moved the adoption of amendment H—5212.

Amendment H – 5212 was adopted.

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

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

The ayes were, 97: -

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Joehum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, none.

Absent or not voting, 3:

Daggett	Johnson, R.	McKean
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 16 WITHDRAWN

Smalley of Polk asked and received unanimous consent to withdraw House File 16 from further consideration by the House.

**HOUSE FILE 117 WITHDRAWN**

Crabb of Crawford asked and received unanimous consent to withdraw House File 117 from further consideration by the House.

**MOTIONS TO RECONSIDER**  
(House File 2160)

I move to reconsider the vote by which House File 2160 passed the House on February 12.

**KIRKENSLAGER** of Des Moines

(House File 2160)

I move to reconsider the vote by which House File 2160 passed the House on February 12.

**CHIODO** of Polk

(House File 2160)

I move to reconsider the vote by which House File 2160 passed the House on February 12.

**WELSH** of Dubuque

(Senate File 89)

I move to reconsider the vote by which Senate File 89 passed the House on February 12.

**HOWELL** of Floyd

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 12, 1980 he approved and transmitted to the Secretary of State the following bills:

Senate File 121, an act relating to the hunting of crows.

Senate File 247, an act relating to policies of boards of directors of school districts concerning the residence of employees.

Senate File 382, an act relating to the continuing education of insurance agents.

Senate File 426, an act relating to the employment of legal counsel by school corporations.

## **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 12th day of February, 1980: House File 471.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

## **EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on February 12. Had I been present, I would have voted "aye" on House File 2246.

DANKER of Pottawattamie

## **STUDY BILL COMMITTEE ASSIGNMENTS**

### **S.B. 676 County Government**

Relating to the county statutes study committee.

### **S.B. 677 Human Resources**

To repeal the state residency requirement for employees of the department of social services.

### **S.B. 678 State Government**

Relating to beer and liquor control fund fees and local authorities.

### **S.B. 679 State Government**

Abolishing the Mississippi river parkway commission and transferring its duties to the Iowa development commission.



**S.B. 680 State Government**

Relating to the payment of moving expenses of state agencies, departments, commissions, and boards.

**S.B. 681 State Government**

To provide for biennial professional and occupational licenses.

**S.B. 682 Judiciary and Law Enforcement**

To legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

**S.B. 683 Judiciary and Law Enforcement**

Relating to judgement and sentencing procedures and reconsideration of sentence and felon's misdemeanants sentence and work releases.

**S.B. 684 Labor and Industrial Relations**

Relating to the inspection of low pressure heating boilers and unfired steam pressure vessels.

**S.B. 685 Cities**

Relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid.

**REPORT OF COMMITTEE MEETING**

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

DAVID L. WRAY  
Chief Clerk of the House

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., February 11, 1980

Convened: 1:35 p.m.

Adjourned: 2:05 p.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Arnould, Clark of Cerro Gordo, Conlon, Corey, Hibbs, Holt, Johnson of Howard, Pelton, Smalley, Walter and Welsh.

Absent: Patchett, Ranking Member; Doyle, Jesse (arrived at 2:00 p.m.), Lloyd-Jones (arrived at 1:40 p.m.), Lonergan (arrived at 1:40 p.m.), Maulsby and Rapp.

## COMMITTEE RECOMMENDATIONS

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

**DAVID L. WRAY**  
Chief Clerk of the House

## COMMITTEE ON CITIES

**House File 2208**, a bill for an act relating to the definition of governing body for deferred compensation purposes.

**Recommended Do Pass.**

**Senate File 435**, a bill for an act relating to the establishment of historical preservation districts in cities.

**Recommended Do Pass.**

**Study Bill 667**, relating to the retention of budget documents.

**Recommended Do Pass.**

## COMMITTEE ON HUMAN RESOURCES

**Study Bill 540**, relating to the supplying of a house or quarters, utilities and provisions for executive heads of institutions under the department of social services.

**Recommended Do Pass.**

**Study Bill 642**, relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

**Recommended Amend and Do Pass.**

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 2181**, a bill for an act to legalize proceedings taken by the board of directors of the Shellsburg community school district relating to the sale of certain properties.

**Recommended Do Pass.**

Fiscal Note is not required.

**House File 2311**, a bill for an act to legalize the proceedings of the board of supervisors of Clay county Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds.

**Recommended Do Pass.**

Fiscal Note is not required.

**House File 2355**, a bill for an act to legalize and validate the proceedings of the board of directors of the area education agency 14 in the counties of Montgomery, Adams, Taylor, Ringgold, Union, Adair, Madison, Clarke, Decatur, Page, Lucas, Wayne and Pottawattamie, in connection with an election authorizing a lease-purchase agreement and the lease-purchase authorization.

**Recommended Do Pass.**

Fiscal Note is not required.

**House File 2357**, a bill for an act to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties.

**Recommended Do Pass.**

**Committee Bill** (Formerly House File 2022), a bill for an act relating to reports of communicable disease.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

**COMMITTEE ON TRANSPORTATION**

**Study Bill 669**, relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

**Recommended Do Pass.**

## AMENDMENTS FILED

H-5203	H.F. 2459	Lloyd-Jones of Johnson
H-5204	H.F. 2443	Branstad of Winnebago
H-5205	H.F. 2410	Welden of Hardin
H-5206	H.F. 2410	Welden of Hardin
H-5208	H.F. 2443	Dieleman of Marion
H-5210	H.F. 2443	Crawford of Story
H-5211	H.F. 2409	Miller of Buchanan
		Hummel of Benton
H-5213	S.F. 176	Poffenberger of Dallas
H-5214	H.F. 2410	Bruner of Story
H-5215	H.F. 2160	Perkins of Greene
		De Groot of Lyon
		Tyrrell of Iowa
		Branstad of Winnebago
		Chiodo of Polk
		Lonergan of Boone
H-5216	H.F. 530	Miller of Buchanan

On motion by Halvorson of Clayton, the House adjourned at 4:16 p.m., until 9:00 a.m., Wednesday, February 13, 1980.

# JOURNAL OF THE HOUSE

Thirty-first Calendar Day—Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 13, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Gerald Sawyer, pastor of the Ankeny Christian Church, Ankeny, Iowa.

The Journal of Tuesday, February 12, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Youberg, Sac City.

## SPECIAL PRESENTATION

The Speaker introduced to the House Jane Teaford of Cedar Falls, President of the League of Women Voters of Iowa. Mrs. Teaford presented to Serge Garrison, Director of the Legislative Service Bureau, a special valentine thanking the Bureau for their dedicated service to the Iowa Legislature and the citizens of Iowa. This is the sixtieth anniversary of the Iowa League of Women Voters.

## PETITION FILED

The following petition was received and placed on file:

By Husak of Tama, from twenty-nine constituents of the 71st district opposing Senate File 2065, an act legalizing pari-mutual betting in the state of Iowa.

## INTRODUCTION OF BILLS

**House File 2467**, by committee on judiciary and law enforcement, a bill for an act relating to the purchase of goods or services by a political subdivision from a member of the political subdivision's governing board.

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

**House File 2468**, by committee on judiciary and law enforcement, a bill for an act to limit the use of stimulant anorectic agents in schedule II of the Uniform Controlled Substances Act to the treatment of narcolepsy or hyperkinesis.

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

### SENATE MESSAGES CONSIDERED

**Senate File 2117**, by committee on education, a bill for an act relating to requirements for holding a meeting with an area education agency board or the boards of contiguous school districts and the board of a school district proposing to issue general obligation bonds for the construction or renovation of a school building.

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

**Senate File 2118**, by committee on judiciary, a bill for an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

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

**Senate File 2119**, by committee on judiciary, a bill for an act to repeal section two hundred forty-six point seventeen (246.17) of the Code.

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

**Senate File 2121**, by committee on commerce, a bill for an act relating to the powers of savings and loan associations.

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

**Senate File 2123**, by committee on county government, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

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

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 11, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2002, a bill for an act relating to expenditure of profits from auxiliary services by area schools.

Also: That the Senate has on February 11, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2124, a bill for an act relating to the storage of a registered snowmobile.

Also: That the Senate has on February 11, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2125, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor.

Also: That the Senate has on February 11, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2126, a bill for an act abolishing the additional bonus and disability fund.

Also: That the Senate has on February 11, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2240, a bill for an act to make library circulation and registration records confidential records.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 2240

H-5217

- 1 Amend House File 2240 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 3 through 5 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SUBSECTION. Records which include any
- 6 identification of items checked out or requested
- 7 by an individual library patron."

**HOUSE FILES WITHDRAWN**  
(House Files 68, 69, 227, 295 and 512)

Clark of Cerro Gordo asked and received unanimous consent to withdraw the following bills from further consideration by the House: House Files 68, 69, 227, 295 and 512.

On motion by Halvorson of Clayton, the House was recessed at 9:20 a.m., until 2:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Miller of Buchanan and Norland of Worth, for a portion of the afternoon, on request of Anderson of Jasper; Daggett of Taylor, for a portion of the afternoon, on request of Van Maanen of Mahaska.

**PRESENTATION OF VISITORS**

Cochran of Webster presented to the House, the Honorable James Middleswart, former member of the House representing Warren County.

Hullinger of Decatur presented to the House, the Honorable Lyle Scheelhaase, former member of the House representing Woodbury County.

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

Seventeen students from Winnebago County, accompanied by Joice and Norm Ahnomann. By Branstad of Winnebago.

**HOUSE RESOLUTION 107**  
By Lloyd Jones and Conlon

- 1 The House Code of Ethics is amended by adding the
- 2 following new subsection:



- 3 "10. On any session day, members of the House of  
 4 Representatives shall not accept anything of monetary  
 5 value from any organization, corporation, association  
 6 or individual represented by a registered lobbyist  
 7 seeking thereby to influence the defeat, passage or  
 8 modification of legislation or the conduct of the member  
 9 in the performance of official duties.  
 10 For the purpose of this section, the receipt of  
 11 information by a member of the House of a lobbyist does  
 12 not constitute the acceptance of a thing of monetary value."

Laid over under Rule 30.

### QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Danker of Pottawattamie to determine that a quorum was present.

Present, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Pope	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

Absent, 7:

Clark, B.J.	Daggett	Johnson, R.	Miller
Norland	Poffenberger	Rapp	

## ADOPTION OF HOUSE RESOLUTION 106

Halvorson of Clayton called up for consideration House Resolution 106, supporting the application of Forest City to the United States Department of Energy for funds necessary to complete the coal gasification project, filed on February 7 and found on page 435 of the House Journal.

Branstad of Winnebago moved the adoption of House Resolution 106.

The motion prevailed and the resolution was adopted.

## CONSIDERATION OF BILLS Regular Calendar

Halvorson of Clayton asked and received unanimous consent to take up out of order **House File 2410**, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems, with report of committee recommending passage.

Welden of Hardin offered the following amendment H-5205 filed by him:

H-5205

- 1 Amend House File 2410 as follows:
- 2 1. Page 1, line 19, by adding the following after
- 3 the period: "Mortgage loans for housing shall be limited
- 4 to lower income families."

Spear of Lee offered the following amendment H-5224, to amendment H-5205, filed by him from the floor and moved its adoption:

H-5224

- 1 Amend amendment H-5205 to House File 2410 as
- 2 follows:
- 3 1. Page 1, line 4, by adding after the word
- 4 "families" the following: "and families which include
- 5 one or more persons who are handicapped or disabled".

**Amendment H-5224 lost.**

Welden of Hardin moved the adoption of amendment H—5205.

A non-record roll call was requested.

The ayes were 27, nays 64.

Amendment H—5205 lost.

Welden of Hardin offered the following amendment H—5206 filed by him:

H—5206

1 Amend House File 2410 as follows:

2 1. Page 1, by adding the following new section  
3 after line 29:

4 "Sec. Chapter two hundred twenty (220),  
5 Code 1979, is amended by adding the following new  
6 section:

7 NEW SECTION. LIMITATION ON LOANS.

8 1. The borrower must occupy the property as his  
9 or her primary residence.

10 2. A mortgage loan for the purchase of a residence  
11 shall not be made to a purchaser if the purchaser or  
12 the purchaser's spouse has owned a residence within  
13 three years of the time of making the application for  
14 a mortgage loan.

15 3. Only individuals who meet the principal  
16 requirements as set up for the original mortgagor  
17 shall be eligible to assume a tax exempt mortgage loan  
18 issued under this chapter."

Welden of Hardin offered the following amendment H—5221, to amendment H—5206, filed by him from the floor and moved its adoption:

H—5221

1 Amend amendment H—5206 to House File 2410 as  
2 follows:

3 1. By striking lines 10 through 18 and inserting  
4 in lieu thereof the following:

5 "2. Only individuals who meet the principal  
6 requirements for an original mortgagor shall be eligible  
7 to assume a tax exempt mortgage loan issued under this  
8 chapter."

Amendment H—5221 was adopted.

On motion by Welden of Hardin, amendment H—5206, as amended, was adopted.

Bruner of Story offered the following amendment H—5214 filed by him and moved its adoption:

H—5214

1 Amend House File 2410 as follows:  
 2 1. Page 1, line 29, by inserting after the word  
 3 "families." the following: "However, if the authority  
 4 determines that increasing the income guidelines is  
 5 necessary to promote the use of solar and other  
 6 renewable energy systems in Iowa, and if the authority  
 7 determines that the tax-exempt status conferred on its  
 8 bonds by the Internal Revenue Service of the United  
 9 States department of the treasury for loans made under  
 10 this section would be maintained, the authority may  
 11 make loans to families whose income does not exceed  
 12 one hundred seventy-five percent of the income  
 13 guidelines for other loans made by the authority. The  
 14 number of such loans shall not exceed fifty percent  
 15 of the total number of loans made by the authority  
 16 under this section."

A non-record roll call was requested.

The ayes were 38, nays 54.

Amendment H—5214 lost.

Miller of Buchanan asked and received unanimous consent to suspend House Rule 36.8 for the consideration of the following amendment H—5222 filed by him from the floor and moved its adoption:

H—5222

1 Amend House File 2410 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section two hundred twenty point  
 5 twenty-four (220.24), Code 1979, is amended to read  
 6 as follows:  
 7 220.24 CERTIFICATION OF AMORTIZATION PERIODS.  
 8 Before the authority provides money, either directly  
 9 or indirectly, for any mortgage loan including property

10 improvement loans authorized under section two (2)  
 11 of this Act, it must obtain the certificate of a  
 12 competent appraiser to the effect that the economic  
 13 lifespan of the property on which the mortgage loan  
 14 or property improvement loan is to be made is in  
 15 excess of the period of amortization of the mortgage  
 16 loan or property improvement loan. If an appraiser  
 17 is used for the purpose of this section or for  
 18 valuation of property for which the authority will  
 19 provide money, either directly or indirectly, the  
 20 authority shall give preference to the use of a local  
 21 appraiser."

22 2. Renumber and correct any internal references  
 23 as are required because of this amendment.

A non-record roll call was requested.

The ayes were 75, nays 15.

Amendment H—5222 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?" (H.F. 2410)

The ayes were, 83:

Arnould	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Crawford	Cusack	Daggett	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Husak
Jay	Jesse	Joehum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lloyd-Jones	Loneragan	Lorenzen	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pelton	Perkins	Pqffenberger
Pope	Rapp	Ritsema	Schnekloth
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	
		(Harbor)	

The nays were, 11:

Anderson, J.	Crabb	Hummel	Johnson, J.
Lind	Lura	Maulsby	Pellett
Renken	Schroeder	Welden	

Absent or not voting, 6:

Anderson, R.	Corey	Danker	Johnson, R.
Wells	West		

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

### HOUSE FILE 2049 WITHDRAWN

Halvorson of Webster asked and received unanimous consent to withdraw House File 2049 from further consideration by the House.

### SPONSOR ADDED (House File 2337)

Poffenberger of Dallas requested to be added as a sponsor of House File 2337.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 13. Had I been present, I would have voted "aye" on House File 2410.

WEST of Marshall

### STUDY BILL COMMITTEE ASSIGNMENTS

#### **S.B. 686 Judiciary and Law Enforcement**

Relating to Chapter 692, Section 8: Intelligence Data.

#### **S.B. 687 Ways and Means**

Relating to the minimum filing requirements for the state individual income tax and making the Act retroactive.

**S.B. 688 Ways and Means**

Relating to the extension of deadlines for filing claims and the confidentiality of the information on the claims for property tax credit and rent reimbursement of the elderly and disabled persons.

**S.B. 689 Ways and Means**

Relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

**S.B. 690 Appropriations**

Relating to sanitary sewer districts revising the compensation paid to trustees.

**S.B. 691 Ways and Means**

Relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue.

**S.B. 692 Ways and Means**

Relating to the administration of the cigarette and tobacco tax laws by the department of revenue and providing penalties.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Study Bill 549**, to amend section four hundred fifty-five point one hundred thirty-five (455.135) of the Code, relating to repairs and improvements in drainage and levee districts.

**Recommended Amend and Do Pass.**

**Study Bill 579**, relating to the definitions and standards of milk and milk products.

**Recommended Amend and Do Pass.**

#### COMMITTEE ON COUNTY GOVERNMENT

**House File 2180**, a bill for an act to allow certain corporations to contract for additional law enforcement services.

**Recommended Amend and Do Pass.**

H—5218

- 1 Amend House File 2180 as follows:
- 2 1. Page 1, by striking lines 16 and 17.

Fiscal Note is not required.

**Study Bill 508 (Revised)**, relating to the recording of real property conveyances pursuant to probate or marriage dissolution decrees.

**Recommended Do Pass.**

Fiscal Note is not required.

#### COMMITTEE ON EDUCATION

**Study Bill 558**, relating to the determination of the salaries for the area education agency administrators.

**Recommended Do Pass.**

**Study Bill 561**, to provide an alternate method for calculating enrollment in certain school districts after approval at an election.

**Recommended Do Pass.**

#### AMENDMENTS FILED

H—5219	H.F. 2443	Davitt of Warren
H—5220	H.F. 530	Lind of Black Hawk
H—5223	H.F. 2453	Jay of Appanoose
		Schroeder of Pottawattamie
		Davitt of Warren
		Halvorson of Webster
		Walter of Pottawattamie
		Pope of Polk
H—5225	H.F. 160	Thompson of Polk
		Stromer of Hancock



H—5226  
H—5227

S.F. 432  
H.F. 2443

Schroeder of Pottawattamie  
Schroeder of Pottawattamie

On motion by Halvorson of Clayton, the House adjourned at 4:14 p.m., until 9:00 a.m., Thursday, February 14, 1980.

## JOURNAL OF THE HOUSE

Thirty-second Calendar Day—Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 14, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend James Cobb, pastor of the First United Presbyterian Church, Denison.

The Journal of Wednesday, February 13, 1980 was approved.

### PETITION FILED

The following petition was received and placed on file:

By Smalley of Polk, from forty-four residents of Polk County favoring legislation to amend Section 109.7 (2a), Code of Iowa, to provide that corporal punishment shall not be used without the consent of parent or guardian.

### INTRODUCTION OF BILL

**House File 2469**, by committee on county government, a bill for an act relating to the recording of real property conveyances pursuant to probate or marriage dissolution decrees.

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

### SENATE MESSAGES CONSIDERED

**Senate File 2002**, by Nystrom, a bill for an act relating to expenditure of profits from auxiliary services by area schools.

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

**Senate File 2124**, by committee on county government, a bill for an act relating to the storage of a registered snowmobile.

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

**Senate File 2125**, by committee on county government, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor.

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

**Senate File 2126**, by committee on state government, a bill for an act abolishing the additional bonus and disability fund.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 225, a bill for an act relating to licensing and regulation of the sale of eggs.

Also: That the Senate has on February 12, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 241, a bill for an act to permit parties to a marriage to contract prior to the marriage with regard to distribution of property.

Also: That the Senate has on February 12, 1980, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 437, a bill for an act to repeal the limitation on charitable devises.

Also: That the Senate has on February 12, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2097, a bill for an act relating to distribution of the bodies of deceased persons.

Also: That the Senate has on February 12, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2122, a bill for an act relating to the compensation of deputy sheriffs.

Also: That the Senate has on February 12, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2130, a bill for an act relating to locations where certain services may be provided to nonpublic school pupils.

Also: That the Senate has on February 12, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2148, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO HOUSE FILE 225

H-5228

1 Amend House File 225 as follows:

2 1. Page 1, by inserting after line 18 the follow-  
3 ing:

4 "Sec. . Section one hundred ninety-six point  
5 one (196.1), subsection seven (7), Code 1979, is  
6 amended to read as follows:

7 7. "Grading" means classifying each shell egg  
8 by weight and grading in accordance with egg grading  
9 standards approved by the United States government  
10 as of July 1, ~~1976~~ 1979, pursuant to the Agricultural  
11 Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq.

12 Sec. . Section one hundred ninety-six point  
13 two (196.2), Code 1979, is amended to read as follows:  
14 196.2 ENFORCEMENT. The secretary shall enforce  
15 the provisions of this chapter, and may make rules  
16 pursuant to chapter 17A and consistent with regulations  
17 of the United States government as they exist on July  
18 1, ~~1976~~ 1979, pursuant to the Agricultural Marketing  
19 Act of 1946, 7 U.S.C. ss. 1621 et. seq., and the Egg  
20 Products Inspection Act of 1970, 21 U.S.C. ss. 1044  
21 et. seq."

22 2. Page 1, by striking lines 20 through 25 and  
23 inserting in lieu thereof the following: "Code 1979,  
24 is amended to read as follows:

25 196.3 EGG HANDLER'S LICENSE AND FEE. Every egg  
26 handler shall obtain an annual license from the  
27 department. The fee for the license shall be  
28 determined on the basis of the total number of eggs  
29 purchased ~~and~~ or handled during the preceding month  
30 of April in each calendar year as follows:

- 31 1. Less than one hundred twenty-five cases....
- 32 ..... ~~\$12.50~~ 15.00
- 33 2. One hundred twenty-five cases or more but
- 34 less than two hundred fifty cases..... ~~\$25.00~~ 35.00
- 35 3. Two hundred fifty cases or more but less
- 36 than one thousand cases..... ~~\$37.50~~ 50.00
- 37 4. One thousand cases or more but less than
- 38 five thousand cases..... \$50.00 100.00

39 5. Five thousand cases or more but less than  
40 ten thousand cases..... \$175.00

41 6. Ten thousand cases or more..... \$250.00

42 The license shall expire one year after its date  
43 of issue. For the purpose of determining fees, a  
44 case shall be thirty dozen eggs. All fees collected  
45 shall be remitted to the treasurer of state for deposit  
46 in the general fund of the state.

47 If an egg handler is not operating during the month  
48 of April, the department shall estimate the volume  
49 of eggs purchased or handled, or both, and may revise  
50 the fee based on three months of operation.

Page 2

1 Sec. . Section one hundred ninety-six point  
2 four (196.4), unnumbered paragraph one (1), Code 1979,  
3 is amended to read as follows:

4 Producers who sell eggs produced exclusively by  
5 their own flocks directly to handlers, or to consumers,  
6 shall not be required to obtain a candler's and  
7 grader's license demonstrate to the department or  
8 the United States department of agriculture inspector  
9 their capability to perform candling and grading."

10 3. Page 1, by striking lines 27 through 35 and  
11 inserting in lieu thereof the following: "Code 1979,  
12 is amended to read as follows:

13 196.5 CANDLING AND GRADING LICENSE CAPABILITY.

14 A Each person who candles and grades eggs shall obtain  
15 a candler and grader license from the department.  
16 The license fee shall be three dollars per year for  
17 such person. Before a license is issued, each person  
18 who is engaged in candling and grading shall  
19 demonstrate to the satisfaction of the department  
20 or the United States department of agriculture  
21 inspector, the capability to perform candling and  
22 grading.

23 With the approval of the secretary, persons candling  
24 and grading eggs may be appointed for a period of  
25 not more than fourteen days pending licensing by the  
26 department, if during this period the employer of  
27 the temporary candler and grader will be responsible  
28 for his or her work while acting in the capacity of  
29 candler or grader."

30 4. Page 2, by inserting after line 7 the follow-  
31 ing:

32 "Sec. . Section one hundred ninety-six point  
33 nine (196.9), Code 1979, is amended to read as follows:

34 196.9 EGGS UNFIT AS HUMAN FOOD. Eggs determined  
35 to be unfit for human food under title 21, section  
36 1081 1034 of the United States Code as amended to

- 37 July 1, ~~1976~~ 1979, shall not be bought or sold or  
38 offered for purchase or sale by any person unless  
39 the eggs are denatured so that they cannot be used  
40 for human food."  
41 5. By renumbering to conform to this amendment.

### SENATE FILES 2003 AND 2012 PASSED ON FILE

The Speaker announced that Senate File 2003, previously referred to the committee on judiciary and law enforcement, and Senate File 2012, previously referred to the committee on commerce, are passed on file.

### REFERRED TO THE COMMITTEE ON WAYS AND MEANS (House Files 2341, 2455 and 2459)

The Speaker announced that House Files 2341, 2455 and 2459, presently on the calendar, are referred to the committee on ways and means.

### REFERRED TO THE COMMITTEE ON HUMAN RESOURCES (House File 2468)

The Speaker announced that House File 2468, presently on the calendar, was referred to the committee on human resources.

On motion by Halvorson of Clayton, the House was recessed at 9:15 a.m., until 2:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott for the remainder of the day and February 15 on request of Bina of Scott; Husak of Tama for February 14 and 15 on request of Hinkhouse of Cedar.

## INTRODUCTION OF BILL

**House File 2470**, by committee on ways and means, a bill for an act updating references to the Internal Revenue Code for purposes of computing individual and corporate income taxes and franchise taxes and making the Act retroactive.

Read first time and placed on the ways and means calendar.

### REREFERRED TO CONFERENCE COMMITTEE (House File 687)

Halvorson of Clayton asked for unanimous consent to rerefer House File 687 and the conference committee report thereto to the conference committee so appointed.

Conlon of Muscatine rose on a point of order and requested a ruling as to whether or not the motion was in order under Joint Rule 12.

The Speaker ruled the point not well taken and the rereferral in order.

There being no further objection, House File 687 was rereferred to the conference committee consisting of Harbor of Mills, Byerly of Polk, Jesse of Polk, Lura of Marshall and Schroeder of Pottawattamie, on the part of the House.

## CONSIDERATION OF BILLS Regular Calendar

**Senate File 97**, a bill for an act providing for the licensing of occupational therapists and occupational therapy assistants and subjecting persons to penalties, with report of committee recommending amendment and passage was taken up for consideration.

Hansen of O'Brien asked and received unanimous consent to withdraw amendment H—5054 filed by him and O'Kane of Woodbury on January 23.

Hansen of O'Brien offered amendment H—5091 filed by the committee on state government on January 30 and found on pages 278 through 280 of the House Journal and moved its adoption.

The committee amendment H—5091 was adopted.

Ritsema of Sioux offered amendment H—5117 filed by him. Division was requested as follows:

H—5117

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:

H—5117A

- 3 1. Page 1, lines 20 and 21, by striking the
- 4 words "licensed under this Act to assist" and
- 5 inserting in lieu thereof the word "assisting".
- 6 2. Page 3, line 4, by striking the words "or
- 7 as an occupational therapy assistant".
- 8 3. Page 3, by striking lines 10 through 12
- 9 and inserting in lieu thereof the words "by the
- 10 board and accredited by the American medical
- 11 association in".
- 12 4. Page 3, by striking lines 15 through 17.
- 13 5. Page 3, line 18, by striking the word
- 14 "period" and inserting in lieu thereof the words
- 15 "minimum of six months".
- 16 6. Page 3, by striking lines 22 through 25.
- 17 7. Page 4, lines 2 and 3, by striking the words
- 18 "or a certified occupational therapy assistant
- 19 (C.O.T.A.)".
- 20 8. Page 4, line 17, by striking the words "or
- 21 occupational therapy assistant".

H—5117B

- 22 9. Page 6, lines 25 through 27, by striking the
- 23 words "two licensed occupational therapists, one
- 24 licensed occupational therapy assistant," and
- 25 inserting in lieu thereof the words "three licensed
- 26 occupational therapists".
- 27 10. Page 7, by striking lines 4 through 9.

H—5117A

- 28 11. Title Page, line 2, by striking the words
- 29 "and occupational therapy assistants".

Ritsema of Sioux asked and received unanimous consent to withdraw amendment H—5117B.

Ritsema of Sioux moved the adoption of amendment H—5117A.



A non-record roll call was requested.

The ayes were 18, nays 63.

Amendment H—5117A lost.

Conlon of Muscatine offered the following amendment H—5107 filed by him:

H—5107

- 1 Amend Senate File 97 as follows:
- 2 1. Page 1, line 31, by inserting after the
- 3 word "States," the words "by this state or any of
- 4 its subdivisions, by a proprietorship or business
- 5 organization having more than 250 employees, by
- 6 a medical doctor or osteopath licensed to practice
- 7 in this state, or by a private nonprofit hospital
- 8 located in this state,".
- 9 2. Page 1, line 32, by inserting after the
- 10 words "of the" the words "person or".

Lura of Marshall asked and received unanimous consent to withdraw amendments H—5122 and H—5125, both to amendment H—5107, filed by him on February 1.

Conlon of Muscatine moved the adoption of amendment H—5107.

Amendment H—5107 lost.

Lura of Marshall asked and received unanimous consent to withdraw amendment H—5126 filed by him on February 1.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—5111 filed by him on January 31, placing out of order amendment H—5157 (to amendment H—5111) filed by Hanson of Delaware on February 5.

Conlon of Muscatine offered the following amendment H—5106 filed by him and moved its adoption:

H—5106

- 1 Amend Senate File 97 as follows:
- 2 1. Page 3, line 27, by inserting after the

3 word "board" the words ", which examination shall  
4 be taken and passed by all persons licensed under  
5 this Act at six year intervals as a condition of  
6 licensure".

Amendment H—5106 lost.

Lura of Marshall offered the following amendment H—5124  
filed by him and moved its adoption:

H—5124

1 Amend Senate File 97 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 3, line 27, by inserting after the word  
4 "board." the words "Such examination shall be con-  
5 ducted no more than once every six (6) months."

Amendment H—5124 was adopted.

Lura of Marshall asked and received unanimous consent to  
withdraw amendment H—5127 filed by him on February 1.

Lura of Marshall offered the following amendment H—5123  
filed by him and moved its adoption:

H—5123

1 Amend Senate File 97 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 4, line 14, by inserting after the word  
4 "Act." the words "However, the waiver is conditional  
5 upon the applicant satisfying the education and  
6 experience requirements of section five (5), subsection  
7 one (1), paragraphs a and b of this Act within five  
8 years of the waiver being granted and if those  
9 requirements are not satisfied at the expiration of  
10 those five years the board shall revoke the license."

Amendment H—5123 was adopted.

Ritsema of Sioux asked for and received unanimous consent to  
withdraw amendment H—5119 filed by him on February 1.

Ritsema of Sioux offered the following amendment H—5121  
filed by him:

H-5121

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 5, by striking the words "speech
- 4 pathologist, audiologist," and inserting in lieu
- 5 thereof the words "speech pathologist, audiologist,".
- 6 2. Page 5, line 12, by striking the words
- 7 "speech pathology, audiology," and inserting in lieu
- 8 thereof the words "speech pathology, audiology,".
- 9 3. Page 5, line 21, by striking the words
- 10 "speech pathology, audiology," and inserting in lieu
- 11 thereof the words "speech pathology, audiology,".
- 12 4. Page 6, line 1, by striking the words "speech
- 13 pathology, audiology," and inserting in lieu thereof
- 14 the words "speech pathology, audiology,".
- 15 5. Page 6, lines 17 and 18, by striking the words
- 16 "for speech pathology and audiology, speech pathology
- 17 and audiology examiners;" and inserting in lieu thereof
- 18 the words "for speech pathology and audiology, speech
- 19 pathology and audiology examiners;".

Hansen of O'Brien rose on a point of order that amendment H-5121 was not germane.

The Speaker ruled the point well taken and amendment H-5121 not germane.

Ritsema of Sioux offered the following amendment H-5118 filed by him:

H-5118

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 6, by striking the words
- 4 "practitioner of cosmetology," and inserting
- 5 in lieu thereof the words "practitioner of
- 6 cosmetology,".
- 7 2. Page 5, line 13, by striking the word
- 8 "cosmetology," and inserting in lieu thereof
- 9 the word "cosmetology,".
- 10 3. Page 5, line 22, by striking the word
- 11 "cosmetology," and inserting in lieu thereof
- 12 the word "cosmetology,".
- 13 4. Page 6, line 2, by striking the word
- 14 "cosmetology," and inserting in lieu thereof
- 15 the word "cosmetology,".
- 16 5. Page 6, lines 18 and 19, by striking the

17 words "for cosmetology, cosmetology examiners;"  
 18 and inserting in lieu thereof the words "for  
 19 cosmetology, cosmetology examiners;".

Hansen of O'Brien rose on a point of order that amendment H-5118 was not germane.

The Speaker ruled the point well taken and amendment H-5118 not germane.

Ritsema of Sioux offered the following amendment H-5120 filed by him:

H-5120

1 Amend Senate File 97 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 5, line 7, by striking the words  
 4 "practitioner of barbering" and inserting in  
 5 lieu thereof the words "practitioner of barbering".  
 6 2. Page 5, line 13, by striking the word "barbering"  
 7 and inserting in lieu thereof the word "barbering".  
 8 3. Page 5, line 22, by striking the word "barbering"  
 9 and inserting in lieu thereof the word "barbering".  
 10 4. Page 6, line 3, by striking the word "barbering"  
 11 and inserting in lieu thereof the word "barbering".  
 12 5. Page 6, lines 19 and 20 by striking the words  
 13 "for barbering, barber examiners;" and inserting in  
 14 lieu thereof the words "for barbering, barber examiners;".

Hansen of O'Brien rose on a point of order that amendment H-5120 was not germane.

The Speaker ruled the point well taken and amendment H-5120 not germane.

Halvorson of Webster moved that the rules be suspended to consider and adopt amendment H-5120.

A non-record roll call was requested.

The ayes were 9, nays 73.

The motion lost.

Ritsema of Sioux asked and received unanimous consent to withdraw amendment H-5136 filed by him on February 4.

Conlon of Muscatine offered the following amendment H—5137 filed by him and moved its adoption:

H—5137

- 1 Amend Senate File 97 as follows:
- 2 1. Page 8, by inserting after line 2 the
- 3 following:
- 4 "Sec. This Act is repealed January 1, 1986."

Roll call was requested by Conlon of Muscatine and Halvorson of Webster.

On the question "Shall amendment H—5137 be adopted?"

The ayes were, 28:

Anderson, R.	Avenson	Bina	Branstad
Chiodo	Conlon	Egenes	Gettings
Halvorson, R.N.	Hanson, D.	Howell	Jesse
Johnson, J.	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	McKean	Norland
Pavich	Rapp	Ritsema	Schnekloth
Spear	Tofte	Tyrrell	Walter

The nays were, 61:

Anderson, J.	Arnould	Binneboese	Brandt
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Connolly	Connors	Corey	Crabb
Crawford	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Groth
Halvorson, R.A.	Hansen, I.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Hullinger
Hummel	Jay	Jochum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Loneragan
Maulsby	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Pellett
Pelton	Poffenberger	Pope	Renken
Sherzan	Shimanek	Shull	Smalley
Swearingen	Thompson	Van Maanen	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

Absent or not voting, 11:

Bennett	Cochran	Cusack	Daggett
Hall	Husak	Johnson, R.	Patchett
Perkins	Schroeder	Stromer	

## Amendment H—5137 lost.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 97)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Connolly	Connors
Corey	Crabb	Crawford	Daggett
Danker	Davitt	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Halvorson, R.A.	Hansen, I.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Jesse	Jochum
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneran
Maulsby	Menke	Millen	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, 12:

Conlon	De Groot	Halvorson, R.N.	Hanson, D.
Jay	Johnson, J.	Lorenzen	Lura
McKean	Miller	Ritsema	Schnekloth

Absent or not voting, 7:

Cochran	Cusack	Hall	Husak
Johnson, R.	Patchett	Stromer	

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

**IMMEDIATE MESSAGE**  
(Senate File 97)

Hansen of O'Brien asked and received unanimous consent that Senate File 97 be immediately messaged to the Senate.

**UNANIMOUS CONSENT TO VOTE**

Brandt of Black Hawk asked and received unanimous consent to be recorded as voting "aye" on Senate File 97 and the vote was so recorded.

**HOUSE FILE 238 WITHDRAWN**

Smalley of Polk asked and received unanimous consent to withdraw House File 238 from further consideration by the House.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Cochran of Webster for February 14th p.m. and February 15 on request of Doyle of Woodbury.

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 687**

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 687, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, respectfully make the following report:

1. That the House recede from its amendment S-3678 to the Senate amendment H-4141 to House File 687 as amended, passed and reprinted by the House.

2. That the Senate amendment H-4141 to House File 687 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, by inserting after line 7 the following:

**"NEW SUBSECTION.** "Candidate" means a candidate as defined in section fifty-six point two (56.2) of the Code for a statewide office or the general assembly."

2. Page 1, by inserting after line 41 the following:

**"NEW SUBSECTION.** "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted pursuant to this chapter.

**NEW SUBSECTION.** "Immediate family members" means the spouse or minor children of a person required to file reports pursuant to this chapter or required by the rules adopted or executive order issued pursuant to this chapter."

3. Page 1, by striking lines 45 through page 2, line 20 and inserting in lieu thereof the following:

"1. The house of representatives and the senate shall adopt rules relating to the reporting of gifts made to members of the general assembly, legislative employees and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

2. The governor shall issue an executive order relating to the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

3. The supreme court of this state shall adopt rules relating to the reporting of gifts made to officials and employees of the judicial department of this state and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

4. The governing body of a political subdivision of this state may adopt rules relating to the reporting of gifts made to its respective members or their immediate family members and employees of the political subdivision of this state or their immediate family members. Such rules as adopted shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals having a value which exceeds fifteen dollars in any one occurrence.

Where such rules are not adopted a local official or local employee shall make public disclosure by filing a report with the county auditor of the county of that person's residence setting out the nature, amount, date and donor of any gift made to the person or to the person's immediate family members which exceeds fifteen dollars in value in any one occurrence. The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. A person who does not make public disclosure of gifts as required by the rules adopted or executive order issued pursuant to this chapter or who does not make public disclosure as required by this chapter shall be guilty of a serious misdemeanor."

4. Page 2, by striking lines 21 through 36 and inserting in lieu thereof the following:

"Sec. 8. Section sixty-eight B point five (68B.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:



68B.5 GIFTS SOLICITED OR ACCEPTED. An official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee shall not, directly or indirectly, solicit, accept, or receive any gift having a value of fifty dollars or more in any one occurrence. A person shall not, directly or indirectly, offer or make any such gift to an official, employee, local official, local employee, member of the general assembly, candidate or legislative employee which has a value in excess of fifty dollars in any one occurrence."

5. Page 3, by inserting after line 2 the following:

" . Page 2, by striking lines 17 through 32."

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

" . Page 19, by inserting after line 4 the following:

"Sec. . Section five hundred seven B point four (507B.4), subsections twelve (12) and thirteen (13), Code 1979, are amended by striking the subsections." "

7. Page 6, by inserting after line 31 the following:

"11. Page 19, by inserting after line 24 the following:

"Sec. . Senate File three hundred sixty-two (362), section four (4), subsection three (3), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

3. To be eligible for the loans, the local development corporation must secure the agreement of the commission to make the loan for the second first year after completion before commencing construction of the building."

12. Page 19, by striking lines 25 and 26."

8. By renumbering the amendment to conform with this amendment.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

WILLIAM H. HARBOR, Chair  
RICHARD L. BYERLY  
NORMAN G. JESSE  
LAVERNE W. SCHROEDER

RICHARD R. RAMSEY, Chair  
RICHARD F. DRAKE  
BERL E. PRIEBE  
BOB RUSH  
ARNE WALDSTEIN

MOTION TO RECONSIDER  
(House File 2410)

I move to reconsider the vote by which House File 2410 passed the House on February 13, 1980.

KREWSON of Polk

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 14, 1980, he approved and transmitted to the Secretary of State the following bills:

House File 2072, an act relating to property taxation.

Senate File 286, an act relating to the cancellation of property interests granted for pipeline or electric transmission line purposes.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on February 13. Had I been present, I would have voted "aye" on House File 2410.

COREY of Louisa

**COMMITTEE RECOMMENDATIONS**

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

DAVID L. WRAY  
Chief Clerk of the House

**COMMITTEE ON HUMAN RESOURCES**

**Study Bill 663**, relating to licensed practical nurses.

Recommended **Amend and Do Pass**.

**COMMITTEE ON NATURAL RESOURCES**

**House File 2042**, a bill for an act to authorize the state conservation commission to regulate dealers in American ginseng.

Recommended **Do Pass**.

**COMMITTEE ON STATE GOVERNMENT**

**Senate File 205**, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality, creating an environmental quality commission; transferring the powers and duties of the executive committee, air quality commis-

sion, water quality commission, and solid waste disposal commission to the environmental quality commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties.

**Recommended Amend and Do Pass.**

H-5230

- 1 Amend Senate File 205, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 6, by adding after the word
- 4 "environment." the following: "Any agreement is
- 5 subject to the approval of the commission."
- 6 2. Page 3, by striking lines 18 through 24 and
- 7 inserting in lieu thereof the following: "membership
- 8 of the commission shall be as follows: three members
- 9 actively engaged in livestock and grain farming, a
- 10 member actively engaged in the management of a
- 11 manufacturing company, one member actively engaged
- 12 in the business of finance or commerce, and four
- 13 members who".
- 14 3. Page 3, lines 26 and 27, by striking the words
- 15 and figures "commencing July 1, 1979".
- 16 4. Page 4, by striking lines 15 through 19 and
- 17 inserting in lieu thereof the following:
- 18 "4. The members of the commission who are not
- 19 in the full-time employment of a public agency shall
- 20 be paid a per diem of forty dollars while engaged
- 21 in the performance of the duties of office. Members
- 22 shall be reimbursed for their actual and necessary
- 23 expenses while performing the duties of office. Per
- 24 diem and expenses shall be paid from funds appropriated
- 25 to the department."
- 26 5. Page 4, line 22, by striking the word "five"
- 27 and inserting in lieu thereof the word "ten".
- 28 6. Page 5, line 30, by striking the date "1980"
- 29 and inserting in lieu thereof the date "1981".
- 30 7. Page 6, line 28, by striking the word "five"
- 31 and inserting in lieu thereof the word "four".
- 32 8. Page 6, line 32, by striking the word
- 33 "statement" and inserting in lieu thereof the words
- 34 "comprehensive estimate".
- 35 9. Page 7, line 5, by striking the word "one"
- 36 and inserting in lieu thereof the word "three".
- 37 10. Page 8, line 6, by striking the word
- 38 "necessary" and inserting in lieu thereof the words
- 39 "consistent with rules".
- 40 11. Page 15, line 32, by striking the date "1980"

41 and inserting in lieu thereof the date "1981".  
 42 12. Page 22, line 3, by striking the date "1980"  
 43 and inserting in lieu thereof the date "1981".  
 44 13. Page 25, line 14, by striking the date "1980"  
 45 and inserting in lieu thereof the date "1981".  
 46 14. Page 27, line 14, by striking the date "1980"  
 47 and inserting in lieu thereof the date "1981".  
 48 15. Page 27, by inserting after line 16 the  
 49 following:  
 50 "Sec. . Acts of the Sixty-eighth General

**Page 2**

1 Assembly, 1979 Session, chapter one hundred eleven  
 2 (111), section two (2), subsection one (1), is amended  
 3 by striking the subsection.  
 4 Sec. . Acts of the Sixty-eighth General  
 5 Assembly, 1979 Session, chapter one hundred eleven  
 6 (111), section thirteen (13), is amended to read as  
 7 follows:  
 8 SEC. 13. Section three hundred seven point ten  
 9 (307.10), Code 1979, is amended by adding the following  
 10 new ~~subsection unnumbered paragraph~~:  
 11 NEW SUBSECTION UNNUMBERED PARAGRAPH. The  
 12 commission may adopt, after consultation with the  
 13 department of environmental quality and the department  
 14 of public safety, rules to enforce the rules regarding  
 15 transportation of hazardous wastes promulgated by  
 16 the ~~solid waste disposal environmental quality~~  
 17 commission of the department of environmental quality  
 18 under section three (3), subsection three (3) of this  
 19 Act. The department and the division of the highway  
 20 safety patrol of the department of public safety shall  
 21 carry out the rules through the use of the director's  
 22 powers and duties of enforcement and inspection.  
 23 Sec. . Section four hundred fifty-five B point  
 24 one hundred thirty (455B.130), Code 1979, is amended  
 25 by striking the section and inserting in lieu thereof  
 26 the following:  
 27 455B.130 RESTRICTIONS ON USE OF AGRICULTURAL  
 28 CHEMICALS.  
 29 1. If the commission determines that an  
 30 agricultural chemical causes an unreasonable, adverse  
 31 effect on humans or the environment, the commission  
 32 shall submit to the secretary of agriculture its  
 33 findings and recommended actions. The secretary of  
 34 agriculture shall propose rules implementing the  
 35 recommended actions and shall hold a public hearing  
 36 to determine the effects of the proposed rules as  
 37 provided in chapter two hundred six (206) of the Code  
 38 after review and consideration of the findings as

39 provided in subsection two (2) of this section. A  
40 rule of the secretary shall be adopted pursuant to  
41 chapter seventeen A (17A) of the Code.  
42 2. The commission shall submit to the secretary  
43 of agriculture its findings on the unreasonable,  
44 adverse effect that the agricultural chemical causes  
45 to humans or the environment. The department of  
46 agriculture shall prepare an estimate of the economic  
47 impact of restricting the use of the agricultural  
48 chemical. The economic impact statement, the  
49 commission's findings and the report of the advisory  
50 committee created under section sixty-seven (67) of

Page 3

1 this Act shall be available at the time of publication  
2 of the intended rule action by the secretary. The  
3 secretary of agriculture and the advisory committee  
4 shall review the commission's findings and collect,  
5 analyze and interpret any other scientific data  
6 relating to the agricultural chemical. The secretary  
7 and the committee shall consider any official reports,  
8 academic studies, expert opinions or testimony, or  
9 other matters deemed to have probative value and shall  
10 consider the toxicity, hazard, effectiveness, public  
11 need for the agricultural chemical or other means  
12 of control other than the chemical in question, and  
13 the economic impact on the members of the public and  
14 agencies affected by it.

15 3. As used in this section, "agricultural chemical"  
16 means a pesticide as defined in section two hundred  
17 six point two (206.2) of the Code and also means any  
18 feed or soil additive, other than a pesticide, which  
19 is designed for and used to promote the growth of  
20 plants or animals."

21 16. Page 29, by striking lines 8 through 11 and  
22 inserting in lieu thereof the following:

23 "NEW SUBSECTION. The advisory committee created  
24 in section sixty-seven (67) of this Act shall advise  
25 and assist the secretary on the registration of a  
26 product of commercial fertilizer or soil conditioner  
27 under the provisions of this chapter."

28 17. Page 31, line 5, by striking the date "1980"  
29 and inserting in lieu thereof the date "1981".

30 18. Page 34, lines 9 and 10, by striking the words  
31 "the statutes on administrative rules" and inserting  
32 in lieu thereof the words "the statutes on  
33 administrative rules chapter seventeen A (17A) of  
34 the Code".

35 19. Page 35, line 6, by striking the date "1980"  
36 and inserting in lieu thereof the date "1981".

37 20. Page 35, lines 25 and 26, by striking the

38 words and figures "four hundred fifty-five B point  
39 one hundred thirty (455B.130)."

40 21. Page 36, by striking lines 10 through 32 and  
41 inserting in lieu thereof the following:

42 "Sec. 83. EFFECTIVE DATE—TRANSITION. The  
43 effective date of this Act is January 1, 1981, except  
44 that this section shall be effective July 1, 1980.

45 After July 1, 1980, the governor may appoint the  
46 members of the environmental quality commission,  
47 authorize the environmental quality commission to  
48 organize as provided in this Act and authorize the  
49 environmental quality commission to plan for the  
50 transfer of powers, duties, records, and other property

**Page 4**

1 as applicable. The terms of the persons initially  
2 appointed to the environmental quality commission  
3 for four-year terms shall commence July 1, 1980 and  
4 end June 30, 1984, and the terms of persons initially  
5 appointed for two-year terms shall commence July 1,  
6 1980 and end June 30, 1982. The persons may be  
7 reappointed as provided in this Act. The members  
8 of the environmental quality commission authorized  
9 to meet before January 1, 1981, may be paid per diem  
10 and necessary expenses from funds appropriated to  
11 the department of environmental quality.

12 The terms of office of members of the geology board  
13 and the executive committee, water quality commission,  
14 air quality commission, solid waste disposal commission  
15 and the chemical technology commission of the  
16 department of environmental quality shall expire on  
17 December 31, 1980."

18 22. By renumbering sections and internal references  
19 to sections to conform to this amendment.

Fiscal Note is required.

**Study Bill 533**, to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

**Study Bill 586**, relating to the powers to be exercised by electors of school corporations at certain elections.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

**Study Bill 607**, relating to definitions, words, terms, and phrases for the national guard when used in this chapter shall have the respective meanings herein set forth, etc.

**Recommended Amend and Do Pass.**

Fiscal Note is required.

#### COMMITTEE ON WAYS AND MEANS

**Study Bill 675**, relating to the computation of the individual and corporate income tax and the franchise tax by updating references to the Internal Revenue Code, providing technical corrections, and making the Act retroactive.

**Recommended Do Pass.**

#### AMENDMENTS FILED

H-5229	H.F. 2463	Spear of Lee
H-5231	H.F. 2253	Brandt of Black Hawk
H-5232	H.F. 2345	Thompson of Polk
		Jesse of Polk
		Byerly of Polk
		Krewson of Polk
		Connors of Polk
H-5233	H.F. 2443	Spear of Lee
H-5234	H.F. 2105	Sherzan of Polk
H-5235	H.F. 2409	Connolly of Dubuque
H-5236	S.F. 2130	Connolly of Dubuque
		Krewson of Polk
		Hanson of Delaware
		Perkins of Greene
		Lind of Black Hawk
		Welsh of Dubuque
		Groth of Buena Vista

On motion by Halvorson of Clayton, the House adjourned at 3:52 p.m., until 9:00 a.m., Friday, February 15, 1980.

## **JOURNAL OF THE HOUSE**

Thirty-third Calendar Day — Twenty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 15, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Dwayne Madsen, pastor of the Norwalk United Methodist Church, Norwalk.

The Journal of Thursday, February 14, 1980 was approved.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Pavich of Pottawattamie; Binneboese of Plymouth on request of Crabb of Crawford; Lonergan of Boone on request of Avenson of Fayette; Branstad of Winnebago on request of Lorenzen of Scott.

### **PRESENTATION OF VISITORS**

\*

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

Emir Yahmini, Foreign Exchange Student, from Algeria. He is presently staying with the Reverend Dwayne Madsen family of Norwalk. By Davitt of Warren.

Suzanne Hansen, Foreign Exchange Student, from Denmark. By Diemer of Black Hawk.

Twenty-two students from Central Dallas Community School, Minburn, Iowa, accompanied by Marty Devine. By Poffenberger of Dallas.

### **INTRODUCTION OF BILLS**

**House File 2471**, by committee on cities, a bill for an act relating to the retention of budget documents.

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



**House File 2472**, by committee on agriculture, a bill for an act relating to the definitions of and standards for milk and milk products.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 241**, by Ramsey, Slater, Readinger, Carr, Gentleman, Drake, Robinson and Rodgers, a bill for an act to permit the parties to a marriage to contract prior to the marriage with regard to distribution of property, alimony and support in the event of a dissolution of the marriage.

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

**Senate File 2097**, by Miller of Des Moines, a bill for an act relating to the distribution of the bodies of deceased persons.

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

**Senate File 2122**, by committee on county government, a bill for an act relating to the compensation of deputy sheriffs.

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

**Senate File 2130**, by committee on education, a bill for an act relating to the locations where certain services may be provided to nonpublic school pupils.

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

**Senate File 2148**, by committee on state government, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act.

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

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 2443**, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa, with report of committee recommending passage was taken up for consideration.

Davitt of Warren offered the following amendment H—5219 filed by him:

H—5219

- 1 Amend House File 2443 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following new section:
- 4 "Sec. Section three hundred forty point
- 5 eight (340.8), Code 1979, is amended by striking the
- 6 section."
- 7 2. By renumbering the sections as may be
- 8 necessary.

Crawford of Story rose on a point of order that amendment H—5219 was not germane.

The Speaker ruled the point well taken and amendment H—5219 not germane.

Davitt of Warren moved that the rules be suspended to consider and adopt amendment H—5219.

A non-record roll call was requested.

The ayes were 25, nays 47.

The motion lost.

Crawford of Story offered the following amendment H—5204 filed by Branstad of Winnebago and moved its adoption:

H—5204

- 1 Amend House File 2443 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "body." the words "A reserve peace officer is a
- 4 volunteer, nonregular, sworn member of a law

5 enforcement agency who serves with or without  
6 compensation, has regular police powers while  
7 functioning as an agency's representative and  
8 participates on a regular basis in the agency's  
9 activities including those of crime prevention and  
10 control, preservation of the peace and enforcement  
11 of the law."

Amendment H—5204 was adopted.

Schroeder of Pottawattamie offered amendment H—5227 filed by him and requested division as follows:

H—5227

1 Amend House File 2443 as follows:

H—5227A

2 1. Page 1, lines 19 and 20, by striking the  
3 words "under the supervision of" and inserting in  
4 lieu thereof the words "approved by".

H—5227B

5 2. Page 2, line 10, by striking the word "and"  
6 and inserting in lieu thereof the word "or".

H—5227C

7 3. Page 3, by striking lines 3 through 6.

On motion by Schroeder of Pottawattamie, amendment H—5227A was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5227B.

A non-record roll call was requested.

The ayes were 27, nays 52.

Amendment H—5227B lost.

Dieleman of Marion offered the following amendment H—5208 filed by him and moved its adoption:

H—5208

- 1 Amend House File 2443 as follows:
- 2 1. Page 2, line 3, by striking the words "an
- 3 assigned duty" and inserting in lieu thereof the words
- 4 "official duties".
- 5 2. Page 2, by striking lines 19 and 20 and
- 6 inserting in lieu thereof the words "commissioner's
- 7 designee, as the case may be."
- 8 3. Page 3, lines 7 and 8, by striking the words
- 9 "activated and on assigned duty" and inserting in
- 10 lieu thereof the words "performing official duties".

Amendment H—5208 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5233 (to page 2) filed by him on February 14.

Brandt of Black Hawk offered the following amendment H—5151 filed by her and moved its adoption:

H—5151

- 1 Amend House File 2443 as follows:
- 2 1. Page 2, by striking lines 30 and 31 and
- 3 inserting in lieu thereof the following: "shall wear
- 4 a uniform prescribed by the chief of police, sheriff,
- 5 or commissioner of public safety unless that superior
- 6 officer designates alternate apparel for use when
- 7 engaged in assignments involving special investigation,
- 8 civil process, court duties, jail duties and the
- 9 handling of mental patients. The reserve peace officer
- 10 shall not wear an insignia of rank."

Amendment H—5151 was adopted.

The House resumed consideration of amendment H—5227C.

Schroeder of Pottawattamie moved the adoption of amendment H—5227C.

A non-record roll call was requested.

The ayes were 21, nays 53.

Amendment H—5227C lost.

Crawford of Story offered the following amendment H—5210 filed by him and moved its adoption:

H—5210

- 1 Amend House File 2443 as follows:
- 2 1. Page 3, by striking line 31 through page 4,
- 3 line 4.

Amendment H—5210 was adopted.

Connors of Polk asked and received unanimous consent that action on House File 2443 be deferred and that the bill retain its place on the calendar.

**House File 160**, a bill for an act to require the development of programs for autistic children, with report of committee recommending passage was taken up for consideration.

Thompson of Polk offered the following amendment H—5225 filed by her and Stromer of Hancock and moved its adoption:

H—5225

- 1 Amend House File 160 as follows:
- 2 1. Page 1, by striking lines 13 and 14.

Amendment H—5225 was adopted.

Groth of Buena Vista asked and received unanimous consent that House File 160 be deferred until Monday, February 18, 1980.

#### SENATE FILE 2012 SUBSTITUTED FOR HOUSE FILE 2171

Chiodo of Polk asked and received unanimous consent to substitute Senate File 2012 for House File 2171.

**Senate File 2012**, a bill for an act relating to the definition of insolvent insurer for purposes of the Iowa insurance guaranty association, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2012)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connolly	Connors	Corey
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	Pavich
Pellet	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, none.

Absent or not voting, 13:

Binneboese	Branstad	Cochran	Crabb
Cusack	Hall	Husak	Johnson, R.
Lonergan	O'Kane	Oxley	Patchett
Walter			

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

Stromer of Hancock, Thompson of Polk, and Norland of Worth asked and received unanimous consent to be recorded as voting "aye" on Senate File 2012 and the votes were so recorded.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd for the remainder of the day on request of Dieleman of Marion; Gettings of Wapello on request of Anderson of Jasper.

**House File 2105**, a bill for an act relating to the loading and unloading of pupils from school buses, with report of committee recommending passage was taken up for consideration.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—5234 filed by him on February 14.

Spear of Lee asked and received unanimous consent to suspend House Rule 36.8 to offer and adopt the following amendment H—5243 filed by him from the floor:

H—5243

- 1 Amend House File 2105 as follows:
- 2 1. Page 1, by striking lines 21 and 22.

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2105)

The ayes were, 83:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Dieleman	Diemer	Doyle
Egenes	Groth	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Hullinger
Hummel	Jay	Jesse	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	Pavich	Pellett	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Wells	Welsh
West	Woods	Mr. Speaker	
		(Harbor)	

The nays were, 2:

Davitt                      Pelton

Absent or not voting, 15:

Binneboese	Branstad	Cochran	Cusack
Gettings	Hall	Howell	Husak
Johnson, R.	Lonergan	O'Kane	Oxley
Patchett	Perkins	Walter	

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

### HOUSE FILE 2171 WITHDRAWN

Chiodo of Polk asked and received unanimous consent to withdraw House File 2171 from further consideration by the House.

The House resumed consideration of **House File 2443**, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 36.8 for the consideration of amendment H—5242.

Crawford of Story offered the following amendment H—5242 filed by him and Connors of Polk from the floor and moved its adoption:

H—5242

- 1 Amend House File 2443 as follows:
- 2 1. Page 3, by inserting after line 30, the
- 3 following:
- 4 "Sec. . Section eighty-five point thirty-six
- 5 (85.36), subsection ten (10), paragraph "a", Code
- 6 1979, is amended to read as follows:
- 7 a. In computing the compensation to be allowed
- 8 a volunteer ~~fireman~~ fire fighter or reserve peace
- 9 officer, his or her earnings as a ~~fireman~~ fire fighter
- 10 or reserve peace officer shall be disregarded and he
- 11 or she shall be paid the maximum compensation
- 12 allowable under the workers' compensation law.
- 13 Sec. . Section eighty-five point sixty-one
- 14 (85.61), Code 1979, is amended by adding the following
- 15 new subsection:



16 NEW SUBSECTION. The words "reserve peace officer"  
 17 shall mean a person defined as such by section one (1)  
 18 of this Act who is not a full-time member of a paid law  
 19 enforcement agency. A person performing such services  
 20 shall not be classified as a casual employee."

Amendment H—5242 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2443)

The ayes were, 67:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connolly	Connors	Crabb	Crawford
Davitt	Dieleman	Diemer	Egenes
Groth	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Horn	Hullinger	Hummel	Jay
Jesse	Jochum	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lorenzo	Lura	Menke
Mullins	Norland	Pavich	Pellett
Pelton	Poffenberger	Pope	Rapp
Schneklath	Sherzan	Shull	Smalley
Spear	Stromer	Swearingen	Tofte
Tyrrell	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, 17:

Corey	Daggett	Danker	De Groot
Doyle	Holt	Johnson, J.	Maulsby
McKean	Millen	Miller	Perkins
Renken	Ritsema	Schroeder	Shimanek
Van Maanen			

Absent or not voting, 16:

Avenson	Binneboese	Branstad	Cochran
Cusack	Gettings	Hall	Howell
Husak	Johnson, R.	Loneragan	O'Kane
Oxley	Patchett	Thompson	Walter

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

## UNANIMOUS CONSENT

Smalley of Polk asked and received unanimous consent that the Chief Clerk of the House be directed to send to all state departments a copy of House Concurrent Resolution 4, which relates to examining rules regarding printing of intragovernmental reports by departments of state government, duly adopted by the General Assembly in 1979, and urge them to reassess their rules on the printing of intragovernmental reports.

MOTIONS TO RECONSIDER  
(House File 2443)

I move to reconsider the vote by which House File 2443 passed the House on February 15, 1980.

CRAWFORD of Story

(House File 2443)

I move to reconsider the vote by which House File 2443 passed the House on February 15, 1980.

LIND of Black Hawk

HOUSE CONCURRENT RESOLUTION 111  
By Committee on Appropriations

- 1     *Whereas*, chapter two hundred sixty-three A (263A)
- 2 of the Code, provides that the state board of regents
- 3 after authorization by a constitutional majority of
- 4 the general assembly may carry out any project as
- 5 defined in that chapter of the Code at the state
- 6 university of Iowa; and
- 7     *Whereas*, chapter two hundred sixty-three A (263A)
- 8 of the Code, authorizes the state board of regents
- 9 to borrow money and to issue and sell negotiable bonds
- 10 or notes to pay all or any part of the cost of carrying
- 11 out such projects at the institution payable solely
- 12 and only from and secured by an irrevocable pledge
- 13 of a sufficient portion of the university hospital
- 14 income; and
- 15     *Whereas*, many of the facilities of the hospitals
- 16 at the state university of Iowa were built more than
- 17 fifty years ago and are inadequate to meet present
- 18 and future demands for statewide specialty care and
- 19 teaching services; and

20 *Whereas*, three hundred seventy-six beds of the  
21 hospitals at the state university of Iowa have been  
22 determined by the state department of health to be  
23 "nonconforming" and no longer meet modern hospital  
24 building codes and standards and detailed studies  
25 have shown that upgrading these facilities to modern  
26 standards would be prohibitive because of the cost;  
27 and

28 *Whereas*, ninety-one pediatric beds of the three  
29 hundred seventy-six nonconforming beds are dispersed  
30 throughout the hospital and do not meet present-day

## Page 2

1 standards of a modern tertiary level teaching hospital  
2 relating to infection control, patient privacy, and  
3 spatial requirements, including parent rooming-in  
4 for the optimal delivery of pediatric care; and

5 *Whereas*, the pediatric and surgical outpatient  
6 clinics are located in temporary metal structures  
7 that do not conform to codes and standards for patient  
8 care areas; and

9 *Whereas*, to alleviate these conditions, the state  
10 board of regents requests authorization to construct  
11 an addition to the south of the Roy J. Carver Pavilion  
12 of approximately one hundred sixty-three thousand  
13 gross square feet, to house outpatient clinics and  
14 inpatient facilities for ninety-one beds, and to  
15 construct supporting mechanical facilities at an  
16 estimated total cost of twenty-one million nine hundred  
17 forty-eight thousand (21,948,000) dollars of which  
18 not more than eighteen million (18,000,000) dollars  
19 would be financed by borrowing under the provisions  
20 of chapter two hundred sixty-three A (263A) of the  
21 Code, and the remainder to be financed by other funds;  
22 *Now Therefore*,

23 *Be It Resolved by the House of Representatives,*  
24 *The Senate Concurring*, That the state board of regents  
25 is authorized to construct an addition of one hundred  
26 sixty-three thousand gross square feet of floor space,  
27 more or less, to the south of the Roy J. Carver  
28 Pavilion of the general hospital of the state  
29 university of Iowa to house outpatient clinics and  
30 inpatient facilities and to construct supporting

## Page 3

1 mechanical facilities at an estimated total cost of  
2 twenty-one million nine hundred forty-eight thousand  
3 (21,948,000) dollars of which not more than eighteen  
4 million (18,000,000) dollars would be financed by  
5 borrowing through the issuance of bonds as authorized

6 by the provisions of chapter two hundred sixty-three  
7 A (263A) of the Code.

Laid over under Rule 30.

### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 14, 1980 and is on file in the office of the Chief Clerk:

February 14, 1980

Mr. David Wray, Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. Wray:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include six (6) claims of a general nature. This supplements our filing on January 15, 1980.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Very truly yours,

MAURICE E. BARINGER  
Chairman  
State Appeal Board

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

#### OFFICE OF STATE COMPTROLLER

<u>Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
5701-68-25	Wayne's Oil & Tire Service, Ltd. Washington, Iowa Invoice for towing automobile	\$ 30.00	Disapproved
5756-68-25	Practice of Family Medicine, P.C. Cedar Rapids, Iowa- Invoice for treatment of patient thought to be from M.H.I. at Independence	59.00	Disapproved

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
5765-68-25	Lemoine Auxier Woodward, Iowa Adoption subsidy	Undetermined	Disapproved
5920-68-25	ARC Vocational Services Dubuque, Iowa Outdated invoice paid administratively	135.00	Disapproved
5949-68-25	Jennie Edmundson Memorial Hospital Council Bluffs, Iowa Outdated invoice for federally funded Title XIX claim	4,096.75	Disapproved
6052-68-25	Harold Jones Williamsburg, Iowa Reimbursement for sick leave (unused) resolved administratively	2,000.00	Disapproved

### EXPLANATION OF VOTE

I inadvertently pushed the "nay" vote on House File 2443. I meant to have voted "aye."

HOLT of Clay

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### STATE BOARD OF REGENTS

A report on the Board of Regents efforts to improve energy efficiency of motor vehicle fleets, pursuant to Senate File 485, Sec. 27, first session, Sixty-eighth General Assembly.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2293

County Government: Shull, Chair; Hullinger and Swearingen.

##### House File 2319

Agriculture: Hummel, Chair; De Groot and Hinkhouse.

##### House File 2345

County Government: Lageschulte, Chair; Oxley and Johnson of Linn.

**House File 2349**

Agriculture: Hummel, Chair; De Groot and Hinkhouse.

**House File 2370**

Commerce: Ritsema, Chair; Swearingen and Walter.

**House File 2376**

Human Resources: Bennett, Chair; Arnould and Daggett.

**House File 2381**

Education: Stromer, Chair; Larsen and Norland.

**House File 2384**

Education: Maulsby, Chair; Larsen and Wells.

**House File 2387**

Education: Johnson of Woodbury, Chair; Diemer and Spear.

**House File 2391**

Natural Resources: Larsen, Chair; Holt and Cochran.

**House File 2392**

Natural Resources: Johnson of Howard, Chair; Johnson of Woodbury and Lloyd-Jones.

**House File 2394**

Agriculture: Van Maanen, Chair; Corey and Sherzan.

**House File 2396**

Commerce: Ritsema, Chair; Swearingen and Walter.

**House File 2401**

Education: Thompson, Chair; Horn and Krewson.

**House File 2405**

Human Resources: Maulsby, Chair; Horn and Daggett.

**House File 2406**

Commerce: Shull, Chair; Egenes and Jesse.

**House File 2407**

Natural Resources: Tofte, Chair; Menke and Hall.

**House File 2414**

Transportation: Egenes, Chair; Lageschulte, Pellett, Hullinger, Davitt, Oxley and Schnekloth.

**House File 2418**

Transportation: Kirkenlager, Chair; Daggett and Woods.

**House File 2420**

Natural Resources: Menke, Chair; Tofte and Hall.

**House File 2421**

Commerce: Pope, Chair; Schroeder, Johnson of Linn, Woods and Chiodo.

**House File 2423**

Human Resources: Lonergan, Chair; Hoffmann and De Groot.

**House File 2424**

Commerce: Pope, Chair; Schroeder, Johnson of Linn, Woods and Chiodo.

**House File 2428**

Commerce: Pope, Chair; Crabb and Bina.

**House File 2430**

Transportation: Hoffmann, Chair; Hullinger and McKean.

**House File 2434**

Commerce: Swearingen, Chair; Dieleman and Shull.

**House File 2435**

Commerce: Pope, Chair; Johnson of Linn and Woods.

**House File 2437**

Transportation: Egenes, Chair; Jay, Lageschulte, Davitt and McKean.

**House File 2438**

Ways and Means: Bennett, Chair; Daggett and Davitt.

**House File 2442**

Transportation: Egenes, Chair; Lageschulte, Pellett, Hullinger, Davitt, Oxley and Schnekloth.

**House File 2445**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Johnson of Howard, Conlon and Jesse.

**House File 2447**

Transportation: Kirkenslager, Chair; Davitt and Tofte.

**House File 2449**

Education: Krewson, Chair; Diemer and Patchett.

**House File 2451**

Transportation: Egenes, Chair; Lageschulte, Pellett, Hullinger, Davitt, Oxley and Schnekloth.

**House File 2456**

Ways and Means: Hanson of Delaware, Chair; Branstad and Cochran.

**House File 2457**

Ways and Means: Renken, Chair; Shull and Oxley.

**Senate File 2102**

Judiciary and Law Enforcement: Ritsema, Chair; Walter, Arnould, Holt and Pelton.

**Senate File 2114**

Human Resources: Mullins, Chair; Shimanek and Connors.

**Senate File 2119**

Judiciary and Law Enforcement: Ritsema, Chair; Walter, Arnould, Holt and Pelton.

**Senate File 2123**

County Government: Schnekloth, Chair; Binneboese and Smalley.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS****Study Bill 41 (Reassigned)**

Agriculture: Corey, Chair; Schroeder and Halvorson of Webster.



**Study Bill 671**

County Government: Clark of Lee, Chair; Doyle and Johnson of Howard.

**Study Bill 672**

County Government: Smalley, Chair; Hullinger and Clark of Cerro Gordo.

**Study Bill 673**

Human Resources: Lonergan, Chair; Poffenberger and Sherzan.

**Study Bill 675**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 676**

County Government: Danker, Chair; Connolly and Schnekloth.

**Study Bill 677**

Human Resources: Shimanek, Chair; Husak and Arnould.

**Study Bill 682**

Judiciary and Law Enforcement: Pelton, Chair; Lonergan and Anderson of Audubon.

**Study Bill 683**

Judiciary and Law Enforcement: Pelton, Chair; Jesse, Ritsema, Corey and Lloyd-Jones.

**Study Bill 686**

Judiciary and Law Enforcement: Ritsema, Chair; Welsh and Holt.

**Study Bill 687**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**Study Bill 688**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 689**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 691**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Jochum, Hall, Connolly and Conlon.

**Study Bill 692**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**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 JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 10:00 a.m., February 14, 1980

Convened: 10:15 a.m.

Adjourned: 11:00 a.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Johnson of Howard, Lonergan, Pelton, Rapp and Smalley.

Absent: Patchett, Ranking Member (arrived 10:20 a.m.); Arnould, Jesse (arrived 10:17 a.m.), Lloyd-Jones (arrived 10:17 a.m.), Maulsby, Walter (arrived 10:17 a.m.) and Welsh (arrived 10:25 a.m.).

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Senate File 2088**, a bill for an act allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse.

**Recommended Do Pass.**

**Committee Concurrent Resolution**, relating to authorizing the Board of Regents to construct an addition to the general hospital of the state university of Iowa.

**Recommended Do Pass.**

## COMMITTEE ON CITIES

**House File 732**, a bill for an act to require that certain vacancies in elective city offices be filled by appointment only for the period until the next succeeding city election.

**Recommended Amend and Do Pass.**

H-5244

1 Amend House File 732 as follows:

2 1. Page 1, by striking lines 2 through 27 and  
3 inserting in lieu thereof the words "(372.13),  
4 subsection two (2), Code 1979, is amended by striking  
5 the subsection and inserting in lieu thereof the  
6 following:

7 2. A vacancy in an elective city office during  
8 a term of office shall be filled, at the council's  
9 option, by one of the two following procedures:

10 a. By appointment by the remaining members of  
11 the council, except that if the remaining members  
12 *do not constitute a quorum of the full membership*,  
13 paragraph b of this subsection shall be followed.  
14 The appointment shall be for the period until the  
15 next pending election as defined in section sixty-  
16 nine point twelve (69.12) of the Code, and shall be  
17 made within forty days after the vacancy occurs.  
18 If the council chooses to proceed under this paragraph,  
19 it shall publish notice in the manner prescribed by  
20 section three hundred sixty-two point three (362.3)  
21 of the Code, stating that the council intends to fill  
22 the vacancy by appointment but that the electors of  
23 the city or ward, as the case may be, have the right  
24 to file a petition requiring that the vacancy be  
25 filled by a special election. The council may publish  
26 notice in advance if an elected official submits a  
27 resignation to take effect at a future date. The  
28 council may make an appointment to fill the vacancy  
29 after the notice is published or after the vacancy  
30 occurs, whichever is later. However, if within  
31 fourteen days after publication of the notice or  
32 within fourteen days after the appointment is made,  
33 whichever is later, there is filed with the city clerk  
34 a petition which requests a special election to fill  
35 the vacancy and which is signed by eligible electors

36 who are (or would be, if registered) entitled to vote  
 37 to fill the office in question, equal in number to  
 38 two percent of those who voted for candidates for  
 39 the office at the last preceding regular election  
 40 at which the office was on the ballot, but not less  
 41 than ten persons, an appointment to fill the vacancy  
 42 is temporary and the council shall call a special  
 43 election to fill the vacancy permanently, under  
 44 paragraph b of this subsection.

45 b. By a special election held to fill the office  
 46 for the remaining balance of the unexpired term.  
 47 If the council elects a special election, or a valid  
 48 petition is filed under paragraph a of this subsection,  
 49 the special election may be held concurrently with  
 50 any pending election as provided by section sixty-

**Page 2**

1 nine point twelve (69.12) of the Code if by so doing  
 2 the vacancy will be filled not more than ninety days  
 3 after it occurs. Otherwise, a special election to  
 4 fill the office shall be called at the earliest  
 5 practicable date. If there are concurrent vacancies  
 6 on the council and the remaining council members do  
 7 not constitute a quorum of the full membership, a  
 8 special election shall be called at the earliest  
 9 practicable date. A special election held under this  
 10 subsection is subject to neither a primary nor runoff  
 11 election, even if such an election is required when  
 12 the office in question is filled at a regular city  
 13 election, and the candidate receiving a plurality  
 14 of the vote is elected."

15 2. Page 2, by inserting after line 1 the following  
 16 new section:

17 "Sec. . Section sixty-nine point twelve (69.12),  
 18 unnumbered paragraph one (1), Code 1979, is amended  
 19 to read as follows:

20 When a vacancy occurs in any nonpartisan elective  
 21 office of a political subdivision of this state, and  
 22 the statutes governing the office in which the vacancy  
 23 occurs require that it be filled by election or are  
 24 silent as to the method of filling the vacancy, it  
 25 shall be filled pursuant to this section. As used  
 26 in this section, "pending election" means any election  
 27 at which there will be on the ballot either the office  
 28 in which the vacancy exists, or any other office to  
 29 be filled or any public question to be decided by  
 30 the voters of the same political subdivision."

**House File 2258**, a bill for an act relating to the time of taking the oath of office by persons elected to the city council.

**Recommended Do Pass.**

**Study Bill 685**, relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid.

**Recommended Amend and Do Pass.**

**COMMITTEE ON COUNTY GOVERNMENT**

**Study Bill 676**, relating to the county statutes study committee.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Study Bill 630**, providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel.

**Recommended Do Pass.**

Fiscal Note is required.

**COMMITTEE ON STATE GOVERNMENT**

**Senate File 2098**, a bill for an act to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule.

**Recommended Do Pass.**

Fiscal Note is not required.

**Study Bill 530**, relating to the state and county funding of a county fair.

**Recommended Do Pass.**

Fiscal Note is not required.

**Study Bill 534**, abolishing the additional bonus and disability fund.

**Recommended Do Pass.**

Fiscal Note is not required.

## COMMITTEE ON TRANSPORTATION

**Study Bill 650**, relating to emergency repair, restoration, or reconstruction of a primary highway or bridge.

**Recommended Amend and Do Pass.**

## AMENDMENTS FILED

H-5237	H.F. 2019	Horn of Linn
H-5238	S.F. 432	Miller of Buchanan
H-5239	S.F. 2130	Miller of Buchanan
		Hummel of Benton
H-5240	S.F. 2130	Lura of Marshall
H-5245	H.F. 2461	Pelton of Clinton
		Shimanek of Jones
		Ritsema of Sioux
		Conlon of Muscatine
		De Groot of Lyon
		Pellett of Cass
H-5246	H.F. 2429	Spear of Lee

On motion by Halvorson of Clayton, the House adjourned at 11:52 a.m., until 10:00 a.m., Monday, February 18, 1980.

# JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day—Twenty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 18, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Eugene F. Kramer, pastor of the Immanuel Lutheran Church, Waterloo.

The Journal of Friday, February 15, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy Turner, Armstrong.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Mullins of Kossuth; Patchett of Johnson on request of Arnould of Scott.

## PETITION FILED

The following petition was received and placed on file:

By Crabb of Crawford, from thirteen citizens of Harrison County favoring the citizen labor energy coalition bill.

## INTRODUCTION OF BILLS

**House File 2473**, by committee on judiciary and law enforcement, a bill for an act relating to reports of communicable disease.

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

**House File 2474**, by committee on agriculture, a bill for an act to amend section four hundred fifty-five point one hundred thirty-five (455.135) of the Code, relating to repairs and improvements in drainage and levee districts.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 439, a bill for an act relating to alcoholic content of beer and alcoholic liquor.

Also: That the Senate has on February 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2058, a bill for an act providing for the reimbursement to the city, county or state of the witness fees of a peace officer who has been paid a salary to testify while not on regular duty.

Also: That the Senate has on February 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2060, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property.

Also: That the Senate has on February 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2154, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

FRANK J. STORK, Secretary

### HOUSE CONCURRENT RESOLUTION 112 By Committee on Appropriations

- 1 *Whereas*, the use of federal funds by state agencies
- 2 has an impact on the state's appropriation process; and
- 3 *Whereas*, experiences in Iowa and other states have
- 4 shown that use of federal funds can result in a level of
- 5 expenditure for programs that is in excess of that autho-
- 6 rized by the legislature, thereby creating a distortion
- 7 or preemption of the legislative prerogative; and
- 8 *Whereas*, the federal government has been shifting and is
- 9 continuing to shift to the state the costs of various
- 10 federally mandated programs; and
- 11 *Whereas*, a comprehensive system for legislative over-
- 12 sight of the use of federal funds does not exist in the
- 13 state; and



14 *Whereas*, the General Assembly may better perform its  
 15 appropriations function if more complete information  
 16 regarding the extent and impact of the state's use of  
 17 federal funds is available; *Now Therefore*,  
 18 *Be It Resolved by the House of Representatives, the*  
 19 *Senate Concurring*, That the Fiscal Committee is authorized  
 20 to conduct a study of the impact on the state and its  
 21 appropriations process of federal funds available to and  
 22 received by state agencies, for the purpose of determining  
 23 an effective method for legislative oversight of federal  
 24 funds. The Legislative Fiscal Bureau shall provide staff  
 25 support for the study.  
 26 *Be It Further Resolved*, That the Legislative Fiscal  
 27 Committee shall prepare a report of its findings and recom-  
 28 mendations for change, if any, and submit it to the Legis-  
 29 lative Council and the members of the Sixty-ninth General  
 30 Assembly, by February 1, 1981.

Laid over under Rule 30.

## CONSIDERATION OF BILLS

### Regular Calendar

The House resumed consideration of **House File 160**, a bill for an act to require the development of programs for autistic children.

Thompson 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. 160)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Byerly	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lura	Maulsby
McKean	Menke	Millen	Miller

Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimaneck	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Wells
West	Mr. Speaker (Harbor)		

The nays were, none.

Absent or not voting, 10:

Brandt	Chiodo	Clark, B.J.	Daggett
Joehum	Lorenzen	Patchett	Welden
Welsh	Woods		

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

#### SENATE FILE 2130 SUBSTITUTED FOR HOUSE FILE 2409

Krewson of Polk asked and received unanimous consent to substitute Senate File 2130 for House File 2409.

**Senate File 2130**, a bill for an act relating to the locations where certain services may be provided to nonpublic school pupils, was taken up for consideration.

Miller of Buchanan offered the following amendment H-5239 filed by him and Hummel of Benton and moved its adoption:

H-5239

- 1 Amend Senate File 2130 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "hearing," the word "vision".
- 4 2. Page 1, line 27, by inserting after the word
- 5 "hearing," the word "vision".

Roll call was requested by Miller of Buchanan and Horn of Linn.

Rule 80 was invoked.

### On the question "Shall amendment H—5239 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Cusack	Davitt	Doyle	Gettings
Hall	Hinkhouse	Horn	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Larsen	Lind
Lloyd-Jones	Loneran	Norland	O'Kane
Oxley	Pavich	Poffenberger	Rapp
Sherzan	Smalley	Spear	Walter
Wells	Welsh		

The nays were, 52:

Anderson, J.	Bennett	Branstad	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Dieleman	Diemer	Egenes
Groth	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Pellet	Pelton	Perkins
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimaneck	Shull	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Harbor)

Absent or not voting, 6:

Brandt	Chiodo	Clark, B.J.	Howell
Patchett	Woods		

Amendment H—5239 lost.

Connolly of Dubuque offered the following amendment H—5236 filed by Connolly, et al., and moved its adoption:

H—5236

- 1 Amend Senate File 2130, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 25, by inserting after the word
- 4 "sites" the words "or in mobile units located off
- 5 the nonpublic school premises as determined by the

- 6 board of the school districts and area education  
 7 agencies providing the services,".  
 8 2. Page 1, by striking lines 29 and 30.

Amendment H—5236 was adopted.

Lura of Marshall offered the following amendment H—5240 filed by him and moved its adoption:

H—5240

- 1 Amend Senate File 2130 as follows:  
 2 1. Page 1, line 28, by inserting after the word  
 3 "premises" the words ", with the permission of the  
 4 lawful custodian".

Amendment H—5240 was adopted.

Miller of Buchanan moved to reconsider the vote by which amendment H—5239 failed to be adopted by the House on February 18.

A non-record roll call was requested.

The ayes were 41, nays 52.

The motion lost.

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. 2130)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak

Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, none.

Absent or not voting, 3:

Clark, B.J.                      Connors                      Patchett

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

### HOUSE FILE 2409 WITHDRAWN

Krewson of Polk asked and received unanimous consent to withdraw House File 2409 from further consideration by the House.

### Ways and Means Calendar

**House File 2470**, a bill for an act updating references to the Internal Revenue Code for purposes of computing individual and corporate income taxes and franchise taxes and making the Act retroactive, was taken up for consideration.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 36.8 for the consideration of amendment H-5247.

Norland of worth offered the following amendment H-5247 filed by him from the floor:

H-5247

- 1 Amend House File 2470 as follows:
- 2 1. Page 3, line 2, by inserting after the

3 word "securities" the following: "and any amount  
 4 of franchise taxes paid or accrued under this divi-  
 5 sion during the taxable year".

Conlon of Muscatine rose on a point of order that amendment H-5247 was not germane.

The Speaker ruled the point well taken and amendment H-5247 not germane.

Norland of Worth asked for unanimous consent to suspend the rules governing germaneness for the consideration of amendment H-5247.

Objection was raised.

Anderson of Jasper moved that the rules governing germaneness be suspended for the consideration of amendment H-5247.

Roll call was requested by Anderson of Jasper and Norland of Worth.

On the question "Shall the rules be suspended to consider amendment H-5247?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.

Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	West
Mr. Speaker (Harbor)			

Absent or not voting, 4:

Clark, B.J.	Hall	Patchett	Welden
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The motion lost.

Hall 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. 2470)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Menland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, none.

Absent or not voting, 3:

Clark, B.J.

Jesse

Patchett

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

### IMMEDIATE MESSAGE

(House File 2470)

Hall of Linn asked and received unanimous consent that House File 2470 be immediately messaged to the Senate.

### Regular Calendar

**House File 2458**, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax, was taken up for consideration.

Maulsby 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. 2458)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Craab	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins



Poffenberger	Pope	Rapp	Renken
Rftsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, none.

Absent or not voting, 3:

Clark, B.J.	Egenes	Patchett
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2458)

Maulsby of Calhoun asked and received unanimous consent that House File 2458 be immediately messaged to the Senate.

**SENATE FILE 2124 SUBSTITUTED FOR HOUSE FILE 2342**

Hanson of Delaware asked and received unanimous consent to substitute Senate File 2124 for House File 2342.

**Senate File 2124**, a bill for an act relating to the storage of a registered snowmobile, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2124)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle

Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Joehum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimaneck	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, none.

Absent or not voting, 3:

Clark, B.J.                      Oxley                      Patchett

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

### HOUSE FILE 2342 WITHDRAWN

Hanson of Delaware asked and received unanimous consent to withdraw House File 2342 from further consideration by the House.

**House File 2311**, a bill for an act to legalize the proceedings of the board of supervisors of Clay county, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2311)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Mr. Speaker (Harbor)

The nays were, 1:

Ritsema

Absent or not voting, 3:

Clark, B.J.                      Patchett                      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 2311)

Shimanek of Jones asked and received unanimous consent that House File 2311 be immediately messaged to the Senate.

**House File 2429**, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant, was taken up for consideration.

Spear of Lee offered amendment H—5246 filed by him and requested division as follows:

H—5246

1 Amend House File 2429 as follows:

H—5246A

2 1. Page 1, line 7, by inserting after the word  
3 "mental" the words "or emotional".

H—5246B

4 2. Page 1, line 15, by inserting after the word  
5 "examination" the words "or psychiatric evaluation".  
6 3. Page 1, line 19, by inserting after the word  
7 "examination" the words "or evaluation".

Spear of Lee moved the adoption of amendment H—5246A.

A non-record roll call was requested.

The ayes were 30, nays 62.

Amendment H—5246A lost.

Spear of Lee moved the adoption of amendment H—5246B.

A non-record roll call was requested.

The ayes were 78, nays 15.

Amendment H—5246B was adopted.

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

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2429)

The ayes were, 48:

Bina	Binneboese	Brandt	Bruner
Clark, J.H.	Conlon	Connolly	Connors
Corey	Crawford	Cusack	Daggett
Dieleman	Doyle	Egenes	Groth
Halvorson, R.A.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hummel
Jesse	Jochum	Kirkenslager	Lloyd-Jones
Mullins	Norland	O'Kane	Pavich
Pelton	Perkins	Rapp	Ritsema
Schroeder	Sherzan	Spear	Stromer
Thompson	Tofte	Walter	Wells

The nays were, 48:

Anderson, J.	Branstad	Byerly	Chiodo
Cochran	Crabb	Danker	Davitt
De Groot	Diemer	Gettings	Hall
Hansen, I.	Hinkhouse	Hullinger	Husak
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Larsen	Lind
Loneragan	Lorenzo	Lura	Maulsby
McKean	Menke	Millen	Miller
Oxley	Pellett	Poffenberger	Pope
Renken	Schnekloth	Shimanek	Shull
Smalley	Swearingen	Tyrrell	Van Maanen
Welsh	West	Woods	Mr. Speaker (Harbor)

Absent or not voting, 4:

Clark, B.J.	Halvorson, R.N.	Patchett	Welden
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The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

### PRESENTATION OF VISITORS

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

Four members of the Camp Fire Girls from Monticello. By Shimanek of Jones.

### MOTIONS TO RECONSIDER (House File 2429)

I move to reconsider the vote by which House File 2429 failed to pass the House on February 18, 1980.

SHIMANEK of Jones

(House File 2429)

I move to reconsider the vote by which House File 2429 failed to pass the House on February 18, 1980.

KREWSON of Polk

**SPONSORS ADDED**

(House File 2253)

Bina of Scott requested to be added as a sponsor of House File 2253.

(House File 2396)

Conlon of Muscatine requested to be added as a sponsor of House File 2396.

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 15, 1980 he approved and transmitted to the Secretary of State the following bill:

House File 471, an act relating to local advisory councils for vocational education.

**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 18th day of February, 1980: House Files 18 and 668.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on Monday morning, February 18. Had I been present, I would have voted "aye" on House File 160.

WELSH of Dubuque

I was necessarily absent from the House chamber on Friday, February 15. Had I been present, I would have voted "aye" on House Files 2105, 2443 and Senate File 2012.

BRANSTAD of Winnebago

I was necessarily absent from the House chamber on Thursday afternoon, February 14 and Friday, February 15. Had I been present, I would have voted "aye" on House Files 2443, 2105, and Senate Files 97 and 2012.

CUSACK of Scott

**PROOF OF PUBLICATIONS**  
(House File 2395)

Published copy of House File 2395 and verified proof of publication of said bill in the Council Bluffs Nonpareil, a daily newspaper printed and published in Council Bluffs, Pottawattamie County, Iowa, on February 5, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

(House File 2403)

Published copy of House File 2403 and verified proof of publication of said bill in the Waterloo Courier, a daily newspaper printed and published in Waterloo, Black Hawk County, Iowa, on February 13, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**CERTIFICATES OF RECOGNITION**

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

1980-15	Indianola Wrestlers
1980-16	Iowa League of Women Voters
1980-17	Perry Grier

DAVID L. WRAY  
Chief Clerk of the House

**STUDY BILL COMMITTEE ASSIGNMENTS****S.B. 693 Ways and Means**

Relating to the administration of the motor fuel and special fuel tax laws.

**S.B. 694 Ways and Means**

Relating to the statute of limitations on assessment of state individual income taxes.

**S.B. 695 Ways and Means**

Relating to the taxable status of property.

**S.B. 696 Appropriations**

Relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

**S.B. 697 Education**

Relating to the attendance of children in school including requirements for private schools, and to provide a penalty.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Senate File 446**, a bill for an act relating to weighing and measuring.

**Recommended Amend and Do Pass.**



H-5250

1 Amend Senate File 446 as amended, passed, and  
2 reprinted by the Senate as follows:

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

5 "Sec. 2. Chapter two hundred fourteen (214), Code  
6 1979, is amended by adding the following new section:

7 NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL.

8 A gasoline pump or special fuel pump at a retail  
9 service station may record the price per half gallon  
10 of fuel dispensed when the price per gallon exceeds  
11 ninety-nine and nine-tenths cents per gallon and if  
12 the following conditions are met:

13 1. All pumps at the service station shall be  
14 uniform in the method of computing the price of  
15 gasoline and special fuel.

16 2. Signs at the service station visible from the  
17 street shall display only the full gallon price.

18 3. The price per gallon shall be displayed in  
19 a conspicuous place near or on the pump.

20 4. A large and conspicuous window or street sign  
21 shall be posted indicating that the pumps register  
22 half gallon prices.

23 5. The service station shall comply with rules  
24 that the secretary of agriculture may adopt imposing  
25 additional requirements on the size and location of  
26 notices relating to half gallon pricing.

27 All gasoline and special fuel sold by the gallon  
28 at retail service stations shall be priced at the  
29 pump by the gallon or by the half gallon according  
30 to this section. Any other fractional unit of pricing  
31 per gallon is prohibited.

32 Sec. 3. Chapter two hundred fourteen (214), Code  
33 1979, is amended by adding the following new section:

34 NEW SECTION. MOTOR FUEL AND SPECIAL FUEL PUMP

35 PRICING. A retail dealer selling less than two hundred  
36 forty thousand gallons of motor fuel during a calendar  
37 year period and less than two hundred forty thousand  
38 gallons of special fuel during a calendar year period  
39 may use pricing labels on the face of any existing  
40 motor fuel or existing special fuel pump, for the  
41 purpose of providing the pump with the capability  
42 of measuring and recording sales of motor fuel or  
43 special fuel priced in excess of ninety-nine and nine-  
44 tenths cents per gallon. However, such pricing labels  
45 shall consist only of half-price pump postings or  
46 one-tenth calibrated pricing labels providing the  
47 consumer with a view of an added zero digit equal  
48 in size to the adjoining price digits on the price  
49 display face of the existing motor fuel or existing  
50 special fuel pump, to which the added zero digit is

## Page 2

1 attached.

2 Sec. 4. Section two hundred fourteen point one  
3 (214.1), Code 1979, is amended by adding the following  
4 new subsections:

5 NEW SUBSECTION. "Retail dealer" shall mean and  
6 include any person, firm, partnership, association,  
7 or corporation, who operates, maintains, or conducts,  
8 either by himself or itself, or by any agent, employee,  
9 or servant, any place of business, filling station,  
10 pump station, or tank wagon, from which any motor  
11 fuel or special fuel, as defined in this section,  
12 is sold or offered for sale, at retail, or to the  
13 final or ultimate consumer.

14 NEW SUBSECTION. "Motor fuel" means motor fuel  
15 as defined in section three hundred twenty-four point  
16 two (324.2), subsection one (1), of the Code.

17 NEW SUBSECTION. "Special fuel" means special fuel  
18 as defined in section three hundred twenty-four point  
19 thirty-three (324.33), subsection one (1) of the Code.

20 NEW SUBSECTION. "Existing motor fuel pump or  
21 existing special fuel pump" shall mean any pump,  
22 meter, or similar measuring device, existing on the  
23 effective date of this Act, with the capability of  
24 measuring and recording sales of motor fuel or special  
25 fuel not priced in excess of ninety-nine and nine-  
26 tenths cents per gallon.

27 NEW SUBSECTION. "One tenth calibrated pricing  
28 labels" shall mean pricing labels which, when applied  
29 to an existing motor fuel or existing special fuel  
30 pump face, cause increases by multiples of ten in  
31 the amounts shown on the price display face and the  
32 price per gallon display face of any such pump.

33 NEW SUBSECTION. "Added zero digit" shall mean  
34 a pricing label bearing the digit "zero" which is  
35 secured to the pump face of any existing motor fuel  
36 or existing special fuel pump immediately adjacent  
37 to the penny wheel on the price display face of such  
38 pump."

39 2. Page 1, line 22, by inserting after the word  
40 "salary", the words "employed by a service agency".

41 3. Page 1, by inserting after line 26 the  
42 following:

43 "4. "Packer" means a person engaged in the business  
44 of any of the following:

45 a. Buying livestock in commerce for purposes of  
46 slaughter;

47 b. Manufacturing or preparing meats or meat food  
48 products for sale or shipment in commerce;

49 c. Marketing meats, meat food products, or  
50 livestock products in an unmanufactured form acting

Page 3

- 1 as a wholesale broker, dealer, or distributor in
- 2 commerce.
- 3 Sec. 6. Chapter two hundred fifteen (215), Code
- 4 1979, is amended by adding the following new section:
- 5 NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With
- 6 payment for each purchase of livestock except poultry
- 7 bought on a carcass weight or grade and yield basis,
- 8 each packer shall provide the seller with one statement
- 9 displaying the individual carcass weights of all the
- 10 animals sold."
- 11 4. Page 1, by striking lines 29 and 30, and
- 12 inserting in lieu thereof the following:
- 13 "NEW SECTION. PACKER-MONORAIL SCALE. The speed
- 14 of a monorail scale operation used by a packer shall
- 15 not exceed the manufacturer's".
- 16 5. Page 4, by striking lines 17 through 20 and
- 17 inserting in lieu thereof the following:
- 18 "215.19 AUTOMATIC RECORDERS ON SCALES. All meter
- 19 truck scales, livestock scales, grain dump scales,
- 20 and combination truck and railroad track Except for
- 21 scales used by packers slaughtering fewer than one
- 22 hundred twenty head of livestock per day, all scales
- 23 with a capacity over five hundred pounds, which are
- 24 used for commercial purposes in".
- 25 6. Page 4, line 23, by inserting before the word
- 26 "shall", the words "and installed after January 1,
- 27 1981,".
- 28 7. Page 6, line 11, by adding the following after
- 29 the word "date." "Sections two (2), three (3) and
- 30 four (4) of this Act are repealed January 1, 1985."
- 31 8. By renumbering the remaining sections and
- 32 internal references as are necessary to conform to
- 33 this amendment.

**Study Bill 201**, relating to the beef excise tax by establishing the present beef excise tax amounts as maximum amounts; providing for subsequent referendums; and providing for continued existence of the executive committee referred to in section 181.6.

**Recommended Amend and Do Pass.**

**COMMITTEE ON APPROPRIATIONS**

**Committee Concurrent Resolution**, a concurrent resolution authorizing the Fiscal Committee to conduct a study of the impact on the state of federal funds available to and received by state agencies.

**Recommended Do Pass.**

**Committee Bill**, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal funds by increasing the appropriations for the fiscal year beginning July 1, 1980.

Recommended **Do Pass**.

#### AMENDMENTS FILED

H-5248	H.F. 2192	Bina of Scott
H-5249	H.F. 2368	O'Kane of Woodbury
H-5251	H.F. 2268	Larsen of Wapello
H-5252	H.F. 2268	Larsen of Wapello
H-5253	H.F. 2281	O'Kane of Woodbury
H-5254	H.F. 2132	O'Kane of Woodbury
H-5255	H.C.R. 103	Pelton of Clinton

On motion by Halvorson of Clayton, the House adjourned at 12:27 p.m., until 9:00 a.m., Tuesday, February 19, 1980.

# JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day — Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 19, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Lewis Grady, pastor of the St. Paul African Methodist Church, Des Moines.

The Journal of Monday, February 18, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Daryl Kuper, Des Moines.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo for the remainder of the week on request of Larsen of Wapello.

## SPECIAL PRESENTATION

The Speaker invited Cochran of Webster to escort to the Speaker's station Holly Hodge, President of the National Gasohol Commission, stating that the Governor has designated this as gasohol week and noting that Iowa is the leader in the sale of gasohol as well as research development and commitment.

Mr. Hodge, who is from Holdrege, Nebraska, stated that the Commission accumulates and disseminates information on alcohol fuel. He congratulated the members of supporting agencies and members of the General Assembly for their support in the gasohol program stressing the need to develop alternate energy.

**PETITION FILED**

The following petition was received and placed on file:

By Jochum of Dubuque, from sixty-three constituents of district 19 favoring a change in present law to permit direct raw milk sales, subject to reasonable safety and labeling requirements.

**INTRODUCTION OF BILLS**

**House File 2475**, by committee on education, a bill for an act relating to the determination of the salaries for the area education agency administrators.

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

**House File 2476**, by committee on state government, a bill for an act relating to the state and county funding of a county fair by providing for a referendum.

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

**House File 2477**, by committee on appropriations, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980.

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

**House File 2478**, by committee on transportation, a bill for an act relating to emergency repair, restoration, or reconstruction of a primary highway or bridge.

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

**House File 2479**, by committee on transportation, a bill for an act relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

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

**House File 2480**, by committee on judiciary and law enforcement, a bill for an act providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 439**, by committee on judiciary, a bill for an act relating to the alcoholic content of beer and alcoholic liquor.

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

**Senate File 2058**, by Miller of Des Moines, Carr, Calhoon, Holden, Drake, Small, Gallagher, Brown and Schwengels, a bill for an act providing for the reimbursement to the city, county or state of the witness fees of a peace officer who has been paid a salary to testify while not on regular duty.

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

**Senate File 2060**, by Gentleman, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property.

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

**Senate File 2154**, by committee on judiciary, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

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

#### MOTION TO RECONSIDER WITHDRAWN (House File 2410)

Krewson of Polk asked and received unanimous consent to withdraw the motion to reconsider House File 2410, a bill for an act increasing the amount of bonds and notes of the Iowa housing

finance authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems, filed by him on February 14, 1980.

On motion by Halvorson of Clayton, the House was recessed at 9:35 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

### QUORUM CALL

Roll call was requested by West of Marshall and Renken of Grundy to determine that a quorum was present.

Present, 92:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Chiodo	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Mr. Speaker (Harbor)

Absent, 8:

Arnould	Avenson	Byerly	Clark, B.J.
Halvorson, R.N.	Patchett	Perkins	Woods



**CONFERENCE COMMITTEE REPORT ADOPTED**  
(House File 687)

Halvorson of Clayton called up for consideration the report of the conference committee on House File 687, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, filed on February 14 and found on pages 517 through 519 of the House Journal.

Ritsema of Sioux rose on a point of order that item 7 of the conference committee report was not germane to the title of the bill.

The Speaker ruled the point not well taken and item 7 of the conference committee report germane.

Schroeder of Pottawattamie moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Cusack of Scott and Conlon of Muscatine.

On the question "Shall the conference committee report be adopted?"

The ayes were, 51:

Bennett	Branstad	Byerly	Chiodo
Clark, J.H.	Cochran	Connolly	Corey
Crabb	Daggett	Danker	Davitt
Diemer	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hinkhouse	Hoffmann	Holt
Hullinger	Hummel	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Larsen	Lind	Millen	Miller
Pavich	Pellett	Pope	Renken
Schroeder	Shimanek	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, 46:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bina	Binneboese	Brandt	Bruner
Conlon	Crawford	Cusack	De Groot
Dieleman	Doyle	Egenes	Gettings

Groth	Hanson, D.	Hibbs	Horn
Howell	Husak	Jay	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pelton	Perkins	Poffenberger	Rapp
Ritsema	Schnekloth	Sherzan	Shull
Smalley	Spear		

Absent or not voting, 3:

Clark, B.J.	Connors	Patchett
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The motion prevailed and the conference committee report 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.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 687)

The ayes were, 54:

Bennett	Branstad	Byerly	Chiodo
Clark, J.H.	Cochran	Connolly	Connors
Corey	Crabb	Daggett	Danker
Davitt	Diemer	Egenes	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hinkhouse
Hoffmann	Holt	Hullinger	Hummel
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Larsen
Lind	Millen	Miller	Pavich
Pellett	Pope	Renken	Schroeder
Shimanek	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker (Harbor)		

The nays were, 44:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bina	Binneboese	Brandt	Bruner
Conlon	Crawford	Cusack	De Groot
Dieleman	Doyle	Gettings	Groth
Hanson, D.	Hibbs	Horn	Howell
Husak	Krewson	Lageschulte	Lloyd-Jones

Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pelton	Perkins
Poffenberger	Rapp	Ritsema	Schnekloth
Sherzan	Shull	Smalley	Spear

Absent or not voting, 2:

Clark, B.J.                      Patchett

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

**IMMEDIATE MESSAGE**  
(House File 687)

Schroeder of Pottawattamie asked and received unanimous consent that House File 687 be immediately messaged to the Senate.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 2109**, a bill for an act to increase the maximum interest rate payable on installment contracts for the purchase of school buses, with report of committee recommending amendment and passage was taken up for consideration.

Hansen of O'Brien offered amendment H—5143 filed by the committee on education on February 5, 1979 and found on page 375 of the House Journal and moved its adoption.

The committee amendment H—5143 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2109)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack

Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Weish	West	Woods
Mr. Speaker (Harbor)			

The nays were, none.

Absent or not voting, 3:

Clark, B.J.                      Connors                      Patchett

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

#### IMMEDIATE MESSAGE (House File 2109)

Hansen of O'Brien asked and received unanimous consent that House File 2109 be immediately messaged to the Senate.

#### HOUSE FILE 2161 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 2161 from further consideration by the House.

#### Appropriations Calendar

**House File 2168**, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation, with report of committee recommending passage was taken up for consideration.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2168)

The ayes were, 88:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Maulsby
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Rapp	Renken	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Spear
Stromer	Swearingen	Thompson	Tofte
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Harbor)

The nays were, 8:

Branstad	Johnson, J.	Lura	McKean
Pope	Ritsema	Smalley	Tyrrell

Absent or not voting, 4:

Arnould	Avenson	Clark, B.J.	Patchett
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2464**, a bill for an act relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base, 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. 2464)

The ayes were, 93:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, 2:

Doyle	Maulsby
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Absent or not voting, 5:

Arnould	Avenson	Clark, B.J.	Larsen
Patchett			

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

### Regular Calendar

**House File 2425**, a bill for an act relating to the educational requirements of schools, by requiring that high school science

courses teach about energy conservation and environmental awareness and by providing for a waiver of physical education requirements for certain students and a waiver of foreign language requirements under certain conditions, was taken up for consideration.

Perkins of Greene offered the following amendment H—5197 filed by him and Daggett of Taylor and moved its adoption:

H—5197

- 1 Amend House File 2425 as follows:
- 2 1. Page 1, line 31, by striking the letter "a."
- 3 2. Page 1, by striking lines 33 through 35.
- 4 3. Page 2, by striking line 1.

Roll call was requested by Perkins of Greene and Lageschulte of Bremer.

On the question "Shall amendment H—5197 be adopted?"

The ayes were, 46:

Arnould	Avenson	Bina	Binneboese
Brandt	Bruner	Conlon	Connolly
Connors	Corey	Daggett	De Groot
Dieleman	Diemer	Doyle	Gettings
Groth	Halvorson, R.N.	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Lageschulte	Larsen	Lloyd-Jones
Loneragan	Lorenzen	Lura	Menke
Miller	O'Kane	Oxley	Pavich
Perkins	Renken	Ritsema	Sherzan
Smalley	Spear	Van Maanen	Walter
Welden	Welsh		

The nays were, 49:

Anderson, J.	Bennett	Branstad	Byerly
Chiodo	Clark, J.H.	Cochran	Crabb
Crawford	Cusack	Danker	Davitt
Egenes	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Johnson, W.	Kirkenslager	Lind	Maulsby
McKean	Millen	Mullins	Pellet
Pelton	Poffenberger	Pope	Rapp
Schneklath	Schroeder	Shimanek	Shull

Stromer	Swearingen	Thompson	Tofte
Tyrrell	Wells	West	Woods
Mr. Speaker (Harbor)			

Absent or not voting, 5:

Anderson, R. Patchett	Clark, B.J.	Krewson	Norland
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Amendment H—5197 lost.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2425)

The ayes were, 75:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Branstad	Clark, J.H.	Cochran
Conlon	Connors	Corey	Crabb
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Doyle	Egenes
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hinkhouse	Hoffmann
Holt	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Johnson, J.
Johnson, W.	Kirkenslager	Lind	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Tofte
Tyrrell	Van Maanen	Walter	Welden
Welsh	West	Mr. Speaker (Harbor)	

The nays were, 22:

Arnould	Avenson	Brandt	Bruner
Byerly	Chiodo	Connolly	Crawford
Diemer	Gettings	Hibbs	Horn
Jochum	Johnson, R.	Lageschulte	Larsen
Lloyd-Jones	Pavich	Rapp	Thompson
Wells	Woods		



Absent or not voting, 3:

Clark, B.J.

Krewson

Patchett

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

### HOUSE CONCURRENT RESOLUTION 103 DEFERRED

Halvorson of Clayton called up for consideration House Concurrent Resolution 103 requiring state-owned and operated vehicles to henceforth be fueled with gasohol, filed on January 22 and found on pages 159 and 160 of the House Journal.

Pelton of Clinton offered the following amendment H-5255 filed by him and moved its adoption:

H-5255

- 1 Amend House Concurrent Resolution 103 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "vehicles" the following: ", except diesel powered vehicles,".

Amendment H-5255 was adopted.

Miller of Buchanan asked and received unanimous consent to defer action on House Concurrent Resolution 103.

### SPONSOR WITHDRAWN (House File 2179)

Van Maanen of Mahaska requested to be withdrawn as a sponsor of House File 2179.

### STUDY BILL COMMITTEE ASSIGNMENTS

#### **S.B. 698 State Government**

Relating to credit unions.

#### **S.B. 699 Commerce**

To define and regulate the number of bank offices.

**S.B. 700 Commerce**

Redefining the types of projects for which industrial revenue bonds may be issued under chapter four hundred nineteen (419) of the Code for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste.

**S.B. 701 Commerce**

Providing for the establishment of maximum interest rates applicable to certain tax anticipatory warrants.

**S.B. 702 Commerce**

Authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81a et seq.

**S.B. 703 Education**

Relating to seniority of principals under certain conditions.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House File 2088), a bill for an act to permit agricultural credit corporations owned by banks to make agricultural purpose consumer loans at interest rates permitted for closed-end consumer loans.

**Recommended Amend and Do Pass.**

**COMMITTEE ON COUNTY GOVERNMENT**

**Study Bill 676**, relating to the county statutes study committee.

**Recommended Do Pass** February 14, (Page 547 of the House Journal) reconsidered and **Failed to Pass** February 18.

## COMMITTEE ON EDUCATION

**House File 2163**, a bill for an act repealing the prohibition against advertising the sale of tobacco near public schools.

**Recommended Do Pass.**

**House File 2299**, a bill for an act relating to the dates on which school districts count special education students and report the count to the department of public instruction.

**Recommended Do Pass.**

## COMMITTEE ON STATE GOVERNMENT

**Senate File 87**, a bill for an act relating to the granting of utility easements by the department of social services.

**Recommended Do Pass.**

Fiscal Note is not required.

**Senate File 2126**, a bill for an act abolishing the additional bonus and disability fund.

**Recommended Do Pass.**

Fiscal Note is not required.

## AMENDMENTS FILED

H-5256	H.F. 2459	Bruner of Story
H-5257	H.F. 2180	Tyrrell of Iowa
H-5258	S.F. 2121	Wells of Linn
H-5259	H.F. 2459	Walter of Pottawattamie
H-5260	H.F. 584	Johnson of Linn
		Bina of Scott
H-5261	H.F. 2467	Shimanek of Jones
		Lloyd-Jones of Johnson
		Krewson of Polk
		Pellett of Cass
H-5262	H.C.R. 103	Pelton of Clinton
		Miller of Buchanan
		Hoffmann of Muscatine
		Perkins of Greene

On motion by Halvorson of Clayton, the House adjourned at 4:26 p.m., until 9:00 a.m., Wednesday, February 20, 1980.

# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day — Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 20, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Dale Jensen, pastor of the Immanuel Evangelical Lutheran Church, Estherville.

The Journal of Tuesday, February 19, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Kirk Ridley, Broadlawns Medical Center, Des Moines.

## PETITIONS FILED

The following petitions were received and placed on file:

By Bennett of Ida, from sixty-five constituents opposing the closing of the Odebolt Liquor Store.

By Kirkenslager of Des Moines, from fifty constituents of district 84 favoring Senate File 2077, an act providing for special plates to be issued to the Iowa national guard.

## REREFERRED TO COMMITTEE ON AGRICULTURE (Senate File 446)

Anderson of Audubon asked and received unanimous consent that Senate File 446, presently **on the calendar**, be rereferred to the committee on **agriculture**.

## REFERRED TO COMMITTEE ON WAYS AND MEANS

The Speaker announced that **Senate File 2125**, previously **passed on file**, was referred to the committee on **ways and means**.

On motion by Halvorson of Clayton, the House was recessed at 9:27 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hullinger of Decatur for the remainder of the week on request of Doyle of Woodbury; Renken of Grundy for the afternoon session on request of Lind of Black Hawk; Dieleman of Marion for a portion of the afternoon on request of Howell of Floyd.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on February 20, 1980, directed me to return House File 92, a bill for an act relating to the member of the law enforcement academy council from the college aid commission, to the House of Representatives.

Also: That the Senate has on February 18, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 278, a bill for an act relating to violations of motor vehicle laws by providing for technical corrections.

FRANK J. STORK, Secretary

### SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 278

H-5268

- 1 Amend the House amendment, S-5016, to Senate File
- 2 278 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, lines 18 and 19, by striking the words
- 5 "the fifth day of each month" and inserting in lieu
- 6 thereof the words "December first of each year".
- 7 2. Page 4, by striking line 23, and inserting
- 8 in lieu thereof the following: "license during such

9 additional period.

10 Sec. . Section three hundred twenty-one point  
11 two hundred thirty-six (321.236), subsection one (1),  
12 Code 1979, is amended by adding the following new  
13 paragraph:

14 NEW PARAGRAPH. If the local authority regulating  
15 the standing or parking of vehicles under this  
16 subsection is located in a county where the  
17 registration of a vehicle shall be denied for  
18 outstanding arrest warrants under section three hundred  
19 twenty-one point forty (321.40) of the Code, the  
20 simple notice of fine under paragraph a of this  
21 subsection shall contain the following statement:

22 "FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION  
23 CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR  
24 VEHICLE'S REGISTRATION."

25 This paragraph does not invalidate forms for notice  
26 of parking violations in existence prior to July 1,  
27 1980. Existing forms may be used until supplies are  
28 exhausted." "

29 3. Page 7, by inserting after line 11 the  
30 following:

31 "Sec. . Section three hundred twenty-one point  
32 five hundred sixty (321.560), Code 1979, is amended  
33 to read as follows:

34 321.560 BARRED FOR SIX YEARS. A license to operate  
35 a motor vehicle in this state shall not be issued  
36 to any person declared to be an habitual offender  
37 under section 321.555, subsection 1 for a period of  
38 not less than two years nor more than six years from  
39 the date of judgment as ordered by the court. A  
40 license to operate a motor vehicle in this state shall  
41 not be issued to any person declared to be an habitual  
42 offender under section 321.555, subsection 2, for  
43 a period of one year from the date of judgment.

44 Sec. . Section three hundred twenty-one point  
45 five hundred sixty-one (321.561), Code 1979, is amended  
46 to read as follows:

47 321.561 PUNISHMENT FOR VIOLATION. It shall be  
48 unlawful for any person convicted as an habitual  
49 offender to operate any motor vehicle in this state  
50 during the period of time specified in section 321.560.

Page 2

1 Any person guilty of violating the provisions of this  
2 section shall upon conviction be punished by  
3 imprisonment in the penitentiary for not more than  
4 two years and notwithstanding the provisions of section  
5 687.2, such committed to the custody of the director  
6 of the division of adult corrections. This conviction  
7 shall constitute a an aggravated misdemeanor and not  
8 a felony."

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 103

The House resumed consideration of House Concurrent Resolution 103, requiring state-owned and operated vehicles to henceforth be fueled with gasohol, filed on January 22 and found on pages 159 and 160 of the House Journal.

Pelton of Clinton offered the following amendment H-5262 filed by Pelton, et al., and moved its adoption:

H-5262

- 1 Amend House Concurrent Resolution 103 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "gasohol" the following: "when economically feasible".

Amendment H-5262 was adopted.

On motion by Pelton of Clinton, House Concurrent Resolution 103, as amended, was adopted.

## CONSIDERATION OF BILLS Appropriations Calendar

**Senate File 2088**, a bill for an act allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2088)

The ayes were, 77:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Davitt	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hinkhouse	Hoffmann	Horn
Howell	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.

Kirkenslager	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Menke	Millen	Miller	Mullins
O'Kane	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Schnekloth	Schroeder	Shimaneck
Shull	Spear	Stromer	Swearingen
Thompson	Tofte	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, 14:

Branstad	Daggett	Danker	De'Groot
Hibbs	Holt	Krewson	Maulsby
McKean	Ritsema	Sherzan	Smalley
Tyrrell	Van Maanen		

Absent or not voting, 9:

Arnould	Chiodo	Clark, B.J.	Dieleman
Hullinger	Jesse	Norland	Oxley
Renken			

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

### Regular Calendar

**House File 2453**, a bill for an act providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle, was taken up for consideration.

Jay of Appanoose asked and received unanimous consent to temporarily defer action on amendment H—5223.

Jay of Appanoose offered the following amendment H—5168 filed by him and moved its adoption:

H—5168

- 1 Amend House File 2453 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "siren." the following: "For purposes of this section,
- 4 "peace officer" means those officers designated under
- 5 section eight hundred one point four (801.4),
- 6 subsection seven (7), paragraphs a, b, c, g, and h
- 7 of the Code."



A non-record roll call was requested.

The ayes were 49, nays 37.

Amendment H—5168 was adopted.

Jay of Appanoose offered amendment H—5223 filed by Jay, et al., and requested division as follows:

H—5223

1 Amend House File 2453 as follows:

H—5223A

2 1. Page 1, line 5, by striking the word "serious"  
3 and inserting in lieu thereof the word "simple".

H—5223B

4 2. Page 1, line 9, by inserting after the word "stop"  
5 the words "and in doing so exceeds the speed limit"  
6 by twenty-five miles per hour or more".

Roll call was requested by Pelton of Clinton and Davitt of Warren.

On the question "Shall amendment H—5223A be adopted?"

The ayes were, 35:

Anderson, R.	Arnould	Brandt	Bruner
Cochran	Connolly	Connors	Crawford
Davitt	Doyle	Gettings	Halvorson, R.N.
Hinkhouse	Horn	Howell	Jay
Jesse	Jochum	Krewson	Lloyd-Jones
Lonergan	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Poffenberger
Pope	Rapp	Schroeder	Sherzan
Shimanek	Walter	Wells	

The nays were, 59:

Anderson, J.	Avenson	Bennett	Bina
Binneboese	Branstad	Byerly	Chiodo
Clark, J.H.	Conlon	Corey	Crabb
Cusack	Daggett	Danker	De Groot
Diemer	Egenes	Groth	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs

Hoffmann	Holt	Hummel	Husak
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Pellett
Pelton	Ritsema	Schneklloth	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker (Harbor)	

Absent or not voting, 6:

Clark, B.J.	Dieleman	Hullinger	Renken
Welden	West		

Amendment H—5223A lost.

Spear of Lee offered the following amendment H—5266, to amendment H—5223B, filed by him from the floor and moved its adoption:

H—5266

- 1 Amend amendment H—5223 to House File 2453 as follows:
- 2 1. Page 1, line 4, by striking the figure "9"
- 3 and inserting in lieu thereof the figure "6".

Amendment H—5266 lost.

Jay of Appanoose moved the adoption of amendment H—5223B.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 47, nays 46.

Amendment H—5223B was adopted.

Welsh of Dubuque asked for unanimous consent to amend House File 2453 by striking the word "or" in line 8 and inserting in lieu thereof the word "and".

Objection was raised.

Welsh of Dubuque moved that House Rule 36.8 be suspended to amend House File 2453 by striking in line 8 the word "or" and inserting in lieu thereof the word "and".

A non-record roll call was requested.

The ayes were 39, nays 49.

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2453)

The ayes were, 78:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Branstad	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Corey	Crabb	Cusack
Daggett	Danker	Davitt	De Groot
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Ritsema	Schnekloth	Schroeder	Sherzan
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Wells	Welsh
Woods	Mr. Speaker (Harbor)		

The nays were, 15:

Arnould	Brandt	Bruner	Connolly
Crawford	Doyle	Halvorson, R.N.	Howell
Jay	Jesse	Jochum	Krewson
O'Kane	Shimanek	Walter	

Absent or not voting, 7:

Clark, B.J.  
Patchett

Dieleman  
Renken

Hullinger  
West

Lloyd-Jones

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

**IMMEDIATE MESSAGE**  
(Senate File 2088)

Anderson of Audubon asked and received unanimous consent that Senate File 2088 be immediately messaged to the Senate.

**MOTION TO RECONSIDER WITHDRAWN**  
(House File 2443)

Crawford of Story asked and received unanimous consent to withdraw the motions to reconsider House File 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa, filed by him and Lind of Black Hawk on February 15, 1980.

**MOTION TO RECONSIDER**  
(House File 2453)

I move to reconsider the vote by which House File 2453 passed the House on February 20, 1980.

**BENNETT** of Ida

**STUDY BILL COMMITTEE ASSIGNMENTS**

**S.B. 704 County Government**

Relating to the selection of official county newspapers.

**S.B. 705 Labor and Industrial Relations**

Relating to workers' compensation insurance rate filings by licensed rating organizations.

**S.B. 706 Education**

Relating to transportation of public and nonpublic school children.

**REPORT OF COMMITTEE MEETING**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 9:15 a.m., February 19, 1980

Convened: 9:45 a.m.

Adjourned: 10:30 a.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Conlon, Corey, Hibbs, Holt, Johnson of Howard, Lloyd-Jones, Lonergan, Maulsby, Rapp, Smalley and Walter.

Absent: Patchett, Ranking Member; Anderson of Audubon (arrived at 9:50 a.m.), Arnould (arrived at 9:50 a.m.), Doyle (arrived at 9:50 a.m.), Pelton (arrived at 9:55 a.m.) and Welsh (arrived at 10:10 a.m.).

Excused: Clark of Cerro Gordo.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE**

**Study Bill 700**, redefining the types of projects for which industrial revenue bonds may be issued under chapter four hundred nineteen (419) of the Code for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste.

**Recommended Do Pass.**

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Study Bill 622**, relating to the dates for limitations of actions on title to real property.

**Recommended Amend and Do Pass.**

**Committee Bill** (Formerly House File 2006, as amended), a bill for an act permitting the possession of antique slot machines and antique pinball machines.

**Recommended Do Pass.****COMMITTEE ON NATURAL RESOURCES**

**House File 2260**, a bill for an act relating to the eligibility of residents of bordering states to purchase nonresident licenses for the taking of fish, mussels, game, or furbearing animals.

**Recommended Do Pass.****COMMITTEE ON TRANSPORTATION**

**House File 2170**, a bill for an act requiring the use of seat belts by school bus drivers.

**Recommended Do Pass.**

**Committee Bill** (Formerly House File 2402, as amended), a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads.

**Recommended Do Pass.****AMENDMENTS FILED**

H—5263	H.F. 2474	Spear of Lee
H—5265	S.F. 432	Johnson of Howard
		Tyrrell of Iowa
H—5269	H.F. 2240	Hoffmann of Muscatine
		Brandt of Black Hawk
		Mullins of Kossuth

On motion by Halvorson of Clayton, the House adjourned at 3:22 p.m., until 9:00 a.m., Thursday, February 21, 1980.

## JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day — Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 21, 1980.

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend William Ballard, pastor of the Faith United Parish Church, Centerville.

The Journal of Wednesday, February 20, 1980 was approved.

### LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Spearing, Harlan.

### PETITIONS FILED

The following petitions were received and placed on file:

By Hoffmann of Muscatine, from fifty-three constituents favoring Senate File 2077, an act providing for special plates to be issued to members of the Iowa national guard.

By Oxley of Linn, from thirty-two constituents of the 30th district opposing Senate File 2178, an act relating to the legalization of pari-mutuel betting.

### INTRODUCTION OF BILLS

**House File 2481**, by committee on judiciary and law enforcement, a bill for an act permitting the possession of antique slot machines and antique pinball machines and providing a penalty.

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

**House File 2482**, by committee on transportation, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads.

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

**House File 2483**, by committee on commerce, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter four hundred nineteen (419) of the Code for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 19, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, urging Congress to take prompt action to ban in all states the practice of transferring property to relatives to establish eligibility for Medical Assistance benefits.

Also: That the Senate has on February 19, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 103, proclaiming the ten years from 1980 through 1989 to be celebrated in Iowa as the Decade of the Family.

FRANK J. STORK, Secretary

#### SENATE CONCURRENT RESOLUTION 102

By Ramsey, Hultman, Drake, Baugher, Gentleman, Bisenius and Comito

- 1 *Whereas*, federal laws and regulations governing
- 2 the administration of the Title Nineteen (XIX) Medical
- 3 Assistance program do not penalize individuals who
- 4 transfer assets to relatives or other persons for the
- 5 purpose of establishing eligibility for Medical
- 6 Assistance benefits; and
- 7 *Whereas*, this practice is believed to have been
- 8 followed with some regularity by individuals in this
- 9 state who are contemplating entering nursing homes and
- 10 who have real estate or other assets which would make
- 11 them ineligible for public support through the Medical
- 12 Assistance program; and
- 13 *Whereas*, there are indications that this practice is
- 14 presently continuing to be followed, with the result
- 15 that the Medical Assistance program is supporting some
- 16 nursing home patients whose support should be provided
- 17 by assets they formerly held; and



18     *Whereas*, the General Assembly has considered enacting  
 19 a specific statutory penalty for transfers of assets made  
 20 in order to establish eligibility for the Medical Assistance  
 21 program, but has concluded that to do so might be unduly  
 22 disadvantageous to the state of Iowa and Iowa residents  
 23 since other states have not and will likely not adopt  
 24 similar statutes; *Now Therefore*,  
 25     *Be It Resolved by the Senate, the House Concurring*, That  
 26 the Congress of the United States is urged to take prompt  
 27 action to ban in all states the practice of transferring  
 28 property to relatives or other persons in order to establish  
 29 eligibility for Medical Assistance benefits; and  
 30     *Be It Further Resolved*, That a copy of this resolution

**Page 2**

1 be sent to the presiding officers of the Senate of the  
 2 United States, to the Speaker of the House of Repre-  
 3 sentatives of the United States, to the Secretary of  
 4 Health, Education and Welfare of the United States, and  
 5 to each member of Congress from Iowa.

Laid over under Rule 30.

## SENATE CONCURRENT RESOLUTION 103

By Brown

1     *Whereas*, the United Nations proclaimed 1979 to be  
 2 the International Year of the Child to promote greater  
 3 recognition, appreciation, and support for the child-  
 4 ren of the world; and  
 5     *Whereas*, children are indeed our most precious and  
 6 indispensable resource for they not only represent our  
 7 future, but they also give us a current reflection of  
 8 valuable traits adults sometimes cover up—honesty,  
 9 playfulness, affection, respect, love, curiosity,  
 10 imagination, humor; and  
 11     *Whereas*, those characteristics are worthy of positive  
 12 development in all children for they are valued in all  
 13 people young and old; and  
 14     *Whereas*, the family is the ideal institution to  
 15 develop positive values and characteristics in all  
 16 children and adults; and  
 17     *Whereas*, a healthily functioning family can provide  
 18 a divided world a sorely needed model for cooperation,  
 19 communication, and contentment; and  
 20     *Whereas*, attention to the family is an essential  
 21 follow-up to concerned and appreciative attention to the  
 22 child; *Now Therefore*,  
 23     *Be It Resolved by the Senate, the House Concurring*,

- 24 That the General Assembly of the State of Iowa,  
25 in its concern and appreciation for children, families,  
26 and the future, proclaims the ten years from 1980 through  
27 1989 to be celebrated in Iowa as the Decade of the Family.

Laid over under Rule 30.

### UNANIMOUS CONSENT TO SUSPEND RULES

Halvorson of Clayton asked and received unanimous consent to include House File 2477 on the Thursday, February 21, Daily Debate Calendar and to suspend House Rule 36.8 for the consideration of House File 2477 and House Concurrent Resolutions 111 and 112.

On motion by Halvorson of Clayton, the House was recessed at 9:22 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

### PRESENTATION OF 1980 EASTER SEAL SWEETHEART

Norland of Worth escorted to the Speaker's station and presented to the House Ronda Jean Downing, 1980 Easter Seal Sweetheart, representing the State of Iowa for the Easter Seal Society.

Ronda, who is ten years old and attends Roosevelt Elementary School in Mason City, was accompanied by her parents, Ron and Carol Downing; her brother Craig, and Mary Jane Odell, the 1980 state chairperson for the Easter Seal Society. She enjoys hobbies of horseback riding, the 4-H Club and her favorite subject of reading.

Miss Downing and Mrs. Odell addressed the House and the House responded with a warm welcome.

### CONSIDERATION OF BILLS Appropriations Calendar

**House File 2477**, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal assistance

funds by increasing the appropriations for the fiscal year beginning July 1, 1980, was taken up for consideration.

Bina of Scott offered the following amendment H—5273 filed by Bina, Walter, Pavich, Cusack, Arnould, Brandt and Doyle from the floor and moved its adoption:

H—5273

- 1 Amend House File 2477 as follows:
- 2 1. Page 1, line 16, by striking the figure
- 3 "5,350,000" and inserting in lieu thereof the figure
- 4 "5,700,000".
- 5 2. Page 1, line 31, by striking the figure
- 6 "14,650,000" and inserting in lieu thereof the figure
- 7 "16,300,000".

Roll call was requested by Bina of Scott and Sherzan of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—5273 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Jay	Jesse	Jochum	Larsen
Lloyd-Jones	Loneragan	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Sherzan	Walter	Wells	Welsh
Woods			

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Husak
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema

Schneklath	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Harbor)		

Absent or not voting, 5:

Clark, B.J.	Hullinger	Perkins	Rapp
Schroeder			

Amendment H—5273 lost.

Connolly of Dubuque offered the following amendment H—5274 filed by Connolly, Bina, Norland, Groth, Hall, Bruner, Welsh, Gettings, Jay, Binneboese, O’Kane and Lloyd-Jones from the floor:

H—5274

- 1 Amend House File 2477 as follows:
- 2 1. Page 1, by inserting after line 31 the
- 3 following:
- 4 “Section 1. Section three hundred thirty-four
- 5 A point one (334A.1), Code 1979, is amended to read
- 6 as follows:
- 7 334A.1 FUND CREATED. There is created a “county
- 8 government assistance fund” in the office of the
- 9 treasurer of state. There is appropriated from the
- 10 general fund of the state to this fund for the fiscal
- 11 year beginning July 1, 1981 and ending June 30, 1982
- 12 and for all subsequent fiscal years, the sum of five
- 13 million three hundred fifty thousand (5,350,000)
- 14 dollars, or so much as may be necessary. Funds
- 15 appropriated to such fund and distributed pursuant
- 16 to section 334A.2 shall be used, insofar as
- 17 practicable, for projects and programs developed and
- 18 maintained for citizens of the county residing outside
- 19 the incorporated areas of any city in the county.
- 20 Sec. 2. Section four hundred five point one
- 21 (405.1), unnumbered paragraph one (1), Code 1979,
- 22 is amended to read as follows:
- 23 There is created a “municipal assistance fund”
- 24 in the office of the treasurer of state. There is
- 25 appropriated from the general fund of the state to
- 26 this fund for the fiscal year beginning July 1, 1981
- 27 and ending June 30, 1982 and for all subsequent fiscal
- 28 years the sum of fourteen million six hundred fifty
- 29 thousand (14,650,000) dollars, or so much as may be
- 30 necessary.”
- 31 2. Title page, line 5, by inserting after the

32 figure "1980" the words "and making annual standing  
33 limited appropriations to the county government and  
34 municipal assistance funds for all subsequent fiscal  
35 years".

Bina of Scott offered the following amendment H-5275, to amendment H-5274, filed by Bina, Walter, Pavich, Cusack, Arnould, Brandt and Doyle from the floor and moved its adoption:

H-5275

1 Amend the Connolly amendment, H-5274, to House File  
2 2477 as follows:  
3 1. Page 1, lines 12 and 13, by striking the words  
4 and figure "five million three hundred fifty thousand  
5 (5,350,000)" and inserting in lieu thereof the words  
6 and figure "five million seven hundred thousand  
7 (5,700,000)".  
8 2. Page 1, lines 28 and 29, by striking the words  
9 and figure "fourteen million six hundred fifty thousand  
10 (14,650,000)" and inserting in lieu thereof the words  
11 and figure "sixteen million three hundred thousand  
12 (16,300,000)".

Roll call was requested by Bina of Scott and Gettings of Wapello.

On the question "Shall amendment H-5275 be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Howell	Jay
Jesse	Jochum	Krewson	Larsen
Lloyd-Jones	Lonergan	Lorenzen	Menke
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Pope	Sherzan
Walter	Wells	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Diemer	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Husak
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager

Lageschulte	Lind	Lura	Maulsby
McKean	Millen	Miller	Mullins
Pellett	Pelton	Poffenberger	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Harbor)

Absent or not voting, 4:

Clark, B.J.	Horn	Hullinger	Rapp
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Amendment H—5275 lost.

Welden of Hardin rose on a point of order that amendment H—5274 was not germane.

The Speaker ruled the point well taken and amendment H—5274 not germane.

Connolly of Dubuque moved that the rules be suspended to consider and adopt amendment H—5274.

Roll call was requested by Arnould of Scott and Bina of Scott.

On the question “Shall the rules be suspended to consider and adopt amendment H—5274?”

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Miller	Norland	O’Kane	Oxley
Patchett	Pavich	Perkins	Sherzan
Spear	Walter	Wells	Woods

The nays were, 55:

Anderson, J.	Bennett	Brandt	Branstad
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot

Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimaneck
Shull	Smalley	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker (Harbor)	

Absent or not voting, 5:

Clark, B.J.	Hullinger	Lonergan	Rapp
Welsh			

The motion lost.

Bina of Scott offered the following amendment H—5276 filed by him and Walter of Pottawattamie from the floor:

H—5276

1 Amend House File 2477 as follows:  
 2 1. Page 1, by inserting after line 31 the  
 3 following:  
 4 "Sec. 3. NEW SECTION. Sections three (3) through  
 5 eleven (11) of this Act establish a state urban funding  
 6 formula. For each fiscal year, each city in the state  
 7 is entitled to receive state urban funding which shall  
 8 be an amount per resident of the city equal to the  
 9 difference between the amount per resident of general  
 10 fund property tax in the city and the state urban  
 11 funding base or the city cost per resident, whichever  
 12 difference is less. However, if the amount of  
 13 difference for a city is less than twenty dollars  
 14 per resident, the city is entitled to receive not  
 15 less than twenty dollars per resident unless the total  
 16 amount of aid received plus the amount of the general  
 17 fund property tax exceeds the city cost for the fiscal  
 18 year. In such case, the city shall receive in urban  
 19 funding aid an amount equal to the difference between  
 20 the amount of the general fund property tax and the  
 21 city cost for the fiscal year.

22 Sec. 4. NEW SECTION. As used in sections three  
23 (3) through eleven (11) of this Act:

24 1. "City" means the same as defined in section  
25 three hundred sixty-two point two (362.2) of the Code.

26 2. "Per resident" or "per urban resident" means  
27 for each resident based on the weighted number of  
28 residents.

29 3. "Weighted number of residents" is the number  
30 as computed pursuant to section ten (10) of this Act.

31 Sec. 5. NEW SECTION.

32 1. The general fund property tax for a city shall  
33 be deemed to be the amount of property tax that would  
34 be raised in the fiscal year if the eight dollar and  
35 ten cent per thousand dollars of the taxable value  
36 limit specified in section three hundred eighty-four  
37 point one (384.1) of the Code were levied.

38 2. The amount per resident of general fund property  
39 tax for a city is the amount of general fund property  
40 tax that would be raised in the fiscal year as  
41 determined under subsection one (1) of this section,  
42 regardless of whether that amount is actually raised,  
43 divided by the weighted number of residents of the  
44 city for that fiscal year.

45 Sec. 6. NEW SECTION. The state urban funding  
46 base for the fiscal year beginning on July 1, 1980,  
47 is seventy percent of the state cost per urban  
48 resident. For each succeeding fiscal year, the state  
49 urban funding base shall be increased by the amount  
50 of one percent of the state cost per urban resident

**Page 2**

1 up to a maximum of eighty percent of the state cost  
2 per urban resident. The state cost per urban resident  
3 shall be as computed pursuant to section seven (7)  
4 of this Act.

5 Sec. 7. NEW SECTION.

6 1. The state cost per urban resident for the  
7 fiscal year beginning on July 1, 1980, is the amount  
8 determined by dividing the total amount of general  
9 fund property taxes actually raised by every city  
10 within the state under section three hundred eighty-  
11 four point one (384.1) of the Code, excluding the  
12 levies authorized in section three hundred eighty-  
13 four point twelve (384.12) of the Code, in the previous  
14 fiscal year by the weighted number of residents in  
15 every city within the state as of the beginning of  
16 the previous fiscal year.

17 2. For each succeeding fiscal year, the state  
18 cost per urban resident for that fiscal year, is equal  
19 to the state cost per urban resident for the previous  
20 fiscal year plus the allowable growth for the fiscal



21 year.

22 3. The allowable growth for a fiscal year, for  
23 purposes of the computations in sections seven (7)  
24 and nine (9) of this Act, is equal to the product  
25 of the state cost per urban resident for the previous  
26 fiscal year times the state percent of growth for  
27 the previous fiscal year as determined under section  
28 eight (8) of this Act.

29 Sec. 8. NEW SECTION. The state percent of growth  
30 for the fiscal year beginning July 1, 1980 and for  
31 each succeeding fiscal year shall be computed by the  
32 state comptroller prior to September fifteenth  
33 immediately following that fiscal year. The state  
34 percent of growth shall be the difference between  
35 the percent change in the state general fund revenues  
36 for that fiscal year, adjusted for changes in rates  
37 or basis, and the state general fund revenues for  
38 the previous fiscal year minus the percent change  
39 in the Iowa consumer price index as of the end of  
40 that fiscal year and the Iowa consumer price index  
41 as of the end of the previous fiscal year. If the  
42 difference as computed is negative, then the state  
43 percent of growth for that fiscal year shall be zero.

44 If an Iowa consumer price index is not available  
45 from the bureau of labor statistics of the United  
46 States department of labor or successor agency, the  
47 state comptroller shall compute a consumer price index  
48 based upon a comprehensive sampling of the costs of  
49 goods and services within Iowa.

50 Sec. 9. NEW SECTION.

**Page 3**

1 1. The city cost per resident for the fiscal year  
2 beginning on July 1, 1980, is the amount determined  
3 by dividing the amount of general fund property taxes  
4 actually raised by the city under section three hundred  
5 eighty-four point one (384.1) of the Code, excluding  
6 the amount raised by the levies authorized in section  
7 three hundred eighty-four point twelve (384.12) of  
8 the Code, in the previous fiscal year by the weighted  
9 number of residents of the city as of the beginning  
10 of the previous fiscal year.

11 2. For each succeeding fiscal year, the city cost  
12 per resident for that fiscal year is equal to the  
13 city cost per resident for the previous fiscal year  
14 plus the allowable growth for the fiscal year.

15 3. The city cost for a fiscal year is equal to  
16 the city cost per resident for the fiscal year  
17 multiplied by the weighted number of residents of  
18 the city for the fiscal year.

19 Sec. 10. NEW SECTION. The weighted number of  
 20 residents of a city for a fiscal year is the population  
 21 of the city, as provided under chapter four hundred  
 22 five (405) of the Code, adjusted by the sum of the  
 23 following:

24 1. The population of the city multiplied by the  
 25 percent of unemployed residents of the city in excess  
 26 of the average state percent of unemployed residents  
 27 of all cities in the state during the calendar year  
 28 ending in the previous fiscal year as determined by  
 29 the department of job service.

30 2. The population of the city multiplied by the  
 31 percent of the population of the city in excess of  
 32 the average state percent of the population of all  
 33 cities in the state which have received credit or  
 34 reimbursement under sections four hundred twenty-five  
 35 point sixteen (425.16) to four hundred twenty-five  
 36 point thirty-nine (425.39) of the Code during the  
 37 calendar year ending in the previous fiscal year as  
 38 determined by the department of revenue.

39 3. The population of the city multiplied by the  
 40 percent of the population of the city in excess of  
 41 the average state percent of the population of all  
 42 cities in the state which have received at any time  
 43 during the calendar year ending in the previous fiscal  
 44 year state supplemental assistance pursuant to chapter  
 45 two hundred forty-nine (249) of the Code as determined  
 46 by the department of social services.

47 Sec. 11. NEW SECTION. There is appropriated  
 48 annually from the general fund of the state to the  
 49 treasurer of state to be credited to the state urban  
 50 funding account, which fund is hereby created, from

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1 funds not otherwise appropriated, an amount sufficient  
 2 to carry out the provisions of sections three (3)  
 3 through eleven (11) of this Act. On or before December  
 4 fifteenth of each fiscal year the state comptroller  
 5 shall distribute the money in this fund to each city  
 6 in the amount to which each city is entitled under  
 7 sections three (3) through eleven (11) of this Act  
 8 as state urban funding aid."

9 2. Title page, line 5, by inserting after the  
 10 figure "1980" the words "and providing appropriations  
 11 for annual state urban funding".

12 3. By renumbering and changing internal references  
 13 as required by this amendment.

Bina of Scott asked and received unanimous consent to withdraw amendment H—5276 and that the amendment be printed in the House Journal.

Brandt of Black Hawk offered the following amendment H—5278 filed by her from the floor and moved its adoption:

H—5278

- 1 Amend House File 2477 as follows:
- 2 1. Page 1, line 31, by striking the figure
- 3 "14,650,000" and inserting in lieu thereof the
- 4 figure "15,150,000".

Roll call was requested by Brandt of Black Hawk and Bina of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—5278 be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Husak	Jay	Jesse	Jochum
Krewson	Larsen	Lloyd-Jones	Loneragan
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Lorenzen	Lura	Maulsbey
McKean	Menke	Millen	Miller
Mullins	Pellet	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklloth
Schroeder	Shimaneck	Shull	Smalley

Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker (Harbor)			

Absent or not voting, 2:

Clark, B.J.	Hullinger
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Amendment H — 5278 lost.

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

On the question "Shall the bill pass?" (H.F. 2477)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruher	Byerly	Chiodo
Clark, J.H.	Cochrane	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, 1:

Norland

Absent or not voting, 2:

Clark, B.J.

Hullinger

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

**IMMEDIATE MESSAGE**  
(House File 2477)

Welden of Hardin asked and received unanimous consent that House File 2477 be immediately messaged to the Senate.

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 111**

Menke of O'Brien called up for consideration House Concurrent Resolution 111, authorizing the board of regents to construct an addition to the general hospital of the state university of Iowa, filed on February 15, 1980 and found on pages 536 through 538 of the House Journal, and moved its adoption.

Inasmuch as the resolution required a constitutional majority, a non-record roll call was requested.

The ayes were 85, nays 11.

The motion prevailed and the resolution was adopted.

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 112**

Hansen of O'Brien called up for consideration House Concurrent Resolution 112, authorizing the fiscal committee to conduct a study of the impact on the state of federal funds available to and received by state agencies, filed on February 18, 1980 and found on pages 550 and 551 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 3:25 p.m. until the fall of the gavel.

The House resumed session at 4:17 p.m., Speaker pro tempore Harbor of Mills in the chair.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**Senate File 432**, a bill for an act relating to licensing and regulation of child foster care facilities, and prescribing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Mullins of Kossuth asked and received unanimous consent to withdraw amendment H-3673 filed by the committee on human resources on April 2, 1979, and found on page 1270 of the 1979 House Journal, placing out of order amendment H-3834 (to amendment H-3673) filed by Miller of Buchanan and Mullins of Kossuth on April 10, 1979 and found on page 2544 of the 1979 House Journal.

Mullins of Kossuth offered amendment H-5152 filed by the committee on human resources on February 5, 1980 and found on page 376 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5226, to the committee amendment H-5152 filed by him on February 13, 1980.

Connolly of Dubuque offered amendment H-5182, to the committee amendment H-5152, filed by him and requested division as follows:

H-5182

1. Amend the House Committee amendment, H-5152, to
2. Senate File 432, as amended, passed and reprinted
3. by the Senate, as follows:

H-5182A

4. 1. Page 1, by inserting after line 18 the follow-
5. ing:
6. " Page 3, by inserting after line 16 the
7. following:
8. "j. Prior to the licensing of an individual as
9. a foster family home, a required, written social
10. assessment of the quality of the living situation
11. in the home of the individual, and a required
12. compilation of personal references for the individual
13. other than those references given by the individual." "

H-5182B

14 2. Page 1, by inserting after line 43 the follow-  
15 ing:  
16 " . Page 5, by striking line 11 and inserting  
17 in lieu thereof the words "at least one annual  
18 unannounced inspection of each facility to assess  
19 the quality of the living situation and"."

H-5182C

20 3. Page 1, by inserting after line 46 the follow-  
21 ing:  
22 " . Page 6, by inserting after line 17 the  
23 following:  
24 "Sec. . NEW SECTION. CHILD FOSTER CARE  
25 EDUCATION REQUIREMENTS.  
26 1. As a condition of licensure by the department  
27 as an individual child foster care facility, an  
28 individual shall complete three hours of pre-service  
29 child foster care training within one year of li-  
30 censure. An individual may be conditionally licensed  
31 by the department if the individual submits proof  
32 of intent to complete the three-hour pre-service  
33 training requirement within one year.  
34 2. As a continuing condition of licensure an  
35 individual shall submit to the department proof of  
36 completion of three hours per year of in-service or  
37 educational training approved under subsection three  
38 (3) of this section.  
39 3. The department shall promulgate rules for  
40 approval of programs to meet the requirements of this  
41 section. The programs may include, but need not be  
42 limited to pre-service training; in-service training;  
43 workshops and seminars developed by the department  
44 or by county departments of social services or national  
45 conferences; courses taught in universities, colleges  
46 or area colleges, including university extension  
47 courses; courses taught in vocational, technical and  
48 adult schools; workshops, seminars and courses offered  
49 through private parent education agencies or private  
50 placement agencies; and workshops, seminars and courses

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1 pertaining to behavioral and developmental  
2 disabilities. The department shall approve programs  
3 under this subsection only after consideration of  
4 relevant factors including level of education, useful  
5 or necessary skills, location and other criteria as  
6 determined by the department. The department shall  
7 promulgate rules for the review of programs approved

8 under this subsection.  
9 4. The department shall ensure that educational  
10 programs approved under subsection three (3) of this  
11 section are available to all individuals within a  
12 reasonable traveling distance. The department shall  
13 attempt to contract for federal Title twenty (XX)  
14 educational funds to enable individuals to attend  
15 educational programs approved under subsection three  
16 (3) of this section. The department shall promulgate  
17 rules concerning disbursement of such funds. Moneys  
18 disbursed under this subsection may be used for the  
19 following purposes:  
20 a. Course materials and fees for individuals.  
21 b. Specialized workshops, seminars and courses  
22 pertaining to behavioral and developmental  
23 disabilities.  
24 c. Other expenses related to educational programs  
25 under this section which the department deems  
26 appropriate." "  
27 4. By renumbering the appropriate paragraphs of  
28 the amendment.

On motion by Connolly of Dubuque, amendment H—5182A was adopted.

Connolly of Dubuque moved the adoption of amendment H—5182B, to the committee amendment H—5152.

A non-record roll call was requested.

The ayes were 66, nays 24.

Amendment H—5182B was adopted.

Connolly of Dubuque moved the adoption of amendment H—5182C, to the committee amendment H—5152.

A non-record roll call was requested.

The ayes were 34, nays 57.

Amendment H—5182C lost.

Miller of Buchanan offered the following amendment H—5238, to the committee amendment H—5152, filed by him and moved its adoption:



H—5238

- 1 Amend the House Committee amendment, H—5152, to
- 2 Senate File 432, as amended, passed, and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 1, by inserting after line 18 the
- 5 following:
- 6 " . Page 3, by inserting after line 13 the
- 7 following: "The department shall not promulgate rules
- 8 which regulate individual licensees in the subject
- 9 areas enumerated in this paragraph." "
- 10 2. By renumbering the paragraphs of the amendment.

Amendment H—5238 was adopted.

Mullins of Kossuth offered the following amendment H—5272, to the committee amendment H—5152, filed by her from the floor and moved its adoption:

H—5272

- 1 Amend the House Committee amendment, H—5152, to
- 2 Senate File 432, as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 1, line 29, by striking the words "out
- 5 of home" and inserting in lieu thereof the words
- 6 "child foster".

Amendment H—5272 was adopted.

Johnson of Howard offered the following amendment H—5265, to the committee amendment H—5152, filed by him and Tyrrell of Iowa and moved its adoption:

H—5265

- 1 Amend amendment H—5152 to Senate File 432, as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 40 the following:
- 4 "6. An individual providing child care as a babysitter
- 5 for one or more children, up to a maximum of six children
- 6 simultaneously, not overnight, at the request of a parent,
- 7 guardian or relative having lawful custody of the child."

Amendment H—5265 was adopted.

On motion by Mullins of Kossuth, the committee amendment H—5152, as amended, was adopted.

Mullins of Kossuth asked and received unanimous consent to withdraw amendment H—3864 filed by Mullins, et al., on April 11, 1979 and found on page 2551 of the 1979 House Journal.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—3835 filed by him on April 10, 1979 and found on page 2544 of the 1979 House Journal.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—5077 filed by him on January 29, 1980, placing out of order amendment H—5140 (to amendment H—5077) filed by Connolly of Dubuque on February 4, 1980.

Smalley of Polk offered the following amendment H—5129 filed by Smalley, et al. :

H—5129

- 1 Amend Senate File 432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 17 the
- 4 following:
- 5 "Sec. . NEW SECTION. DISCIPLINE. A facility
- 6 licensed under this Act or a facility licensed or
- 7 registered under chapter two hundred thirty-seven
- 8 A (237A) of the Code shall not subject a child to
- 9 unusual, unnecessary, or severe corporal punishment.
- 10 However, a facility licensed under this Act may subject
- 11 a child to reasonable corporal punishment and a
- 12 facility licensed under chapter two hundred thirty-
- 13 seven A (237A) may, with the written permission of
- 14 a child's parent, subject the child to reasonable
- 15 corporal punishment."

Jochum of Dubuque offered the following amendment H—5178, to amendment H—5129, filed by him and Smalley of Polk and moved its adoption:

H—5178

- 1 Amend amendment H—5129 to Senate File 432 as
- 2 follows:
- 3 1. Page 1, by striking line 15 and inserting in
- 4 lieu thereof the following:
- 5 "corporal punishment. As used in this section,
- 6 "corporal punishment" is limited to striking the
- 7 child's buttocks or hands with an open hand in such
- 8 a manner as to have not more than a momentary
- 9 physical effect."

Amendment H—5178 was adopted.

Brandt of Black Hawk rose on a point of order that amendment H—5129 was not germane.

The Speaker ruled the point not well taken and amendment H—5129 germane.

Smalley of Polk moved the adoption of amendment H—5129, as amended.

Roll call was requested by Conlon of Muscatine and Mullins of Kossuth.

Rule 80 was invoked.

On the question "Shall amendment H—5129, as amended, be adopted?"

The ayes were, 54:

Anderson, J.	Anderson, R.	Bennett	Branstad
Chiodo	Clark, J.H.	Cochran	Conlon
Connors	Corey	Crabb	Cusack
Daggett	Danfer	De Groot	Dieleman
Diemer	Gettings	Hansen, I.	Hanson, D.
Holt	Horn	Hummel	Husak
Jay	Johnson, J.	Johnson, R.	Larsen
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Oxley
Pavich	Pellett	Pelton	Renken
Ritsema	Schneklath	Schroeder	Shimaneck
Smalley	Stromer	Swearingen	Tyrrell
Van Maanen	Walter	Wells	West
Woods	Mr. Speaker (Harbor)		

The nays were, 43:

Arnould	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Connolly
Crawford	Davitt	Doyle	Egenes
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hibbs	Hinkhouse	Hoffmann	Howell
Jesse	Jochum	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mullins	Norland	O'Kane
Patchett	Perkins	Poffenberger	Pope
Rapp	Sherzan	Shull	Spears
Thompson	Tofte	Welsh	

Absent or not voting, 3:

Clark, B.J.                      Hullinger                      Welden

Amendment H—5129, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 432)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Bruner	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jay
Jochem	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lura
McKean	Menke	Millen	Miller
Mullins	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	Welsh	West
Woods	Mr. Speaker (Harbor)		

The nays were, 11:

Avenson	Brandt	Branstad	Crawford
Halvorson, R.N.	Jesse	Lorenzen	Maulsby
O'Kane	Perkins	Sherzan	

Absent or not voting, 3:

Clark, B.J.                      Hullinger                      Welden

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

**SENATE FILE 2121 SUBSTITUTED FOR HOUSE FILE 2454**

Schroeder of Pottawattamie asked and received unanimous consent to substitute Senate File 2121 for House File 2454.

**Senate File 2121**, a bill for an act relating to the powers of savings and loan associations, was taken up for consideration.

Wells of Linn offered the following amendment H—5258 filed by him:

H—5258

- 1 Amend Senate File 2121 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section five hundred thirty-three
- 5 (533), Code 1979, is amended by adding the following
- 6 new section:
- 7 **NEW SECTION. NEGOTIABLE ORDER OF WITHDRAWAL**
- 8 **ACCOUNTS.** Credit unions may offer accounts under
- 9 which account owners may order or authorize the
- 10 withdrawal of a specified amount of the account by
- 11 means of cash or a negotiable or nonnegotiable check
- 12 or similar instrument payable to the account owner
- 13 or to third parties or their order for the benefit of
- 14 the account owner. However, this authority is
- 15 available only for periods of time when federally
- 16 chartered savings and loan associations operating in
- 17 this state are granted similar authority, and the
- 18 state authorization is subject to the rights and
- 19 limitations imposed upon the federally chartered
- 20 associations for this type of activity."
- 21 2. Renumber sections as necessary.
- 22 3. Amend the title, line 1, by inserting
- 23 after the word "associations" the words "and credit
- 24 unions".

Chiodo of Polk offered the following amendment H—5277, to amendment H—5258, filed by him from the floor and moved its adoption:

H—5277

- 1 Amend the Wells amendment H—5258 to Senate File
- 2 2121 as follows:
- 3 1. Page 1, line 6, by striking the word "section"
- 4 and inserting in lieu thereof the word "sections".

- 5 2. Page 1, by inserting after line 20 the follow-  
 6 ing:  
 7 "NEW SECTION. RESERVE REQUIREMENTS. The reserve  
 8 requirement for credit union negotiable order of  
 9 withdrawal accounts shall be the same as the reserve  
 10 requirements for credit union share draft programs."

Amendment H—5277 was adopted.

Schroeder of Pottawattamie rose on a point of order that amendment H—5258 was not germane.

The Speaker ruled the point well taken and amendment H—5258 not germane.

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

On the question "Shall the bill pass?" (S.F. 2121)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellet	Pelton	Poffenberger	Pope
Rapp	Ritsema	Schnekloth	Schroeder
Sherzan	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Van Maanen	Walter	Wells
Welsh	West	Woods	Mr. Speaker (Harbor)

The nays were, 3:

Krewson                      Maulsby                      Tyrrell

Absent or not voting, 5:

Clark, B.J.                      Hullinger                      Perkins                      Renken  
Welden

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

### HOUSE FILE 2454 WITHDRAWN

Schroeder of Pottawattamie asked and received unanimous consent to withdraw House File 2454 from further consideration by the House.

### HOUSE RULE 2 SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

**House File 2460**, a bill for an act relating to notice requirements for termination of farm tenancies, was taken up for consideration.

Welsh 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. 2460)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.

Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Van Maanen
Walter	Wells	Welsh	West
Woods	Mr. Speaker (Harbor)		

The nays were, 4:

Krewson	Lorenzen	Lura	Tyrrell
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Absent or not voting, 6:

Clark, B.J.	Crabb	Hullinger	Maulsby
Pelton	Welden		

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

**House File 2042**, a bill for an act to authorize the state conservation commission to regulate dealers in American ginseng, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2042)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak



Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorezen	Lura	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Schnekloth
Schroeder	Sherzan	ShimaneK	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	Welsh	West
Woods	Mr. Speaker (Harbor)		

The nays were, 2:

Maulsby                      Ritsema

Absent or not voting, 4:

Clark, B.J.                      Hullinger                      Patchett                      Welden

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

HOUSE CONCURRENT RESOLUTION 113  
By Clark of Lee and Larsen

1     *Whereas*, the Soviet Union has threatened world peace by  
2 its invasion of Afghanistan and may have designs on other  
3 oil-rich countries in the Persian Gulf area; and  
4     *Whereas*, President Carter has announced a grain embargo  
5 of agricultural products to the Soviet Union to emphasize  
6 its disapproval of Soviet aggression; and  
7     *Whereas*, the utilization of grain for the production  
8 of alcohol for use as fuel, including use as a gasohol  
9 component, will reduce our dependence on foreign oil; and  
10    *Whereas*, the Soviet Union has not withdrawn its troops  
11 from Afghanistan; and  
12    *Whereas*, President Carter has announced that the United  
13 States will not participate in the Olympics in Moscow and  
14 is urging other nations to take the same action as an  
15 indication of displeasure of the Soviet Union's continued  
16 presence in Afghanistan; and  
17    *Whereas*, it should be the policy of state agencies to  
18 use domestic products in preference to products of the Soviet  
19 Union; *Now Therefore*,  
20    *Be It Resolved by the House of Representatives, the*  
21 *Senate Concurring*, That the director of the Beer and Liquor  
22 Control Department be urged to immediately cease purchasing  
23 vodka and other alcoholic spirits produced by the Soviet Union

24 and that the department purchase replacement vodka and other  
25 spirits which are produced from American commodities.

Laid over under Rule 30.

**SPONSOR WITHDRAWN**  
(Amendment H—5129 to Senate File 432)

Halvorson of Webster requested to be withdrawn as a sponsor of amendment H—5129 to Senate File 432.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 21, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 18, an act relating to the collection and distribution of state publications by the Depository Library Center within the Iowa Library Department.

House File 668, an act relating to determination of attorney's fees by the court and the recovery of costs in actions to recover payment on a check, draft, or written instrument which is written in violation of Chapter seven hundred fourteen (714) of the Code.

Senate File 437, an act to repeal the limitation on charitable devises.

Senate File 2088, an act allocating funds from moneys appropriated to the Iowa Beer and Liquor Control Department for the purchase of a site for a warehouse.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on Wednesday, February 20, 1980. Had I been present, I would have voted "aye" on House File 2453, "nay" on amendment H—5223A to House File 2453 and Senate File 2088.

**DIELEMAN** of Marion

I was necessarily absent from the House chamber on Thursday afternoon, February 21, 1980. Had I been present, I would have voted "aye" on amendment H—5274 to House File 2477.

**WELSH** of Dubuque

**STUDY BILL COMMITTEE ASSIGNMENTS****S.B. 707 Commerce**

Providing for the transfer of motor fuel distributor and dealer franchises at the time of death of the franchisee.

**S.B. 708 Transportation**

To permit counties to sell property to the state department of transportation to be used for highway purposes.

**S.B. 709 Transportation**

Providing for temporary allocation of farm-to-market road use funds.

**S.B. 710 Cities**

Relating to county or city tax levies for airport maintenance and operation.

**SUBCOMMITTEE ASSIGNMENTS****House File 2253 (Reassigned)**

Commerce: Johnson of Linn, Chair; Dieleman.

**House File 2327**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2351**

Labor and Industrial Relations: Pope, Chair; Lorenzen, Corey, Gettings and Jochum.

**House File 2382**

County Government: Clark of Lee, Chair; Howell and Smalley.

**House File 2393**

Labor and Industrial Relations: Kirkenlager, Chair; Gettings and Lorenzen.

**House File 2444**

Ways and Means: Clark of Lee, Chair; Howell and Diemer.

**House File 2455**

Ways and Means: Branstad, Chair; Hanson of Delaware and Connolly.

**House File 2459**

Ways and Means: Schnekloth, Chair; Lageschulte and Davitt.

**House File 2465**

Ways and Means: Clark of Lee, Chair; Howell and Diemer.

**House File 2480**

Appropriations: Shull, Chair; Jesse and Crawford.

**Senate File 185**

Education: Crawford, Chair; Johnson of Woodbury and Patchett.

**Senate File 241**

Judiciary and Law Enforcement: Hibbs, Chair; Pelton and Jesse.

**Senate File 2002**

Education: Hansen of O'Brien, Chair; Johnson of Woodbury and Horn.

**Senate File 2060**

Ways and Means: Pope, Chair; Diemer and Chiodo.

**Senate File 2117**

Education: Krewson, Chair; Lonergan and Johnson of Woodbury.

**Senate File 2122**

County Government: Smalley, Chair; Oxley and Lageschulte.

**Senate File 2125**

Ways and Means: Hanson of Delaware, Chair; Branstad and Connolly.

**Senate File 2154**

Judiciary and Law Enforcement: Patchett, Chair; Johnson of Howard and Ritsema.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**Study Bill 45 (Reassigned)**

Agriculture: Crabb, Chair; Husak and Van Maanen.

**Study Bill 132 (Reassigned)**

Agriculture: Bennett, Chair; De Groot and Hinkhouse.

**Study Bill 670**

Education: Menke, Chair; Perkins and Lura.

**Study Bill 693**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 694**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 695**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 697**

Education: Larsen, Chair; Daggett and Jay.

**Study Bill 699**

Commerce: Crabb, Chair; Schreöder and Chiodo.

**Study Bill 700**

Commerce: Pope, Chair; Walter and Johnson of Linn.

**Study Bill 701**

Commerce: Shull, Chair; Swearingen and Dieleman.

**Study Bill 702**

Commerce: Pope, Chair; Chiodo, Woods, Schroeder and Johnson of Linn.

**Study Bill 703**

Education: Horn, Chair; Thompson and Diemer.

**Study Bill 704**

County Government: Smalley, Chair; Binneboese and Branstad.

**Study Bill 705**

Labor and Industrial Relations: Pope, Chair; Lorenzen, Corey, Gettings and Jochum.

**Study Bill 706**

Education: Stromer, Chair; Spear and Wells.

**Study Bill 707**

Commerce: Pelton, Chair; Ritsema and Jochum.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON COUNTY GOVERNMENT**

**Senate File 2123**, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

**Recommended Amend and Do Pass.**

H-5270

- 1 Amend Senate File 2123, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the word "bonded"
- 4 and inserting in lieu thereof the word "bonded".
- 5 2. Page 1, by striking lines 7 through 13 and
- 6 inserting in lieu thereof the following: "sheriff
- 7 and his deputies. The expenditure for uniforms and
- 8 accessories shall not exceed three hundred dollars
- 9 per man in any calendar year. The uniforms and
- 10 accessories remain the property of the county."
- 11 3. Page 1, by inserting after line 13 the follow-
- 12 ing:
- 13 "Sec. . . . Section three hundred thirty-two point
- 14 ten (332.10), unnumbered paragraph two (2), Code 1979,
- 15 is amended by striking the unnumbered paragraph."

- 16 4. By renumbering sections to conform to this  
17 amendment.

Fiscal Note is not required.

#### COMMITTEE ON EDUCATION

**House File 2116**, a bill for an act to include classes offered by area schools as eligible for supplementary weighting.

**Recommended Do Pass.**

**House File 2239**, a bill for an act relating to duties of area education agency boards to encourage and assist school districts to jointly employ personnel, buildings and equipment.

**Recommended Amend and Do Pass.**

H-5271

- 1 Amend House File 2239 as follows:
- 2 1. Page 1, by striking lines 13 and 14.

#### AMENDMENTS FILED

H-5279	S.F. 435	Lorenzen of Scott
H-5280	S.F. 435	Lorenzen of Scott
		Spear of Lee
H-5281	S.F. 435	Spear of Lee
H-5282	H.F. 2475	Schnekloth of Scott
H-5283	H.F. 2475	Schnekloth of Scott
H-5284	H.F. 2463	Spear of Lee
H-5285	S.F. 435	Ritsema of Sioux

On motion by Halvorson of Clayton, the House adjourned at 6:08 p.m., until 10:00 a.m., Monday, February 25, 1980.

# JOURNAL OF THE HOUSE

Forty-third Calendar Day—Twenty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 25, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Neal Busker, pastor of the Ebenezer Reformed Church, Leighton.

The Journal of Thursday, February 21, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Jay Mixdorf, Algona.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth on request of Howell of Floyd; Johnson of Howard on request of Renken of Grundy; Lloyd-Jones of Johnson on request of Anderson of Jasper; Pelton of Clinton for the morning session on request of McKean of Jones; Branstad of Winnebago on request of Lorenzen of Scott.

## PETITION FILED

The following petition was received and placed on file:

By Pellett of Cass, from one hundred nine constituents of the 95th district favoring House File 2293, to empower County Board of Supervisors to levy a separate property tax for county ambulance services.

## INTRODUCTION OF BILLS

**House File 2484**, by committee on judiciary and law enforcement, a bill for an act relating to the dates for limitations of actions on title to real property.

Read first time and placed on the calendar.



**House File 2485**, by committee on agriculture, a bill for an act relating to the beef excise tax, by establishing the present beef excise tax amounts as maximum amounts; by providing for subsequent referendums; and by providing for continued existence of the executive committee defined in section one hundred eighty-one point six (181.6) of the Code.

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

**House File 2486**, by committee on agriculture, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 367, a bill for an act relating to reimbursement or the payment of health care services and providing that it is a discriminatory practice to deny reimbursement to certain persons.

Also: That the Senate has on February 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 460, a bill for an act relating to workers' compensation insurance proceedings and rates.

Also: That the Senate has on February 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 500, a bill for an act relating to financial institutions, its imposition and rates and increasing the interest rates on special assessment bonds.

FRANK J. STORK, Secretary

### PROOF OF PUBLICATION (House File 2355)

Published copy of House File 2355 and verified proof of publica-

tion of said bill in the Atlantic News-Telegraph a daily newspaper printed and published in Atlantic, Cass County, Iowa, on February 5, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

### 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.

### CONSIDERATION OF BILLS Regular Calendar

**House File 2469**, a bill for an act relating to the recording of real property conveyances pursuant to probate or marriage dissolution decrees, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2469)

The ayes were, 80:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Bruner	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Husak	Jay
Jochum	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Maulsby	Menke	Millen	Mullins
Norland	O'Kane	Oxley	Pellett
Perkins	Poffenberger	Pope	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	West	Woods	Mr. Speaker (Harbor)

The nays were, 4:

Hummel	Kirkenslager	McKean	Miller
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Absent or not voting, 16:

Binneboese	Brandt	Branstad	Byerly
Egenes	Hullinger	Jesse	Johnson, J.
Lloyd-Jones	Lonergan	Lura	Patchett
Pavich	Pelton	Rapp	Welsh

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

**House File 2461**, a bill for an act relating to tort liability of soil conservation districts and their officers, employees, and agents, was taken up for consideration.

Shimanek of Jones offered the following amendment H—5245 filed by Pelton, et al. :

H—5245

- 1 Amend House File 2461 as follows:
- 2 1. Page 1, line 12, by inserting after the
- 3 word "Code," the words "and regional boards of li-
- 4 brary trustees as defined in section three hundred
- 5 three B (303B) of the Code,".
- 6 2. Title page, line 1, by inserting after the
- 7 word "of" the words "regional boards of library
- 8 trustees,".

Perkins of Greene rose on a point of order that amendment H—5245 was not germane.

The Speaker ruled the point well taken and amendment H—5245 not germane.

Halvorson of Clayton asked for unanimous consent to suspend the rules governing germaneness for the consideration of amendment H—5245.

Objection was raised.

Halvorson of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—5245.

A non-record roll call was requested.

The ayes were 71, nays 14.

The motion prevailed and the rules were suspended.

Shimánek of Jones moved the adoption of amendment H—5245.

Amendment H—5245 was adopted.

De Groot of Lyon moved that the bill be read a last time now and 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, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jay	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekløth	Schroeder	Sherzan
ShimaneK	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, none.

Absent or not voting, 11:

Binneboese	Brandt	Branstad	Chiodo
Hullinger	Jesse	Johnson, J.	Lloyd-Jones
Loneragan	Patchett	Pelton	

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

**House File 2181**, a bill for an act to legalize proceedings taken by the board of directors of the Shellsburg community school district relating to the sale of certain properties, with report of committee recommending passage was taken up for consideration.

Welsh 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. 2181)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Jochum	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, 2:

Cusack	Sherzan
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Absent or not voting, 11:

Binneboese	Brandt	Branstad	Chiodo
Hullinger	Jesse	Johnson, J.	Lloyd-Jones
Lonergan	Patchett	Pelton	

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 residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators, was taken up for consideration.

Spear of Lee offered the following amendment H—5229 filed by him:

H—5229

- 1 Amend House File 2463 as follows:
- 2 1. Page 1, by striking lines 14 and 15 and
- 3 inserting in lieu thereof the following: "at seventeen
- 4 dollars and fifty cents per day the hourly rate
- 5 established for pay grade eighteen, step one, of the
- 6 state merit system pay plan for not more than eight
- 7 hours per day, travel expense at the rate established
- 8 by section seventy-nine point nine (79.9) of the Code
- 9 and other necessary expenses, to be paid out of the
- 10 funds of".

Spear of Lee offered the following amendment H—5289, to amendment H—5229, filed by him from the floor and moved its adoption:

H—5289

- 1 Amend the Spear amendment H—5229 to House File
- 2 2463 as follows:
- 3 1. Page 1, line 2, by striking the word and figure
- 4 "and 15" and inserting in lieu thereof the figures
- 5 and word ", 15 and 16".
- 6 2. Page 1, by striking line 10 and inserting in
- 7 lieu thereof the words "funds of the drainage or levee
- 8 district for each day time necessarily".

Amendment H—5289 was adopted.

On motion by Spear of Lee, amendment H—5229, as amended, was adopted.

Spear of Lee offered the following amendment H—5284 filed by him and moved its adoption:

H—5284

- 1 Amend House File 2463 as follows:
- 2 " 1. Page 1, line 19, by inserting after the word
- 3 "time." the words "The board of trustees of a district
- 4 may by resolution establish for themselves and for the
- 5 clerk of the district a lower rate of pay than is fixed
- 6 by this section.

Amendment H—5284 was adopted.

Hummel 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. 2463)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hummel	Husak	Jay	Jochum
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, 1:

Maulsby

Absent or not voting, 10:

Binneboese	Branstad	Chiodo	Hullinger
Jesse	Johnson, J.	Lloyd-Jones	Lonergan
Patchett	Pelton		

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

**House File 2355**, a bill for an act to legalize and validate the proceedings of the board of directors of the area education agency 14 in the counties of Montgomery, Adams, Taylor, Ringgold, Union, Adair, Madison, Clarke, Decatur, Page, Lucas, Wayne and Pottawattamie, in connection with an election authorizing a lease-purchase agreement and the lease-purchase authorization, with report of committee recommending passage was taken up for consideration.

Welsh 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. 2355)

The ayes were, 85:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Perkins	Poffenberger	Pope	Rapp
Renken	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			



The nays were, 6:

Arnould  
Maulsby

Cusack  
Ritsema

Halvorson, R.N.

Jochum

Absent or not voting, 9:

Binneboese  
Johnson, J.  
Pelton

Branstad  
Lloyd-Jones

Hullinger  
Lonergan

Jesse  
Patchett

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

**Senate File 435**, a bill for an act relating to the establishment of historical preservation districts in cities, with report of committee recommending passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H—5285 filed by him:

H—5285

- 1 Amend Senate File 435, as amended, passed,
- 2 and 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. Chapter three hundred three (303),
- 6 sections twenty (20) through thirty-three (33) are
- 7 hereby repealed."
- 8 2. By amending the title page, line 2, by
- 9 inserting after the word "cities" the words "and
- 10 counties".

Ritsema of Sioux offered the following amendment H—5291, to amendment H—5285, filed by him from the floor and moved its adoption:

H—5291

- 1 Amend H—5285 to Senate File 435 as follows:
- 2 1. By inserting after line 7 the following:
- 3 "Section 2. The purpose of this bill is to
- 4 allow cities and counties to exercise their home
- 5 rule authority in the establishment of historical
- 6 preservation districts. This intent section is
- 7 not to be placed in the Code."

A non-record roll call was requested.

The ayes were 44, nays 44.

Amendment H—5291 lost.

Hansen of O'Brien in the chair at 11:30 a.m.

Ritsema of Sioux moved the adoption of amendment H—5285.

Amendment H—5285 lost.

Connolly of Dubuque offered the following amendment H—5183 filed by Lloyd-Jones of Johnson:

H—5183

- 1 Amend Senate File 435, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 9, by inserting after the word
- 4 "sociology." the following: "Not more than one
- 5 member of a city zoning commission appointed
- 6 pursuant to chapter four hundred fourteen (414) of
- 7 the Code may be appointed to the commission of an
- 8 area of historical significance."

Connors of Polk asked and received unanimous consent to temporarily defer action on amendment H—5183.

Lorenzen of Scott offered the following amendment H—5279 filed by him:

H—5279

- 1 Amend Senate File 435 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 9, by inserting after the word
- 4 "sociology." the words "At least one resident of each
- 5 designated area of historical significance shall be
- 6 appointed to the commission. Not more than one member
- 7 of a city zoning commission appointed pursuant to
- 8 chapter four hundred fourteen (414) of the Code may
- 9 be appointed to the commission."

Connors of Polk asked and received unanimous consent to temporarily defer action on amendment H—5279.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills for the remainder of the day on request of Danker of Pottawat-  
tamie.

Lorenzen of Scott offered the following amendment H-5280  
filed by him and Spear of Lee:

H-5280

1 Amend Senate File 435 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 2, by inserting after line 29 the  
4 following:  
5 "5. If a petition signed by ten percent of  
6 qualified electors residing in the area opposing the  
7 designation is presented to the city, the city must  
8 submit the question of designating the area to a  
9 referendum of the qualified electors residing in the  
10 proposed area. If the area was proposed by a petition  
11 signed by a majority of the qualified electors residing  
12 in the proposed area, the proposal shall not be subject  
13 to a referendum. Upon receipt of the petition, the  
14 governing body of the city shall notify the county  
15 commissioner of elections who shall fix a date not  
16 more than forty-five days from the receipt of the  
17 petition for the referendum. The county commissioner  
18 of elections shall specify the polling place within  
19 the proposed area that will best serve the convenience  
20 of the voters and shall appoint from residents of  
21 the proposed district three judges and two clerks  
22 of election. The county commissioner of elections  
23 shall post notice of the referendum in a reasonable  
24 number of places within the proposed area a reasonable  
25 time before it is to take place. The notice shall  
26 state the purpose of the referendum, a description  
27 of the proposed area, the date of the referendum,  
28 the location of the polling place, and the hours when  
29 the polls will open and close. If a majority of those  
30 voting at the referendum votes against the designation  
31 of the area, the city shall not designate the area."

Spear of Lee offered the following amendment H-5281, to  
amendment H-5280, filed by him and moved its adoption:

H-5281

1 Amend amendment H-5280 to Senate File 435 as

2 follows:

- 3 1. Page 1, line 5, by inserting after the word  
4 "by" the words "not less than".

Amendment H—5281 was adopted.

Spear of Lee offered the following amendment H—5290, to amendment H—5280, filed by him from the floor and moved its adoption:

H—5290

- 1 Amend the Lorenzen and Spear amendment H—5280 to  
2 Senate File 435 as follows:  
3 1. Page 1, by striking line 20 and inserting in  
4 lieu thereof the words "of the voters. If there is  
5 no building or facility within the proposed area  
6 suitable and available for use as a polling place,  
7 the county commissioner may specify a polling place  
8 outside the proposed area in substantially the manner  
9 prescribed by section forty-nine point ten (49.10),  
10 subsection three (3) of the Code. The county  
11 commissioner shall appoint from residents of".  
12 2. Page 1, by striking from lines 21 and 22 the  
13 words "three judges and two clerks of election" and  
14 inserting in lieu thereof the words "an election board  
15 of at least three members".

Amendment H—5290 was adopted.

Lorenzen of Scott moved the adoption of amendment H—5280, as amended.

A non-record roll call was requested.

The ayes were 52, nays 33.

Amendment H—5280, as amended, was adopted.

Senate File 435 pending at adjournment.

### MOTIONS TO RECONSIDER (House File 2460)

I move to reconsider the vote by which House File 2460 passed the House on February 21, 1980.

HARBOR of Mills

(Senate File 432)

I move to reconsider the vote by which Senate File 432 passed the House on February 21, 1980.

MULLINS of Kossuth

(Senate File 2121)

I move to reconsider the vote by which Senate File 2121 passed the House on February 21, 1980.

SCHROEDER of Pottawattamie

### OFFICIAL DELEGATION

The Speaker appointed the following representatives as the official delegation to the funeral services of the Honorable Henry C. Nelson, former representative from Winnebago County and Speaker of the House during the Fifty-ninth General Assembly: Harbor of Mills and Stromer of Hancock.

#### HOUSE CONCURRENT RESOLUTION 114

By Pellett, Crabb, Husak, Schroeder, Pope and Chiodo

- 1 *Whereas*, many farmers and other persons have recently
- 2 suffered severe financial loss because a grain elevator
- 3 did not have sufficient grain to cover outstanding ware-
- 4 house receipts and incurred other debts for which there
- 5 may not be sufficient assets; and
- 6 *Whereas*, the problems associated with the financial collapse of
- 7 one of the largest grain elevators in southeast Iowa
- 8 are extremely complex and solutions to such problems are
- 9 not readily apparent; and<sup>4</sup>
- 10 *Whereas*, farmers and other persons want to know what
- 11 can be done to recover their losses and prevent such
- 12 losses in the future; *Now Therefore*,
- 13 *Be It Resolved by the House of Representatives, the*
- 14 *Senate Concurring*, That the legislative council is requested
- 15 to create a stddy committee consisting of six members of
- 16 the House of Representatives, three representing the House
- 17 committee on agriculture and three representing the House
- 18 committee on commerce, of which two members from each
- 19 committee shall represent the majority party and one shall
- 20 represent the minority party; and six members of the Senate,
- 21 three representing the Senate committee on agriculture and
- 22 three representing the Senate committee on commerce, of
- 23 which two members from each committee shall represent the

24 majority party and one member shall represent the minority  
 25 party; and  
 26 *Be It Further Resolved*, That the study committee shall  
 27 review the facts which contributed to the financial collapse of the  
 28 grain elevator, current state and federal laws designed  
 29 to provide financial protection to consumers, recommenda-  
 30 tions of knowledgeable persons including government

**Page 2**

1 officials whose duties relate to administering laws  
 2 and programs relating to grain elevators and financing;  
 3 and  
 4 *Be It Further Resolved*, That the study committee  
 5 shall make periodic reports to the legislative council  
 6 and a final report to the General Assembly meeting in  
 7 the year 1981 accompanied by bill drafts designed to  
 8 carry out its recommendations.

Laid over under Rule 30.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**STATE OF SOUTH DAKOTA**

A copy of House Joint Resolution 1001 duly passed by the Fifty-fifth Session of the Legislature of the State of South Dakota, declaring that the state of South Dakota, acting by and through the Legislature thereof, does not consent to be deprived of its equal suffrage in the Senate of the United States and, therefore, rejects and voids any purported future ratification of the proposed amendment to the Constitution of the United States to grant representation in the Senate of the United States to the District of Columbia as though it were a state.

**CERTIFICATES OF RECOGNITION**

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

1980-18 David and Charlotte Bruner  
 1980-19 National Grange Convention, Cedar Rapids

DAVID L. WRAY  
 Chief Clerk of the House

**STUDY BILL COMMITTEE ASSIGNMENTS****S.B. 711 Transportation**

To correct references from calendar years to fiscal years in section three hundred twelve point two (312.2), subsection eight (8), of the Code relating to the allotment of funds to a county for the secondary road fund on the basis of local tax effort.

**S.B. 712 State Government**

Relating to fine arts projects in public buildings.

**S.B. 713 State Government**

Relating to the quorum requirements of the Iowa commission on the status of women.

**S.B. 714 Commerce**

Amending section four hundred seventy-six point six (476.6), unnumbered paragraph six (6) of the Code relating to utility service charges collected under bond.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Study Bill 696**, relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

**Recommended Do Pass.**

**COMMITTEE ON COMMERCE**

**Study Bill 515**, relating to statutory limitations on interest rates which were affected by the provisions of acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred thirty (130).

**Recommended Amend and Do Pass.**

**Study Bill 702**, authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81 a et. seq.

**Recommended Do Pass.**

## COMMITTEE ON HUMAN RESOURCES

**Senate File 430**, a bill for an act to provide multipurpose service centers for displaced homemakers.

**Recommended Amend and Do Pass.**

H-5288

- 1 Amend Senate File 430, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and inserting  
4 in lieu thereof the following:  
5 "a. Has worked principally in the home providing  
6 unpaid household services for family members."  
7 2. Page 1, line 11, by inserting after the word  
8 "income," the word "is".  
9 3. Page 1, line 12, by striking the words "but  
10 is no longer eligible".  
11 4. By striking page 3, line 23 through page 4,  
12 line 11 and inserting in lieu thereof the following:  
13 "1. Upon enactment of this Act, the governor shall  
14 appoint a seven-member advisory board. Persons  
15 appointed to the advisory board shall be knowledgeable  
16 in the problems of displaced homemakers. Three members  
17 of the advisory board shall be representatives of  
18 community organizations which provide services to  
19 displaced homemakers. Two members shall be displaced  
20 homemakers or former displaced homemakers. Two members  
21 shall be members of the public. Of the seven members,  
22 no more than four shall be from the same political  
23 party. The board shall select its own chairperson.  
24 Four members constitute a quorum. Members serve at  
25 the pleasure of the governor.  
26 2. The board shall meet at the call of the  
27 governor, or the board chairperson, or of any four  
28 board members. Each board member is entitled to  
29 reimbursement for actual and necessary expenses  
30 incurred in the performance of official duties from  
31 funds appropriated to the department of social  
32 services."  
33 5. Page 4, by striking lines 27 and 28.



**Senate File 2118**, a bill for an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

**Recommended Amend and Do Pass.**

H - 5287

- 1 Amend Senate File 2118 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "used" the word "only".
- 4 2. Page 1, by striking line 9, and inserting in
- 5 lieu thereof the words "capital and operating expenses
- 6 incurred in the farming operation."

Fiscal Note is not required.

**COMMITTEE ON TRANSPORTATION**

**Senate File 2051**, a bill for an act relating to the registration and licensing of class A motor homes.

**Recommended Amend and Do Pass.**

H - 5286

- 1 Amend Senate File 2051, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 34, by striking the word "five"
- 4 and inserting in lieu thereof the word "ten".

**AMENDMENTS FILED**

H-5292	H.F. 2170	Egenes of Story
H-5293	S.F. 205	Welden of Hardin
H-5294	S.F. 205	Welden of Hardin
H-5295	S.F. 435	Connors of Polk
		Lloyd-Jones of Johnson
H-5296	S.F. 435	Johnson of Linn
H-5297	H.F. 2200	Brandt of Black Hawk
H-5298	H.F. 2475	Groth of Buena Vista
		Branstad of Winnebago
		Lonergan of Boone
		Anderson of Audubon
		Lloyd-Jones of Johnson
		Jay of Appanoose
		Johnson of Howard
		Ritsema of Sioux
		Welsh of Dubuque
		Crabb of Crawford

Wells of Linn		Pavich of Pottawattamie
Maulsby of Calhoun		O'Kane of Woodbury
Pellett of Cass		Perkins of Greene
Connors of Polk		Kirkenslager of Des Moines
Chiodo of Polk		Woods of Polk
Hanson of Delaware		Halvorson of Webster
Conlon of Muscatine		Miller of Buchanan
Binneboese of Plymouth		Jochum of Dubuque
Holt of Clay		Howell of Floyd
Anderson of Jasper		Hall of Linn
McKean of Jones		Tofte of Winneshiek
Doyle of Woodbury		Hinkhouse of Cedar
Husak of Tama		
H—5299	H.F. 2475	Spear of Lee
H—5300	H.F. 2467	Spear of Lee
H—5301	S.F. 205	Miller of Buchanan
H—5302	S.F. 205	Miller of Buchanan

On motion by Halvorson of Clayton, the House adjourned at 12:37 p.m., until 9:00 a.m., Tuesday, February 26, 1980.

# JOURNAL OF THE HOUSE

Forty-fourth Calendar Day—Twenty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 26, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by Father Mervin J. Hood, pastor of St. Mary's Catholic Church, Humboldt.

The Journal of Monday, February 25, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. D. J. Soll, Denison.

## INTRODUCTION OF BILLS

**House File 2487**, by committee on human resources, a bill for an act relating to the supplying of a house or quarters, utilities and provisions for executive heads of institutions under the department of social services.

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

**House File 2488**, by committee on state government, a bill for an act relating to the powers to be exercised by electors of school corporations at certain elections.

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

**House File 2489**, by committee on human resources, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

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

**House File 2490**, by committee on appropriations, a bill for an act relating to emergency repairs and the purchase of materials and

equipment affecting the security of a state penal or correctional institution.

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

**House File 2491**, by committee on commerce, a bill for an act authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81a et seq.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 367**, by Craft, Hulse, Jensen, Hansen, Miller of Des Moines and Palmer, a bill for an act relating to reimbursement or the payment for health care services and providing that it is a discriminatory practice to deny reimbursement or payment to certain persons.

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

**Senate File 460**, by Tieden and Holden, a bill for an act relating to workers' compensation insurance proceedings and rates.

Read first time and referred to committee on **labor and industrial relations.**

**Senate File 500**, by committee on ways and means, a bill for an act relating to the franchise tax on financial institutions, its imposition and rates, the definition of net income, providing a corresponding adjustment in interest rates for government bonds and making certain provisions of the Act retroactive.

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 21, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 673, a bill for an act increasing the amount of interest on money due on judgments and decrees of courts from seven to ten percent.

Also: That the Senate has, on February 21, 1980, adopted the conference committee report and passed House File 687, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

Also: That the Senate has on February 21, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2130, a bill for an act relating to the locations where certain services may be provided to nonpublic school pupils.

Also: That the Senate has on February 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2179, a bill for an act relating to railroad and highway grade crossings.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 673

H-5303

- 1 Amend House File 673, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 6 through 14 and  
4 inserting in lieu thereof the words "unless a  
5 different rate is fixed by the contract on which the  
6 judgment or decree is rendered, in which case the  
7 judgment or decree shall draw interest at the rate  
8 expressed in the contract, not exceeding the maximum  
9 applicable rate permitted by the provisions of section  
10 535.2, which rate must be expressed in the judgment  
11 or decree percent. The interest shall accrue from".  
12 2. Page 1, by striking line 15 and inserting in  
13 lieu thereof the following: "the date the judgment  
14 is entered".  
15 3. Page 1, line 16, by striking the figure "1980"  
16 and inserting in lieu thereof the figure "1981".

On motion by Halvorson of Clayton, the House was recessed at 9:12 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth on request of Clark of Cerro Gordo; Binneboese of Plymouth, for the remainder of the week, on request of Howell of Floyd.

## PRESENTATION OF VISITORS

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

Twenty-nine ninth grade students from Hedrick High School, Hedrick, accompanied by Hazel Thompson and Mack Mullins. By Larsen of Wapello and Van Maanen of Mahaska.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed eighty-seven members present, thirteen absent.

## BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **Senate File 435**, a bill for an act relating to the establishment of historical preservation districts in cities, and amendment H-5183 filed by Lloyd-Jones of Johnson and found on page 640 of the House Journal.

Connors of Polk offered the following amendment H-5295, to amendment H-5183, filed by him and Lloyd-Jones of Johnson and moved its adoption:

H-5295

- 1 Amend the amendment, H-5183, to Senate File
- 2 435 as follows:
- 3 1. Page 1, by striking lines 3 through 8 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 2, line 9, by inserting after the word
- 6 "sociology." the following: "Not more than one-third
- 7 of the members of the commission of an area of
- 8 historical significance may be members of a city

- 9 zoning commission appointed pursuant to chapter
- 10 four hundred fourteen (414) of the Code."

Amendment H—5295 was adopted.

On motion by Lloyd-Jones of Johnson, amendment H—5183, as amended, was adopted.

The House resumed consideration of amendment H—5279 filed by Lorenzen of Scott and found on page 640 of the House Journal.

The following amendment H—5312, to amendment H—5279, filed by Lorenzen of Scott from the floor was adopted by unanimous consent:

H—5312

- 1 Amend amendment H—5279, by striking lines 6 through
- 2 9 and inserting in lieu thereof the following: "appointed
- 3 to the commission."

On motion by Lorenzen of Scott, amendment H—5279, as amended, was adopted.

Johnson of Linn offered the following amendment H—5296 filed by him and moved its adoption:

H—5296

- 1 Amend Senate File 435, as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 2, by striking lines 25 through 29.

A non-record roll call was requested.

The ayes were 30, nays 55.

Amendment H—5296 lost.

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

On the question "Shall the bill pass?" (S.F. 435)

The ayes were, 84:

Anderson, J.	Arnould	Bennett	Bina
Brandt	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Diemer	Egenes
Gettings	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonerган	Lorenzen	Lura	McKean
Menke	Millen	Miller	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Wells
Welsh	West	Woods	Mr. Speaker (Harbor)

The nays were, 6:

Branstad	De Groot	Johnson, R.	Maulsby
Ritsema	Welden		

Absent or not voting, 10:

Anderson, R.	Avenson	Binneboese	Doyle
Groth	Hall	Hullinger	Mullins
Norland	O'Kane		

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

Welsh of Dubuque asked and received unanimous consent to be recorded as voting "aye" on Senate File 435 and the vote was so recorded.

HOUSE FILE 681 WITHDRAWN

Krewson of Polk asked and received unanimous consent to withdraw House File 681 from further consideration by the House.



### Regular Calendar

**House File 2467**, a bill for an act relating to the purchase of goods or services by a political subdivision from a member of the political subdivision's governing board, was taken up for consideration.

Shimanek of Jones offered the following amendment H—5261 filed by Shimanek, et al., and moved its adoption:

H—5261

- 1 Amend House File 2467 as follows:
- 2 1. Page 1, line 6, by inserting after the
- 3 first comma the following: "three hundred one point
- 4 twenty-eight (301.28),"
- 5 2. Page 1, by striking lines 17 and 18 and
- 6 inserting in lieu thereof the following: "political
- 7 subdivision and that member refrains from voting on
- 8 the approval".

Amendment H—5261 was adopted.

Spear of Lee offered the following amendment H—5300 filed by him and moved its adoption:

H—5300

- 1 Amend House File 2467 as follows:
- 2 1. Page 1, by striking lines 20 and 21.

Amendment H—5300 was adopted.

Lloyd-Jones 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. 2467)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Daggett	Danker	Dieleman	Diemer

Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Norland
Patchett	Pavich	Pellett	Pelton
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Shimaneck
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, 5:

Cusack	Davitt	De Groot	Husak
Sherzan			

Absent or not voting, 8:

Binneboese	Doyle	Hullinger	Mullins
O'Kane	Oxley	Perkins	Welden

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

**Senate File 2098**, a bill for an act to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule, with report of committee recommending passage was taken up for consideration.

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

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

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Branstad
Bruner	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack

Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Wells	Welsh
West	Woods	Mr. Speaker (Harbor)	

The nays were, 2:

Byerly	Ritsema
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Absent or not voting, 7:

Binneboese	Doyle	Egenes	Hinkhouse
Mullins	O'Kane	Welden	

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

**Senate File 205**, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental quality commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties, with report of committee recommending amendment and passage was taken up for consideration.

Senate File 205 pending at adjournment.

**MOTIONS TO RECONSIDER  
(Senate File 435)**

I move to reconsider the vote by which Senate File 435 passed the House on February 26, 1980.

**POFFENBERGER** of Dallas

(Senate File 435)

I move to reconsider the vote by which Senate File 435 passed the House on February 26, 1980.

**TYRRELL** of Iowa

(Amendment H—5296 to Senate File 435)

I move to reconsider the vote by which amendment H—5296 to Senate File 435 failed to be adopted by the House on February 26, 1980.

**JOHNSON** of Linn

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on February 25, 1980. Had I been present, I would have voted "aye" on House Files 2181, 2355, 2461, 2463 and 2469.

**BRANSTAD** of Winnebago

I was necessarily absent from the House chamber on Monday, February 25, 1980. Had I been present, I would have voted "aye" on House Files 2181, 2355, 2461, 2463 and 2469.

**LONERGAN** of Boone

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**PRISON INDUSTRIES ADVISORY BOARD**

A report from the Prison Industries Advisory Board to the General Assembly, 1980, pursuant to House File 57, 1977 General Assembly.

**STUDY BILL COMMITTEE ASSIGNMENTS****S.B. 715 Education**

Relating to the purchase of school buses.

**S.B. 716 Education**

Relating to the issuance of general obligation bonds by school districts.

**S.B. 717 Judiciary and Law Enforcement**

To amend the uniform commercial code relating to an internal cross-reference, perfection of security interests in leased property, certain notices and the effectiveness of certain filings.

**S.B. 718 Energy**

Relating to hazard waste sites which are subsequently found to constitute a serious and imminent threat to human health and to be in conflict with later adopted laws or rules.

**S.B. 719 Energy**

Relating to the purchase of energy efficient products by the state.

**S.B. 720 Energy**

Exempts from property taxation coal held in inventory by electric utilities if that coal has been mined in the state of Iowa.

**S.B. 721 Ways and Means**

Relating to the determination of actual and assessed value of property for tax purposes within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code and making the Act retroactive.

**S.B. 722 Ways and Means**

Relating to the determination of actual and assessed value of property for tax purposes within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code and making the Act retroactive.

**REPORT OF COMMITTEE MEETING**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 10:00 a.m., February 21, 1980

Convened: 10:10 a.m.

Adjourned: 11:00 a.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Conlon, Corey, Doyle, Hibbs, Holt, Johnson of Howard, Lloyd-Jones, Lonergan, Maulsby, Pelton, Rapp and Smalley.

Absent: Patchett, Ranking Member (arrived at 10:15 a.m.), Arnould (arrived at 10:15 a.m.), Jesse, Walter (arrived at 10:25 a.m.) and Welsh (arrived at 10:35 a.m.).

Excused: Clark of Cerro Gordo.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House File 2124), a bill for an act providing an annual exemption of bakeries from licensing and inspection when receipts are less than five hundred dollars in one year.

**Recommended Amend and Do Pass.**

**COMMITTEE ON COUNTY GOVERNMENT**

**Senate File 2122, a bill for an act relating to the compensation of deputy sheriffs.**

**Recommended Amend and Do Pass.**

H-5313

1 Amend Senate File 2122, 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 three hundred forty point  
6 eight (340.8), Code 1979, is amended by striking the  
7 section and inserting in lieu thereof the following:

8 **340.8 COMPENSATION OF DEPUTY SHERIFFS AND OTHER**  
9 **EMPLOYEES OF THE SHERIFF.**

10 1. Each deputy sheriff shall receive an annual  
11 base salary as determined by the board of supervisors.  
12 Upon certification by the sheriff, the board of  
13 supervisors shall review, and may modify, the annual  
14 base salary of each deputy before certifying it to  
15 the county auditor. The annual base salary of a first  
16 or second deputy sheriff shall not exceed eighty-five  
17 percent of the annual base salary of the sheriff.  
18 In counties over two hundred fifty thousand population,  
19 the annual base salary of any additional deputies  
20 shall not exceed seventy-five percent of the annual  
21 base salary of the sheriff.

22 2. The board of supervisors shall determine the  
23 compensation for other employees in the sheriff's  
24 office.

25 3. The total annual compensation including the  
26 annual base salary, overtime pay, longevity pay, shift  
27 differential pay or other forms of supplemental pay  
28 and fringe benefits received by a deputy sheriff shall  
29 be less than the total annual compensation including  
30 fringe benefits received by the sheriff.

31 4. As used in this section, "base salary" means  
32 the basic compensation excluding overtime pay,  
33 longevity pay, shift differential pay, or other  
34 supplemental pay and fringe benefits.

35 Sec. 2. This Act becomes effective January first  
36 following its enactment."

Fiscal Note is required.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 2079**, a bill for an act to delete the terms "lunatic" and "lunatics" from the Code.

**Recommended Amend and Do Pass.**

H-5309

- 1 Amend House File 2079 as follows:
- 2 1. Page 1, line 4, by striking the word
- 3 "distracted" and inserting in lieu thereof the words
- 4 "~~distracted~~ psychotic".
- 5 2. Page 1, line 10, by inserting after the figure
- 6 "1979," the words "as amended by Senate File four
- 7 hundred thirty-seven (437), section one (1), enacted
- 8 by the Sixty-eighth General Assembly, 1980 session,".
- 9 3. Page 1, line 16, by striking the words "a
- 10 lunatic,".
- 11 4. Page 1, line 21, by striking the word and
- 12 figures "633.266, subsection 4,".
- 13 5. Amend the title, line 1, by inserting after
- 14 the word "lunatics" the words "and other obsolete
- 15 terms referring to mental illness".

Fiscal Note is not required.

## AMENDMENTS FILED

H-5304	H.F. 2474	Hummel of Benton
Pellett of Cass		Cochran of Webster
Mullins of Kossuth		Crabb of Crawford
Anderson of Audubon		Bennett of Ida
Husak of Tama		Tyrrell of Iowa
Davitt of Warren		Halvorson of Webster
Sherzan of Polk		Anderson of Jasper
De Groot of Lyon		Van Maanen of Mahaska
Schroeder of Pottawattamie		Corey of Louisa
H-5305	S.F. 205	Hall of Linn
H-5306	S.F. 205	Miller of Buchanan
H-5307	H.F. 2475	Groth of Buena Vista
H-5308	H.F. 2484	Conlon of Muscatine
H-5310	H.F. 2208	Spear of Lee
H-5311	H.F. 2170	Spear of Lee
H-5314	S.F. 205	Tyrrell of Iowa



H-5315	H.F. 2280	Dieleman of Marion
H-5316	S.F. 205	Spear of Lee
H-5317	S.F. 205	Spear of Lee
H-5318	S.F. 205	Spear of Lee

On motion by Halvorson of Clayton, the House adjourned at 2:25 p.m., until 9:00 a.m., Wednesday, February 27, 1980.

## **JOURNAL OF THE HOUSE**

Forty-fifth Calendar Day — Thirtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 27, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend David Ohrt, pastor of the Silver Creek United Methodist Church, Hancock.

The Journal of Tuesday, February 26, 1980 was approved.

### **LEGISLATIVE PHYSICIAN FOR THE DAY**

Dr. Richard Corton, Waterloo.

### **INTRODUCTION OF BILL**

**House File 2492**, by committee on commerce, a bill for an act relating to statutory limitations on interest rates which were affected by the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapters one hundred seventeen (117), one hundred twenty-eight (128) and one hundred thirty (130).

Read first time and placed on the calendar.

### **SENATE MESSAGE CONSIDERED**

**Senate File 2179**, by committee on transportation, a bill for an act relating to railroad and highway grade crossings.

Read first time and referred to committee on transportation.

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 454, a bill for an act relating to countersignatures on insurance policies.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 744, a bill for an act to change the names of the Iowa training school for boys and the Iowa training school for girls.

Also: That the Senate has on February 25, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 97, a bill for an act providing for the licensing of occupational therapists and occupational therapy assistants and subjecting persons to penalties.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2103, a bill for an act to increase the fees collected by the sheriff for service of warrants, original notices and subpoenas.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2112, a bill for an act relating to the number of members for merged area boards and their corresponding area education agency boards.

Also: That the Senate has on February 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2120, a bill for an act relating to products liability.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2194, a bill for an act to allow the recording of a memorandum of lease of agricultural lands in lieu of the complete lease.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2197, a bill for an act relating to the sale of wine and creating a license therefor.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2200, a bill for an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen of the Code on motor vehicle installment sale contracts.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2202, a bill for an act to provide for consultation between the board of supervisors and other elected county officers on collective bargaining proposals.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2241, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 454

H-5319

1 Amend House File 454 as follows:  
2 1. Page 1, by striking lines 1 through 3 and  
3 inserting in lieu thereof the following:  
4 "Section 1. Section five hundred fifteen point  
5 fifty-two (515.52), Code 1979, is amended by adding  
6 the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding this  
8 section and sections five hundred fifteen point fifty-  
9 three (515.53) through five hundred fifteen point  
10 sixty-one (515.61) of the Code, if the law of another  
11 state does not require the countersignature of a  
12 licensed agent who resides in that state for insurance  
13 contracts and endorsements written, issued or placed  
14 in that state by a licensed agent who resides in this  
15 state, the countersignature of a licensed agent who  
16 resides in this state is not required for insurance  
17 contracts and endorsements written, issued, or placed  
18 in this state by a licensed agent who resides in that  
19 other state."

MOTION TO RECONSIDER WITHDRAWN  
(Senate File 432)

Mullins of Kossuth asked and received unanimous consent to withdraw the motion to reconsider Senate File 432, a bill for an act relating to licensing and regulation of child foster care facilities, and prescribing penalties, filed by her on February 25, 1980.

On motion by Halvorson of Clayton, the House was recessed at 9:43 a.m., until 1:45 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth for the remainder of the day on request of Schroeder of Pottawattamie.

### HOUSE CONCURRENT RESOLUTION 115 By Lorenzen, Hinkhouse, Bina and Schneklath

- 1     *Whereas*, the current Iowa law requires each school
- 2     district to conduct a biennial school census; and
- 3     *Whereas*, the mobility of the population of Iowa causes
- 4     a school district's population to change greatly during a
- 5     two-year period in many areas; and
- 6     *Whereas*, there is great cost to each school district
- 7     establishing a statistic that is used less often than the
- 8     actual fall enrollment statistic; and
- 9     *Whereas*, the recognition of civil rights including the
- 10    right of privacy leads many citizens to be reluctant to
- 11    participate meaningfully in the formal school census requirement;
- 12    and
- 13    *Whereas*, the actual fall enrollment statistic is more
- 14    accurate than the enrollment projection that may be formulated
- 15    from information received in the school census more than one
- 16    year preceding the beginning of that school year; *Now*
- 17    *Therefore*,
- 18    *Be It Resolved by the House of Representatives, the*
- 19    *Senate Concurring*, That the general assembly of the state
- 20    of Iowa requests the department of public instruction in
- 21    consultation with local school administrators, to determine
- 22    the feasibility of eliminating the requirement that each
- 23    school district conduct a biennial school census.

Laid over under Rule 30.

### QUORUM CALL

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

**MOTIONS TO RECONSIDER WITHDRAWN**  
(House File 2453)

Bennett of Ida asked and received unanimous consent to withdraw the motion to reconsider House File 2453, a bill for an act providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle, filed by him on February 20, 1980.

(House File 2460)

Halvorson of Clayton asked and received unanimous consent to withdraw the motion to reconsider House File 2460, a bill for an act relating to notice requirements for termination of farm tenancies, filed by Harbor of Mills on February 25, 1980.

**HOUSE FILE 235 WITHDRAWN**

Crawford of Story asked and received unanimous consent to withdraw House File 235 from further consideration by the House.

**ADOPTION OF HOUSE MEMORIAL RESOLUTION**

Branstad of Winnebago offered the following House Memorial Resolution 101 and moved its adoption:

**HOUSE MEMORIAL RESOLUTION 101**

*Whereas*, The Honorable Henry C. Nelson of Winnebago County, who was a member of the fifty-fifth, fifty-seventh, fifty-eighth, fifty-ninth and sixtieth general assemblies and Speaker of the House for the fifty-ninth general assembly, passed away on February 22, 1980, *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 Branstad of Winnebago, Stromer of Hancock and Harbor of Mills.

The House stood at ease at 1:57 p.m. until the fall of the gavel.

The House resumed session at 4:07 p.m., Speaker pro tempore Harbor of Mills in the chair.

## QUORUM CALL

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

## BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **Senate File 205**, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental quality commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties.

Stromer of Hancock offered amendment H-5230 filed by the committee on state government and requested division as follows:

H-5230

- 1 Amend Senate File 205, as amended, passed and
- 2 reprinted by the Senate, as follows:

H-5230A

- 3 1. Page 3, line 6, by adding after the word
- 4 "environment." the following: "Any agreement is
- 5 subject to the approval of the commission."

H-5230B

- 6 2. Page 3, by striking lines 18 through 24 and
- 7 inserting in lieu thereof the following: "membership
- 8 of the commission shall be as follows: three members
- 9 actively engaged in livestock and grain farming, a
- 10 member actively engaged in the management of a
- 11 manufacturing company, one member actively engaged
- 12 in the business of finance or commerce, and four
- 13 members who".

## H-5230C

14 3. Page 3, lines 26 and 27, by striking the words  
15 and figures "commencing July 1, 1979".

## H-5230D

16 4. Page 4, by striking lines 15 through 19 and  
17 inserting in lieu thereof the following:  
18 "4. The members of the commission who are not  
19 in the full-time employment of a public agency shall  
20 be paid a per diem of forty dollars while engaged  
21 in the performance of the duties of office. Members  
22 shall be reimbursed for their actual and necessary  
23 expenses while performing the duties of office. Per  
24 diem and expenses shall be paid from funds appropriated  
25 to the department."  
26 5. Page 4, line 22, by striking the word "five"  
27 and inserting in lieu thereof the word "ten".

## H-5230C

28 6. Page 5, line 30, by striking the date "1980"  
29 and inserting in lieu thereof the date "1981".

## H-5230B

30 7. Page 6, line 28, by striking the word "five"  
31 and inserting in lieu thereof the word "four".

## H-5230E

32 8. Page 6, line 32, by striking the word  
33 "statement" and inserting in lieu thereof the words  
34 "comprehensive estimate".

## H-5230B

35 9. Page 7, line 5, by striking the word "one"  
36 and inserting in lieu thereof the word "three".

## H-5230E

37 10. Page 8, line 6, by striking the word  
38 "necessary" and inserting in lieu thereof the words  
39 "consistent with rules".

## H-5230C

40 11. Page 15, line 32, by striking the date "1980"  
41 and inserting in lieu thereof the date "1981".  
42 12. Page 22, line 3, by striking the date "1980"



43 and inserting in lieu thereof the date "1981".  
 44 13. Page 25, line 14, by striking the date "1980"  
 45 and inserting in lieu thereof the date "1981".  
 46 14. Page 27, line 14, by striking the date "1980"  
 47 and inserting in lieu thereof the date "1981".

H-5230F

48 15. Page 27, by inserting after line 16 the  
 49 following:  
 50 "Sec. . Acts of the Sixty-eighth General

**Page 2**

1 Assembly, 1979 Session, chapter one hundred eleven  
 2 (111), section two (2), subsection one (1), is amended  
 3 by striking the subsection.

4 Sec. . Acts of the Sixty-eighth General  
 5 Assembly, 1979 Session, chapter one hundred eleven  
 6 (111), section thirteen (13), is amended to read as  
 7 follows:

8 SEC. 13. Section three hundred seven point ten  
 9 (307.10), Code 1979, is amended by adding the following  
 10 new subsection unnumbered paragraph:

11 NEW SUBSECTION UNNUMBERED PARAGRAPH. The  
 12 commission may adopt, after consultation with the  
 13 department of environmental quality and the department  
 14 of public safety, rules to enforce the rules regarding  
 15 transportation of hazardous wastes promulgated by  
 16 the ~~solid waste disposal~~ environmental quality  
 17 commission of the department of environmental quality  
 18 under section three (3), subsection three (3) of this  
 19 Act. The department and the division of the highway  
 20 safety patrol of the department of public safety shall  
 21 carry out the rules through the use of the director's  
 22 powers and duties of enforcement and inspection.

23 Sec. . Section four hundred fifty-five B point  
 24 one hundred thirty (455B.130), Code 1979, is amended  
 25 by striking the section and inserting in lieu thereof  
 26 the following:

27 455B.130 RESTRICTIONS ON USE OF AGRICULTURAL  
 28 CHEMICALS.

29 1. If the commission determines that an  
 30 agricultural chemical causes an unreasonable, adverse  
 31 effect on humans or the environment, the commission  
 32 shall submit to the secretary of agriculture its  
 33 findings and recommended actions. The secretary of  
 34 agriculture shall propose rules implementing the  
 35 recommended actions and shall hold a public hearing  
 36 to determine the effects of the proposed rules as  
 37 provided in chapter two hundred six (206) of the Code  
 38 after review and consideration of the findings as

39 provided in subsection two (2) of this section. A  
 40 rule of the secretary shall be adopted pursuant to  
 41 chapter seventeen A (17A) of the Code.  
 42 2. The commission shall submit to the secretary  
 43 of agriculture its findings on the unreasonable,  
 44 adverse effect that the agricultural chemical causes  
 45 to humans or the environment. The department of  
 46 agriculture shall prepare an estimate of the economic  
 47 impact of restricting the use of the agricultural  
 48 chemical. The economic impact statement, the  
 49 commission's findings and the report of the advisory  
 50 committee created under section sixty-seven (67) of

**Page 3**

1 this Act shall be available at the time of publication  
 2 of the intended rule action by the secretary. The  
 3 secretary of agriculture and the advisory committee  
 4 shall review the commission's findings and collect,  
 5 analyze and interpret any other scientific data  
 6 relating to the agricultural chemical. The secretary  
 7 and the committee shall consider any official reports,  
 8 academic studies, expert opinions or testimony, or  
 9 other matters deemed to have probative value and shall  
 10 consider the toxicity, hazard, effectiveness, public  
 11 need for the agricultural chemical or other means  
 12 of control other than the chemical in question, and  
 13 the economic impact on the members of the public and  
 14 agencies affected by it.

15 3. As used in this section, "agricultural chemical"  
 16 means a pesticide as defined in section two hundred  
 17 six point two (206.2) of the Code and also means any  
 18 feed or soil additive, other than a pesticide, which  
 19 is designed for and used to promote the growth of  
 20 plants or animals."

21 16. Page 29, by striking lines 8 through 11 and  
 22 inserting in lieu thereof the following:

23 "NEW SUBSECTION. The advisory committee created  
 24 in section sixty-seven (67) of this Act shall advise  
 25 and assist the secretary on the registration of a  
 26 product of commercial fertilizer or soil conditioner  
 27 under the provisions of this chapter."

H-5230C

28 17. Page 31, line 5, by striking the date "1980"  
 29 and inserting in lieu thereof the date "1981".

H-5230E

30 18. Page 34, lines 9 and 10, by striking the words  
 31 "the statutes on administrative rules" and inserting

32 in lieu thereof the words "the statutes on  
33 administrative rules chapter seventeen A (17A) of  
34 the Code".

H-5230C

35 19. Page 35, line 6, by striking the date "1980"  
36 and inserting in lieu thereof the date "1981".

H-5230F

37 20. Page 35, lines 25 and 26, by striking the  
38 words and figures "four hundred fifty-five B point  
39 one hundred thirty (455B.130)".

H-5230C

40 21. Page 36, by striking lines 10 through 32 and  
41 inserting in lieu thereof the following:  
42 "Sec. 83. EFFECTIVE DATE-TRANSITION. The  
43 effective date of this Act is January 1, 1981, except  
44 that this section shall be effective July 1, 1980.  
45 After July 1, 1980, the governor may appoint the  
46 members of the environmental quality commission,  
47 authorize the environmental quality commission to  
48 organize as provided in this Act and authorize the  
49 environmental quality commission to plan for the  
50 transfer of powers, duties, records, and other property

**Page 4**

1 as applicable. The terms of the persons initially  
2 appointed to the environmental quality commission  
3 for four-year terms shall commence July 1, 1980 and  
4 end June 30, 1984, and the terms of persons initially  
5 appointed for two-year terms shall commence July 1,  
6 1980 and end June 30, 1982. The persons may be  
7 reappointed as provided in this Act. The members  
8 of the environmental quality commission authorized  
9 to meet before January 1, 1981, may be paid per diem  
10 and necessary expenses from funds appropriated to  
11 the department of environmental quality.

12 The terms of office of members of the geology board  
13 and the executive committee, water quality commission,  
14 air quality commission, solid waste disposal commission  
15 and the chemical technology commission of the  
16 department of environmental quality shall expire on  
17 December 31, 1980."

H-5230G

18 22. By renumbering sections and internal references  
19 to sections to conform to this amendment.

On motion by Stromer of Hancock, the committee amendment H—5230A was adopted.

Perkins of Greene offered the following amendment H—5325, to the committee amendment H—5230B, filed by him from the floor and moved its adoption:

H—5325

- 1 Amend the Committee on State Government amendment
- 2 H—5230 as follows:
- 3 1. Page 1, by striking lines 11 and 12 and
- 4 inserting in lieu thereof the following:
- 5 "manufacturing company, one member who is a
- 6 registered professional engineer, and four".

Amendment H—5325 lost.

On motion by Stromer of Hancock, the committee amendment H—5230B was adopted.

On motion by Stromer of Hancock, the committee amendment H—5230C was adopted.

On motion by Stromer of Hancock, the committee amendment H—5230D was adopted.

On motion by Stromer of Hancock, the committee amendment H—5230E was adopted.

On motion by Stromer of Hancock, the committee amendment H—5230F was adopted.

On motion by Stromer of Hancock, the committee amendment H—5230G was adopted.

Welden of Hardin offered the following amendment H—5293 filed by him:

H—5293

- 1 Amend Senate File 205 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 6 the following:
- 4 "Sec. . Section four hundred fifty-five B point
- 5 two (455B.2), Code 1979, is amended by striking the

6 section and inserting in lieu thereof the following:  
7 455B.2 DEPARTMENT CREATED. There is created a  
8 department of environmental quality."

9 2. Page 5, by inserting after line 16 the following  
10 subsection:

11 " . Appoint an executive director who shall  
12 serve at the pleasure of the commission and who shall  
13 not be a member of the commission. The executive  
14 director shall not hold another office under the laws  
15 of the United States or of this or another state or  
16 hold another position for profit. The executive  
17 director shall not engage in an occupation, business  
18 or profession interfering with or inconsistent with  
19 the duties of executive director, serve on or under  
20 a committee of a political party or contribute to  
21 the political campaign fund of a person or political  
22 party. The executive director shall be appointed  
23 on the basis of executive and administrative abilities  
24 and shall devote full time to the duties of the  
25 position of executive director. The executive director  
26 shall receive a salary as fixed by the general  
27 assembly."

28 3. By renumbering sections and subsections to  
29 conform to this amendment.

Spear of Lee offered the following amendment H-5316, to amendment H-5293, filed by him and moved its adoption:

H-5316

1 Amend amendment H-5293 to Senate File 205 as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 19 through 22 and  
5 inserting in lieu thereof the following: "the duties  
6 of executive director, or serve on or under a  
7 committee of a political party. The executive director  
8 shall be appointed".

Amendment H-5316 was adopted.

Spear of Lee offered the following amendment H-5318, to amendment H-5293, filed by him and moved its adoption:

H-5318

1 Amend the amendment, H-5293, to Senate File 205,  
2 as amended, passed and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 26, by striking the word "fixed"

- 5 and inserting in lieu thereof the words "determined  
6 by the governor within a salary range specified".

Amendment H—5318 was adopted.

Tyrrell of Iowa offered the following amendment H—5314, to amendment H—5293, filed by him and moved its adoption:

H—5314

- 1 Amend the amendment, H—5293, to Senate File 205,  
2 as amended, passed and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 27 the  
5 following:  
6 " . Page 5, line 23, by inserting after the  
7 word "department." the following: "The standards or  
8 limitations adopted by rule of the commission relating  
9 to programs administered under this chapter shall  
10 not exceed the standards or limitations promulgated  
11 by the administrator of the United States environmental  
12 protection agency or the requirements of the federal  
13 Clean Air Act as amended to January 1, 1980, the  
14 federal Water Pollution Control Act amendments of  
15 1972, the federal Safe Drinking Water Act, or the  
16 federal Solid Waste Disposal Act." "  
17 2. By renumbering sections and subsections to  
18 conform to this amendment.

Roll call was requested by Pelton of Clinton and Danker of Pottawattamie.

On the question "Shall amendment H—5314 be adopted?"

The ayes were, 35:

Anderson, J.	Clark, B.J.	Conlon	Corey
Daggett	Danker	De Groot	Gettings
Hall	Hansen, I.	Hanson, D.	Holt
Horn	Hummel	Husak	Jay
Jesse	Johnson, J.	Johnson, R.	Lura
Maulsby	McKean	Menke	Miller
Oxley	Pellett	Pelton	Perkins
Renken	Schnekloth	Tyrrell	Van Maanen
Walter	Welden	West	

The nays were, 59:

Anderson, R.	Arnould	Avenson	Bennett
Bina	Brandt	Branstad	Bruner
Byerly	Clark, J.H.	Cochran	Connolly
Connors	Crabb	Crawford	Cusack
Davitt	Dieleman	Diemer	Egenes
Groth	Halvorson, R.A.	Halvorson, R.N.	Hibbs
Hinkhouse	Hoffmann	Howell	Jochum
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Millen	O'Kane	Patchett
Pavich	Poffenberger	Pope	Rapp
Ritsema	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Wells
Welsh	Woods	Mr. Speaker (Harbor)	

Absent or not voting, 6:

Binneboese	Chiodo	Doyle	Hullinger
Mullins	Norland		

Amendment H—5314 lost.

Welden of Hardin moved the adoption of amendment H—5293, as amended.

Roll call was requested by Smalley of Polk and Johnson of Howard.

Rule 80 was invoked.

On the question "Shall amendment H—5293, as amended, be adopted?"

The ayes were, 44:

Byerly	Clark, B.J.	Cochran	Connolly
Connors	Corey	Crabb	Danker
Davitt	De Groot	Dieleman	Diemer
Gettings	Hall	Hinkhouse	Holt
Horn	Howell	Hullinger	Husak
Jay	Johnson, J.	Johnson, R.	Maulsby
McKean	Menke	Millen	Miller
Oxley	Pavich	Pellett	Pelton
Renken	Shull	Smalley	Spear
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker (Harbor)

The nays were, 49:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Brandt	Branstad	Bruner
Clark, J.H.	Conlon	Crawford	Cusack
Daggett	Egenes	Groth	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Hummel	Jesse	Jochum
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lonergan	Lorenzen
Lura	Norland	O'Kane	Patchett
Perkins	Poffenberger	Pope	Rapp
Ritsema	Schnekloth	Sherzan	Shimanek
Stromer	Swearingen	Thompson	Tofte
West			

Absent or not voting, 7:

Anderson, R.	Binneboese	Chiodo	Doyle
Lloyd-Jones	Mullins	Schroeder	

Amendment H—5293, as amended, lost.

Hall of Linn offered the following amendment H—5305 filed by him and moved its adoption:

H—5305

- 1 Amend Senate File 205, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 22, by striking the words "or
- 4 reorganize" and inserting in lieu thereof the words
- 5 "or reorganize".
- 6 2. Page 1, line 24, by inserting after the word
- 7 "department." the following: "The administrative
- 8 structure shall include an operations division and
- 9 an administrative services division.
- 10 a. The operations division shall consist of an
- 11 operations branch which is responsible for the programs
- 12 relating to air and land, water quality, and water
- 13 supply and a planning, permits and grants branch which
- 14 is responsible for planning, program development and
- 15 grant administration.
- 16 b. The administrative services division shall
- 17 consist of an operating services branch which is
- 18 responsible for data processing, centralized records,
- 19 word processing and secretarial support functions
- 20 and a support services branch which is responsible
- 21 for personnel, procurement, accounting and public
- 22 information functions.



23 c. The director may create additional divisions  
 24 or branches within divisions and specify their duties  
 25 and responsibilities with the approval of the  
 26 commission."

Roll call was requested by Hall of Linn and O'Kane of Woodbury.

On the question "Shall amendment H — 5305 be adopted?"

The ayes were, 34:

Arnould	Avenson	Bina	Brandt
Bruner	Byerly	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Jay
Jesse	Jochum	Loneragan	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Rapp	Sherzan	Walter
Wells	Welsh		

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorezen	Lura
Maulsby	McKean	Menke	Millen
Pellett	Poffenberger	Pope	Renken
Ritsema	Schneklath	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
West	Mr. Speaker (Harbor)		

Absent or not voting, 12:

Anderson, R.	Binneboese	Chiodo	Doyle
Hullinger	Lloyd-Jones	Mullins	Pelton
Perkins	Schroeder	Welden	Woods

Amendment H — 5305 lost.

Miller of Buchanan offered the following amendment H — 5301 filed by him and moved its adoption:

H-5301

- 1 Amend Senate File 205 as follows:
- 2 1. Page 2, line 14, by inserting after the word
- 3 "chapter." the following: "However, the owner or
- 4 person in charge shall be notified."

Amendment H-5301 was adopted.

Welden of Hardin offered amendment H-5294 filed by him and requested division as follows:

H-5294

- 1 Amend Senate File 205 as amended, passed and
- 2 reprinted by the Senate, as follows:

H-5294A

- 3 1. Page 5, by striking line 22 and inserting in
- 4 lieu thereof the following:
- 5 "the provisions of this chapter and the rules
- 6 deemed necessary".

H-5294B

- 7 2. Page 7, line 5, by striking the words
- 8 "or a hearing officer".

H-5294C

- 9 3. Page 11, line 16, by striking the words
- 10 "endanger or tend to".

Welden of Hardin asked and received unanimous consent to withdraw amendment H-5294C.

On motion by Welden of Hardin, amendment H-5294A was adopted.

Welden of Hardin moved the adoption of amendment H-5294B.

A non-record roll call was requested.

The ayes were 43, nays 45.

Amendment H-5294B lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5317 (to page 19) filed by him on February 26, 1980.

Miller of Buchanan offered the following amendment H—5302 filed by him:

H—5302

- 1 Amend Senate File 205 as follows:
- 2 1. Page 19, by striking line 27, and inserting in
- 3 lieu thereof the following: "~~455B.7, subsection 3. No~~
- 4 rule or regulation promulgated by any branch of the
- 5 United States government may be effective without the
- 6 prior approval of the standing committees of the
- 7 senate and house of representatives of the general
- 8 assembly of the state of Iowa having jurisdiction
- 9 over bills relating to natural resources."

Miller of Buchanan offered the following amendment H—5306, to amendment H—5302, filed by him and moved its adoption:

H—5306

- 1 Amend the amendment, H—5302, to Senate File 205,
- 2 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 2 through 9 and
- 5 inserting in lieu thereof the following:
- 6 "1. Page 5, line 29, by inserting after the word
- 7 "chapter." the following: "A rule adopted by the
- 8 commission or the executive director under this
- 9 chapter may be rescinded by a resolution adopted by
- 10 either house of the general assembly. The resolution
- 11 shall be included in the next publication of the Iowa
- 12 administrative bulletin." "

Roll call was requested by Pelton of Clinton and Miller of Buchanan.

Rule 80 was invoked.

On the question "Shall amendment H—5306, to amendment H—5302, be adopted?"

The ayes were, 62:

Anderson, J.  
Byerly

Bina  
Conlon

Brandt  
Connolly

Branstad  
Crabb

Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Miller
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Rapp
Renken	Schneklath	Shull	Smalley
Spear	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods		

The nays were, 33:

Arnould	Avenson	Bennett	Bruner
Clark, B.J.	Clark, J.H.	Cochran	Connors
Corey	Crawford	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Jesse	Jochum	Krewson	Larsen
Lloyd-Jones	Millen	Patchett	Poffenberger
Pope	Ritsema	Schroeder	Sherzan
Shimanek	Stromer	Swearingen	Thompson
Mr. Speaker (Harbor)			

Absent or not voting, 5:

Anderson, R.	Binneboese	Chiodo	Doyle
Mullins			

Amendment H—5306 was adopted.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

Miller of Buchanan moved the adoption of amendment H—5302, as amended.

Roll call was requested by Pelton of Clinton and Cusack of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—5302, as amended, be adopted?"

## The ayes were, 50:

Anderson, J.	Bina	Brandt	Byerly
Conlon	Cusack	Daggett	Davitt
De Groot	Dieleman	Diemer	Gettings
Groth	Hall	Hinkhouse	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Johnson, J.	Kirkenslager
Lageschulte	Lind	Loneragan	Lorenzen
Maulsby	McKean	Miller	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Rapp	Schneklath
Shull	Smalley	Spear	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	Woods		

## The nays were, 44:

Arnould	Avenson	Bennett	Branstad
Bruner	Clark, B.J.	Clark, J.H.	Cochran
Connolly	Connors	Corey	Crabb
Crawford	Danker	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Jochum	Johnson, R.	Johnson, W.
Krewson	Larsen	Lloyd-Jones	Lura
Menke	Millen	Patchett	Poffenberger
Pope	Renken	Ritsema	Schroeder
Sherzan	Shimanek	Stromer	Swearingen
Thompson	Tofte	West	Mr. Speaker (Harbor)

## Absent or not voting, 6:

Anderson, R.	Binneboese	Chiodo	Doyle
Halvorson, R.N.	Mullins		

## Amendment H—5302, as amended, was adopted.

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

## On the question "Shall the bill pass?" (S.F. 205)

## The ayes were, 86:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Brandt	Branstad	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connolly	Connors	Corey	Crabb

Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Perkins	Poffenberger	Pope
Rapp	Ritsema	Schroeder	Sherzan
Shimanek	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Wells	Welsh
Woods	Mr. Speaker (Harbor)		

The nays were, 9:

Cochran	Hinkhouse	Hullinger	Pelton
Renken	Schneklath	Shull	Welden
West			

Absent or not voting, 5:

Anderson, R.	Binneboese	Chiodo	Doyle
Mullins			

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 205)

I move to reconsider the vote by which Senate File 205 passed the House on February 27, 1980.

**STROMER** of Hancock

(Senate File 2098)

I move to reconsider the vote by which Senate File 2098 passed the House on February 26, 1980.

**TYRRELL** of Iowa

(Senate File 2098)

I move to reconsider the vote by which Senate File 2098 passed the House on February 26, 1980.

POPE of Polk

(Senate File 2098)

I move to reconsider the vote by which Senate File 2098 passed the House on February 26, 1980.

BRANSTAD of Winnebago

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

The Annual Report to the Legislature has been received pursuant to Section 601J.4, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

**S.B. 723 Education**

Relating to the authority of school districts to sell, lease, or dispose of school property.

**S.B. 724 Commerce**

Creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

**S.B. 725 Transportation**

To amend existing statutes relating to regulated intrastate carriers and providing penalties.

**S.B. 726 Human Resources**

To amend chapter one hundred forty-seven (147) of the Code so as to

establish packaging, labeling and record keeping requirements for physicians, dentists and podiatrists who dispense prescription drugs.

### 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 JUDICIARY AND LAW ENFORCEMENT

Scheduled: 9:15 a.m., February 26, 1980

Convened: 9:30 a.m.

Adjourned: 10:25 a.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Clark of Cerro Gordo, Conlon, Corey, Hibbs, Holt, Lloyd-Jones, Lonergan, Pelton, Rapp, Smalley and Walter.

Absent: Patchett, Ranking Member (arrived 9:35 a.m.); Arnould (arrived 9:35 a.m.), Doyle, Jesse (arrived 10:20 a.m.), Johnson (arrived 9:35 a.m.), Maulsby (arrived 9:35 a.m.) and Welsh.

#### COMMITTEE RECOMMENDATIONS

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

**DAVID L. WRAY**  
Chief Clerk of the House

#### COMMITTEE ON ENERGY

**Committee Bill** (Formerly House File 2254 as amended), a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by defining distributors to include dealers who act as wholesalers and retaining the one cent handling fee.

**Recommended Do Pass.**



## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 2365**, a bill for an act to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties.

Recommended **Do Pass**.

Fiscal Note is not required.

**Committee Bill** (Formerly House File 2284 as amended), a bill for an act relating to strip searches subsequent to arrest.

Recommended **Do Pass**.

Fiscal Note is required.

**Committee Bill** (Formerly House File 2403 as amended), a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

Recommended **Do Pass**.

Fiscal Note is not required.

## COMMITTEE ON STATE GOVERNMENT

**House File 2280**, a bill for an act relating to the recording of agency agreements for joint or cooperative action.

Recommended **Do Pass**.

Fiscal Note is not required.

**Study Bill 607**, relating to the administration of the Iowa national guard, (further considered pursuant to House Rule 32.)

Recommended **Amend and Do Pass**.

Fiscal Note is required.

**Study Bill 698**, relating to credit unions.

Recommended **Amend and Do Pass**.

Fiscal Note is not required.

## AMENDMENTS FILED

H-5320	H.F. 2160	De Groot of Lyon
H-5322	H.F. 2208	Tyrrell of Iowa
		Spear of Lee
H-5323	H.F. 2160	Hansen of O'Brien
		De Groot of Lyon
		Kirkenslager of Des Moines
		Perkins of Greene
H-5324	H.F. 731	Ritsema of Sioux
H-5327	H.F. 2472	McKean of Jones
		Shimanek of Jones
		Husak of Tama
		Pelton of Clinton
		Hall of Linn
H-5328	H.F. 2475	Horn of Linn

On motion by Halvorson of Clayton, the House adjourned at 6:08 p.m., until 9:00 a.m., Thursday, February 28, 1980.

# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day—Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 28, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Edward English, pastor of the West Branch Friends Church, West Branch.

The Journal of Wednesday, February 27, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Corton, Waterloo.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story, for February 28 and 29, on request of Clark of Lee; Jesse of Polk, for February 28 and 29, on request of Anderson of Jasper; Lorenzen of Scott on request of Lageschulte of Bremer.

## PETITIONS FILED

The following petitions were received and placed on file:

By Husak of Tama, from seventeen constituents of the 71st district opposing Senate File 2065, an act legalizing pari-mutuel betting in the State of Iowa.

By Johnson of Woodbury, from one hundred constituents of the 52nd district favoring "the list."

By Tyrrell of Iowa, from nineteen constituents opposing pari-mutuel betting.

## SENATE MESSAGES CONSIDERED

**Senate File 2103**, by Jensen, a bill for an act to increase the fees collected by the sheriff for service of warrants, original notices and subpoenas.

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

**Senate File 2112**, by DeKoster, a bill for an act relating to the number of members for merged area boards and their corresponding area education agency boards.

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

**Senate File 2120**, by committee on commerce, a bill for an act relating to products liability actions.

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

**Senate File 2194**, by committee on judiciary, a bill for an act to allow the recording of a memorandum of lease of agricultural lands in lieu of the complete lease.

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

**Senate File 2197**, by committee on state government, a bill for an act relating to the sale of wine and creating a license therefor.

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

**Senate File 2200**, by committee on commerce, a bill for an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles.

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

**Senate File 2202**, by committee on county government, a bill for an act to provide for consultation between the board of supervisors and other elected county officers on collective bargaining proposals.

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

**Senate File 2241**, by committee on appropriations, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 74, a bill for an act relating to the resubmission to the electors of a proposal for issuance of bonds.

Also: That the Senate has on February 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2070, a bill for an act to allow multi-year professional and occupational licenses.

Also: That the Senate has on February 26, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2090, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes.

Also: That the Senate has on February 26, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2209, a bill for an act to exclude persons employed by the public employment relations board from collective bargaining.

FRANK J. STORK, Secretary

### MOTION TO RECONSIDER WITHDRAWN (Senate File 2121)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider Senate File 2121, a bill for an act relating to the powers of savings and loan associations, filed by him on February 25, 1980.

On motion by Halvorson of Clayton, the House was recessed at 9:33 a.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker pro tempore Harbor of Mills in the chair.

#### INTRODUCTION OF BILLS

**House File 2493**, by committee on energy, a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee.

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

**House File 2494**, by committee on state government, a bill for an act to redesignate the name and duties of the Iowa crime commission and transfer the staff to the department of public safety.

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

#### QUORUM CALL

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

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 114

Pellett of Cass called up for consideration House Concurrent Resolution 114, requesting the legislative council to create a study committee to study the financial collapse of the southeast Iowa grain elevator, filed on February 25, 1980 and found on pages 643 and 644 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hinkhouse of Cedar, for the remainder of the week, on request of Husak of Tama; Perkins of Greene, for the remainder of the week, on request of Brandt of Black Hawk.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 2475**, a bill for an act relating to the determination of the salaries for the area education agency administrators, was taken up for consideration.

Groth of Buena Vista offered the following amendment H — 5298 filed by Groth, et al. :

H — 5298

- 1 Amend House File 2475 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "administrator" the following: "except that the
- 4 ratio of the salary of the administrator for a given
- 5 school year when added to the other expenses which
- 6 make up the general administrative program budget
- 7 to the total budget of the area education agency for
- 8 the given school year shall not exceed the ratio of
- 9 the general administrative program budget for the
- 10 school year beginning July 1, 1979, to the total
- 11 budget of that area education agency for the school
- 12 year beginning July 1, 1979".

Groth of Buena Vista offered the following amendment H — 5307, to amendment H — 5298, filed by him and moved its adoption;

H — 5307

- 1 Amend H — 5298, filed by Groth et al, to House File
- 2 2475, as follows:
- 3 1. Page 1, line 12, by inserting after the figure
- 4 "1979" the words "For the purpose of this
- 5 subsection, general administrative program budget
- 6 includes the general administrative program budget
- 7 plus the salaries and employee benefits for persons
- 8 employed in special education instructional programs
- 9 administration, special education support services
- 10 administration, media services administration, and
- 11 educational services administration".

Amendment H — 5307 was adopted.

Groth of Buena Vista moved the adoption of amendment H — 5298, as amended.

Roll call was requested by Bennett of Ida and Lonergan of Boone.

Rule 80 was invoked.

On the question "Shall amendment H—5298, as amended, be adopted?"

The ayes were, 29:

Anderson, R.	Arnould	Bina	Branstad
Bruner	Chiodo	Conlon	Cusack
Davitt	Dieleman	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hullinger
Husak	Jay	Jochum	Johnson, J.
Lloyd-Jones	Loneragan	Maulsby	Miller
O'Kane	Pavich	Ritsema	Walter
Welsh			

The nays were, 62:

Anderson, J.	Bennett	Brandt	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Doyle
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Howell	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lura
McKean	Menke	Millen	Mullins
Norland	Oxley	Patchett	Pellett
Pelton	Poffenberger	Pope	Rapp
Renken	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Woods	Mr. Speaker (Harbor)		

Absent or not voting, 9:

Avenson	Binneboese	Connors	Egenes
Hinkhouse	Jesse	Lorenzen	Perkins
Wells			

Amendment H—5298, as amended, lost.

Schnekloth of Scott asked and received unanimous consent to withdraw amendments H—5282 and H—5283 filed by him on February 21, 1980.

Horn of Linn offered the following amendment H—5328 filed by him:



H-5328

1 Amend House File 2475 as follows:

2 1. Page 1, by inserting following line 26, the  
3 following:

4 Sec. . Chapter two hundred sixty point nine  
5 (260.9), subsection one (1), is amended to read as  
6 follows:

7 1. Superintendent's certificate. The superinten-  
8 dent's certificate shall be issued to an applicant  
9 who has met the requirements for an advanced ele-  
10 mentary certificate or an advance or a standard sec-  
11 ondary certificate and who has in addition such other  
12 qualifications with reference to special training and  
13 experience as the board of educational examiners shall  
14 from time to time prescribe. It shall be valid for  
15 service as superintendent, principal, or teacher in  
16 any elementary or secondary school.

17 The board of educational examiners shall establish  
18 a certificate for area education agency administra-  
19 tors. The area education agency administrator's cer-  
20 tificate shall be issued to an applicant who has met  
21 either of the requirements in two of the four five  
22 following paragraphs:

23 a. Five years' experience in high education ad-  
24 ministration at a two or four year college or univer-  
25 sity which is accredited by the North Central Associa-  
26 tion of Colleges and Secondary Schools accrediting  
27 agency or which has been certified by the North Cen-  
28 tral Association of Colleges and Secondary Schools  
29 accrediting agency as a candidate for accreditation  
30 by such an agency or as a school giving satisfactory  
31 assurance that it has the potential for accreditation  
32 and is making progress which, if continued, will result  
33 in its achieving accreditation by such agency within a  
34 reasonable time; or an earned doctorate in higher ed-  
35 ucation administration.

36 b. Five years' experience in special education,  
37 media or educational services administration; or an  
38 earned doctorate in special education or any sub-  
39 specialty thereof.

40 c. Five years' experience in primary or secondary  
41 school education; or an earned doctorate in educational  
42 administration for the primary or secondary level; and  
43 five years' teaching experience at any educational  
44 level.

45 d. Five years' experience in business or other non-  
46 academic career pursuit; ~~or an earned doctorate in~~  
47 ~~public administration or business administration.~~

48 e. An earned doctorate in public administration or  
49 business administration.

50 No person shall be issued a temporary or emergency

**Page 2**

1 certificate for more than one year; and no education  
 2 agency shall employ uncertificated administrators, or  
 3 employ temporary or emergency certificated administra-  
 4 tors for more than two consecutive years.

5 The provisions of this subsection relating to the  
 6 certification of an area education agency administra-  
 7 tor shall not apply to persons holding a superinten-  
 8 dent's certificate prior to July 1, 1975.

9 2. By renumbering section two (2) to be section  
 10 three (3).

Johnson of Woodbury rose on a point of order that amendment H-5328 was not germane.

The Speaker ruled the point well taken and amendment H-5328 not germane.

Spear of Lee offered the following amendment H-5299 filed by him and moved its adoption:

H-5299

1 Amend House File 2475 as follows:  
 2 1. Page 1, by striking lines 27 and 28.

Amendment H-5299 lost.

Johnson 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. 2475)

The ayes were, 80:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Daggett
De Groot	Dieleman	Diemer	Doyle
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lloyd-Jones	Lura

Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pellett	Pelton
Poffenberger	Pope	Rapp	Renken
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Wells	West	Woods	Mr. Speaker (Harbor)

The nays were, 12:

Cusack	Danker	Davitt	Groth
Hullinger	Lonegan	Pavich	Ritsema
Smalley	Spear	Walter	Welsh

Absent or not voting, 8:

Avenson	Binneboese	Egenes	Hinkhouse
Jesse	Krewson	Lorenzen	Perkins

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

### HOUSE FILE 428 WITHDRAWN

Larsen of Wapello asked and received unanimous consent to withdraw House File 428 from further consideration by the House.

### IMMEDIATE MESSAGE (House Concurrent Resolution 114)

Pellett of Cass asked and received unanimous consent that House Concurrent Resolution 114 be immediately messaged to the Senate.

### Regular Calendar

**House File 2170**, a bill for an act requiring the use of seat belts by school bus drivers, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5311 filed by him and moved its adoption:

H—5311

- 1 Amend House File 2170 as follows:
- 2 1. Page 1, by striking lines 13 and 14.

Amendment H—5311 was adopted.

Kirkenslager of Des Moines offered the following amendment H—5292 filed by Egenes of Story and moved its adoption:

H—5292

- 1 Amend House File 2170 as follows:
- 2 1. Amend the title page, line 1, by inserting
- 3 after the word "drivers" the words "and making
- 4 penalties applicable".

Amendment H—5292 was adopted.

Kirkenslager 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. 2170)

The ayes were, 40:

Arnould	Bennett	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Cusack
Danker	Davitt	De Groot	Diemer
Gettings	Halvorson, R.A.	Hansen, I.	Hoffmann
Holt	Hullinger	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	McKean
Menke	Miller	Mullins	Patchett
Poffenberger	Schneklath	Schröder	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	West	Mr. Speaker (Harbor)

The nays were, 52:

Anderson, J.	Anderson, R.	Avenson	Bina
Brandt	Branstad	Bruner	Chiodo
Cochran	Connolly	Connors	Corey
Crabb	Daggett	Dieleman	Doyle
Groth	Hall	Halvorson, R.N.	Hanson, D.
Hibbs	Horn	Howell	Hummel
Husak	Jay	Jochum	Johnson, J.
Lind	Lonergan	Lura	Maulsby

Millen	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Pope
Rapp	Renken	Ritsema	Sherzan
Shimanek	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods

Absent or not voting, 8:

Binneboese	Egenes	Hinkhouse	Jesse
Krewson	Lloyd-Jones	Lorenzen	Perkins

The bill, having failed to receive a constitutional majority, was declared to have failed to pass the House.

### SENATE FILE 2003 SUBSTITUTED FOR HOUSE FILE 2462

Doyle of Woodbury asked and received unanimous consent to substitute Senate File 2003 for House File 2462.

**Senate File 2003**, a bill for an act providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined, 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. 2003)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Davitt	De Groot
Dieleman	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Horn	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Loneragan	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley

Patchett	Pavich	Pellett	Pelton
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Harbor)			

The nays were, none.

Absent or not voting, 11:

Binneboese	Danker	Egenes	Halvorson, R.N.
Hinkhouse	Howell	Jesse	Krewson
Lloyd-Jones	Lorenzen	Perkins	

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

#### HOUSE FILE 2462 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 2462 from further consideration by the House.

**House File 2474**, a bill for an act to amend section four hundred fifty-five point one hundred thirty-five (455.135) of the Code, relating to repairs and improvements in drainage and levee districts, was taken up for consideration.

Spear of Lee offered the following amendment H - 5263 filed by him and moved its adoption:

H - 5263

- 1 Amend House File 2474 as follows:
- 2 1. Page 1, by striking lines 31 through 34 and
- 3 inserting in lieu thereof the following:
- 4 "c. If the estimated cost of any repair exceeds
- 5 ~~seventy five percent of the original total cost of~~
- 6 ~~the district and subsequent improvements therein five~~
- 7 ~~thousand dollars, the board shall set a date".~~
- 8 2. Page 2, by striking lines 32 through 34 and
- 9 inserting in lieu thereof the words "not exceed ~~twenty-~~
- 10 ~~five percent of the original cost of the district~~
- 11 ~~and subsequent improvements therein five thousand~~
- 12 ~~dollars, the board may order".~~
- 13 3. Page 3, by striking lines 24 through 26 and

14 inserting in lieu thereof the words "subsection should  
 15 exceed the original cost of the district plus the  
 16 cost of subsequent improvements in the district twenty  
 17 thousand dollars."

A non-record roll call was requested.

The ayes were 7, nays 79.

Amendment H – 5263 lost.

Hummel of Benton offered the following amendment H – 5304 filed by Hummel, et al., and moved its adoption:

H – 5304

1 Amend House File 2474 as follows:

2 1. Page 2, line 2, by inserting after the figure  
 3 "455.24." the words "The board shall not divide  
 4 proposed repairs into separate programs in order to  
 5 avoid the notice and hearing requirement of this  
 6 paragraph."

7 2. Page 2, by striking lines 4 and 5 and inserting  
 8 in lieu thereof the words "the hearing the board shall  
 9 order made such that the repairs as it deems desirable  
 10 and feasible be made. Any interested party shall".

11 3. Page 3, by striking line 16 and inserting in  
 12 lieu thereof the words "made such that the improvements  
 13 as it deems desirable and feasible be made.".

Amendment H – 5304 was adopted.

Hummel 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. 2474)

The ayes were, 88:

- |                 |                 |             |             |
|-----------------|-----------------|-------------|-------------|
| Anderson, J.    | Arnould         | Avenson     | Bennett     |
| Bina            | Brandt          | Branstad    | Bruner      |
| Byerly          | Chiodo          | Clark, B.J. | Clark, J.H. |
| Cochran         | Conlon          | Connolly    | Connors     |
| Corey           | Crawford        | Cusack      | Danker      |
| Davitt          | De Groot        | Dieleman    | Diemer      |
| Doyle           | Gettings        | Groth       | Hall        |
| Halvorson, R.A. | Halvorson, R.N. | Hansen, I.  | Hanson, D.  |

Hibbs	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lura	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Poffenberger	Pope	Rapp
Renken	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Harbor)

The nays were, 2:

Maulsby                      Spear

Absent or not voting, 10:

Anderson, R.	Binneboese	Crabb	Daggett
Egenes	Hinkhouse	Jesse	Lorenzen
Perkins	Ritsema		

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

### HOUSE FILE 2472 DEFERRED

Halvorson of Clayton asked and received unanimous consent that House File 2472 be deferred and that the bill retain its place on the calendar.

**House File 2357**, a bill for an act to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties, with report of committee recommending passage was taken up for consideration.

Welsh 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. 2357)



The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lonergan	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Sherzan	Shimanek	Shull
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Mr. Speaker (Harbor)			

The nays were, 2:

Lloyd-Jones	Patchett
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Absent or not voting, 9:

Binnéboese	Egenes	Hinkhouse	Jesse
Lorenzen	Perkins	Schroeder	Smalley
Woods			

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

## STUDY BILL COMMITTEE ASSIGNMENTS

### S.B. 727 Judiciary and Law Enforcement

Amending the changes to the rules of procedure and forms for the involuntary hospitalization of the mentally ill proposed by the supreme court.

**S.B. 728 State Government**

Relating to official reports.

**COMMITTEE RECOMMENDATIONS**

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

DAVID L. WRAY  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Senate File 446**, a bill for an act relating to weighing and measuring.

**Recommended Amend and Do Pass.**

H-5330

- 1 Amend Senate File 446 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 6, the
- 4 following:
- 5 "Sec. 2. Chapter two hundred fourteen (214), Code
- 6 1979, is amended by adding the following new section:
- 7 **NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL.**
- 8 A motor vehicle fuel pump at a retail service station
- 9 may record the price per half gallon of fuel dispensed
- 10 when the price per gallon exceeds ninety-nine and
- 11 nine-tenths cents per gallon and if the following
- 12 conditions are met:
- 13 1. All pumps at the service station shall be
- 14 uniform in the method of computing the price of motor
- 15 vehicle fuel.
- 16 2. Signs at the service station visible from the
- 17 street shall display only the full gallon price.
- 18 3. The price per gallon shall be displayed in
- 19 a conspicuous place near or on the pump:
- 20 4. A large and conspicuous window or street sign
- 21 shall be posted indicating that the pumps register
- 22 half gallon prices.
- 23 5. The service station shall comply with rules
- 24 that the secretary of agriculture may adopt imposing
- 25 additional requirements on the size and location of
- 26 notices relating to half gallon pricing.
- 27 All motor vehicle fuel sold by the gallon at re-

28 tail service stations shall be priced at the pump  
 29 by the gallon, by the half gallon, or by any other  
 30 method of pricing approved by the department of  
 31 agriculture by rule-making pursuant to chapter  
 32 seventeen A (17A) of the Code. Any other method of  
 33 pricing is prohibited.

34 Sec. 3. Chapter two hundred fourteen (214), Code  
 35 1979, is amended by adding the following new section:

36 **NEW SECTION. MOTOR VEHICLE FUEL PUMP PRICING**  
 37 **LABELS.** A retail dealer selling motor vehicle fuel  
 38 may use pricing labels on the face of any existing  
 39 motor vehicle fuel pump for the purpose of providing  
 40 the pump with the capability of measuring and recording  
 41 sales of motor vehicle fuel priced in excess of ninety-  
 42 nine and nine-tenths cents per gallon. However, such  
 43 pricing labels shall consist only of half-price pump  
 44 postings or one-tenth calibrated pricing labels  
 45 providing the consumer with a view of an added zero  
 46 digit equal in size to the adjoining price digits  
 47 on the price display face of the existing motor vehicle  
 48 fuel pump, to which the added zero digit is attached,  
 49 or any other pricing labels approved by the department  
 50 of agriculture by rule-making pursuant to chapter

**Page 2**

1 seventeen A (17A) of the Code.

2 Sec. 4. Section two hundred fourteen point one  
 3 (214.1), Code 1979, is amended by adding the following  
 4 new subsections:

5 **NEW SUBSECTION.** "Retail dealer" means retail  
 6 dealer as defined in section two hundred fourteen  
 7 A point one (214A.1), subsection three (3), of the  
 8 Code.

9 **NEW SUBSECTION.** "Motor vehicle fuel" means motor  
 10 vehicle fuel as defined in section two hundred fourteen  
 11 A point one (214A.1), subsection one (1), of the Code.

12 **NEW SUBSECTION.** "Existing motor vehicle fuel pump"  
 13 shall mean any pump, meter, or similar measuring  
 14 device, existing on the effective date of this Act,  
 15 with the capability of measuring and recording sales  
 16 of motor vehicle fuel not priced in excess of ninety-  
 17 nine and nine-tenths cents per gallon.

18 **NEW SUBSECTION.** "One tenth calibrated pricing  
 19 labels" shall mean pricing labels which, when applied  
 20 to an existing motor vehicle fuel pump face, cause  
 21 increases by multiples of ten in the amounts shown  
 22 on the price display face and the price per gallon  
 23 display face of any such pump.

24 **NEW SUBSECTION.** "Added zero digit" shall mean  
 25 a pricing label bearing the digit "zero" which is  
 26 secured to the pump face of any existing motor vehicle

27 fuel pump immediately adjacent to the penny wheel  
28 on the price display face of such pump."

29 2. Page 1, line 20, by inserting after the word  
30 "individual", the words "employed by a service agency".

31 3. Page 1, by inserting after line 26 the  
32 following:

33 "4. "Packer" means a person engaged in the business  
34 of any of the following:

35 a. Buying livestock in commerce for purposes of  
36 slaughter;

37 b. Manufacturing or preparing meats or meat food  
38 products for sale or shipment in commerce;

39 c. Marketing meats, meat food products, or  
40 livestock products in an unmanufactured form acting  
41 as a wholesale broker, dealer, or distributor in  
42 commerce.

43 Sec. 6. Chapter two hundred fifteen (215), Code  
44 1979, is amended by adding the following new section:

45 NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With  
46 payment for each purchase of livestock except poultry  
47 bought on a carcass weight or grade and yield basis,  
48 each packer shall provide the seller with one statement  
49 displaying the individual carcass weights of all the  
50 animals sold."

### Page 3

1 4. Page 1, by striking lines 29 and 30, and  
2 inserting in lieu thereof the following:

3 "NEW SECTION. PACKER-MONORAIL SCALE. The speed  
4 of a monorail scale operation used by a packer shall  
5 not exceed the manufacturer's".

6 5. Page 4, by striking lines 17 through 20 and  
7 inserting in lieu thereof the following:

8 "215.19 AUTOMATIC RECORDERS ON SCALES. All motor  
9 truck scales, livestock scales, grain dump scales,  
10 and combination truck and railroad track Except for  
11 scales used by packers slaughtering fewer than one  
12 hundred twenty head of livestock per day, all scales  
13 with a capacity over five hundred pounds, which are  
14 used for commercial purposes in".

15 6. Page 4, line 23, by inserting before the word  
16 "shall", the words "and installed after January 1,  
17 1981,".

18 7. Page 6, line 11, by adding the following after  
19 the word "date." "Sections two (2), three (3) and  
20 four (4) of this Act are repealed January 1, 1985."

21 8. Title page, line 1, by inserting after the  
22 word "measuring" the words "by granting the department  
23 of agriculture the authority to promulgate rules to  
24 implement chapters two hundred fourteen (214) and  
25 two hundred fifteen (215) and enforce its regulations,

26 by defining various weighing and measuring devices  
 27 and providing related definitions, relating to persons  
 28 who service weighing and measuring devices, relating  
 29 to weighing and measuring devices and procedures used  
 30 in the transportation of commodities, relating to  
 31 measuring devices used in the retail sale of motor  
 32 vehicle fuel, and relating to weighing regulations  
 33 in the sale of animal carcasses".  
 34 9. By renumbering the remaining sections and  
 35 internal references as are necessary to conform to  
 36 this amendment.

#### COMMITTEE ON COUNTY GOVERNMENT

**Committee Bill** (Formerly House File 2293, as amended), a bill for an act to authorize counties to levy a tax for the support of ambulance service provided under authority of the county board of supervisors, under certain circumstances.

**Recommended Do Pass.**

Fiscal Note is not required.

#### COMMITTEE ON HUMAN RESOURCES

**House File 2177**, a bill for an act relating to the inclusion of Reye's Syndrome as a reportable disease within the rules adopted by the state department of health.

**Recommended Do Pass.**

Fiscal Note is not required.

**Senate File 2114**, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

**Recommended Amend and Do Pass.**

H-5329

1 Amend Senate File 2114, as passed by the Senate,  
 2 as follows:  
 3 1. Page 2, line 14 by striking the word "complete"  
 4 and inserting in lieu thereof the word "existing".  
 5 2. Page 2, by striking lines 19 through 22 and  
 6 inserting in lieu thereof the words "be made available  
 7 as provided in this subsection. However, the identity  
 8 of".

**Study Bill 677**, to repeal the state residency requirement for employees of the department of social services.

**Recommended Amend and Do Pass.**

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 2102**, a bill for an act relating to the hospitalization of mentally ill persons.

**Recommended Amend and Do Pass.**

H-5334

1 Amend Senate File 2102 as follows:

2 1. Page 1, by striking lines 2 through 31 and  
3 inserting in lieu thereof the words and figures  
4 "(229.1), subsection six (6), Code 1979, is amended  
5 to read as follows:".

6 2. Page 1, line 33, by inserting after the figure  
7 "148" the words and figure "one hundred fifty (150)".

8 3. Page 1, line 34, by inserting after the word  
9 "surgery" the word "osteopathy".

10 4. Page 2, by striking lines 3 through 17 and  
11 inserting in lieu thereof the following:

12 "1. An application for admission to a public or  
13 private hospital for observation, diagnosis, care  
14 and treatment as a voluntary patient may be made by  
15 any person who is mentally ill or has symptoms of  
16 mental illness. In the case of a minor, the parent  
17 or, guardian or custodian may make application for  
18 admission of the minor as a voluntary patient, ~~however~~  
19 if. Upon receipt of an application for voluntary  
20 admission of a minor, the chief medical officer shall  
21 provide separate prescreening interviews and  
22 consultations with the parent, guardian or custodian  
23 and the minor to assess the family environment and  
24 the appropriateness of the application for admission.  
25 If the chief medical officer of the hospital to which  
26 application is made determines that the admission  
27 is appropriate but the minor objects to the admission,  
28 the parent ~~or,~~ guardian or custodian must petition  
29 the juvenile court for approval of the admission  
30 before the minor is actually admitted. The juvenile  
31 court shall determine whether the admission is in  
32 the best interest of the minor and is consistent with  
33 his or her rights."

34 5. Page 2, by striking lines 25 through 32 and  
35 inserting in lieu thereof the following:

36 "2. If the patient is a minor who was admitted  
37 on the application of his or her parent or, guardian  
38 or custodian pursuant to section 229.2, subsection  
39 1, his or her release prior to becoming eighteen years  
40 of age may be conditioned upon the consent of the  
41 parent or, guardian or custodian, or upon the approval  
42 of the juvenile court if the admission was approved  
43 by the juvenile court; and".

44 6. Page 3, by striking lines 31 through 34 and  
 45 inserting in lieu thereof the words "her own choice."  
 46 The reasonable cost of such separate examination  
 47 shall, if the respondent lacks sufficient funds to  
 48 pay the cost, be paid from county funds upon order  
 49 of the court. If the respondent is a resident of  
 50 the state and lacks sufficient funds to pay the cost

**Page 2**

1 of the separate examination, eighty percent of the  
 2 reasonable cost of the examination shall be paid from  
 3 county funds and twenty percent shall be paid from  
 4 state funds upon order of the court. However, if  
 5 the respondent is not a resident of the state and  
 6 lacks sufficient funds to pay the cost of the separate  
 7 examination, the state shall pay the entire reasonable  
 8 cost of the examination upon order of the court."

9 7. Page 9, by striking lines 9 through 35.

10 8. By striking pages 10 and 11.

11 9. Page 12, by striking lines 1 through 25.

12 10. Page 12, by striking lines 26 through 30 and  
 13 inserting in lieu thereof the following:

14 "Sec. . Chapter two hundred twenty-nine (229),  
 15 Code 1979, is amended by adding the following new  
 16 section:

17 **NEW SECTION. APPOINTMENT OF ADVOCATE FOR MINOR.**

18 If a minor is voluntarily admitted by the minor's  
 19 parent, guardian or custodian, the chief medical  
 20 officer shall notify the district".

21 11. By changing section numbers as made necessary  
 22 by this amendment.

**Study Bill 618**, to authorize certain trusts to be shareholders in a family farm corporation.

**Recommended Do Pass.**

**Study Bill 619**, to legalize certain plats of city or town lots reported before January 1, 1970.

**Recommended Amend and Do Pass.**

**Study Bill 621**, to allow the recording of a memorandum of lease of agricultural lands in lieu of the complete lease.

**Recommended Amend and Do Pass.**

**Study Bill 632**, relating to the use of computers for the storage of court records.

**Recommended Amend and Do Pass.**

## COMMITTEE ON STATE GOVERNMENT

**House File 690**, a bill for an act relating to the persons eligible for appointment on the appropriate eligible list under the merit system.

**Recommended Do Pass.**

Fiscal Note is not required.

**House File 2089**, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

**Recommended Amend and Do Pass.**

H-5331

1 Amend House File 2089 as follows:

- 2 1. Page 1, lines 28 through 30, by striking the  
3 words "Upon the recommendation of the state  
4 coordinating officer of the office of disaster services  
5 the" and inserting in lieu thereof the word "The".  
6 2. Page 1, line 32, by inserting after the word  
7 "dollars" the words "and shall not be provided for  
8 the purpose of snow removal and other expenses  
9 resulting from a blizzard".  
10 3. By renumbering as necessary.

Fiscal Note is not required.

**Study Bill 674 (Revised)**, to redesignate the name and duties of the Iowa crime commission and transfer the staff to the department of public safety.

**Recommended Do Pass.**

Fiscal Note is required.

**Study Bill 678**, relating to the method of transmission of funds to be deposited in the county mental health and institutions fund.

**Recommended Amend and Do Pass.**

Fiscal Note is required.

## 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 JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:00 a.m., February 28, 1980

Convened: 10:15 a.m.

Adjourned: 11:00 a.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Arnould, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Johnson of Howard, Lonergan, Maulsby, Pelton, Smalley, Walter and Welsh.

Absent: Patchett, Ranking Member; Jesse, Lloyd-Jones (arrived 10:15 a.m.) and Rapp.

AMENDMENTS FILED

H - 5332	H.F. 2429	Shimanek of Jones Ritsema of Sioux Krewson of Polk Spear of Lee
H - 5333	H.F. 2473	Spear of Lee
H - 5335	S.F. 2102	Ritsema of Sioux
H - 5336	H.F. 2476	Woods of Polk
H - 5337	S.F. 446	Cochran of Webster Davitt of Warren

On motion by Halvorson of Clayton, the House adjourned at 4:13 p.m., until 9:00 a.m., Friday, February 29, 1980.

## JOURNAL OF THE HOUSE

Forty-seventh Calendar Day—Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 29, 1980

The House met pursuant to adjournment, Speaker pro tempore Harbor of Mills in the chair.

Prayer was offered by the Reverend Glenn Kappelmann, pastor of the Nazareth Lutheran Church, Cedar Falls.

The Journal of Thursday, February 28, 1980 was approved.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Pavich of Pottawattamie.

### PRESENTATION OF VISITORS

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

Four senior cheerleaders from Estherville High School, Estherville, accompanied by Maria McNulty. By Kirkenlager of Des Moines and Holt of Clay.

Three state wrestling tournament qualifiers and cheerleaders from Oelwein High School, Oelwein, accompanied by coaches Dick Eversmeyer, Butch Grub and John Youngblut. By Avenson of Fayette.

### INTRODUCTION OF BILLS

**House File 2495**, by committee on judiciary and law enforcement, a bill for an act relating to strip searches subsequent to arrest.

Read first time and placed on the calendar.

**House File 2496**, by committee on agriculture, a bill for an act providing an exemption of individuals who make baked goods or confectionary items from licensing and inspection when receipts are less than two thousand dollars in one year.

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

**House File 2497**, by committee on state government, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 74**, by Robinson, a bill for an act relating to the resubmission to the electors of a proposal for issuance of bonds.

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

**Senate File 2070**, by Gentleman, a bill for an act to allow multi-year professional and occupational licenses.

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

**Senate File 2090**, by Rush, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-1980 fiscal year and removing the acreage limitation in determining the amount of claim for credit for property taxes due or reimbursement for rent constituting property taxes paid by certain elderly and disabled persons under chapter four hundred twenty-five (425) of the Code.

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

**Senate File 2209**, by committee on labor and industrial relations, a bill for an act to exclude persons employed by the public employment relations board from collective bargaining.

Read first time and referred to committee on **labor and industrial relations.**

### 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 CONSIDERED

Hanson of Delaware called up for consideration **House File 741**, a bill for an act to exempt from the real estate transfer tax certain deeds between family corporations or authorized farm corporations and their stockholders, amended by the Senate, and moved that the House concur in the Senate amendment H—5073 received from the Senate on January 29 and found on page 252 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—5073.

Hanson of Delaware 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. 741)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer

Swearingen  
Van Maanen  
Woods

Thompson  
Welden  
Mr. Speaker  
(Harbor)

Tofte  
Wells

Tyrrell  
Welsh

The nays were, none.

Absent or not voting, 14:

Binneboese  
Hinkhouse  
Patchett  
Walter

Chiodo  
Jesse  
Pelton  
West

Connors  
Jochum  
Perkins

Egenes  
Lonergan  
Rapp

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

### SENATE AMENDMENT CONSIDERED

Hoffmann of Muscatine called up for consideration **House File 2240**, a bill for an act to make library circulation and registration records confidential records, amended by the Senate amendment H—5217, received from the Senate on February 13 and found on page 493 of the House Journal.

Hoffmann of Muscatine offered the following amendment H—5269, to the Senate amendment H—5217, filed by Hoffmann, et al., and moved its adoption:

H—5269

- 1 Amend Senate amendment H—5217 to House File 2240
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 5 through 7 and
- 5 inserting in lieu thereof the following:
- 6 "NEW SUBSECTION. The records of a library which,
- 7 by themselves or when examined with other public
- 8 records, would reveal the identity of the library
- 9 patron checking out or requesting an item from the
- 10 library."

Amendment H—5269 was adopted.

The following amendment H—5338, to the Senate amendment H—5217, filed by Connolly of Dubuque from the floor was adopted by unanimous consent:

H—5338

- 1 Amend Senate amendment H—5217 to House File 2240
- 2 as amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by adding the following after line 7:
- 4 "2. Title page, by striking lines 1 and 2, and
- 5 inserting in lieu thereof the following: "An Act
- 6 relating to the confidentiality of certain library
- 7 records."

Hoffmann of Muscatine moved that the House concur in the Senate amendment H—5217, as amended.

A non-record roll call was requested.

The ayes were 56, nays 31.

The motion prevailed and the House concurred in the Senate amendment H—5217, as amended.

Hoffmann 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.

Under the provisions of Rule 81, Conlon of Muscatine refrained from voting.

On the question "Shall the bill pass?" (H.F. 2240)

The ayes were, 74:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lloyd-Jones	Lonergan	Lorenzen	McKean
Menke	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Poffenberger
Pope	Rapp	Renken	Ritsema

Schneklath	Sherzan	ShimaneK	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Weiden
Wells	Mr. Speaker (Harbor)		

The nays were, 11:

Branstad	Connolly	Groth	Hullinger
Krewson	Lind	Lura	Maulsby
O'Kane	Welsh	Woods	

Absent or not voting, 15:

Binneboese	Chiodo	Conlon	Egenes
Hinkhouse	Jay	Jesse	Millen
Patchett	Pelton	Perkins	Schroeder
Stromer	Walter	West	

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

Miller of Buchanan asked and received unanimous consent to be recorded as voting "aye" on House File 2240 and the vote was so recorded.

### SENATE AMENDMENT CONSIDERED

Tofte of Winneshiek called up for consideration **Senate File 278**, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H - 5268 to the House amendment, received from the Senate on February 20 and found on pages 587 and 588 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H - 5268.

Tofte of Winneshiek 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. 278)

The ayes were, 80:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Brandt	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Gettings	Groth	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Mausly
McKean	Menke	Miller	Mullins
Norland	Oxley	Pellett	Pelton
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Welden	Welsh	Woods	Mr. Speaker (Harbor)

The nays were, 5:

Doyle	O'Kane	Pavich	Van Maanen
Wells			

Absent or not voting, 15:

Avenson	Binneboese	Branstad	Chiodo
Egenes	Hall	Hinkhouse	Husak
Jesse	Millen	Patchett	Perkins
Shimanek	Walter	West	

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

**MOTION TO RECONSIDER PREVAILED**  
(Senate File 468)

Pellett of Cass called up for consideration the motion to recon-



sider Senate File 468, filed on February 7, 1980, and moved to reconsider the vote by which Senate File 468, a bill for an act relating to the forfeiture of installment real estate contracts, passed the House on February 7, 1980.

A non-record roll call was requested.

The ayes were 86, nays none.

The motion prevailed and the House reconsidered Senate File 468.

Smalley of Polk called up for consideration the motion to reconsider amendment H—5085 filed by him on February 7 and asked and received unanimous consent that the motion to reconsider be withdrawn.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5139 filed on February 7 and moved to reconsider the vote by which amendment H—5139, as amended, was adopted by the House on February 7. The motion prevailed and the House reconsidered amendment H—5139.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5180, to amendment H—5139, filed on February 7 and moved to reconsider the vote by which amendment H—5180 was adopted by the House on February 7, which motion prevailed and the House reconsidered amendment H—5180, to amendment H—5139.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—5180.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—5139.

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. 468)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Branstad
Bruner	Byerly	Clark, J.H.	Cochran
Conlon	Gonnolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lura	McKean
Menke	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Wells	Welsh	Woods
Mr. Speaker (Harbor)			

The nays were, 5:

Groth	Halvorson, R.N.	Jay	Maulsby
O'Kane			

Absent or not voting, 14:

Binneboese	Chiodo	Clark, B.J.	Egenes
Hinkhouse	Jesse	Lorenzen	Millen
Patchett	Perkins	Rapp	Stromer
Walter	West		

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

**MOTION TO RECONSIDER PREVAILED**  
(House File 2429)

Shimanek of Jones called up for consideration the motion to reconsider House File 2429, filed on February 18, and moved to reconsider the vote by which House File 2429, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant, failed to pass the House on February 18, 1980.

A non-record roll call was requested.

The ayes were 67, nays 18.

The motion prevailed and the House reconsidered House File 2429, placing out of order the motion to reconsider filed by Krewson of Polk on February 18, 1980.

Shimanek of Jones offered the following amendment H—5332 filed by Shimanek, et al., and moved its adoption:

H—5332

- 1 Amend House File 2429 as follows:
- 2 1. Page 1, lines 7 and 8, by striking the words
- 3 "mental disability" and inserting in lieu thereof the
- 4 words "previously diagnosed mental disorder".
- 5 2. Page 1, line 17, by striking the word "a" and
- 6 inserting in lieu thereof the words "a an inpatient
- 7 or outpatient".

Amendment H—5332 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2429)

The ayes were, 69:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Bruner
Byerly	Clark, B.J.	Cochran	Conlon
Connolly	Connors	Corey	Crawford
Cusack	Daggett	Danker	Dieleman
Diemer	Doyle	Gettings	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Horn
Howell	Hummel	Jochum	Johnson, J.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
McKean	Miller	Mullins	Norland
Oxley	Pavich	Pelton	Poffenberger
Rapp	Renken	Ritsema	Schneklath
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Wells
Mr. Speaker			
(Harbor)			

The nays were, 18:

Branstad	Crabb	Davitt	De Groot
Groth	Hullinger	Husak	Jay
Johnson, R.	Johnson, W.	Lura	Maulsby
Menke	O'Kane	Pellett	Welden
Welsh	Woods		

Absent or not voting, 13:

Binneboese	Chiodo	Clark, J.H.	Egenes
Hinkhouse	Jesse	Millen	Patchett
Perkins	Pope	Schroeder	Walter
West			

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

The House stood at ease at 10:31 a.m., until the fall of the gavel.

The House resumed session at 11:55 a.m., Speaker pro tempore Harbor of Mills in the chair.

Halvorson of Clayton asked and received unanimous consent that the bills listed on the Friday, February 29, Daily Debate Calendar be deferred and retained on the Monday, March 3, Daily Debate Calendar.

#### MOTION TO RECONSIDER (House File 2429)

I move to reconsider the vote by which House File 2429 passed the House on February 29, 1980.

HALVORSON of Webster

#### COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

#### IOWA HOUSING FINANCE AUTHORITY

A report concerning the disclosure reports filed under the law, and further concerning the present and future status of older neighborhoods in general, pursuant to Chapter 220.6, Code of Iowa.

COMMUNICATION FROM SECRETARY OF STATE

February 28, 1980

David L. Wray  
Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2072, was published in the Marshalltown Times-Republican, Marshalltown, Iowa on February 23, 1980, and in the Globe-Gazette, Mason City, Iowa on February 23, 1980.

Respectfully submitted,

MELVIN D. SYNHORST  
Secretary of State

STUDY BILL COMMITTEE ASSIGNMENTS

**S.B. 729 Cities**

Relating to the publication of city clerks of a list of the city's expenditures.

SUBCOMMITTEE ASSIGNMENTS

**House File 2140**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2151**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2292**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**House File 2314**

Ways and Means: Harbor, Chair; Lorenzen and Brandt.

**House File 2411**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**House File 2416**

Ways and Means: Norland, Chair; Schnekloth and Thompson.

**House File 2426**

Labor and Industrial Relations: Pope, Chair; Menke and Gettings.

**House File 2433**

County Government: Smalley, Chair; Binneboese and Clark of Lee.

**Senate File 367**

Commerce: Pope, Chair; Chiodo and Swearingen.

**Senate File 460**

Labor and Industrial Relations: Pope, Chair; Lorenzen, Corey, Gettings and Jochum.

**Senate File 2015**

County Government: Branstad, Chair; Oxley and Lageschulte.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS****Study Bill 708**

Transportation: Bennett, Chair; Kirkenlager and Hinkhouse.

**Study Bill 709**

Transportation: Bennett, Chair; Davitt and Hoffmann.

**Study Bill 711**

Transportation: Hoffmann, Chair; Davitt and Kirkenlager.

**Study Bill 714**

Commerce: Johnson of Linn, Chair; Chiodo, Jochum, Hibbs and Schroeder.

**Study Bill 715**

Education: Hansen of O'Brien, Chair; Maulsby and Horn.

**Study Bill 716**

Education: Diemer, Chair; Larsen and Norland.

**Study Bill 717**

Judiciary and Law Enforcement: Smalley, Chair; Patchett and Ritsema.

**Study Bill 718**

Energy: Ritsema, Chair; Poffenberger and Hullinger.

**Study Bill 719**

Energy: De Groot, Chair; Howell and Binneboese.

**Study Bill 720**

Energy: Van Maanen, Chair; Hullinger and Poffenberger.

**Study Bill 721**

Ways and Means: West, Chair; Diemer and Norland.

**Study Bill 722**

Ways and Means: West, Chair; Diemer and Norland.

**Study Bill 724**

Commerce: Conlon, Chair; Shull and Walter.

**Study Bill 725**

Transportation: Schroeder, Chair; Daggett and Woods.

**Study Bill 727**

Judiciary and Law Enforcement: Shimanek, Chair; Patchett, Ritsema, Jesse and Pelton.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Senate File 2241**, a bill for an act relating to appropriations for the fiscal year

beginning July 1, 1979, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

**Recommended Amend and Do Pass.**

H-5340

- 1 Amend Senate File 2241 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 2, by striking the words and
- 4 figure "section one (1)" and inserting in lieu thereof
- 5 the words and figures "Acts of the Sixty-eighth
- 6 General Assembly, 1979 Session, chapter eight (8),
- 7 section three (3), subsection one (1), as amended
- 8 by section fifteen (15)".

**Study Bill 690**, relating to the compensation and expenses of the board of trustees of a sanitary sewer district.

**Recommended Do Pass.**

#### COMMITTEE ON ENERGY

**Study Bill 516**, relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities.

**Recommended Amend and Do Pass.**

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 2393**, a bill for an act relating to the use of polygraph examinations as a condition of employment.

**Recommended Do Pass.**

#### COMMITTEE ON NATURAL RESOURCES

**Senate File 477**, a bill for an act relating to the control, abatement and prevention of air pollution by the department of environmental quality, and providing a civil penalty.

**Recommended Amend and Do Pass.**



H-5341

1 Amend Senate File 477 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 2, line 21, by inserting after the word  
4 "source." the following:

5 "The standards or limitations adopted under this  
6 section shall not exceed the standards or limitations  
7 promulgated by the administrator of the United States  
8 environmental protection agency or the requirements  
9 of the federal Clean Air Act as amended to January  
10 1, 1979. This does not prohibit the commission from  
11 adopting a standard for a source or class of sources  
12 for which the United States environmental protection  
13 agency has not promulgated a standard."

14 2. Page 2, line 26, by inserting after the word  
15 "equipment," the word "material".

16 3. Page 2, line 29, by striking the words "in  
17 nonattainment areas" and inserting in lieu thereof  
18 the words "or the lowest achievable emission rate  
19 in nonattainment areas, or in order to establish best  
20 available control technology in areas subject to  
21 prevention of significant deterioration review,".

22 4. Page 3, line 3, by inserting after the word  
23 "equipment," the word "material".

24 5. Page 3, line 8, by inserting after the word  
25 "equipment," the word "material".

26 6. Page 4, by striking lines 6 through 26, and  
27 inserting in lieu thereof the following:

28 "10. a. Require, by rules, notice of the  
29 construction ~~or the installation~~ of any equipment  
30 air contaminant source which may cause or contribute  
31 to air pollution, and the submission of plans and  
32 specifications to the department, or ~~such other~~  
33 information deemed necessary, for the installation  
34 of equipment ~~from which air contaminants may be emitted~~  
35 ~~to the atmosphere~~ air contaminant sources and related  
36 control equipment. The rules shall allow the owner  
37 or operator of a major stationary source to elect  
38 to obtain a conditional permit in lieu of a  
39 construction permit. The rules relating to a  
40 conditional permit for an electric power generating  
41 facility subject to chapter 476A and other major  
42 stationary sources shall allow the submission of  
43 engineering descriptions, flow diagrams and schematics  
44 that quantitatively and qualitatively identify emission  
45 streams and alternative control equipment that will  
46 provide compliance with emission standards. Such  
47 rules shall not specify any particular method to be  
48 used to reduce undesirable levels of emissions, nor  
49 type, design, or method of installation of any  
50 equipment to be used to reduce such levels of

## Page 2

1 emissions, nor the type, design, or method of  
2 installation or type of construction of any  
3 manufacturing processes or kinds of equipment, nor  
4 specify the kind or composition of fuels permitted  
5 to be sold, stored, or used unless authorized by  
6 subsection four (4) of this section."

7 7. Page 4, by striking lines 30 through 35.

8 8. Page 5, by striking line 1.

9 9. Page 5, by inserting before line 2, the  
10 following:

11 "Sec. . Section four hundred fifty-five B point  
12 thirteen (455B.13), subsection three (3), Code 1979,  
13 is amended to read as follows:

14 3. Grant, modify, or deny permits for the  
15 installation construction of new equipment capable  
16 of emitting air contaminants to produce air pollution  
17 or modified air contaminant sources and for related  
18 control equipment, and conditional permits for electric  
19 power generating facilities subject to chapter 476A  
20 and other major stationary sources, subject to the  
21 rules adopted by the commission. The department shall  
22 furnish necessary application forms for such permits.

23 a. No equipment which may cause or contribute  
24 to air pollution or which is intended primarily to  
25 prevent or to control the emission of air contaminants  
26 air contaminant source shall be installed, altered  
27 so that it significantly affects operation efficiency  
28 emissions, or placed in use unless a construction  
29 or conditional permit has been issued for such  
30 equipment the source.

31 b. The condition of expected performance must  
32 shall be reasonably detailed in the construction or  
33 conditional permit unless it is agreed between the  
34 department and the permit holder that a condition  
35 of development and adjustment exists.

36 c. All applications for permits other than  
37 conditional permits for electric generating facilities  
38 shall be subject to such notice and public  
39 participation as may be provided by rule by the  
40 commission. Upon denial or limitation of such a  
41 permit other than a conditional permit for an electric  
42 generating facility, the applicant shall be notified  
43 of such denial and informed of the reason or reasons  
44 therefor, and such applicant shall be entitled to  
45 a hearing before the commission as provided in section  
46 455B.12, subsection 6.

47 d. All applications for conditional permits for  
48 electric power generating facilities shall be subject  
49 to such notice and opportunity for public participation  
50 as may be consistent with chapter 476A or any agreement

Page 3

1 pursuant thereto under chapter 28E. The applicant  
 2 or intervenor may appeal to the commission from the  
 3 denial of a conditional permit or any of its conditions.  
 4 For the purposes of chapter 476A, the issuance or  
 5 denial of a conditional permit by the executive  
 6 director or by the commission upon appeal shall be  
 7 a determination that the electric power generating  
 8 facility does or does not meet the permit and licensing  
 9 requirements of the commission. The issuance of a  
 10 conditional permit shall not relieve the applicant  
 11 of the responsibility to submit final and detailed  
 12 construction plans and drawings and an application  
 13 for a construction permit for control equipment that  
 14 will meet the emission limitations established in  
 15 the conditional permit."

16 10. Page 5, lines 27 and 28, by striking the words  
 17 "an application for an installation" and inserting  
 18 in lieu thereof the words "a completed application  
 19 for a construction".

20 11. Page 8, line 4, by striking the word  
 21 "operation", and inserting in lieu thereof the word  
 22 "conditional".

23 12. Page 8, line 7, by striking the word  
 24 "construction".

25 13. Page 8, line 10, by striking the words "an  
 26 operation" and inserting in lieu thereof the word  
 27 "the".

28 14. By renumbering sections to conform to this  
 29 amendment.

COMMITTEE ON TRANSPORTATION

Study Bill 709, relating to temporary allocation of farm-to-market road use funds.

Recommended Amend and Do Pass.

Study Bill 711, to correct references from calendar years to fiscal years in section three hundred twelve point two (312.2), subsection eight (8), of the Code relating to the allotment of funds to a county for the secondary road fund on the basis of local tax effort.

Recommended Do Pass.

AMENDMENTS FILED

H-5339

S.F. 2241

Bruner of Story

H-5342

H.F. 2160

Hansen of O'Brien

H-5343	S.F. 2241	Gettings of Wapello
H-5344	H.F. 2491	Miller of Buchanan
H-5345	S.F. 2241	Bruner of Story

On motion by Halvorson of Clayton, the House adjourned at 11:56 a.m., until 10:00 a.m., Monday, March 3, 1980.

# JOURNAL OF THE HOUSE

Fiftieth Calendar Day—Thirty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 3, 1980

The House met pursuant to adjournment, Hansen of O'Brien in the chair.

Prayer was offered by the Reverend Delbert Story, pastor of the Hazel Dell United Methodist Church, Council Bluffs.

The Journal of Friday, February 29, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stephen Richards, Algona.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Millen of Van Buren on request of Stromer of Hancock; Welden of Hardin for the morning session on request of Crabb of Crawford.

## PRESENTATION OF VISITORS

Danker of Pottawattamie presented to the House the Honorable William E. Darrington, former member of the House representing Harrison County.

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

Twenty-five twelfth grade students from South Hamilton Junior-Senior High School, Jewell, accompanied by Richard Steffer. By Egenes of Story.

## INTRODUCTION OF BILLS

**House File 2498**, by committee on human resources, a bill for an act to repeal the state residency requirement for employees of the department of social services.

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

**House File 2499**, by committee on state government, a bill for an act amending the Iowa credit union law as it relates to the composition of the credit union review board, the annual report of the department, the use of a credit union by the department's employees and the use of the term "credit union".

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

**House File 2500**, by committee on appropriations, a bill for an act relating to the compensation and expenses of the board of trustees of a sanitary sewer district.

**Read first time and placed on the appropriations 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 February 27, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2243, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds.

FRANK J. STORK, Secretary

The House stood at ease at 10:10 a.m. until the fall of the gavel.

The House resumed session at 11:01 a.m., Hansen of O'Brien in the chair.

#### COMMUNICATION FROM THE SPEAKER

February 29, 1980

The Honorable William H. Harbor  
Speaker Pro Tempore  
Iowa House of Representatives  
State House  
Des Moines, Iowa 50319

Dear Bill:

Please accept my resignation as Speaker of the Iowa House of Representatives

effective March 3, 1980.

Sincerely,

FLOYD H. MILLEN  
Speaker

Halvorson of Clayton moved that the letter of resignation be accepted, which motion prevailed.

### ELECTION OF SPEAKER

Smalley of Polk moved that the Honorable William H. Harbor be elected as Speaker of the House and that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Sixty-eighth General Assembly for the Honorable William H. Harbor as speaker.

The motion prevailed and in accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable William H. Harbor as Speaker of the House of Representatives of the Sixty-eighth General Assembly. The Honorable William H. Harbor of Mills County, having received all of the votes cast for the office of Speaker of the House of Representatives of the Sixty-eighth General Assembly, was declared duly elected to that office.

Danker of Pottawattamie moved that a committee of two be named to escort the Speaker to the chair.

The motion prevailed and the following committee was named: Danker of Pottawattamie and Pavich of Pottawattamie.

### PRESENTATION OF SPEAKER

The Honorable William H. Harbor was escorted to the Speaker's station and, having been sworn, assumed the chair. Hansen of O'Brien presented Speaker Harbor with the gavel and congratulated him on his unanimous election.

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

These past few weeks have been filled with emotion and tension. While our purpose for being here was not slowed down, the concerns and inner tightness continued to mount.

All this reminds me of an experience of many years ago when serving as gunnery officer of an AK 77. We were fighting for our very lives in the battle of Okinawa.

After several days and nights of continued harrassment by the enemy kamikaze, the tension and emotions could be cut with a knife. One particular night was even worse than those preceding. As matters went from bad to worse, the ship immediately ahead of us took a kamikaze plane in its #4 starboard hold setting off the ammunition causing a huge fire and numerous casualties.

The ship's skipper, with nerves at a breaking point, asked the flotilla commander for permission to abandon ship. Without hesitating, Admiral Reif Snyder, the flotilla commander, replied in a firm and strong voice, "You will abandon ship under no circumstances, permission denied." That was all that was said, but it was enough because having been denied permission the captain and crew, with help of others and bolstered by those strong words, proceeded to control the fire and the damage, and the ship lived to sail again.

The rumors, the suggestions, the ideas of the past several weeks approached the point of near despair. In effect, they were reaching the point of considering the abandonment of our ship.

To those of this thinking and to those who would make this suggestion, I would paraphrase Admiral Reif Snyder's statement, "We will abandon this ship of state under no circumstances, permission denied."

Our strength will be gained by speaking as one. It is time to unite after one purpose and bring together our collective talents in addressing the opportunities of today. Toward this end I pledge you my hand of cooperation. I give you my hand of strength and firmness. I give you my hand of openness. Of still greater importance, I give you my heart full of love for each of you, with the hope and prayer that God will be our partner in these endeavors.

I would ask that as you seek this same guidance that you will remember both Floyd and Betty Millen who desperately need us now as never before.

Together, with one purpose, we can enlarge the Iowa sign of a place to grow to continue Iowa as a great place to live.

## ELECTION OF SPEAKER PRO TEMPORE

Crawford of Story moved that the Honorable Delwyn Stromer be elected as Speaker pro tempore of the House and that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Sixty-eighth General Assembly for the Honorable Delwyn Stromer as Speaker pro tempore.



The motion prevailed and in accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Delwyn Stromer as Speaker pro tempore of the House of Representatives of the Sixty-eighth General Assembly. The Honorable Delwyn Stromer of Hancock County, having received all of the votes cast for the office of Speaker pro tempore of the House of Representatives of the Sixty-eighth General Assembly, was declared duly elected to that office.

Menke of O'Brien moved that a committee of two be named to escort the Speaker pro tempore to the Speaker's station.

The motion prevailed and the following committee was named: Menke of O'Brien and Cochran of Webster.

The Honorable Delwyn Stromer was escorted to the chair and, being duly sworn, offered the following remarks:

Mr. Speaker, Members of the House:

It is with great humility that I accept the Speaker pro tempore position in the Iowa House.

Historically it has been proper for the person elected to this position to talk about cooperation, trust and expediency. Everyone knows that by the end of the second, third, or for sure by the fourth week, all these fine promises have been forgotten by both sides and it is partisan business as usual.

I'm not naive enough to think that we may not have the same action the remainder of this year. We were elected as individuals to represent our individual districts. I would, however, suggest that for the remainder of the session some issues like the transportation problems caused by bankrupt railroads and the usury problems caused by sixteen and three quarter percent prime rate, are challenges enough for all of us to work together when it is necessary to protect the rights of all states in the nation rather than just allowing the federal government to preempt all our rights. On many of these issues, the Iowa legislature must surely hang together or all the states may fall apart.

I'm very proud to accept the challenge that you have given me and hope I can adequately fulfill the position.

### UNANIMOUS CONSENT

Halvorson of Clayton asked and received unanimous consent that the House of Representatives present to the Honorable Floyd H. Millen a chair similar to the one used in his official capacity as

Speaker and that the Chief Clerk procure a suitable name plate to be properly engraved and attached to the chair.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 2476**, a bill for an act relating to the state and county funding of a county fair by providing for a referendum, was taken up for consideration.

Woods of Polk offered the following amendment H—5336 filed by him and moved its adoption:

H—5336

- 1 Amend House File 2476 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "society." the following:
- 4 "In addition, one percent of the gross sum wagered
- 5 through the pari-mutuel system shall be distributed
- 6 to the counties on a population basis. By May 15,
- 7 1981, the general assembly shall establish a pari-
- 8 mutuel racing commission and specify its powers and
- 9 duties."

Crawford of Story rose on a point of order that amendment H—5336 was not germane.

The Speaker ruled the point well taken and amendment H—5336 not germane.

Chiodo of Polk moved that the rules governing germaneness be suspended to consider and adopt amendment H—5336.

Roll call was requested by Dieleman of Marion and Lageschulte of Bremer.

On the question "Shall the rules be suspended to consider and adopt amendment H—5336?"

The ayes were, 23:

Arnould  
Connolly  
Hall  
Jochum

Bina  
Connors  
Hibbs  
Miller

Byerly  
Doyle  
Horn  
O'Kane

Chiodo  
Gettings  
Husak  
Pavich

Perkins  
Wells

Rapp  
Welsh

Sherzan  
Woods

Walter

The nays were, 67:

Anderson, J.	Avenson	Bennett	Binneboese
Brandt	Branstad	Bruner	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Groth	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hinkhouse	Hoffmann	Holt
Howell	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Mullins	Norland	Oxley	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	West	Mr. Speaker	

Absent or not voting, 10:

Anderson, R.	Cochran	Halvorson, R.N.	Hullinger
Jay	Jesse	Krewson	Millen
Patchett	Welden		

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2476)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.

Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chiodo	Hullinger	Jesse	Millen
Patchett	Swearingen	Welden	

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

**Senate File 2126**, a bill for an act abolishing the additional bonus and disability fund, was taken up for consideration.

Lura 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?" (S.F. 2126)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke

Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Halvorson, R.N.	Hullinger	Jesse	Lloyd-Jones
Millen	Patchett	Welden	

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

**Senate File 446**, a bill for an act relating to weighing and measuring, with report of committee recommending amendment and passage was taken up for consideration.

Anderson of Audubon asked and received unanimous consent to withdraw amendment H-5250 filed by the committee on agriculture on February 18, 1980 and found on pages 567 through 569 of the House Journal.

Anderson of Audubon offered amendment H-5330 filed by the committee on agriculture on February 28, 1980 and found on pages 704 through 707 of the House Journal. Division was requested as follows:

Amendment H-5330A, lines 3 through 50 page 1 and lines 1 through 28, page 2.

Amendment H-5330B, lines 29 through 50, page 2 and lines 1 through 36, page 3.

On motion by Anderson of Audubon, the committee amendment H-5330A was adopted.

On motion by Anderson of Audubon, the committee amendment H-5330B was adopted.

Cochran of Webster offered the following amendment H—5337 filed by him and Davitt of Warren:

H—5337

- 1 Amend Senate File 446 as follows:
- 2 1. Page 4, by inserting after line 27 the
- 3 following:
- 4 "Sec. Section two hundred fifteen A point
- 5 three (215A.3), Code 1979, is amended to read as
- 6 follows:
- 7 215A.3 RULES ADOPTED—HEARING. The department
- 8 is hereby charged with the enforcement of this chapter
- 9 and, after due publicity and due public hearing, is
- 10 empowered to establish rules, regulations,
- 11 specifications, standards, and tests as may be
- 12 necessary in order to secure the efficient
- 13 administration of this chapter. Publicity concerning
- 14 the public hearing shall be reasonably calculated
- 15 to give interested parties adequate notice and adequate
- 16 opportunity to be heard. In establishing such rules,
- 17 regulations, specifications, standards, and tests
- 18 the department may shall use such the specifications
- 19 and tolerances established in section 215.18, or those
- 20 specifications and tolerances established by the
- 21 United States department of agriculture, until
- 22 established by the United States bureau of standards
- 23 as of November 15, 1971, in chapter XII of GR
- 24 instruction 916-6, equipment manual, used by the
- 25 federal grain inspection service. The department
- 26 may from time to time publish such data in connection
- 27 with the administration of this chapter as may be
- 28 of public interest."
- 29 2. By renumbering remaining sections as necessary.

Cochran of Webster offered the following amendment H—5346, to amendment H—5337, filed by him and Davitt of Warren from the floor and moved its adoption:

H—5346

- 1 Amend amendment H—5337 to Senate File 446 as
- 2 follows:
- 3 1. Page 1, by striking lines 18 through 20 and
- 4 inserting in lieu thereof the following:
- 5 "the department may use such the specifications and
- 6 tolerances established in section 215.18, or those
- 7 and shall use the specifications and tolerances
- 8 established by the".

Amendment H—5346 was adopted.

On motion by Cochran of Webster, amendment H—5337, as amended, was adopted.

O'Kane of Woodbury offered the following amendment H—3759 filed by him:

H—3759

- 1 Amend Senate File 446 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 26, the follow-
- 4 ing:
- 5 "Sec. . Chapter two hundred fifteen (215),
- 6 Code 1979, is amended by adding the following new
- 7 section:
- 8 NEW SECTION. INSPECTION OF GAS AND ELECTRIC METERS.
- 9 The department shall annually inspect one quarter
- 10 of one percent of all gas and electric meters in
- 11 operation in the state of Iowa. The department shall
- 12 charge the utility so supplying the gas or electricity,
- 13 or both, a reasonable fee for the inspection."
- 14 2. By renumbering to conform to this amendment.

Anderson of Audubon rose on a point of order that amendment H—3759 was not germane.

The Speaker ruled the point well taken and amendment H—3759 not germane.

O'Kane of Woodbury moved that the rules be suspended to consider amendment H—3759.

A non-record roll call was requested.

The ayes were 37, nays 53.

The motion lost.

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

On the question "Shall the bill pass?" (S.F. 446)

The ayes were, 94:

Anderson, J.

Anderson, R.

Arnould

Avenson

Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Chiodo	Lind	Millen	Patchett
Poffenberger	Welden		

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

### MOTION TO RECONSIDER WITHDRAWN (Senate File 205)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider Senate File 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental quality commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hun-



dred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties, filed by him on February 27, 1980.

#### UNANIMOUS CONSENT TO VOTE

Hansen of O'Brien asked and received unanimous consent that O'Kane of Woodbury be allowed to vote on questions considered in his absence and the votes were so recorded.

#### PAGES

Daggett of Taylor welcomed the new Pages to the House. The House rose and extended its greetings.

#### MOTION TO RECONSIDER (Senate File 278)

I move to reconsider the vote by which Senate File 278 passed the House on February 29, 1980.

SCHROEDER of Pottawattamie

#### 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 3rd day of March, 1980: House Files 687 and 744.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

#### REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 5, 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>
Executive Secretary to Chief Clerk	Dorothy E. Potthoff	23-3 to 23-4	P-FT	02/15/80
Research Analyst	N. John Boehm	24-1 to 24-2	P-FT	02/29/80
Research Analyst	Sandra L. Githens	26-5 to 26-6	I-FT	03/28/80
Research Analyst	Kristine K. Meinhard	24-1	I-FT	01/21/80
Clerk to Caucus Staff	Cathy Y. Auwaerter	15-2 to 15-3	P-FT	02/29/80
Postmaster	Mildred M. Weber	10-2 to 10-3	I-FT	03/14/80
House Clerk	Frances C. Fazio	13-1 to 15-1	I-FT	02/01/80
House Clerk	Joan M. Hansen	13-1 to 15-1	I-FT	02/01/80
House Clerk	Giovanna K. Ries	15-3 to 15-2	I-FT	02/01/80
Administrative Assistant II	Scott R. Grau	13-1 to 15-1	I-FT	01/18/80
Administrative Assistant II	Nancy J. Robertson	13-1 to 15-1	I-FT	01/18/80

DAGGETT of Taylor, Chair

### CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

1980-20 Charles J. Selzer

DAVID L. WRAY  
Chief Clerk of the House

### STUDY BILL COMMITTEE ASSIGNMENT

#### S.B. 730 Natural Resources

Relating to the membership of the board of certification of waterworks and waste waterworks operators.

## AMENDMENTS FILED

H—5347	H.F. 2495	Corey of Louisa
H—5348	S.F. 2102	Welsh of Dubuque
H—5349	H.F. 2491	Miller of Buchanan
H—5350	S.F. 2102	Welsh of Dubuque
H—5351	S.F. 2241	Kirkenslager of Des Moines
		Bina of Scott
		Hibbs of Johnson
		Lloyd-Jones of Johnson
		Walter of Pottawattamie
		Pavich of Pottawattamie
H—5352	H.F. 2492	Miller of Buchanan

On motion by Halvorson of Clayton, the House adjourned at 12:16 p.m., until 9:00 a.m., Tuesday, March 4, 1980.

# JOURNAL OF THE HOUSE

Fifty-first Calendar Day—Thirty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 4, 1980

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

Prayer was offered by the Reverend Dale Anderson, pastor of the Evangelical Free Church, Albert City.

The Journal of Monday, March 3, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, Iowa City.

## PETITIONS FILED

The following petitions were received and placed on file:

By Gettings of Wapello, from two hundred forty-eight constituents and Lageschulte of Bremer from one hundred ninety-two constituents urging that the multipurpose vehicle and cargo van licensing law (Senate File 101) be repealed or amended as they feel it does not deal fairly with the current licensing problem for multipurpose vehicles.

By Gettings of Wapello, from two hundred forty-eight constituents opposing the changing of the jurisdiction of Iowa Highway 273 from the State of Iowa to Davis County.

## INTRODUCTION OF BILLS

**House File 2501**, by committee on judiciary and law enforcement, a bill for an act relating to the use of computers for the storage of court records.

Read first time and placed on the calendar.

**House File 2502**, by committee on judiciary and law enforcement, a bill for an act to authorize certain trusts to be shareholders in a family farm corporation.

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

**House File 2503**, by committee on transportation, a bill for an act to correct references from calendar years to fiscal years in section three hundred twelve point two (312.2), subsection eight (8), of the Code relating to the allotment of funds to a county for the secondary road fund on the basis of local tax effort.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2243**, by committee on agriculture, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds.

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2477, a bill for an act amending the Acts relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980.

Also: That the Senate has on February 28, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 359, a bill for an act relating to worker's compensation for occupational hearing loss.

Also: That the Senate has on February 28, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2247, a bill for an act relating to the indexing of the state individual income tax.

FRANK J. STORK, Secretary

### DAILY DEBATE CALENDAR

Halvorson of Clayton asked and received unanimous consent that House File 2241 be changed to Senate File 2241 on the Wednesday, March 5, 1980 Daily Debate Calendar.

On motion by Halvorson of Clayton, the House was recessed at 9:15 a.m., until 3:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnould of Scott, for the afternoon session, on request of Cusack of Scott.

### APPOINTMENT BY THE SPEAKER

Speaker Harbor announced the appointment of Representative Ingwer L. Hansen to the Legislative Council.

### COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

Halvorson, Roger A. . . . Rules, Chair

Millen, Floyd H. . . . . Agriculture  
    Appropriations  
    Rules  
    Ways and Means  
    Transportation Appropriations  
    Subcommittee

Pope, Lawrence . . . . . Rules, Vice Chair

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 3, 1980 he approved and transmitted to the Secretary of State the following bills:

Senate File 2012, an act relating to the definition of insolvent insurer for purposes of the Iowa Insurance Guaranty Association.

Senate File 2124, an act relating to the storage of a registered snowmobile.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**DEPARTMENT OF TRANSPORTATION**

A report from the Iowa Department of Transportation relating to the chemical road deicing program, pursuant to Chapter 1019, Section 15 Laws of the Sixty-seventh General Assembly, 1978 Session.

**STUDY BILL COMMITTEE ASSIGNMENTS****S.B. 731 Ways and Means**

Relating to the homestead credit and military credit by providing that a claim be filed only once and the credit will continue for subsequent years provided the claimant is still qualified.

**S.B. 732 Transportation**

Transferring motor vehicle theft investigators from the state department of transportation to the department of public safety and redistributing an appropriation.

**S.B. 733 Agriculture**

Providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

**S.B. 734 Transportation**

Authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, switching yards and sidings and making an appropriation.

**S.B. 735 Natural Resources**

Relating to the use of steel shot in shotguns.

**COMMITTEE RECOMMENDATIONS**

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

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE**

**Study Bill 724**, creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

Recommended **Amend and Do Pass.**

**COMMITTEE ON COUNTY GOVERNMENT**

**House File 2305**, a bill for an act to allow county conservation boards to exchange property.

Recommended **Do Pass.**

**COMMITTEE ON EDUCATION**

**Study Bill 561**, to allow certain school districts to raise an additional school district operation amount following approval at an election.

Recommended **Do Pass.**

**COMMITTEE ON HUMAN RESOURCES**

**Study Bill 574**, relating to the powers and duties of the director of the division of corrections.

Recommended **Do Pass.**

**Study Bill 726**, to amend chapter one hundred forty-seven (147) of the Code so as to establish packaging, labeling and record keeping requirements for physicians, dentists and podiatrists who dispense prescription drugs.

Recommended **Do Pass.**



## AMENDMENTS FILED

H—5353	S.F. 2241	Davitt of Warren
Cusack of Scott		Jochum of Dubuque
Halvorson of Webster		Lloyd-Jones of Johnson
Brandt of Black Hawk		Connolly of Dubuque
Welsh of Dubuque		Connors of Polk
Norland of Worth		Chiodo of Polk
Walter of Pottawattamie		Lonergan of Boone
Anderson of Jasper		Jesse of Polk
Byerly of Polk		Woods of Polk
Doyle of Woodbury		Horn of Linn
Oxley of Linn		O'Kane of Woodbury
Howell of Floyd		Rapp of Black Hawk
Cochran of Webster		Avenson of Fayette
H—5354	S.F. 2241	Bruner of Story
		Cusack of Scott

On motion by Halvorson of Clayton, the House adjourned at 3:46 p.m., until 9:00 a.m., Wednesday, March 5, 1980.

# JOURNAL OF THE HOUSE

Fifty-second Calendar Day—Thirty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 5, 1980

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

Prayer was offered by the Reverend Robert Loffer, pastor of the Trinity United Church of Christ, Marengo.

The Journal of Tuesday, March 4, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Veverka, Prairie City.

## INTRODUCTION OF BILLS

**House File 2504**, by committee on cities, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid.

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

**House File 2505**, by committee on transportation, a bill for an act providing for temporary allocation of farm-to-market road use funds.

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

## SENATE MESSAGES CONSIDERED

**Senate File 359**, by DeKoster and Robinson, a bill for an act relating to worker's compensation for occupational hearing loss.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2247**, by committee on ways and means, a bill for an act relating to the indexing of the state individual income tax.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2311, a bill for an act to legalize the proceedings of the board of supervisors of Clay county relating to the issuance of county building bonds.

Also: That the Senate has on March 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 69, a bill for an act relating to the income requirement of a totally disabled person seeking a special assessment tax abatement.

Also: That the Senate has on March 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2099, a bill for an act requiring the director of the division of adult corrections to provide habilitative services and treatment to imprisoned mentally retarded offenders.

Also: That the Senate has on March 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2140, a bill for an act eliminating restrictions of board of supervisors' travel expenses.

Also: That the Senate has on March 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2183, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds.

Also: That the Senate has on March 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2234, a bill for an act relating to the payment of recording fees for land acquisitions by governmental agencies.

Also: That the Senate has on March 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

Also: That the Senate has on March 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2237, a bill for an act relating to the youth conservation corps.

FRANK J. STORK, Secretary

**MOTION TO RECONSIDER WITHDRAWN**  
(Senate File 278)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider Senate File 278, a bill for an act relating to violations of motor vehicle laws by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties, filed by him on March 3, 1980.

The House stood at ease at 9:42 a.m. until the fall of the gavel.

The House resumed session at 10:25 a.m., Speaker Harbor in the chair.

**UNANIMOUS CONSENT**

Halvorson of Clayton asked and received unanimous consent to take up out of order House File 2490 and Senate File 2241.

On motion by Halvorson of Clayton, the House was recessed at 10:40 a.m., until 1:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Harbor in the chair.

## PRESENTATION OF VISITORS

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

Sixty fifth grade students from Bondurant-Farrar Community School, Bondurant, accompanied by Mrs. Dorothy Phares and Mrs. Mary Boyd. By Crawford of Story and Sherzan of Polk.

The House stood at ease at 1:38 p.m., until the fall of the gavel.

The House resumed session at 2:43 p.m., Speaker Harbor in the chair.

## QUORUM CALL

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

## CONSIDERATION OF BILLS Appropriations Calendar

**House File 2490**, a bill for an act relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2490)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs

Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Chiodo                      Connors                      Wells

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

**Senate File 2241**, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations, with report of committee recommending amendment and passage was taken up for consideration.

Welden of Hardin offered amendment H—5340 filed by the committee on appropriations on February 29, 1980 and found on page 726 of the House Journal and moved its adoption.

The committee amendment H—5340 was adopted.

Bruner of Story offered the following amendment H—5345 filed by him:

H—5345

- 1 Amend Senate File 2241 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking line 28 through page 5,
- 4 line 15, and inserting in lieu thereof the following:



Amendment H—5362 lost.

Welden of Hardin rose on a point of order that amendment H—5345 was not germane.

The Speaker ruled the point not well taken and amendment H—5345 germane.

Bruner of Story moved the adoption of amendment H—5345.

Amendment H—5345 lost.

Cusack of Scott offered the following amendment H—5353 filed by Davitt, et al., and moved its adoption:

H—5353

- 1 Amend Senate File 2241 as follows:
- 2 1. Page 7, line 13 by striking the words "two
- 3 hundred thousand (1,200,000)" and inserting in lieu
- 4 thereof the words "eight hundred thousand (1,800,000)".

Roll call was requested by Cusack of Scott and Norland of Worth.

On the question "Shall amendment H—5353 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Doyle	Gettings	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Howell	Jay	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Rapp	Sherzan
Shull	Spear	Walter	Wells
Welsh	Woods		

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Groth	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hoffmann	Holt



Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Welden	West	Mr. Speaker

Absent or not voting, 6:

Davitt	Dieleman	Hullinger	Krewson
Shimanek	Van Maanen		

Amendment H—5353 lost.

Bruner of Story offered the following amendment H—5339 filed by him:

H—5339

- 1 Amend Senate File 2241 as follows:
- 2 1. Page 7, line 13 by inserting after the word
- 3 "dollars," the following: "and for the fiscal year
- 4 beginning July 1, 1980 and ending June 30, 1981,
- 5 the sum of one million two hundred thousand
- 6 (1,200,000) dollars."

Daggett of Taylor rose on a point of order that amendment H—5339 was not germane.

The Speaker ruled the point well taken and amendment H—5339 not germane.

Groth of Buena Vista moved that the rules governing germaneness be suspended for the consideration of amendment H—5339.

A non-record roll call was requested.

The ayes were 35, nays 54.

The motion lost.

Gettings of Wapello offered the following amendment H—5343 filed by him and moved its adoption:

H—5343

1 Amend Senate File 2241 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 9, by inserting after line 6 the  
4 following new section:  
5 "Sec. . There is appropriated to the state  
6 department of public safety for the fiscal year  
7 beginning July 1, 1979 and ending June 30, 1980, the  
8 sum of ten thousand (10,000) dollars, or so much  
9 thereof as may be necessary, for the purpose of  
10 reimbursing counties which incur medical expenses  
11 of a prisoner as a result of an injury caused by the  
12 highway patrol in a pursuit which crossed county  
13 lines."

A non-record roll call was requested.

The ayes were 40, nays 50.

Amendment H—5343 lost.

Kirkenslager of Des Moines offered the following amendment  
H—5351 filed by Kirkenslager, et al., and moved its adoption:

H—5351

1 Amend Senate File 2241, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, by inserting after line 15 the  
4 following:  
5 "Sec. . There is appropriated from the general  
6 fund of the state to the state department of  
7 transportation for the fiscal year beginning July  
8 1, 1979 and ending June 30, 1980, the sum of five  
9 hundred thousand (500,000) dollars, or so much thereof  
10 as may be necessary, to supplement existing  
11 appropriations for the purpose of giving assistance  
12 to public transit systems for fuel costs which shall  
13 be allocated to each transit system on the basis of  
14 actual fuel costs incurred between July 1, 1979 and  
15 June 30, 1980.  
16 Any unencumbered balance remaining as of June 30,  
17 1981, of the funds appropriated by this section shall  
18 revert to the general fund of the state on September  
19 30, 1981."  
20 2. By renumbering remaining sections as necessary.

Roll call was requested by Kirkenslager of Des Moines and Bina  
of Scott.

On the question "Shall amendment H—5351 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Doyle	Gettings	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Jay	Jesse
Jochum	Kirkenslager	Krewson	Lloyd-Jones
Lonergan	Norland	O'Kane	Patchett
Pavich	Perkins	Rapp	Ritsema
Sherzan	Walter	Wells	Welsh
Woods			

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Groth	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Husak	Johnson, J.	Johnson, R.	Johnson, W.
Lageschulte	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Schnekloth
Schroeder	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Weiden
West	Mr. Speaker		

Absent or not voting, 5:

Davitt	Dieleman	Egenes	Larsen
Oxley			

Amendment H—5351 lost.

Bruner of Story offered the following amendment H—5354 filed by him:

H—5354

- 1 Amend Senate File 2241 as follows:
- 2 1. Page 9, by inserting after line 15 the
- 3 following:
- 4 "Sec. . . Notwithstanding the provisions of section
- 5 eight point thirty-nine (8.39) of the Code, funds

6 appropriated under sections eighteen and twenty of this  
 7 Act shall not be subject to transfer to any other  
 8 department, institution or agency. Any unencumbered or  
 9 unobligated balances of any appropriation made under  
 10 sections eighteen or twenty of this Act which exists  
 11 on June thirtieth, 1980 shall revert to the fund from  
 12 which it was appropriated."

The following amendment H-5373, to amendment H-5354, filed by Bruner of Story from the floor was adopted by unanimous consent:

H-5373

- 1 Amend amendment H-5354 to Senate File 2241,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by striking the word "balances"
- 5 and inserting in lieu thereof the word "balance".

Bruner of Story moved the adoption of amendment H-5354, as amended.

Roll call was requested by Patchett of Johnson and Lloyd-Jones of Johnson.

On the question "Shall amendment H-5354, as amended, be adopted?"

The ayes were, 53:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Chiodo
Conlon	Connolly	Connors	Corey
Cusack	De Groot	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Kirkenlager
Lageschulte	Larsen	Lloyd-Jones	Loneragan
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Pelton	Perkins
Rapp	Ritsema	Sherzan	Spear
Tyrrell	Walter	Wells	Welsh
Woods			

The nays were, 42:

Anderson, J.	Bennett	Branstad	Byerly
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Clark, B.J.	Clark, J.H.	Crabb	Crawford
Daggett	Danker	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hoffmann	Holt
Johnson, R.	Johnson, W.	Krewson	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Poffenberger	Pope	Renken	Schnekloth
Shimaneck	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Welden
West	Mr. Speaker		

Absent or not voting, 5:

Cochran	Davitt	Dieleman	Schroeder
Van Maanen			

**Amendment H—5354, as amended, was adopted.**

The following amendment H—5371 filed by Welden of Hardin from the floor was adopted by unanimous consent:

H—5371

- 1 Amend Senate File 2241 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, line 1, by striking the word
- 4 "year" and inserting in lieu thereof the word "years".
- 5 2. Title page, line 2, by inserting after the
- 6 figure "1979" the words and figure "and 1980".

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

On the question "Shall the bill pass?" (S.F. 2241)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.

Johnson, R.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Perkins	Poffenberger	Pope
Rapp	Renken	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Thompson	Tofte
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, 4:

Lura	Pelton	Ritsema	Tyrrell
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Absent or not voting, 5:

Davitt	Dieleman	Johnson, W.	Swearingen
Van Maanen			

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

Jochum of Dubuque asked and received unanimous consent to be recorded as voting "aye" on Senate File 2241 and the vote was so recorded.

### IMMEDIATE MESSAGE (Senate File 2241)

Bruner of Story asked and received unanimous consent that Senate File 2241 be immediately messaged to the Senate.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 110

Lloyd-Jones of Johnson called up for consideration House Concurrent Resolution 110, urging Congress to amend the Internal Revenue Code to provide for unlimited exemptions on obligations issued to finance railroad projects, filed on February 6, 1980 and found on pages 398 and 399 of the House Journal.

Stromer of Hancock in the chair at 5:12 p.m.

On motion by Lloyd-Jones of Johnson, House Concurrent Resolution 110 was adopted.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 2473**, a bill for an act relating to reports of communicable disease, was taken up for consideration.

Spear of Lee offered the following amendment H—5333 filed by him and moved its adoption:

H—5333

- 1 Amend House File 2473 as follows:
- 2 1. Page 1, line 18, by striking the word
- 3 "communicable" and inserting in lieu thereof the word
- 4 "reportable".
- 5 2. Amend the title, line 1, by striking the word
- 6 "communicable" and inserting in lieu thereof the word
- 7 "reportable".

Amendment H—5333 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2473)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenbergér	Pope

Rapp *	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, none.

Absent or not voting, 3:

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

**House File 732**, a bill for an act to require that certain vacancies in elective city offices be filled by appointment only for the period until the next succeeding city election, with report of committee recommending amendment and passage was taken up for consideration.

Hall of Linn offered amendment H—5244 filed by the committee on cities on February 15, 1980 and found on pages 545 and 546 of the House Journal and moved its adoption.

Amendment H—5244 was adopted.

With the adoption of amendment H—5244, the following amendments are out of order:

H—3726 filed by Spear of Lee on April 4, 1979, and found on pages 2516 and 2517 of the 1979 House Journal.

H—3741, to amendment H—3726, filed by Spear of Lee on April 5, 1979, and found on page 2527 of the 1979 House Journal.

H—3743, to amendment H—3726, filed by Hall of Linn on April 5, 1979, and found on page 2527 of the 1979 House Journal.

H—3935, to amendment H—3726, filed by Spear of Lee on April 17, 1979, and found on page 2562 of the 1979 House Journal.

Hall 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. 732)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellet	Pelton	Perkins	Poffenberger
Pope	Rapp	Ritsema	Schnekloth
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, 2:

Lageschulte                      Renken

Absent or not voting, 5:

Davitt	Dieleman	Howell	Jesse
Van Maanen			

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

**House File 2180**, a bill for an act to allow certain corporations to contract for additional law enforcement services, with report of committee recommending amendment and passage was taken up for consideration.

Shull of Warren offered amendment H—5218 filed by the committee on county government on February 13, 1980 and found on page 502 of the House Journal and moved its adoption.

Amendment H—5218 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—5257 filed by him on February 19, 1980.

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

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

The ayes were, 92:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	De Groot
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Stromer)

The nays were, none.

Absent or not voting, 8:

Arnould	Davitt	Dieleman	Howell
Jesse	Patchett	Sherzan	Van Maanen

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

**HOUSE FILE 2141 WITHDRAWN**

Doyle of Woodbury asked and received unanimous consent to withdraw House File 2141 from further consideration by the House.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on March 5, 1980 when the vote was taken on amendment H-5351 to Senate File 2241. Had I been present, I would have voted "aye."

LARSEN of Wapello

I was necessarily absent from the House chamber on March 5, 1980. Had I been present, I would have voted "nay" on amendments H-5353 to Senate File 2241 and H-5354 to Senate File 2241; and "aye" on House Files 2473, 732, 2180 and Senate File 2241.

VAN MAANEN of Mahaska

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**IOWA HOUSING FINANCE AUTHORITY**

The 1978-79 Annual Report for the Iowa Housing Finance Authority, pursuant to Chapter 220.7, Code of Iowa.

**REPORT OF COMMITTEE MEETING**

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

DAVID L. WRAY  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 10:00 a.m., March 4, 1980

Convened: 10:10 a.m.

Adjourned: 12:00 a.m.

**Present:** Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Jesse, Johnson of Howard, Lonergan, Maulsby, Pelton, Smalley and Walter.

**Absent:** Patchett, Ranking Member; Arnould, Lloyd-Jones (arrived 10:15 a.m.), Rapp (arrived 10:15 a.m.) and Welsh (arrived 10:20 a.m.).

### COMMITTEE RECOMMENDATIONS

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

**DAVID L. WRAY**  
Chief Clerk of the House

#### COMMITTEE ON CITIES

**Study Bill 541**, authorizing municipalities to establish mortgage loan programs financed by revenue bonds.

**Recommended Amend and Do Pass.**

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Committee Bill** (Formerly 2191 as amended), a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children.

**Recommended Do Pass.**

Fiscal Note is required.

**Committee Bill** (Formerly House File 2238 as amended), a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property.

**Recommended Do Pass.**

Fiscal Note is not required.

**Committee Bill** (Formerly House File 2395 as amended), a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie County relating to the sale of certain properties.

**Recommended Do Pass.**

Fiscal Note is not required.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 460**, a bill for an act relating to workers' compensation insurance proceedings and rates.

**Recommended Amend and Do Pass.**

H—5357

- 1 Amend Senate File 460, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "Notwithstanding" the words "chapter seventeen A (17A)
- 5 of the Code and".
- 6 2. Page 1, line 16, by inserting after the word
- 7 "rates." the words "The hearing is not subject to
- 8 the provisions of chapter seventeen A (17A) of the
- 9 Code."
- 10 3. Page 1, line 24, by inserting after the word
- 11 "hearing" the words "to the person or association
- 12 and the rating organization".

COMMITTEE ON STATE GOVERNMENT

**House File 584**, a bill for an act relating to the sale of commemorative bottles containing alcoholic liquor.

**Recommended Amend and Do Pass.**

H—5358

- 1 Amend House File 584 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section one hundred twenty-three point
- 5 three (123.3), Code 1979, is amended by adding the
- 6 following new subsections:
- 7 NEW SUBSECTION. "Commemorative bottle" means a
- 8 ceramic alcoholic liquor bottle or other specially
- 9 designed alcoholic liquor decanter, which has value
- 10 as a collector's item and on which there is affixed
- 11 an unbroken federal tax stamp.
- 12 NEW SUBSECTION. "Commemorative bottle collector"
- 13 means a person who collects commemorative bottles
- 14 for his or her use and enjoyment as a collector's
- 15 item and not for the consumption of the alcoholic
- 16 liquor contained in the commemorative bottle, or is
- 17 a member of a club affiliated with a national or
- 18 international association of liquor bottle and
- 19 specialty clubs.
- 20 NEW SUBSECTION. "Commemorative bottle dealer"
- 21 means a person who buys or imports commemorative
- 22 bottles, or both, for resale to collectors or bottle

23 collecting clubs, or both.

24 Sec. 2. Chapter one hundred twenty-three (123),  
25 Code 1979, is amended by adding the following new  
26 sections:

27 NEW SECTION. COMMEMORATIVE BOTTLE DEALERS.

28 Notwithstanding any other provision of chapter one  
29 hundred twenty-three (123) of the Code, but subject  
30 to rules of the department, a person of legal age  
31 who is a commemorative bottle dealer and who has a  
32 commemorative bottle dealer's license, may import  
33 and have in his or her possession commemorative bottles  
34 for purposes of collecting the bottles, sale of the  
35 bottles to commemorative bottle collectors or other  
36 commemorative bottle dealers, or both, and may so  
37 import, sell and collect commemorative bottles without  
38 obtaining any other license, permit, certificate of  
39 compliance, seals and labeling, required under chapter  
40 one hundred twenty-three (123) of the Code of other  
41 importers or sellers of alcoholic liquor. A commemora-  
42 tive bottle dealer's license may be issued by the  
43 director upon application being made to the department  
44 in the form and manner prescribed by the director,  
45 accompanied by a twenty-five dollar fee, and upon  
46 the director being satisfied that the applicant has  
47 complied with departmental rules established for the  
48 issuance of the license. The license unless sooner  
49 suspended or revoked shall "expire one year after the  
50 date of issuance but may be renewed in a manner

**Page 2**

1 prescribed by the director.

2 NEW SECTION. COMMEMORATIVE BOTTLE COLLECTORS.

3 Notwithstanding any other provision of chapter one  
4 hundred twenty-three (123) of the Code, but subject  
5 to rules of the department, a person of legal age  
6 who is a collector of commemorative bottles and who  
7 has a commemorative bottle collector's license may  
8 import and have in his or her possession commemorative  
9 bottles for purposes of collecting the bottles, and  
10 may so import and collect commemorative bottles without  
11 obtaining any other license, permit, certificate of  
12 compliance, seals and labeling, required under chapter  
13 one hundred twenty-three (123) of the Code of other  
14 importers of alcoholic liquor.

15 A commemorative bottle collector's license may  
16 be issued by the director upon application being made  
17 to the department in the form and manner prescribed  
18 by the director, accompanied by a twenty-five dol-  
19 lar fee, and upon the director being satisfied that  
20 the applicant has complied with departmental rules  
21 established for the issuance of the license. The

22 license unless sooner suspended or revoked shall  
 23 expire one year after the date of issuance but may  
 24 be renewed in a manner prescribed by the director.  
 25 Once a commemorative bottle collector's license  
 26 expires, possession of the commemorative bottles  
 27 acquired pursuant to the license remains lawful.  
 28 Nothing in this section prohibits the collecting  
 29 and possession of commemorative bottles purchased  
 30 from a state liquor store, nor the importation of  
 31 commemorative bottles within the legal limits of  
 32 section one hundred twenty-three point twenty-two  
 33 (123.22) of the Code, without a commemorative bottle  
 34 collectors' license."  
 35 2. Title page, line 1, by striking the words "the  
 36 sale of".

Fiscal Note is required.

Senate File 358, a bill for an act to provide for the licensing of ophthalmic dispensers, and making penalties applicable.

**Recommended Amend and Do Pass.**

H-5359

1 Amend Senate File 358, as passed by the Senate  
 2 as follows:  
 3 1. Page 1, line 2, by striking the word "title"  
 4 and inserting in lieu thereof the word "Act".  
 5 2. Page 1, line 15, by striking the words "a  
 6 license to practice ophthalmic dispensing" and  
 7 inserting in lieu thereof the words "certification  
 8 as an ophthalmic dispenser".  
 9 3. Page 1, line 13, by inserting after line 13  
 10 the following:  
 11 "For the purpose of this Act, state department  
 12 and department mean the state department of health."  
 13 4. Page 1, line 26, by striking the word "board"  
 14 and inserting in lieu thereof the words "state  
 15 department".  
 16 5. Page 1, line 30, by striking the word "board"  
 17 and inserting in lieu thereof the words "state  
 18 department".  
 19 6. Page 1, by striking lines 31 through 35 and  
 20 inserting in lieu thereof the following:  
 21 "3. Possession of a certificate of examination  
 22 issued to an ophthalmic dispenser by the American  
 23 opticians association, the American board of  
 24 opticianry, or the national committee of contact lens  
 25 examiners."  
 26 7. Page 2, by striking lines 1 through 7.  
 27 8. Page 2, by striking line 11 and inserting in  
 28 lieu thereof the words "or certified ophthalmic

29 dispenser”.

30 9. Page 2, line 13, by striking the word “board”  
31 and inserting in lieu thereof the words “state  
32 department”.

33 10. Page 2, line 16, by striking the word “board”  
34 and inserting in lieu thereof the words “state  
35 department”.

36 11. Page 2, by striking lines 21, 22, and 23,  
37 and inserting in lieu thereof the following:  
38 “Sec. 5. NEW SECTION. CONTINUING EDUCATION.

39 The state department shall require the annual  
40 completion of continuing education by certified  
41 ophthalmic dispensers which shall include attendance”.

42 12. Page 2, line 30, by striking the word “board”  
43 and inserting in lieu thereof the words “state  
44 department”.

45 13. Page 2, line 33, by inserting after the word  
46 “value.” the words “Section two hundred fifty-eight  
47 A. point two (258A.2) shall apply to ophthalmic  
48 dispensers with the state department of health filling  
49 the duties of the board under that section.”

50 14. By striking page 2, line 34 through page 8,

## Page 2

1 line 4 and inserting in lieu thereof the following:  
2 “Sec. . NEW SECTION. QUALIFICATIONS. An  
3 applicant for a certificate as an ophthalmic dispenser  
4 shall not be ineligible because of age, citizenship,  
5 sex, race, religion, marital status, or national  
6 origin, although the application form may require  
7 citizenship information. The state department may  
8 consider the past felony record of an applicant only  
9 if the felony conviction relates directly to practice  
10 as an ophthalmic dispenser. Character references  
11 may be required, but shall not be obtained from  
12 certificated ophthalmic dispensers.

13 Sec. . NEW SECTION. DISPLAY OF CERTIFICATE.  
14 A person who possesses a certificate as an ophthalmic  
15 dispenser shall publicly display the certificate in  
16 the business location in which the ophthalmic dispenser  
17 is employed.

18 Sec. . NEW SECTION. RECORD. The state  
19 department of health shall enter the name, location,  
20 number of years of practice of the person to whom  
21 the certificate as an ophthalmic dispenser is issued,  
22 the number of the certificate, and the date the  
23 certificate is issued in a registry book. The registry  
24 book is open to the public. In addition, the state  
25 department shall send a list containing the names  
26 and addresses of each certified ophthalmic dispenser



27 to each physician and surgeon, osteopathic physician,  
28 osteopathic physician and surgeon, and optometrist  
29 licensed to practice in this state. The list shall  
30 be made available to patients.

31 Sec. . NEW SECTION. CHANGE OF RESIDENCE.

32 A certified ophthalmic dispenser shall notify the  
33 state department of a change of residence.

34 Sec. . NEW SECTION. RENEWAL. A certificate  
35 as an ophthalmic dispenser shall expire annually as  
36 determined by the state department and shall be renewed  
37 annually upon application by the certified ophthalmic  
38 dispenser. Application for renewal shall be made  
39 in writing to the state department accompanied by  
40 the required fee at least thirty days prior to the  
41 expiration of the certificate. A renewal shall be  
42 displayed with the certificate. Every year the state  
43 department shall notify certificate holders by mail  
44 of the expiration of their certificates. Failure  
45 to renew the certificate within a reasonable time  
46 after the certificate's expiration shall not invalidate  
47 the certificate, but a reasonable penalty may be  
48 assessed by the state department.

49 Sec. . NEW SECTION. TITLES. Only a certified  
50 ophthalmic dispenser is entitled to use the words

**Page 3**

1 "certified ophthalmic dispenser" after the certified  
2 ophthalmic dispenser's name and to use the letters  
3 C.O.D.

4 Sec. . NEW SECTION. FEES. The state department  
5 shall set the fees for initial issuance of a  
6 certificate and for renewal of a certificate. The  
7 fees shall be based upon the actual costs of the state  
8 department for issuing and renewing certificates as  
9 ophthalmic dispensers. Fees shall be collected by  
10 the state department, paid to the treasurer of state  
11 and deposited in the general fund of the state."

12 15. Amend the title, line 1, by striking the words  
13 "the licensing of ophthalmic dispensers," and inserting  
14 in lieu thereof the words "certification of ophthalmic  
15 dispensers."

16 16. Amend the title, by striking line 2.

17 17. By numbering and renumbering sections as  
18 necessary in accordance with this amendment.

Fiscal Note is required.

**Committee Bill** (Formerly House File 2261), a bill for an act relating to the sale of native wines to class "A", class "B" and class "C" liquor control licensees for consumption on the licensed premises.

Recommended **Amend and Do Pass.**

Fiscal Note is required.

**Study Bill 713**, relating to the quorum requirements of the Iowa commission on the status of women.

Recommended **Amend and Do Pass.**

#### COMMITTEE ON TRANSPORTATION

**Senate File 333**, a bill for an act relating to the operation of motorcycles and motorized bicycles by providing for the issuance of instruction permits and instruction courses on the operation of motorcycles and motorized bicycles, providing for the operation of motorcycles and motorized bicycles with the headlights on at all times, and providing equipment requirements for riders of motorcycles and motorized bicycles, subject to a penalty provided by law.

Recommended **Amend and Do Pass.**

H - 5356

1 Amend Senate File 333, 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 three hundred twenty-one point  
6 one (321.1), subsection three (3), paragraph b, Code  
7 1979, as the section is amended by Acts of the Sixty-  
8 eighth General Assembly, 1979 Session, chapter seventy  
9 (70), sections one (1) and two (2), and chapter  
10 seventy-four (74), section twenty-two (22), is amended  
11 to read as follows:

12 b. "Motorized bicycle" ~~or~~, "motor bicycle", or  
13 "moped" means a two wheeled motor vehicle having a  
14 saddle or a seat for the use of the rider and designed  
15 to travel on not more than three wheels in contact  
16 with the ground, with an engine having a displacement  
17 no greater than fifty cubic centimeters ~~as fixed by~~  
18 ~~the department~~ and not capable of ~~operation operating~~  
19 at a speed in excess of twenty-five miles per hour  
20 on level ground unassisted by human power.

21 Sec. 2. Section three hundred twenty-one point  
22 one hundred seventy-seven (321.177), subsection one  
23 (1), Code 1979, is amended to read as follows:

24 1. To any person, as an operator, who is under  
25 the age of eighteen years, without his or her first  
26 having successfully completed an approved driver  
27 education course, in which case, the minimum age shall  
28 be sixteen years. However, the department may issue  
29 a restricted license as provided in section 321.194,

30 or an instruction permit as provided in section  
31 321.180, to any person who is at least fourteen years  
32 of age. The department may issue a license restricted  
33 only for use for motorized bicycles as provided in  
34 section 321.189, subsection 2, to any person fourteen  
35 years of age or older who has successfully completed  
36 a written examination on the rules of the road and  
37 a vision test.

38 Sec. 3. Section three hundred twenty-one point  
39 one hundred eighty (321.180), subsection one (1),  
40 Code 1979, is amended by striking the subsection and  
41 inserting in lieu thereof the following:

42 1. a. Upon meeting the requirements of section  
43 three hundred twenty-one point one hundred eighty-  
44 six (321.186) of the Code other than driving  
45 demonstration, and upon paying the required fee, a  
46 person who is at least fourteen years of age shall  
47 be issued a temporary instruction permit by the  
48 department, entitling the permittee while having the  
49 temporary instruction permit in his or her immediate  
50 possession to drive a motor vehicle upon the highways

**Page 2**

1 when under the immediate supervision of an accompanying  
2 qualified operator. The temporary instruction permit  
3 shall be valid for a period of two years from the  
4 date of issuance.

5 b. For purposes of this subsection, "under the  
6 immediate supervision" means:

7 (1) If the permittee is driving a motor vehicle  
8 other than a motorcycle or moped, that the qualified  
9 operator actually occupies a seat beside the driver.

10 (2) If the permittee is driving a motorcycle or  
11 moped, that the qualified operator is within audible  
12 and visual communications distance from the permittee  
13 and is accompanying the permittee on or in a different  
14 motor vehicle. However, there shall be only one  
15 permit holder for each accompanying qualified operator,  
16 unless the qualified operator is an approved driver  
17 education instructor, a certified moped education  
18 instructor, or a prospective driver or moped education  
19 instructor and the permittee is enrolled in an approved  
20 driver or moped education course, when there shall  
21 be no more than three students for each instructor  
22 while on the highway.

23 c. For purposes of this subsection, "qualified  
24 operator" means:

25 (1) If the permittee is sixteen years of age or  
26 greater, a person at least eighteen years of age who  
27 has a valid operator's or chauffeur's license for  
28 the type of motor vehicle being operated by the

29 permittee.

30 (2) If the permittee is less than sixteen years  
31 of age, the permittee's parent or guardian, a driver  
32 or moped education instructor approved by the  
33 department of public instruction, a certified moped  
34 education instructor, or a prospective driver education  
35 instructor who is enrolled in a safety education  
36 program approved by the department of public  
37 instruction and has been designated as a student  
38 teacher by a teacher education institution, provided  
39 the person holds a valid operator's or chauffeur's  
40 license for the type of motor vehicle being operated  
41 by the permittee. However, any person who is eighteen  
42 years of age or more and who holds a valid operator's  
43 or chauffeur's license for the type of motor vehicle  
44 being operated by the permittee may be a qualified  
45 operator if written permission is granted by the  
46 parent or guardian of the permittee.

47 Sec. 4. Section three hundred twenty-one point  
48 one hundred eighty-nine (321.189), subsection two  
49 (2), paragraph a, Code 1979, is amended to read as  
50 follows:

**Page 3**

1 a. The department may issue a motorized bicycle  
2 license to any a person fourteen years of age or older  
3 who has passed a vision test and a written examination  
4 on the rules of the road. However, a person under  
5 the age of sixteen applying for a motorized bicycle  
6 license shall, prior to being issued the license,  
7 successfully complete a moped education course. The  
8 moped education course shall not exceed six hours  
9 in length and shall be approved by the department.  
10 The student shall be charged a fee for the cost of  
11 instruction including all administrative costs. A  
12 motorized bicycle license shall entitle entitles the  
13 licensee to operate a motorized bicycle upon the  
14 highway while having the license in the licensee's  
15 immediate possession on the highways of the state  
16 for a period of two years. The license is valid for  
17 a period of two years, subject to termination or  
18 cancellation as provided in this section.

19 Sec. 5. Section three hundred twenty-one point  
20 two hundred seventy-five (321.275), Code 1979, is  
21 amended by striking the section and inserting in lieu  
22 thereof the following:

23 321.275 OPERATION OF MOTORCYCLES AND MOPEDS.

24 1. GENERAL. The motor vehicle laws apply to the  
25 operators of motorcycles and mopeds to the extent  
26 practically applicable.

27 2. RIDERS.

28 a. **MOPEDS.** A person operating a moped on the  
29 highways shall not carry any other person on the  
30 vehicle.

31 b. **MOTORCYCLES.** A person shall not operate or  
32 ride a motorcycle on the highways with another person  
33 on the motorcycle unless the motorcycle is designed  
34 to carry more than one person. The additional  
35 passenger may ride upon the permanent and regular  
36 seat if designed for two persons, or upon another  
37 seat firmly attached to the motorcycle at the rear  
38 of the operator. The motorcycle shall be equipped  
39 with footrests for the passenger unless the passenger  
40 is riding in a sidecar or enclosed cab. The motorcycle  
41 operator shall not carry any person nor shall any  
42 other person ride in a position that will interfere  
43 with the operation or control of the motorcycle or  
44 the view of the operator.

45 3. **SITTING POSITION.** A person operating a  
46 motorcycle or moped shall ride only upon the vehicle's  
47 permanent and regular attached seat. Every person  
48 riding upon the vehicle shall be sitting astride the  
49 seat, facing forward with one leg on either side of  
50 the vehicle.

**Page 4**

1 4. **USE OF TRAFFIC LANES.** Persons shall not operate  
2 motorcycles or mopeds more than two abreast in a  
3 single lane. Except for persons operating such  
4 vehicles two abreast, a motor vehicle shall not be  
5 operated in a manner depriving a motorcycle or moped  
6 operator of the full use of a lane. A motorcycle  
7 or moped shall not be operated between lanes of traffic  
8 or between adjacent lines or rows of vehicles. The  
9 operator of a motorcycle or moped shall not overtake  
10 and pass in the same lane occupied by the vehicle  
11 being overtaken unless the vehicle being overtaken  
12 is a motorcycle or moped.

13 5. **HEADLIGHTS ON.** A person shall not operate  
14 a 1977 or later model year motorcycle or any model  
15 year moped upon the highways without displaying at  
16 least one lighted headlamp of the type described in  
17 section three hundred twenty-one point four hundred  
18 nine (321.409) of the Code. However, this subsec-  
19 tion is subject to the exceptions with respect to  
20 parked vehicles as provided in this chapter.

21 6. **EYE PROTECTION REQUIRED.** After January 1,  
22 1981, a person shall not operate or ride a motorcycle  
23 at a speed equal to or exceeding forty-five miles  
24 per hour without wearing an eye protective device  
25 of a type approved by the director. This subsection  
26 does not apply to persons riding on a motorcycle

27 equipped with an approved windscreen or to persons  
28 riding within an enclosed cab.

29 7. PACKAGES. The operator of a motorcycle or  
30 moped shall not carry any package, bundle, or other  
31 article which prevents the operator from keeping both  
32 hands on the handlebars.

33 8. HANDLEBARS. A person shall not operate a  
34 motorcycle or moped with handlebars more than fifteen  
35 inches in height above that portion of the seat  
36 occupied by the operator.

37 9. PARADES. The provisions of this section do  
38 not apply to motorcycles or mopeds when used in a  
39 parade authorized by proper permit from local  
40 authorities.

41 Sec. 6. Section three hundred twenty-one point  
42 three hundred seventeen (321.317), subsection three  
43 (3), Code 1979, is amended to read as follows:

44 3. ~~After the thirty-first day of December, 1953,~~  
45 ~~it shall be~~ It is unlawful for any person to sell  
46 or offer for sale or operate on the highways of the  
47 state of Iowa any vehicle subject to registration  
48 under the provisions of this chapter which has never  
49 been registered in this or any other state prior to  
50 January 1, 1954, unless such vehicle is equipped with

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1 a directional signal device of a type approved by  
2 the department and is in compliance with the provisions  
3 of subsection 2 of this section. Motorcycles, motor  
4 scooters mopeds, and semitrailers and trailers less  
5 than forty inches in width are exempt from the  
6 provisions of this section.

7 Sec. 7. Section three hundred twenty-one point  
8 three hundred eighty-six (321.386), Code 1979, is  
9 amended to read as follows:

10 321.386 HEAD LAMPS ON MOTORCYCLES AND MOPEDS.

11 Every motorcycle and moped shall be equipped with  
12 at least one and not more than two head lamps which  
13 shall comply with the requirements and limitations  
14 of this chapter.

15 Sec. 8. Section three hundred twenty-one point  
16 four hundred nine (321.409), unnumbered paragraph  
17 one (1) and subsection three (3), Code 1979, are  
18 amended to read as follows:

19 Except as hereinafter provided, the head lamps  
20 or the auxiliary driving lamp or the auxiliary passing  
21 lamp or combination thereof on motor vehicles other  
22 than 1976 or older model year motorcycles or motor  
23 driven cycles shall be so arranged that the driver  
24 may select at will between distributions of light  
25 projected to different elevations and such lamps may,

26 in addition, be so arranged that such selection can  
27 be made automatically, subject to the following  
28 limitations:

29 3. Every new motor vehicle, other than a 1976  
30 or older model year motorcycle or motor driven cycle,  
31 registered in this state after January 1, 1956, which  
32 has multiple-beam road-lighting equipment shall be  
33 equipped with a beam indicator, which shall be lighted  
34 whenever the uppermost distribution of light from  
35 the head lamps is in use, and shall not otherwise  
36 be lighted. Said indicator shall be so designed and  
37 located that when lighted it will be readily visible  
38 without glare to the driver of the vehicle so equipped.

39 Sec. 9. Section three hundred twenty-one point  
40 four hundred fifteen (321.415), Code 1979, is amended  
41 to read as follows:

42 **321.415 REQUIRED USAGE OF LIGHTING DEVICES.**

43 Whenever a motor vehicle is being operated on a roadway  
44 or shoulder adjacent thereto during the times specified  
45 in section 321.384, the driver shall use a distribution  
46 of light, or composite beam, directed high enough  
47 and of sufficient intensity to reveal persons and  
48 vehicles at a safe distance in advance of the vehicle,  
49 subject to the following requirements and limitations:

50 1. Whenever a driver of a vehicle approaches an

**Page 6**

1 oncoming vehicle within five hundred feet, such driver  
2 shall use a distribution of light, or composite beam,  
3 so aimed that the glaring rays are not projected into  
4 the eyes of the oncoming driver. The lowermost  
5 distribution of light, or composite beam, specified  
6 in section 321.409, subsection 2, shall be deemed  
7 to avoid glare at all times, regardless of road contour  
8 and loading.

9 2. Whenever the driver of a vehicle follows another  
10 vehicle within two hundred feet to the rear, except  
11 when engaged in the act of overtaking and passing,  
12 such driver shall use a distribution of light  
13 permissible under this chapter other than the uppermost  
14 distribution of light specified in section 321.409,  
15 subsection 1.

16 3. The provisions of subsections one (1) and two  
17 (2) of this section shall not apply to mopeds being  
18 operated between sunrise and sunset.

19 Sec. 10. Section three hundred twenty-one point  
20 four hundred thirty (321.430), subsection two (2),  
21 Code 1979, is amended to read as follows:

22 2. Every motorcycle, and bicycle with motor  
23 attached moped, when operated upon a highway shall  
24 be equipped with at least one brake, which may be

25 operated by hand or foot.

26 Sec. 11. Chapter three hundred twenty-one (321),  
27 Code 1979, is amended by adding the following new  
28 section as section three hundred twenty-one point  
29 four hundred thirty-five (321.435):

30 NEW SECTION. 321.435. HELMETS, EYE-PROTECTIVE  
31 DEVICES, AND WINDSCREENS. The director shall adopt  
32 rules establishing standards and specifications for  
33 the approval of protective headgear, eye-protective  
34 devices, and windscreens and shall approve the  
35 headgear, eye-protective devices and windscreens which  
36 meet the standards and specifications.

37 A person shall not possess for the purpose of sale,  
38 offer for sale, or sell an item of protective headgear,  
39 an eye-protective device or a windscreen, for use  
40 by a person riding a motorcycle or moped, unless the  
41 equipment is of a type approved by the director and  
42 unless the equipment is identified in the manner  
43 approved by the director so as to be immediately  
44 legible to a person examining the equipment.

45 Sec. 12. Section four (4) of this Act takes effect  
46 April 1, 1981, for persons applying for a motorized  
47 bicycle license on or after that date.

48 Sec. 13. Section eleven (11) of this Act takes  
49 effect January 1, 1981. The director of transportation  
50 shall prior to January 1, 1981, adopt rules pursuant

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1 to chapter seventeen A (17A) of the Code necessary  
2 to carry out the provisions of section eleven (11)  
3 of this Act."

4 2. Amend the title by striking lines 2 through  
5 7 and inserting in lieu thereof the words "bicycles,  
6 subject to".

**COMMITTEE ON WAYS AND MEANS**

**House File 2438**, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

**Recommended Do Pass.**

**Senate File 2060**, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property.

**Recommended Amend and Do Pass.**



H-5355

- 1 Amend Senate File 2060 as follows:  
 2 1. Page 1, by inserting after line 16, the  
 3 following: "Food and beverages may be served at the  
 4 events or locations without affecting the exemptions,  
 5 provided the city has approved the serving of food  
 6 and beverages on the property."

**Committee Bill** (Formerly House File 2121), a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

Recommended **Amend and Do Pass.**

### AMENDMENTS FILED

H-5361	H.F. 2492	Jochum of Dubuque Bruner of Story Chiodo of Polk Rapp of Black Hawk Connolly of Dubuque Cusack of Scott Bina of Scott
H-5363	H.F. 2393	Kirkenslager of Des Moines Gettings of Wapello
H-5364	H.F. 2492	Bruner of Story Jochum of Dubuque Rapp of Black Hawk Chiodo of Polk
H-5365	H.F. 2492	Rapp of Black Hawk Jochum of Dubuque Bruner of Story Connolly of Dubuque Chiodo of Polk
H-5366	H.F. 2393	Kirkenslager of Des Moines Gettings of Wapello
H-5367	H.F. 673	Shimanek of Jones Holt of Clay
H-5368	S.F. 2102	Danker of Pottawattamie Tofte of Winneshiek Smalley of Polk Hullinger of Decatur Branstad of Winnebago Welsh of Dubuque Gettings of Wapello
		Johnson of Howard Johnson of Linn Clark of Lee Howell of Floyd Lageschulte of Bremer Binneboese of Plymouth.

Connolly of Dubuque		Oxley of Linn
Doyle of Woodbury		Clark of Cerro Gordo
Dieleman of Marion		
H-5369	H.F. 2492	Conlon of Muscatine
H-5370	H.F. 225	De Groot of Lyon
H-5372	H.F. 2486	Johnson of Woodbury
H-5374	H.F. 2492	Johnson of Linn
		Miller of Buchanan
H-5375	H.F. 2492	Schroeder of Pottawattamie
		Johnson of Linn
H-5376	H.F. 2492	Schroeder of Pottawattamie
H-5377	H.F. 2492	Chiodo of Polk

On motion by Halvorson of Clayton, the House adjourned at 5:37 p.m., until 1:30 p.m., Thursday, March 6, 1980.

## **JOURNAL OF THE HOUSE**

Fifty-third Calendar Day — Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 6, 1980

The House met pursuant to adjournment, Speaker pro tempore Stromer of Hancock in the chair.

Prayer was offered by the Reverend Bob Martin, pastor of the United Methodist Church, Rockwell City.

The Journal of Wednesday, March 5, 1980 was approved.

### **LEGISLATIVE PHYSICIAN FOR THE DAY**

Dr. John Hennessey, Manilla.

### **PRESENTATION OF VISITORS**

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

Fifty-three eighth grade students from Carlisle Community School District, Carlisle, accompanied by Mr. Lee Brecht. By Anderson of Jasper.

Fifty eleventh grade students from Leo High School, Holy Cross, accompanied by Sister Felicia and Sister Monica. By Hanson of Delaware.

### **PETITIONS FILED**

The following petitions were received and placed on file:

By Branstad of Winnebago, from fourteen constituents of the 8th district favoring necessary urgent changes in the inheritance tax, increasing the exemptions and indexing.

By Johnson of Woodbury, from two hundred thirty-six constituents opposing mandatory controls as proposed in Study Bill 546, relating to conservation in agriculture.

## INTRODUCTION OF BILLS

**House File 2506**, by committee on judiciary and law enforcement, a bill for an act to allow the recording of a memorandum of lease or real estate contract of agricultural lands in lieu of the complete lease or real estate contract.

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

**House File 2507**, by committee on county government, a bill for an act to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances.

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

**House File 2508**, by committee on human resources, a bill for an act relating to the powers and duties of the director of the division of corrections.

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

**House File 2509**, by committee on education, a bill for an act to allow certain school districts to raise an additional school district operation amount following approval at an election.

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

**House File 2510**, by committee on judiciary and law enforcement, a bill for an act relating to the validity of certain plats of city or town lots recorded before January 1, 1970.

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

**House File 2511**, by committee on ways and means, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

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

**House File 2512**, by committee on energy, a bill for an act relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing

finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities.

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

**House File 2513**, by committee on commerce, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

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

**House File 2514**, by committee on human resources, a bill for an act to amend chapter one hundred forty-seven (147) of the Code so as to establish packaging, labeling and record keeping requirements for physicians, dentists and podiatrists who dispense prescription drugs.

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

**House File 2515**, by committee on cities, a bill for an act authorizing municipalities to establish mortgage loan and rehabilitation loan programs financed by revenue bonds.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 69**, by Schwengels, Hultman and Junkins, a bill for an act relating to the income requirement of a totally disabled person seeking a special assessment tax abatement.

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

**Senate File 2099**, by DeKoster, a bill for an act requiring the director of the division of adult corrections to provide habilitative services and treatment to imprisoned mentally retarded offenders.

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

**Senate File 2140**, by Jensen, a bill for an act relating to travel expenses limitations for members of the board of supervisors.

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

**Senate File 2183**, by committee on agriculture, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

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

**Senate File 2234**, by committee on state government, a bill for an act relating to the payment of recording fees for land acquisitions by governmental agencies.

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

**Senate File 2235**, by committee on state government, a bill for an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

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

**Senate File 2237**, by Schwengels, Slater and Carr, a bill for an act relating to the youth conservation corps.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 708, a bill for an act to permit the issuance of shares of a professional corporation to persons who are licensed in other states to practice the profession which the corporation is licensed to practice in Iowa.

Also: That the Senate has on March 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2031, a bill for an act relating to state grants and loans to governmental subdivisions which incur expenses due to damage from natural disasters.

FRANK J. STORK, Secretary

## QUORUM CALL

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hansen of O'Brien, for the afternoon session, on request of McKean of Jones.

The House stood at ease at 1:55 p.m., until the fall of the gavel.

The House resumed session at 3:29 p.m., Speaker Harbor in the chair.

## HOUSE FILE 2492 DEFERRED

Halvorson of Clayton asked and received unanimous consent that House File 2492 be deferred and that the bill retain its place on the calendar.

## CONSIDERATION OF BILLS

### Regular Calendar

## SENATE FILE 2102 SUBSTITUTED FOR HOUSE FILE 2466

Ritsema of Sioux asked and received unanimous consent to substitute Senate File 2102 for House File 2466.

**Senate File 2102**, a bill for an act relating to the hospitalization of mentally ill persons, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered amendment H-5334 filed by the committee on judiciary and law enforcement on February 28, 1980 and found on pages 708 and 709 of the House Journal and moved its adoption.

The committee amendment H-5334 was adopted, placing out of order amendment H-5348 filed by Welsh of Dubuque on March 3, 1980.

Welsh of Dubuque offered the following amendment H—5368 filed by Danker, et al., and moved its adoption:

H—5368

- 1 Amend Senate File 2102 as follows:
- 2 1. Page 3, line 12, by striking the word "if"
- 3 and inserting in lieu thereof the words "if the county
- 4 and the state shall each pay fifty percent of the
- 5 total compensation. If".
- 6 2. Page 3, by inserting after line 28 the words
- 7 "The county and the state shall each pay fifty percent
- 8 of the cost of the examination."
- 9 3. Page 7, by striking lines 2 through 4 and
- 10 inserting in lieu thereof the words "be paid on order
- 11 of the court from the county mental health and
- 12 institutions fund of the county in which the court
- 13 is located state funds."
- 14 4. Page 12, line 34, by inserting after the
- 15 word "duties" the words "and be compensated as".
- 16 5. Page 13, line 15, by inserting after the word
- 17 "her." the words "The county and the state shall each
- 18 pay fifty percent of the amount the parent, guardian
- 19 or custodian is unable to pay for the minor's
- 20 attorney."

Amendment H—5368 was adopted.

Welsh of Dubuque offered the following amendment H—5350 filed by him and moved its adoption:

H—5350

- 1 Amend Senate File 2102 as follows:
- 2 1. Page 4, by striking lines 23 through 31 and
- 3 inserting in lieu thereof the words "matter. An
- 4 extension of time may be granted for not to exceed
- 5 seven days upon a showing of cause. A copy of the
- 6 report shall be sent to the respondent's attorney,
- 7 who may contest the need for an extension of time
- 8 if one is requested. Extension of time shall be
- 9 granted upon request unless the request is contested,
- 10 in which case the court shall make such inquiry as
- 11 it deems appropriate and may either order the
- 12 respondent's release from the hospital or grant
- 13 extension of time for psychiatric evaluation."

A non-record roll call was requested.

The ayes were 40, nays 53.



Amendment H—5350 lost.

Ritsema of Sioux asked and received unanimous consent to withdraw amendment H—5335 (to page 13) filed by him on February 28, 1980.

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

On the question "Shall the bill pass?" (S.F. 2102)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Cusack	Daggett
Davitt	De Groot	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	McKean
Menke	Millen	Miller	Mullins
Norland	Oxley	Patchett	Pavich
Pellet	Pelton	Perkins	Poffenberger
Pope	Rapp	Ritsema	Schnekloth
Sherzan	Shimanek	Shull	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 5:

Branstad	Danker	Dieleman	Maulsby
Renken			

Absent or not voting, 6:

Avenson	Crawford	Hansen, I.	O'Kane
Schroeder	Smalley		

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

## HOUSE FILE 2466 WITHDRAWN

Ritsema of Sioux asked and received unanimous consent to withdraw House File 2466 from further consideration by the House.

### MOTION TO RECONSIDER WITHDRAWN (House File 2429)

Halvorson of Webster asked and received unanimous consent to withdraw the motion to reconsider House File 2429, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant, filed by him on February 29, 1980.

**House File 2258**, a bill for an act relating to the time of taking the oath of office by persons elected to the city council, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 36.8 for the consideration of amendment H—5380.

Spear of Lee offered the following amendment H—5380 filed by him from the floor and moved its adoption:

H—5380

- 1 Amend House File 2258 as follows:
- 2 1. Page 1, line 9, by striking the word "at" and
- 3 inserting in lieu thereof the words "not later than the
- 4 date of".

Amendment H—5380 was adopted.

Hall 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. 2258)

The ayes were, 91:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.

Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Norland	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp,	Renken
Ritsema	Schnekloth	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Arnould	Chiodo	Daggett	Hansen, I.
Johnson, R.	Mullins	O'Kane	Schroeder
Woods			

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

### HOUSE FILE 2012 WITHDRAWN

Groth of Buena Vista asked and received unanimous consent to withdraw House File 2012 from further consideration by the House.

**House File 2471**, a bill for an act relating to the retention of budget documents, was taken up for consideration.

Lorenzen 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. 2471)

The ayes were, 94:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De'Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Arnould	Chiodo	Hansen, I.	Johnson, R.
O'Kane	Schroeder		

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

**House File 2491**, a bill for an act authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81a et seq., was taken up for consideration.

Miller of Buchanan asked and received unanimous consent to withdraw amendments H-5344 and H-5349 filed by him on February 29, 1980 and March 3, 1980 respectively.

Pope 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. 2491)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklath	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chiodo	Hansen, I.	Jay	Johnson, R.
Lind	O'Kane	Schroeder	

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 2098)

Pope of Polk asked and received unanimous consent to withdraw the motion to reconsider Senate File 2098, a bill for an act to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule, filed by

him, as well as the motions to reconsider by Branstad of Winnebago and Tyrrell of Iowa, all filed February 27, 1980.

**MOTION TO RECONSIDER**  
(Senate File 2102)

I move to reconsider the vote by which Senate File 2102 passed the House on March 6, 1980.

RITSEMA of Sioux

**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 6th day of March, 1980: House Files 741, 2311 and 2477.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Wednesday afternoon, March 5, 1980. Had I been present, I would have voted "aye" on House Files 732, 2180 and 2473; House Concurrent Resolution 110; Senate File 2241 and amendments H-5351, H-5353, H-5354 to Senate File 2241.

DIELEMAN of Marion

**COMMUNICATION RECEIVED**

A communication has been received by the Secretary of State of Iowa from George W. Strake, Jr., Secretary of State of Texas and member of the MacArthur Foundation Board in Norfolk, Virginia, urging passage of a resolution commemorating the one-hundredth anniversary of the birth of General Douglas MacArthur. A copy of Senate Concurrent Resolution 505, adopted by the Michigan Legislature January 9, 1980, was enclosed.

## STUDY BILL COMMITTEE ASSIGNMENTS

### S.B. 736 Agriculture

Relating to the receipt of livestock at a public livestock market for sale by auction upon delivery.

### S.B. 737 County Government

Providing reimbursement for travel and other expenses to members of the board of library trustees.

### S.B. 738 Human Resources

Relating to reimbursement or the payment for health care services and providing that it is a discriminatory practice to deny reimbursement or payment to certain persons.

## COMMITTEE RECOMMENDATIONS

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

DAVID L. WRAY  
Chief Clerk of the House

## COMMITTEE ON COUNTY GOVERNMENT

**Senate File 2015**, a bill for an act relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state and making the Act retroactive.

**Recommended Amend and Do Pass.**

H-5379

- 1 Amend Senate File 2015, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 13 and
- 4 inserting in lieu thereof the following: "is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 "Sec. 3. Chapter three hundred thirty-one (331),
- 8 Code 1979, is amended by adding the following new
- 9 section:

10 **NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS,**  
 11 **COMMITTEES AND COMMISSIONS.** Unless otherwise provided  
 12 by law, a county supervisor may serve concurrently  
 13 as a member of the board of supervisors and as a  
 14 member of any appointive board, commission or committee  
 15 of this state or a political subdivision of this  
 16 state." "

#### COMMITTEE ON EDUCATION

**Senate File 185**, a bill for an act relating to the distribution of interest of permanent school fund.

**Recommended Amend and Do Pass.**

H-5378

- 1 Amend Senate File 185 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "and" the word "in".
- 4 2. Page 1, line 21, by striking the word
- 5 "semiannual" and inserting in lieu thereof the word
- 6 "annual".

**Senate File 107**, a bill for an act relating to the establishment of tuition rates for school districts.

**Recommended Do Pass.**

**Committee Bill** (Formerly House File 2067), a bill for an act to allow school districts to improve school buildings for energy conservation purposes by the use of the schoolhouse fund.

**Recommended Amend and Do Pass.**

#### COMMITTEE ON ENERGY

**Study Bill 516 (Reconsidered)**, relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities.

**Recommended Amend and Do Pass.**

**Study Bill 522**, creating the position of consumer utility counsel in the office of the attorney general.

**Recommended Amend and Do Pass.**

#### COMMITTEE ON NATURAL RESOURCES

**House File 2420**, a bill for an act to encourage reforestation of the state and making an appropriation.



**Recommended Amend and Do Pass.**

H-5398

- 1 Amend House File 2420 as follows:
- 2 1. Page 1, by striking lines 1 through 21.
- 3 2. Page 1, line 28, by inserting after the word
- 4 "recommendations" the words "to the general assembly
- 5 by February 1, 1981".
- 6 3. By renumbering the sections to conform with
- 7 this amendment.

**COMMITTEE ON TRANSPORTATION**

**House File 398**, a bill for an act to provide for the construction of an overpass in the city of Missouri Valley on United States highway thirty by the state department of transportation.

**Recommended Amend and Do Pass.**

H-5400

- 1 Amend House File 398 as follows:
- 2 1. Page 1, by striking lines 7 through 11.

**AMENDMENTS FILED**

H-5381	H.F. 2500	Spear of Lee
H-5382	H.F. 2500	Spear of Lee
H-5383	H.F. 2492	Bruner of Story
H-5384	H.F. 2492	Bruner of Story
		Chiodo of Polk
H-5385	H.F. 2494	Conlon of Muscatine
		Larsen of Wapello
H-5386	H.F. 2492	Schroeder of Pottawattamie
H-5387	H.F. 2492	Bruner of Story
		Rapp of Black Hawk
H-5388	H.F. 2492	Schroeder of Pottawattamie
		Johnson of Linn
		Chiodo of Polk
H-5389	H.F. 2492	Bruner of Story
		Rapp of Black Hawk
		Bina of Scott
		Chiodo of Polk
		Jochum of Dubuque
H-5390	H.F. 2492	Norland of Worth

H-5391	H.F. 2492	Jochum of Dubuque Rapp of Black Hawk Chiodo of Polk Bruner of Story Connolly of Dubuque
H-5392	H.F. 2492	Rapp of Black Hawk Bruner of Story Bina of Scott Chiodo of Polk Connolly of Dubuque Jochum of Dubuque
H-5393	H.F. 2492	Jochum of Dubuque Chiodo of Polk Rapp of Black Hawk Connolly of Dubuque Bruner of Story
H-5394	H.F. 2492	Perkins of Greene
H-5395	H.F. 2492	Chiodo of Polk Bruner of Story Jochum of Dubuque Connolly of Dubuque Bina of Scott
H-5397	H.F. 2481	Doyle of Woodbury O'Kane of Woodbury Binneboese of Plymouth
H-5399	H.F. 2492	Chiodo of Polk Schroeder of Pottawattamie Johnson of Linn
H-5401	H.F. 2492	Bruner of Story

On motion by Halvorson of Clayton, the House adjourned at 4:52 p.m. until 9:00 a.m., Friday, March 7, 1980.

## **JOURNAL OF THE HOUSE**

Fifty-fourth Calendar Day — Thirty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 7, 1980

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

Prayer was offered by the Reverend George W. Baker, pastor of the United Methodist Church, Mason City.

The Journal of Thursday, March 6, 1980 was approved.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Arnould of Scott on request of Bina of Scott; Branstad of Winnebago on request of Lorenzen of Scott; Cusack of Scott on request of Miller of Buchanan.

### **PRESENTATION OF VISITORS**

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

Seventeen twelfth grade students from Klemme High School, Klemme, accompanied by Jerry Jans. By Stromer of Hancock.

Thirty-three eleventh and twelfth grade students from Carroll High School, Carroll, accompanied by Sandy Hood. By Perkins of Greene.

Fifteen junior high students from Fredericksburg Community School District, Fredericksburg, accompanied by Coach John Mauch. By Johnson of Howard and Avenson of Fayette.

### **PETITION FILED**

The following petition was received and placed on file:

By Swearingen of Keokuk, from forty-one constituents asking the Iowa legislature to take action to eradicate multiflora roses and to provide funds.

## INTRODUCTION OF BILLS

**House File 2516**, by committee on judiciary and law enforcement, a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children.

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

**House File 2517**, by committee on judiciary and law enforcement, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

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

**House File 2518**, by committee on state government, a bill for an act relating to the administration of the Iowa national guard.

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

**House File 2519**, by committee on state government, a bill for an act relating to the quorum requirements of the Iowa commission on the status of women.

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

## SENATE MESSAGE CONSIDERED

**Senate File 2031**, by Briles and Hultman, a bill for an act relating to state grants and loans to governmental subdivisions which incur expenses due to damage from natural disasters.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

**House File 747**, a bill for an act relating to the length, weight and annual registration fees of vehicles.

Also: That the Senate has on March 5, 1980, 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 2240, a bill for an act to make library circulation and registration records confidential records.

Also: That the Senate has on March 5, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2476, a bill for an act relating to the state and county funding of a county fair by providing for a referendum.

Also: That the Senate has on March 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 124, a bill for an act relating to the adoption of foreign born persons.

Also: That the Senate has on March 4, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2073, a bill for an act to establish an Iowa tuition differential grant and to provide for its payment from a fund established in the Act.

Also: That the Senate has on March 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2238, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment.

Also: That the Senate has on March 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2253, a bill for an act providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

Also: That the Senate has on March 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2275, a bill for an act to legalize certain plats of city or town lots recorded before January 1, 1970.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 747

H-5402

- 1 Amend House File 747, 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 three hundred twelve point  
6 two (312.2), Code 1979, is amended by adding the  
7 following new subsection:

8 **NEW SUBSECTION.** The treasurer of state, before  
9 making the other allotments provided for in this  
10 section, shall credit annually to the primary road  
11 fund from the road use tax fund the sum of four million  
12 four hundred thousand dollars and to the farm-to-  
13 market road fund from the road use tax fund the sum  
14 of one million five hundred thousand dollars for  
15 partial compensation of allowing trucks to operate  
16 on the roads of this state as provided in section  
17 three hundred twenty-one point four hundred sixty-  
18 three (321.463) of the Code.

19 **Sec. 2.** Section three hundred twenty-one point  
20 one (321.1), subsection one (1), paragraph c, Code  
21 1979, as the section is amended by Acts of the Sixty-  
22 eighth General Assembly, 1979 Session, chapter seventy  
23 (70), sections one (1) and two (2), and chapter  
24 seventy-four (74), section twenty-two (22), is amended  
25 by striking the paragraph.

26 **Sec. 3.** Section three hundred twenty-one point  
27 one (321.1), subsection sixty-nine (69), Code 1979,  
28 as the section is amended by Acts of the Sixty-eighth  
29 General Assembly, 1979 Session, chapter seventy (70),  
30 sections one (1) and two (2), and chapter seventy-  
31 four (74), section twenty-two (22), is amended by  
32 striking the subsection.

33 **Sec. 4.** Section three hundred twenty-one point  
34 one hundred twenty-one (321.121), Code 1979, is amended  
35 to read as follows:

36 **321.121 SPECIAL TRUCKS FOR FARM USE.** The  
37 registration fee for a special truck shall be one  
38 hundred twenty dollars for a gross weight of eight  
39 tons, and in addition, fifteen dollars for each ton  
40 over eight tons. Any person convicted of using a  
41 truck registered as a special truck for any purpose  
42 other than permitted by section 321.1, subsection  
43 72, shall, in addition to any other penalty imposed  
44 by law, be required to pay regular motor truck  
45 registration fees upon such truck.

46 **Sec. 5.** Section three hundred twenty-one point  
47 one hundred twenty-two (321.122), subsection one (1),  
48 Code 1979, is amended by striking the subsection and  
49 inserting in lieu thereof the following:

50 1. The annual registration fee for truck tractors,

**Page 2**

1 road tractors, and motor trucks, except special trucks,

2 shall be based on the combined gross weight of the  
 3 vehicle or combination of vehicles. All trucks, truck  
 4 tractors, or road tractors shall be registered for  
 5 a gross weight equal to or in excess of the unladen  
 6 weight of the vehicle or combination of vehicles.  
 7 The annual registration fee for such vehicles or  
 8 combination of vehicles shall be:

9 a. For a combined gross weight of three tons or  
 10 less forty-five dollars and after ten full  
 11 registrations thirty-five dollars.

12 b. For a combined gross weight exceeding three  
 13 tons, the annual registration fee shall be as set  
 14 forth in the following schedule:

15	For a combined gross	And not	The annual registra-
16	<u>weight exceeding:</u>	<u>exceeding:</u>	<u>tion fee shall be:</u>
17	3 Tons . . . . .	4 Tons . . . . .	\$ 60
18	4 Tons . . . . .	5 Tons . . . . .	\$ 70
19	5 Tons . . . . .	6 Tons . . . . .	\$ 85
20	6 Tons . . . . .	7 Tons . . . . .	\$ 110
21	7 Tons . . . . .	8 Tons . . . . .	\$ 145
22	8 Tons . . . . .	9 Tons . . . . .	\$ 180
23	9 Tons . . . . .	10 Tons . . . . .	\$ 215
24	10 Tons . . . . .	11 Tons . . . . .	\$ 250
25	11 Tons . . . . .	12 Tons . . . . .	\$ 285
26	12 Tons . . . . .	13 Tons . . . . .	\$ 320
27	13 Tons . . . . .	14 Tons . . . . .	\$ 355
28	14 Tons . . . . .	15 Tons . . . . .	\$ 445
29	15 Tons . . . . .	16 Tons . . . . .	\$ 485
30	16 Tons . . . . .	17 Tons . . . . .	\$ 525
31	17 Tons . . . . .	18 Tons . . . . .	\$ 565
32	18 Tons . . . . .	19 Tons . . . . .	\$ 610
33	19 Tons . . . . .	20 Tons . . . . .	\$ 675
34	20 Tons . . . . .	21 Tons . . . . .	\$ 715
35	21 Tons . . . . .	22 Tons . . . . .	\$ 755
36	22 Tons . . . . .	23 Tons . . . . .	\$ 795
37	23 Tons . . . . .	24 Tons . . . . .	\$ 835
38	24 Tons . . . . .	25 Tons . . . . .	\$ 965
39	25 Tons . . . . .	26 Tons . . . . .	\$ 1,010
40	26 Tons . . . . .	27 Tons . . . . .	\$ 1,060
41	27 Tons . . . . .	28 Tons . . . . .	\$ 1,105
42	28 Tons . . . . .	29 Tons . . . . .	\$ 1,150
43	29 Tons . . . . .	30 Tons . . . . .	\$ 1,200
44	30 Tons . . . . .	31 Tons . . . . .	\$ 1,245
45	31 Tons . . . . .	32 Tons . . . . .	\$ 1,295
46	32 Tons . . . . .	33 Tons . . . . .	\$ 1,340
47	33 Tons . . . . .	34 Tons . . . . .	\$ 1,415
48	34 Tons . . . . .	35 Tons . . . . .	\$ 1,465
49	35 Tons . . . . .	36 Tons . . . . .	\$ 1,510
50	36 Tons . . . . .	37 Tons . . . . .	\$ 1,555

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1 37 Tons . . . . . 38 Tons . . . . . \$ 1,605

2 38 Tons . . . . . 39 Tons . . . . . \$ 1,650

3 39 Tons . . . . . 40 Tons . . . . . \$ 1,695

4 c. For a combined gross weight exceeding forty  
5 tons, the annual registration fee shall be one thousand  
6 six hundred ninety-five dollars plus eighty dollars  
7 for each ton over forty tons.

8 Sec. 6. Section three hundred twenty-one point  
9 one hundred twenty-two (321.122), subsection four  
10 (4), Code 1979, is amended by striking the subsection  
11 and inserting in lieu thereof the following:

12 4. This subsection shall not be construed to  
13 require a license for the operation of a rubber-tired  
14 farm tractor not for hire upon the public highways.

15 Sec. 7. Section three hundred twenty-one point  
16 four hundred fifty-seven (321.457), subsection three  
17 (3), Code 1979, is amended by striking the subsection  
18 and inserting in lieu thereof the following:

19 3. Except for combinations of vehicles, provisions  
20 for which are otherwise made in this chapter, no  
21 combination of a truck tractor and a semitrailer  
22 coupled together unladen or with load, shall have  
23 an overall length, inclusive of front and rear bumpers,  
24 in excess of sixty feet.

25 Sec. 8. Section three hundred twenty-one point  
26 four hundred fifty-seven (321.457), subsection five  
27 (5), Code 1979, is amended by striking the subsection  
28 and inserting in lieu thereof the following:

29 5. Combinations of vehicles coupled together which  
30 are used exclusively for the transportation of  
31 passenger vehicles, light delivery trucks, panel  
32 delivery trucks, pickup trucks and boats may be  
33 permitted to extend the load up to three feet beyond  
34 the front and rear bumpers of the transporting vehicle  
35 when the overall length of the vehicle with load does  
36 not exceed sixty-five feet.

37 Sec. 9. Section three hundred twenty-one point  
38 four hundred fifty-seven (321.457), Code 1979, is  
39 amended by adding the following new subsection:

40 NEW SUBSECTION. A semitrailer shall not have a  
41 total length of more than forty-five feet nor a  
42 distance between the kingpin and the center of the  
43 rearmost axle of a semitrailer in excess of forty  
44 feet, except a semitrailer used principally for hauling  
45 livestock, a semitrailer used exclusively for the  
46 purposes of hauling self-propelled industrial and  
47 construction equipment, or a semitrailer used  
48 exclusively for the purposes described in subsection  
49 five (5) of this section. A nonexempt semitrailer  
50 in excess of forty-five feet in length which is a



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1 1980 or older model year may be operated on the  
2 highways of this state if a special overlength permit  
3 is obtained from the department for the vehicle.  
4 The special overlength permit shall be valid until  
5 such time as the semitrailer is inoperable.

6 Sec. 10. Section three hundred twenty-one point  
7 four hundred fifty-nine (321.459), Code 1979, is  
8 amended by striking the section and inserting in lieu  
9 thereof the following:

10 321.459 DUAL AXLE REQUIREMENT. Axles of a motor  
11 vehicle, trailer, or semitrailer which are less than  
12 forty inches apart center to center shall be considered  
13 as a single axle for the purpose of determining  
14 permissible gross weight under section three hundred  
15 twenty-one point four hundred sixty-three (321.463)  
16 of the Code.

17 Sec. 11. Section three hundred twenty-one point  
18 four hundred sixty-three (321.463), Code 1979, 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  $W$  equals  $500(LN/N-1 + 12N + 36)$  where  $W$  equals the  
40 overall gross weight on any group of two or more  
41 consecutive axles to the nearest five hundred pounds,  
42  $L$  equals the distance in feet, rounded to the nearest  
43 whole foot, between the extreme of any group of two  
44 or more consecutive axles, and  $N$  equals the number  
45 of axles in the group under consideration, except  
46 that two consecutive sets of tandem axles may carry  
47 a gross load of thirty-four thousand pounds each  
48 providing the overall distance between the first and  
49 last axles of such consecutive sets of tandem axles  
50 is thirty-six feet or more.

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1 The maximum gross weight shall not exceed eighty  
2 thousand pounds.

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 groups of axles.

11 A person who operates a vehicle in violation of  
12 the provisions of this section, and an owner, or any  
13 other person, employing or otherwise directing the  
14 operator of a vehicle, who requires or knowingly  
15 permits the operation of a vehicle in violation of  
16 the provisions of this section shall be fined according  
17 to the following schedule:

18 AXLE, TANDEM AXLE, AND GROUP OF AXLES WEIGHT VIOLATIONS

19 Pounds Overloaded	Amount of Fine
20 Up to and including 1,000 pounds	\$10 plus one-half cent 21 per pound
22 Over 1,000 pounds to and including 23 2,000 pounds	\$15 plus one-half cent per pound
24 Over 2,000 pounds to and including 25 3,000 pounds	\$80 plus three cents per pound
26 Over 3,000 pounds to and including 27 4,000 pounds	\$100 plus four cents per pound
28 Over 4,000 pounds to and including 29 5,000 pounds	\$150 plus five cents per pound
30 Over 5,000 pounds to and including 31 6,000 pounds	\$200 plus seven cents per pound
32 Over 6,000 pounds	\$200 plus ten cents 33 per pound

34 Fines for gross weight violations for vehicles  
35 or combinations of vehicles shall be assessed at one-  
36 half of the fine rate schedule for axle, tandem axle,  
37 and groups of axles weight violations.

38 The amount of the fine to be assessed shall be  
39 computed on the difference between the actual weight  
40 and the maximum legal weight specified in this section  
41 by applying the appropriate rate in the preceding  
42 schedule for the total amount of overload.

43 The schedule of fines may be assessed in addition  
44 to any other penalties provided for in this chapter.

45 Overloads on axles and tandem axles and overloads  
46 on groups of axles or on an entire vehicle or  
47 combination of vehicles shall be considered as separate  
48 violations of the provisions of this section.

49 A person who issues or executes, or causes to be  
50 issued or executed, a bill of lading, manifest, or

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1 shipping document of any kind which states a false  
2 weight of the cargo set forth on such bill, manifest,  
3 or document, which is less than the actual weight  
4 of the cargo, shall, upon conviction, be guilty of  
5 a simple misdemeanor.

6 Sec. 12. The department shall issue permits for  
7 the period beginning fifteen days following the  
8 effective date of this Act to December 31, 1980 to  
9 interstate and intrastate carriers that apply for  
10 registration authority at a weight higher than the  
11 current registered gross weight. The department shall  
12 assess a prorated fee from the schedule of fees set  
13 forth in section five (5) of this Act. Permit fees  
14 shall be payable on an annual basis. A minimum fee  
15 of ten dollars shall be collected by the department.  
16 Trucks, motor trucks, and truck tractors registered  
17 under the provisions of section three hundred twenty-  
18 one point one hundred, twenty-two (321.122) of the  
19 Code on the effective date of this Act shall not be  
20 eligible to reregister under section three hundred  
21 twenty-one point one hundred twenty-one (321.121)  
22 of the Code during the 1980 registration year. The  
23 commission shall adopt temporary rules as are necessary  
24 to implement the provisions of this Act as it relates  
25 to revised registrations in 1980 and temporary rules  
26 adopted for this purpose are not rules as defined  
27 in section seventeen A point two (17A.2), subsection  
28 seven (7), of the Code and shall not be subject to  
29 chapter seventeen A (17A) of the Code.

30 Sec. 13. The director of the department of trans-  
31 portation shall give consideration to increasing the  
32 hours of operation and employees designated to operate  
33 permanent weigh stations as provided by section three  
34 hundred twenty-one point four hundred seventy-seven  
35 (321.477) of the Code.

36 Sec. 14. This Act, being deemed of immediate  
37 importance, takes effect from and after its publication  
38 in the Globe-Gazette, a newspaper published in Mason  
39 City, Iowa, and in The Sioux City Journal, a newspaper  
40 published in Sioux City, Iowa."

## QUORUM CALL

Roll call was requested by Conlon of Muscatine and Thompson of Polk to determine that a quorum was present.

Present, 85:

Anderson, J.

Anderson, R.

Avenson

Bennett

Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lønergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
O'Kane	Oxley	Pavich	Pellett
Perkin's	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Woods
Mr. Speaker			

Absent, 15:

Arnould	Branstad	Corey	Cusack
Egenes	Jochum	Larsen	Norland
Patchett	Pelton	Poffenberger	Rapp
Sherzan	Welsh	West	

## UNANIMOUS CONSENT TO VOTE

Daggett of Taylor asked and received unanimous consent that Bruner of Story be recorded as "present" on the quorum roll call and the vote was so recorded.

## CONSIDERATION OF BILLS Regular Calendar

**House File 2280**, a bill for an act relating to the recording of agency agreements for joint or cooperative action, with report of committee recommending passage was taken up for consideration.

Dieleman of Marion offered the following amendment H-5315 filed by him and moved its adoption:

H-5315

- 1 Amend House File 2280 as follows:
- 2 1. Page 1, by striking lines 7 and 8.

Amendment H—5315 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2280)

The ayes were, 85:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Bimeboese	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jay
Jesse	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneran	Lorenzen
Lura	McKean	Menke	Millen
Miller	Mullins	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Arnould	Branstad	Chiodo	Cochran
Cusack	Egenes	Hullinger	Jochum
Maulsby	Norland	Patchett	Rapp
Sherzan	Welsh	West	

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

**House File 2365**, a bill for an act to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2365)

The ayes were, 85:

Anderson, J.	Avenson	Bennett	Bina
Binneboese	Brandt	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schneklath	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
Walter	Welden	Wells	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Anderson, R.	Arnould	Branstad	Chiodo
Cusack	Jochum	Johnson, R.	Menke
Patchett	Rapp	Schroeder	Sherzan
Tofte	Welsh	West	

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

**House File 2481**, a bill for an act permitting the possession of antique slot machines and antique pinball machines and providing a penalty, was taken up for consideration.

Doyle of Woodbury offered the following amendment H—5397 filed by Doyle, et al. :

H—5397

1 Amend House File 2481 as follows:

2 1. Page 1, by inserting after line 29 the following  
3 new sections:

4 "Sec. 3. NEW SECTION. Notwithstanding the  
5 provisions of section seven hundred twenty-five point  
6 twelve (725.12) of the Code, a person who advertises,  
7 offers for sale, sells, negotiates, disposes of,  
8 purchases, receives or has in his or her possession  
9 a list of names in which a person makes an initial  
10 investment thereby placing his or her name on the  
11 list for the purpose of receiving money from other  
12 persons investing in the list, is guilty of a simple  
13 misdemeanor and shall be sentenced to a fine not  
14 exceeding fifteen dollars, including costs. The  
15 record of a conviction pursuant to this section shall  
16 be expunged nine hundred days after the date of  
17 conviction. This section is repealed effective January  
18 1, 1981.

19 Sec. 4. The provisions of section three (3) of  
20 this Act are retroactive to January 1, 1980.

21 Sec. 5. This Act, being deemed of immediate  
22 importance, takes effect from and after its publication  
23 in The Sioux City Journal, a newspaper published in  
24 Sioux City, Iowa, and in The Hinton Progress, a  
25 newspaper published in Hinton, Iowa."

26 2. Amend the title, by striking line 2 and  
27 inserting in lieu thereof the words "and antique  
28 pinball machines, relating to transactions in lists  
29 and providing penalties."

30 3. By renumbering sections and correcting internal  
31 references as made necessary by this amendment.

Holt of Clay rose on a point of order that amendment H—5397 was not germane.

The Speaker ruled the point well taken and amendment H—5397 not germane.

Doyle of Woodbury moved that the rules governing germaneness be suspended to consider and adopt amendment H—5397.

Roll call was requested by Doyle of Woodbury and O'Kane of Woodbury.

On the question "Shall the rules be suspended to consider and adopt amendment H—5397?"

The ayes were, 35:

Avenson	Bina	Binneboese	Brandt
Bruner	Cochran	Connors	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Howell
Hullinger	Husak	Jay	Jesse
Johnson, W.	Kirkenslager	Lind	Lloyd-Jones
Miller	Norland	O'Kane	Oxley
Pavich	Perkins	Rapp	Walter
Wells	Welsh	Woods	

The nays were, 55:

Anderson, J.	Anderson, R.	Bennett	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connolly	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Dieleman
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hoffmann	Holt	Horn	Hummel
Johnson, J.	Johnson, R.	Krewson	Lageschulte
Larsen	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Mr. Speaker	

Absent or not voting, 10:

Arnould	Branstad	Cusack	Davitt
Jochum	Patchett	Schroeder	Sherzan
Welden	West		

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2481)

The ayes were, 89:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Davitt



Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklloth
Schroeder	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker			

The nays were, 3:

Danker	De Groot	Dieleman
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Absent or not voting, 8:

Arnould	Branstad	Chiodo	Cusack
Jochum	Patchett	Sherzan	West

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

### HOUSE FILE 2006 WITHDRAWN

Swearingen of Keokuk asked and received unanimous consent to withdraw House File 2006 from further consideration by the House.

**House File 2260**, a bill for an act relating to the eligibility of residents of bordering states to purchase nonresident licenses for the taking of fish, mussels, game, or furbearing animals, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2260)

The ayes were, 92:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Wells	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Arnould	Branstad	Cusack	Jochum
Patchett	Sherzan	Walter	West

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

**House File 2116**, a bill for an act to include classes offered by area schools as eligible for supplementary weighting, with report of committee recommending passage was taken up for consideration.

Daggett of Taylor moved that the bill be read a last time now and 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, 92:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lonerган	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mjller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklloth	Schroeder
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Arnould	Branstad	Cusack	Jochum
Lloyd-Jones	Patchett	Sherzan	West

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

**House File 2239**, a bill for an act relating to duties of area education agency boards to encourage and assist school districts to jointly employ personnel, buildings, and equipment, with report of committee recommending amendment and passage was taken up for consideration.

Thompson of Polk offered amendment H-5271 filed by the committee on education on February 21, 1980 and found on page 629 of the House Journal and moved its adoption.

The committee amendment H-5271 was adopted.

Thompson 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. 2239)

The ayes were, 81:

Anderson, J.	Anderson, R.	Bennett	Bina
Brandt	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Connors	Corey	Crabb	Crawford
Daggett	Danker	Davitt	Diemer
Doyle	Egenes	Gettings	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Schneklath	Schroeder	Shimanek	Shull
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker			

The nays were, 10:

Conlon	De Groot	Dieleman	Groth
Hibbs	Johnson, J.	O'Kane	Renken
Ritsema	Smalley		

Absent or not voting, 9:

Arnould	Avenson	Binneboese	Branstad
Cusack	Jochum	Patchett	Sherzan
West			

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

**House File 2089**, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions, with report of committee recommending amendment and passage was taken up for consideration.

Lura of Marshall offered amendment H—5331 filed by the committee on state government on February 28, 1980 and found on page 710 of the House Journal and moved its adoption.

The committee amendment H—5331 was adopted.

Lura 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. 2089)

The ayes were, 87:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Daggett
Danker	Davitt	Dieleman	Diemer
Doyle	Egenes	Gettings	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Jesse	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneran
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Wells
Welsh	Woods	Mr. Speaker	

The nays were, 5:

De Groot	Groth	Hullinger	Maulsby
O'Kane			

Absent or not voting, 8:

Arnould	Branstad	Cusack	Jochum
Patchett	Shérzan	Welden	West

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

**House File 2299**, a bill for an act relating to the dates on which school districts count special education students and report the count to the department of public instruction, with report of committee recommending passage was taken up for consideration.

Stromer of Hancock asked and received unanimous consent to suspend House Rule 36.8 for the consideration of amendment H-5404 filed by him from the floor as follows and moved its adoption:

H-5404

- 1 Amend House File 2299 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 section:
- 4 "Section 1. Section two hundred seventy-three
- 5 point five (273.5), subsection five (5), Code 1979,
- 6 is amended to read as follows:
- 7 5. Provide each school district within the area
- 8 served and the department of public instruction with
- 9 a special education weighted enrollment count, for
- 10 the second Friday in January and the second Friday
- 11 in September of each year."
- 12 2. By renumbering sections as necessary.

Amendment H-5404 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2299)

The ayes were, 86:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones

Loneragan	Lorenzen	McKean	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Ritsema	Schneklloth	Schroeder	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Van Maanen
Walter	Welden	Wells	Welsh
Woods	Mr. Speaker		

The nays were, 4:

Lura	Maulsby	Renken	Tyrrell
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Absent or not voting, 10:

Arnould	Branstad	Chiodo	Cusack
Jochum	Johnson, R.	Menke	Patchett
Sherzan	West		

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

The House stood at ease at 10:39 a.m. until the fall of the gavel.

The House resumed session at 11:22 a.m., Speaker Harbor in the chair.

### CONSIDERATION OF BILLS Appropriations Calendar

**House File 2500**, a bill for an act relating to the compensation and expenses of the board of trustees of a sanitary sewer district, was taken up for consideration.

Spear of Lee offered the following amendment H—5381 filed by him and moved its adoption:

H—5381

- 1 Amend House File 2500 as follows:
- 2 1. Page 1, by striking line 32 and inserting in
- 3 lieu thereof the following: "be paid at the hourly
- 4 rate established for pay grade eighteen, step one,
- 5 of the state merit system plan for not more than
- 6 eight hours per day for attendance at a meeting".
- 7 2. Page 1, line 34, by striking the words "per
- 8 diem" and inserting in lieu thereof the word "pay".

A non-record roll call was requested.

The ayes were 18, nays 60.

Amendment H — 5381 lost.

Spear of Lee offered the following amendment H — 5382 filed by him and moved its adoption:

H — 5382

- 1 Amend House File 2500 as follows:
- 2 1. Page 1, line 35, by inserting after the word
- 3 "year." the following: "However, the board of
- 4 trustees, by resolution, may establish for its members
- 5 a lower rate of pay than is fixed by this section."

Amendment H — 5382 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2500)

The ayes were, 86:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lloyd-Jones	Lonergan
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	Mr. Speaker		



The nays were, 1:

Spear

Absent or not voting, 13:

Arnould	Branstad	Chiodo	Crawford
Cusack	Jochum	Lind	Maulsby
O'Kane	Patchett	Sherzan	West
Woods			

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

### SENATE AMENDMENTS CONSIDERED

Holt of Clay called up for consideration **House File 673**, a bill for an act increasing the amount of interest on money due on judgments and decrees of courts from seven to ten percent, amended by the Senate amendment H—5303, received from the Senate on February 26, 1980 and found on page 651 of the House Journal.

Shimanek of Jones offered the following amendment H—5367, to the Senate amendment H—5303, filed by her and Holt of Clay and moved its adoption:

H—5367

- 1 Amend the Senate amendment H—5303 to House File
- 2 673 as passed by the House as follows:
- 3 1. Page 1, by striking lines 3 through 14 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, by striking lines 6 through 8 and
- 6 inserting in lieu thereof the words "percent per year,
- 7 unless".

Amendment H—5367 was adopted.

On motion by Shimanek of Jones, the House concurred in the Senate amendment H—5303, as amended.

Holt of Clay 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. 673)

The ayes were, 87:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzo	Lura	McKean
Menke	Millen	Miller	Mullins
Norland	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklath	Schroeder
Shimaneck	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Arnould	Branstad	Crawford	Cusack
Jochum	Lageschulte	Maulsby	O'Kane
Oxley	Patchett	Sherzan	West
Woods			

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

Schroeder of Pottawattamie called up for consideration **House File 454**, a bill for an act relating to countersignatures on insurance policies, amended by the Senate, and moved that the House concur in the Senate amendment H-5319, received from the Senate on February 27, 1980 and found on page 666 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-5319.

Schroeder 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. 454)

The ayes were, 83:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Daggett	Danker	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Mr. Speaker	

The nays were, none.

Absent or not voting, 17:

Arnould	Branstad	Crabb	Crawford
Cusack	Davitt	Jochum	Krewson
Lageschulte	Larsen	O'Kane	Oxley
Patchett	Renken	Sherzan	West
Woods			

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

### SPECIAL THANKS

Daggett of Taylor expressed appreciation to all the first-half session Pages for their hard work and dedication to the House of Representatives. The House rose and expressed its thanks to those leaving and wished them well.

## APPOINTMENT BY THE SPEAKER

Due to the resignation of Representative Ingwer Hansen of O'Brien County from the Commission on Aging, the Speaker announced the appointment of Representative Marvin E. Diemer of Black Hawk County to an unexpired term ending June 30, 1981, pursuant to Sections 249B.1-2, 1979 Code of Iowa,

## COMMITTEE ASSIGNMENT

The Speaker announced the following change in committee assignment:

Millen, Floyd H. . . . . Rules, Chair

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 6, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 687, an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

House File 744, an act to change the names of the Iowa Training School for Boys and the Iowa Training School for Girls.

## PROOF OF PUBLICATION (House File 2517)

Published copy of House File 2517 and verified proof of publication of said bill in the Waterloo Courier, a daily newspaper printed and published in Waterloo, Black Hawk County, Iowa, on March 4, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

## SUBCOMMITTEE ASSIGNMENTS

### Senate File 74

State Government: Crawford, Chair; Hibbs, Branstad, Arnould and Walter.

### Senate File 107

Education: Crawford, Chair; Johnson of Woodbury and Patchett.

**Senate File 2070**

State Government: Hansen of O'Brien, Chair; Anderson of Audubon, Lura, Halvorson of Webster and Bina.

**Senate File 2112**

Education: Johnson of Woodbury, Chair; Diemer and Spear.

**Senate File 2200**

Commerce: Johnson of Linn, Chair; Conlon and Dieleman.

**Senate File 2209**

Labor and Industrial Relations: Pope, Chair; Corey and Wells.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**Study Bill 723**

Education: Johnson of Woodbury, Chair; Diemer and Perkins.

**Study Bill 728**

State Government: Lura, Chair; Shimanek and Brandt.

**Study Bill 729**

Cities: Diemer, Chair; Crabb and Groth.

**Study Bill 730**

Natural Resources: Smalley, Chair; Perkins, Tofte, Holt and Hall.

**Study Bill 732**

Transportation: Hoffmann, Chair; Hinkhouse and Kirkenlager.

**Study Bill 733**

Agriculture: Bennett, Chair; De Groot and Hinkhouse.

**Study Bill 734**

Transportation: Egenes, Chair; Lageschulte, Pellett, Hullinger, Davitt, Oxley and Schneklath.

**Study Bill 736**

Agriculture: Hinkhouse, Chair; Van Maanen and Corey.

## 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 JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:00 a.m., March 6, 1980

Convened: 10:10 a.m.

Adjourned: 11:00 a.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Arnould, Clark of Cerro Gordo, Conlon, Corey, Hibbs, Holt, Johnson of Howard, Lloyd-Jones, Maulsby, Pelton, Smalley and Walter.

Absent: Patchett, Ranking Member; Anderson of Audubon (arrived 10:20 a.m.), Doyle (arrived 10:20 a.m.), Jesse (arrived 10:15 a.m.), Rapp (arrived 10:20 a.m.) and Welsh.

Excused: Lonergan.

### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Committee Bill**, a bill for an act supplementing and amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), relating to appropriations from the general fund of the state for the fiscal year beginning July 1, 1980 for various operations and grants to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy use and conservation and natural resource management and research.

**Recommended Do Pass.**

**Committee Bill**, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters two (2) and three (3), relating to appropriations to various executive, legislative and judicial departments and agencies for the fiscal year beginning July 1, 1980.

**Recommended Do Pass.**

**Committee Bill**, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, Chapters nine (9) and sixteen (16), section one (1), relating to appropriating funds to state agencies for designated service programs including health programs, civil rights, programs for minority and elderly persons and for the continuation of the elderly care program.

**Recommended Do Pass.**

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House Joint Resolution 2011**, a joint resolution requesting Congress to propose to the states for ratification an amendment to the Constitution of the United States providing that the display of religious symbols and the use of religious music in and on government buildings and property, including public schools, when it does not interfere with the use of the facilities for their ordinary purposes, is not an establishment of religion.

**Recommended Amend and Do Pass.**

H-5403

- 1 Amend House Joint Resolution 2011 as follows:
- 2 1. Page 2, by striking lines 13 through 15 and
- 3 inserting in lieu thereof the words "constitute
- 4 establishment of religion."

**Study Bill 682**, to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

**Recommended Do Pass.**

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House File 2037, as amended), a bill for an act to increase the minimum cost of repairs to public lands and buildings for which bid procedures are required.

**Recommended Do Pass.**

Fiscal Note is not required.

**Study Bill 592**, providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

**Recommended Do Pass.**

## AMENDMENTS FILED

H-5405	H.F. 2511	Conlon of Muscatine Thompson of Polk
H-5406	H.F. 2495	Brandt of Black Hawk
H-5407	S.F. 176	Poffenberger of Dallas
H-5408	H.F. 225	Van Maanen of Mahaska
H-5409	H.F. 2482	Bennett of Ida
H-5410	H.F. 2488	Thompson of Polk

On motion by Halvorson of Clayton, the House adjourned at 12:06 p.m., until 10:00 a.m., Monday, March 10, 1980.



# JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day—Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 10, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Robert Bagley, pastor of the Bethany Lutheran Church, Thompson.

The Journal of Friday, March 7, 1980 was approved.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Madison Elementary School, Des Moines, accompanied by Karen Warren, Miss Nieter and Mrs. Main. By Byerly of Polk and Jesse of Polk.

Sixty fifth and sixth grade students from Cowles Elementary School, Des Moines, accompanied by Mrs. Fellers and Mrs. Shannon. By Krewson of Polk and Smalley of Polk.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hullinger of Decatur, from fourteen constituents of the 94th district favoring indexing state inheritance tax rates and the exemptions increased to compensate for inflation and the accompanying increase in agricultural land values and from one hundred ten constituents favoring House File 2293, an act to authorize counties to levy a tax for the support of ambulance service provided under authority of the county board of supervisors, under certain circumstances.

## INTRODUCTION OF BILLS

**House File 2520**, by committee on appropriations, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters two (2) and three (3), relating to appropriations to various executive, legislative and judicial departments and agencies for the fiscal year beginning July 1, 1980 and providing an additional appropriation. \*

Read first time and **placed on the appropriations calendar.**

**House File 2521**, by committee on state government, a bill for an act to increase the minimum cost of repairs to school buildings for which bid procedures are required.

Read first time and **placed on the calendar.**

**House File 2522**, by committee on judiciary and law enforcement, a bill for an act to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

Read first time and **placed on the calendar.**

**House File 2523**, by committee on education, a bill for an act to allow school districts to levy the tax under section two hundred ninety-seven point five (297.5) of the Code to improve school buildings for energy conservation purposes, for roof and boiler replacement or repair, and for accessibility to handicapped persons.

Read first time and **placed on the calendar.**

**House File 2524**, by committee on appropriations, a bill for an act supplementing and amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), relating to appropriations from the general fund of the state beginning July 1, 1980 for various operations and grants to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy use and conservation and natural resource management and research.

Read first time and **placed on the appropriations calendar.**

**House File 2525**, by committee on judiciary and law enforcement, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property.

Read first time and **placed on the calendar.**

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 111, authorizing the Board of Regents to construct an addition to the general hospital of the state university of Iowa.

Also: That the Senate has on March 6, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2273, a bill for an act relating to appropriations by amending the Acts of the Sixty-eighth General Assembly, 1979 Session, to increase the appropriations to various state departments and divisions.

Also: That the Senate has on March 6, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2274, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

FRANK J. STORK, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 124**, by Readinger, a bill for an act relating to the adoption of foreign born persons.

Read first time and referred to committee on **judiciary and law enforcement.**

**Senate File 2073**, by Craft, Priebe, Waldstein and Van Gilst, a bill for an act to establish an Iowa tuition differential grant and to provide for its payment from a fund established in the Act.

Read first time and referred to committee on **education.**

**Senate File 2238**, by committee on agriculture, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition.

Read first time and referred to committee on **agriculture**.

**Senate File 2253**, by committee on ways and means, a bill for an act providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

Read first time and referred to committee on **ways and means**.

**Senate File 2273**, by committee on appropriations, a bill for an act relating to appropriations by amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters four (4) and fourteen (14), to increase the appropriations for the board of engineering examiners, Iowa beer and liquor control department, department of revenue, secretary of state and the administration of the Iowa public employees' retirement system fund, by increasing the full-time equivalent positions for the board of engineering examiners and department of job service, and by providing that unobligated funds remaining from the appropriation to the comptroller's office for data processing shall not revert at the end of the 1979-1980 fiscal year.

Read first time and referred to committee on **appropriations**.

**Senate File 2274**, by committee on appropriations, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

Read first time and referred to committee on **appropriations**.

**Senate File 2275**, by committee on judiciary, a bill for an act to legalize certain plats of city or town lots recorded before January 1, 1970.

Read first time and **passed on file**.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 584**, a bill for an act relating to the sale of commemorative bottles containing alcoholic liquor, with report of committee recommending amendment and passage was taken up for consideration.

Johnson of Linn offered amendment H—5358 filed by the committee on state government on March 5, 1980 and found on pages 771 through 773 of the House Journal and moved its adoption.

The committee amendment H—5358 was adopted, placing out of order the following amendments:

H—5105 filed by Johnson of Linn on January 31, 1980.

H—5260 filed by Johnson of Linn and Bina of Scott on February 19, 1980.

Johnson 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. 584)

The ayes were, 78:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Corey	Crabb
Crawford	Cusack	/Daggett	Davitt
Diemer	Doyle	Egenes	Gettings
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hinkhouse	Hoffmann	Holt
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lorenzen	Lura	Millen
Miller	Mullins	Norland	Oxley
Pavich	Pellett	Pelton	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
Woods	Mr. Speaker		

The nays were, 13:

Arnould	Branstad	Connolly	Danker
De Groot	Dieleman	Hibbs	Lloyd-Jones
Maulsby	McKean	Menke	O'Kane
Perkins			

Absent or not voting, 9:

Brandt	Groth	Horn	Jesse
Krewson	Lonergan	Patchett	Stromer
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 2488**, a bill for an act relating to the powers to be exercised by electors of school corporations at certain elections, was taken up for consideration.

Thompson of Polk offered the following amendment H-5410 filed by her:

H-5410

- 1 Amend House File 2488 as follows:
- 2 1. Page 1, by inserting after line 13 the following
- 3 new section:
- 4 "Sec. . Section two hundred seventy-nine point
- 5 six (279.6), Code 1979, is amended to read as follows:
- 6 279.6 VACANCIES—QUALIFICATIONS—TENURE.
- 7 1. Vacancies occurring among the appointive
- 8 officers or members of a school board district shall
- 9 be filled by the board by appointment. A person so
- 10 appointed to fill a vacancy in an elective office
- 11 shall hold office until a successor is elected and
- 12 qualified pursuant to section 60-12. A person ap-
- 13 pointed to fill a vacancy in an appointive office
- 14 shall hold such office for the residue remainder of
- 15 the unexpired term and until his or her successor
- 16 is appointed and qualified. Any person so appointed
- 17 shall qualify within ten days thereafter in the manner
- 18 required by section 277.28.
- 19 2. A vacancy in an elective school district office
- 20 during a term of office shall be filled, at the board's
- 21 option, by one of the two following procedures.
- 22 a. By appointment by the remaining members of
- 23 the board, provided such remaining members constitute
- 24 a quorum of the full membership. The appointment

25 shall be for the period until the next pending election  
26 as defined in section sixty-nine point twelve (69.12)  
27 of the Code, and shall be made within thirty days  
28 after the vacancy occurs. If the board chooses to  
29 proceed under this paragraph, it shall publish notice  
30 of its intent to fill the vacancy in a newspaper of  
31 general circulation in the district. The board may  
32 publish such notice in advance if a board member  
33 submits a resignation to take effect at a future date.  
34 The board may make an appointment to fill the vacancy  
35 after the notice is published or after the vacancy  
36 occurs, whichever date is later. However, if within  
37 ten days after publication of the notice the board  
38 is presented with a petition which requests a special  
39 election to fill the vacancy and which is signed by  
40 eligible electors who are (or would be, if registered)  
41 entitled to vote to fill the office in question, equal  
42 in number to two percent of those who voted for  
43 candidates for the office at the last preceding regular  
44 election at which the office was on the ballot, but  
45 not less than twenty-five persons, any appointment  
46 to fill the vacancy shall be temporary and the board  
47 shall call a special election to fill the vacancy  
48 permanently, under paragraph b of this subsection.  
49 Any appointment made under this subsection is permanent  
50 unless the board is presented with a petition

**Page 2**

1 requesting a special election.  
2 b. By a special election held to fill the office  
3 for the remaining balance of the unexpired term, which  
4 may be held concurrently with any pending election  
5 as provided by section sixty-nine point twelve (69.12)  
6 of the Code if by so doing the vacancy will be filled  
7 not more than ninety days after it occurs. Otherwise,  
8 a special election to fill the office shall be called  
9 at the earliest practicable time after the board so  
10 chooses, or is required to do so under paragraph a  
11 of this subsection.  
12 However, if 3. If a member of a school board  
13 resigns from the board prior to the time for filing  
14 nomination papers for office as a school board member,  
15 as provided in section 277.4, and he specifies in  
16 his the resignation that the resignation it will be  
17 effective on the date the next term of office for  
18 elective school officials begins, the president of  
19 the board shall declare the office vacant as of that  
20 date and nomination papers shall be received for the  
21 unexpired term of the resigning member. The person  
22 elected at the next regular school election to fill  
23 the vacancy shall take office at the same time and  
24 place as the other elected school board members."

Spear of Lee offered amendment H—5411, to amendment H—5410, filed by him from the floor and requested division as follows:

H—5411

1 Amend amendment H—5410 to House File 2488 as follows:

H—5411A

2 1. Page 1, line 27, by striking the word "thirty" and  
3 inserting in lieu thereof the word "forty".

H—5411B

4 2. Page 1, line 37, by striking the word "ten" and  
5 inserting in lieu thereof the word "fourteen".

H—5411C

6 3. Page 1, by striking lines 49 and 50.  
7 4. Page 2, by striking line 1.

On motion by Spear of Lee, amendment H—5411A was adopted.

Thompson of Polk offered the following amendment H—5413, to amendment H—5410, filed by her from the floor and moved its adoption:

H—5413

1 Amend the Thompson amendment H—5410 to House File  
2 2488 as follows:  
3 1. Page 1, by striking lines 29, 30 and 31 and  
4 inserting in lieu thereof the words "proceed under  
5 this paragraph, it shall publish notice in a newspaper  
6 of general circulation in the district, stating that  
7 the board intends to fill the vacancy by appointment  
8 but that the electors of the school district or of  
9 the school director district, as the case may be,  
10 have the right to file a petition requiring that the  
11 vacancy be filled by a special election. The board  
12 may".

Amendment H—5413 was adopted.

The House resumed consideration of amendment H—5411B, to amendment H—5410.



On motion by Spear of Lee, amendment H—5411B was adopted.

The House resumed consideration of amendment H—5411C, to amendment H—5410.

Spear of Lee moved the adoption of amendment H—5411C.

Amendment H—5411C lost.

Perkins of Greene rose on a point of order that amendment H—5410, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5410, as amended, not germane.

Thompson of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H—5410, as amended.

A non-record roll call was requested.

The ayes were 26, nays 63.

The motion lost.

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?" (H.F. 2488)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Diemer	Doyle	Egenes
Gettings	Hall.	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte

Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Pope	Rapp	Ritsema
Schneklath	Shimanek	Shull	Spear
Swearingen	Tofte	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker			

The nays were, 8:

Branstad	De Groot	Johnson, J.	Maulsby
Renken	Smalley	Thompson	Tyrrell

Absent or not voting, 11:

Groth	Horn	Howell	Jesse
O'Kane	Patchett	Poffenberger	Schroeder
Sherzan	Stromer	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 477**, a bill for an act relating to the control, abatement and prevention of air pollution by the department of environmental quality, and providing a civil penalty, with report of committee recommending amendment and passage was taken up for consideration.

Smalley of Polk offered amendment H—5341 filed by the committee on natural resources on February 29, 1980 and found on pages 727 through 729 of the House Journal and moved its adoption.

The committee amendment H—5341 was adopted.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 477)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connolly

Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulté	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Cochran	Egenes	Groth	Horn
Jesse	Patchett	Stromer	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 477)

Smalley of Polk asked and received unanimous consent that Senate File 477 be immediately messaged to the Senate.

**House File 2163**, a bill for an act repealing the prohibition against advertising the sale of tobacco near public schools, with report of committee recommending passage was taken up for consideration.

Diemer 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. 2163)

The ayes were, 72:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Diemer	Doyle
Egenes	Gettings	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Millen	Miller	Mullins
Norland	O'Kane	Pavich	Pelton
Perkins	Poffenberger	Rapp	Ritsema
Schroeder	Sherzan	Shimanek	Shull
Spear	Swearingen	Thompson	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, 21:

Anderson, J.	Bennett	Branstad	Connors
De Groot	Hall	Halvorson, R.N.	Hinkhouse
Howell	Maulsby	McKean	Menke
Oxley	Pellett	Pope	Renken
Schnekloth	Smalley	Tyrrell	Weiden
Wells			

Absent or not voting, 7:

Groth	Horn	Jesse	Patchett
Stromer	Tofte	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2482**, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads, was taken up for consideration.

Bennett of Ida offered the following amendment H—5409 filed by him:

H-5409

1 Amend House File 2482 as follows:  
 2 1. Page 1, by striking line 12 and inserting in  
 3 lieu thereof the following: "available for farm-  
 4 to-market road projects. The board of supervisors  
 5 of a county wishing to allocate moneys from the county  
 6 farm-to-market road fund shall state the amount of  
 7 the allocation in its project accomplishment list  
 8 and its secondary road budget submitted to the  
 9 department for approval pursuant to sections three  
 10 hundred nine point twenty-two (309.22) and three  
 11 hundred nine point ninety-three (309.93) of the Code.  
 12 The board of supervisors of a county may not  
 13 allocate moneys pursuant to this section unless the  
 14 moneys raised for the county secondary road fund for  
 15 the prior calendar year under the provisions of section  
 16 three hundred nine point eight (309.8), subsections  
 17 one (1), three (3), and four (4) of the Code are at  
 18 least seventy-five percent of the maximum amount the  
 19 board could have raised by levy for said prior calendar  
 20 year pursuant to section three hundred nine point  
 21 seven (309.7) of the Code."

Spear of Lee offered the following amendment H-5412, to amendment H-5409, filed by him from the floor and moved its adoption:

H-5412

1 Amend amendment H-5409 to House file 2482 as follows:  
 2 1. Page 1, line 12, by striking the word "may" and  
 3 inserting in lieu thereof the word "shall".

Amendment H-5412 was adopted.

On motion by Bennett of Ida, amendment H-5409, as amended, was adopted.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 92:

Anderson, J.  
Bennett

Anderson, E.  
Bina

Arnould  
Binneboese

Avenson  
Brandt

Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Wells	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connors	Groth	Horn	Jesse
Patchett	Stromer	Weiden	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 2102)

Ritsema of Sioux asked and received unanimous consent to withdraw the motion to reconsider Senate File 2102, a bill for an act relating to the hospitalization of mentally ill persons, filed by him on March 6, 1980.

The House stood at ease at 11:06 a.m., until the fall of the gavel.

The House resumed session at 11:59 a.m., Speaker Harbor in the chair.

### HOUSE CONCURRENT RESOLUTION 116

By Pellett

- 1 *Whereas*, birds are one of the most important groups
- 2 of land-living vertebrates in the world; and

3     *Whereas*, birds are helpful to humans by destroying  
4 harmful insects, weed seeds, rats, and mice; and  
5     *Whereas*, knowledge about birds has enabled men and  
6 women to develop theories about flight; and  
7     *Whereas*, it is beneficial to learn about the  
8 importance of birds in order to halt their destruc-  
9 tion; *Now Therefore*,  
10    *Be It Resolved by the House of Representatives, the*  
11 *Senate Concurring*, That the governor of this state is  
12 directed to designate March twenty-first of each year  
13 as bird day and to urge that the residents of this state  
14 observe the day by devoting a portion of it to a study  
15 of birds, including their habits and usefulness and  
16 the best means of protecting birds.

Laid over under Rule 30.

COMMUNICATION FROM SECRETARY OF STATE

March 7, 1980

David L. Wray  
Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that Senate File 2088, was published in The Council Bluffs Nonpareil, Council Bluffs, Iowa on February 25, 1980, and in The DeWitt Observer, DeWitt, Iowa on February 25, 1980.

Respectfully submitted,

MELVIN D. SYNHORST  
Secretary of State

PROOF OF PUBLICATION  
(House File 2522)

Published copy of House File 2522 and verified proof of publication of said bill in The Fremont-Mills Beacon-Enterprise, a weekly newspaper printed and published in Fremont County, Iowa on January 30, 1980 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, March 7, 1980. Had I been present, I would have voted "nay" on

House File 2481 and "aye" on House Files 454, 673, 2089, 2116, 2239, 2260, 2280, 2299, 2365 and 2500.

**BRANSTAD** of Winnebago

### CERTIFICATES OF RECOGNITION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1980-21	Iowa State University Wrestlers
1980-22	Ames High School Wrestlers
1980-23	Ballard High School, Huxley Wrestlers
1980-24	George M. Mills
1980-25	Wayne Love
1980-26	Tim Klinghammer

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 10, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 741, an act to exempt from the real estate transfer tax certain deeds between family corporations and their stockholders.

House File 2311, an act to legalize the proceedings of the Board of Supervisors of Clay County, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds.

House File 2477, an act amending the acts of the Sixty-eighth General Assembly, 1979 Session, Chapter Four (4), relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980.

Senate File 97, an act providing for the licensing of occupational therapists and occupational therapy assistants and subjecting persons to penalties.

Senate File 2130, an act relating to the locations where certain services may be provided to nonpublic school pupils.



## STUDY BILL COMMITTEE ASSIGNMENT

**S.B. 739 County Government**

Relating to the age of fire fighters.

## AMENDMENTS FILED

H-5414	H.F. 2514	Miller of Buchanan
H-5415	S.F. 2122	Howell of Floyd
H-5416	H.F. 2483	Jochum of Dubuque
H-5417	S.F. 2122	Howell of Floyd
		Dieleman of Marion
H-5418	H.F. 2518	Dieleman of Marion
H-5419	H.F. 2432	Brandt of Black Hawk
H-5420	H.F. 747	Cannolly of Dubuque
H-5421	H.F. 747	Krewson of Polk
		Walter of Pottawattamie
H-5422	S.F. 333	Johnson of Linn
H-5423	H.F. 2483	Krewson of Polk
		Bina of Scott
H-5424	S.F. 2122	Kirkenslager of Des Moines
		Connors of Polk
H-5425	H.F. 731	Bruner of Story

On motion by Halvorson of Clayton, the House adjourned at 12:04 p.m., until 9:00 a.m., Tuesday, March 11, 1980.

# JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day – Thirty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 11, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Richard T. Hohl, pastor of the United Methodist Church, Greenfield.

The Journal of Monday, March 10, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon.

## PETITION FILED

The following petition was received and placed on file:

By Larsen of Wapello from 788 constituents of the 89th district and passengers of the Ottumwa Transit Bus Service, favoring passage of House File 2337.

## INTRODUCTION OF BILLS

**House File 2526**, by committee on judiciary and law enforcement, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties.

Read first time and placed on the calendar.

**House File 2527**, by committee on appropriations, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9) and chapter sixteen (16) relating to appropriating funds for the fiscal year beginning July 1, 1980 to state agencies for designated service programs including health programs, civil rights and programs for women, minority and elderly persons.

Read first time and placed on the appropriations calendar.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2105, a bill for an act relating to the loading and unloading of pupils from school buses.

Also: That the Senate has on March 10, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 446, a bill for an act relating to weighing and measuring.

FRANK J. STORK, Secretary

### SENATE AMENDMENT TO HOUSE FILE 2105

H-5426

- 1 Amend House File 2105 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. . . . Section two hundred seventy-nine point
- 6 eight (279.8), unnumbered paragraph one (1), Code
- 7 1979, is amended to read as follows:
- 8 The board shall make rules for its own government
- 9 and that of the directors, officers, employees,
- 10 teachers and pupils, and for the care of the
- 11 schoolhouse, grounds, and property of the school
- 12 corporation, and aid in the enforcement of the same,
- 13 and require the performance of duties by said persons
- 14 imposed by law and the rules. The board shall include
- 15 in its rules provisions regulating the loading and
- 16 unloading of pupils from a school bus stopped on the
- 17 highway during a period of reduced highway visibility
- 18 caused by fog, snow or other weather conditions."
- 19 2. Page 1, by striking lines 18 through 20 and
- 20 inserting in lieu thereof the words "unload pupils
- 21 unless there is at least three hundred feet of clear
- 22 unobstructed vision in each direction."
- 23 3. Renumbering sections and internal references
- 24 as necessary.

SENATE AMENDMENT TO HOUSE AMENDMENT  
TO SENATE FILE 446

H-5428

1 Amend the House amendment, S-5258 to Senate File  
2 446, as follows:  
3 1. Page 3, by striking lines 45 through 47, and  
4 inserting in lieu thereof the following:  
5 "8. Page 6, by striking lines 8 through 11 and  
6 inserting in lieu thereof the following:  
7 "Sec. This Act, except section two (2)  
8 relating to the half pricing of motor vehicle fuel,  
9 section three (3) relating to motor vehicle fuel pump  
10 pricing labels, section four (4) relating to  
11 definitions for chapter two hundred fourteen (214)  
12 of the Code, and section ten (10) relating to automatic  
13 recorders on scales, is effective January first  
14 following its enactment. Sections two (2), three  
15 (3) and four (4) of this Act are effective July first  
16 following its enactment and are repealed January 1,  
17 1985. Section ten (10) of this Act is effective July  
18 1, 1981." "

REFERRED TO COMMITTEE ON WAYS AND MEANS  
(House File 2483)

Pursuant to House Rule 37, the Speaker announced that House File 2483, presently on the **regular calendar**, was referred to the committee on **ways and means**.

On motion by Halvorson of Clayton, the House was recessed at 9:13 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion, for the remainder of the day, on request of Howell of Floyd; Holt of Clay, for a portion of the day, on request of Menke of O'Brien; Hummel of Benton and Hinkhouse of Cedar on request of Speaker Harbor of Mills.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

## SENATE AMENDMENT CONSIDERED

Bennett of Ida called up for consideration **House File 747**, a bill for an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations, amended by the Senate amendment H-5402, received from the Senate on March 7, 1980 and found on pages 803 through 809 of the House Journal.

Krewson of Polk asked for unanimous consent to withdraw the following amendment H-5421, to the Senate amendment H-5402, filed by him and Walter of Pottawattamie:

H-5421

- 1 Amend the Senate amendment, H-5402, to House File
- 2 747, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 5 through 18.
- 5 2. By renumbering sections and correcting internal
- 6 references as are necessary in accordance with this
- 7 amendment.

Objection was raised.

Krewson of Polk moved the adoption of amendment H-5421, to the Senate amendment H-5402.

Roll call was requested by Bina of Scott and Walter of Pottawattamie.

Rule 80 was invoked.

On the question "Shall amendment H-5421 be adopted?"

The ayes were, 37:

Anderson, R.  
Binneboese  
Connors

Arnould  
Bruner  
Crawford

Avenson  
Byerly  
Cusack

Bina  
Connolly  
Davitt

Doyle	Gettings	Hall	Halvorson, R.N.
Hibbs	Horn	Jay	Jochum
Kirkenslager	Krewson	Larsen	Lloyd-Jones
Lorenzen	Norland	O'Kane	Patchett
Pavich	Rapp	Sherzan	Smalley
Spear	Thompson	Walter	Wells
Woods			

The nays were, 56:

Anderson, J.	Bennett	Brandt	Branstad
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Groth
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Hullinger	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Lageschülte	Lind	Loneragan
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Oxley
Pellett	Pelton	Perkins	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Stromer
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Welsh	West	Mr. Speaker

Absent or not voting, 7:

Chiodo	Dieleman	Hinkhouse	Holt
Howell	Hummel	Jesse	

Amendment H—5421 lost.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—5420, to the Senate amendment H—5402, filed by him on March 10, 1980.

On motion by Bennett of Ida, the House concurred in the Senate amendment H—5402.

Bennett of Ida 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. 747)

The ayes were, 80:

Anderson, J.	Anderson, R.	Bennett	Bina
Brandt	Branstad	Bruner	Byerly

Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Diemer	Doyle
Egenes	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hoffmann
Horn	Hullinger	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	O'Kane
Oxley	Pellett	Perkins	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 14:

Arnould	Avenson	Binneboese	Cusack
Gettings	Hibbs	Lloyd-Jones	Norland
Patchett	Pavich	Pelton	Sherzan
Spear	Walter		

Absent or not voting, 6:

Dieleman	Hinkhouse	Holt	Howell
Hummel	Rapp		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker pro tempore Stromer of Hancock in the chair at 4:18 p.m.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 690**, a bill for an act relating to the persons eligible for appointment on the appropriate eligible list under the merit system, was taken up for consideration.

Lura 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. 690)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Diemer	Doyle
Egenes	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Weiden	Wells	West	Woods
Mr. Speaker (Stromer)			

The nays were, 1:

Miller

Absent or not voting, 10:

Dieleman	Gettings	Hinkhouse	Holt
Hummel	Mullins	O'Kane	Rapp
Shimanek	Welsh		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2122**, a bill for an act relating to the compensation of deputy sheriffs, with report of committee recommending amendment and passage was taken up for consideration.

Smalley of Polk offered amendment H—5313 filed by the committee on county government on February 26, 1980 and found on page 661 of the House Journal.



Howell of Floyd offered the following amendment H-5415, to the committee amendment H-5313, filed by him:

H-5415

1 Amend the Committee amendment, H-5313, to Senate  
2 File 2122, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 5 through 34 and  
4 inserting in lieu thereof the following:

5 "Section 1. Section three hundred forty point  
6 four (340.4), Code 1979, is amended by striking the  
7 section and inserting in lieu thereof the following:

8 340.4 COMPENSATION OF DEPUTIES AND OTHER EMPLOYEES.

9 1. Each deputy officer of the county auditor,  
10 county treasurer, county recorder and clerk of the  
11 district court shall receive an annual salary as  
12 determined by the board of supervisors. Upon  
13 certification by the principal officer, the board  
14 of supervisors shall review, and may modify, the  
15 annual salary of each deputy before certifying it  
16 to the county auditor.

17 2. The board of supervisors shall determine the  
18 compensation for other employees of the county auditor,  
19 county treasurer, county recorder and clerk of the  
20 district court.

21 Sec. 2. Section three hundred forty point five  
22 (340.5), Code 1979, is amended to read as follows:

23 340.5 RESIDENT TAX COLLECTORS IN CERTAIN CITIES.

24 In any county in which there exists a city, not the  
25 county seat, having a population of six thousand or  
26 over, the treasurer may appoint a resident deputy  
27 collector of taxes for such the city and vicinity  
28 under bond as provided for other deputies, and his  
29 compensation shall be the same percentage of the  
30 treasurer's salary as the chief deputy and second  
31 deputy in such county. The compensation of a resident  
32 deputy shall be determined by the board of supervisors  
33 as provided in section three hundred forty point four  
34 (340.4) of the Code. ~~Such~~ The resident deputy collector  
35 shall maintain an office in ~~such the~~ city for a period  
36 of approximately five weeks each spring and fall,  
37 ~~such the~~ periods to terminate on April 1 and October  
38 1 respectively or as soon thereafter as possible.  
39 The treasurer in ~~such case~~ shall prepare the necessary  
40 books and records for ~~such the~~ deputy each year, and  
41 the board of supervisors is ~~authorized to may~~ allow  
42 payment of incidental expenses pertaining to the  
43 operations of ~~such the~~ office, not to exceed one  
44 hundred dollars per year.

45 Sec. 3. Section three hundred forty point eight

46 (340.8), Code 1979, is amended by striking the section,  
 47 and inserting in lieu thereof the following:  
 48 340.8 COMPENSATION OF DEPUTY SHERIFFS AND OTHER  
 49 EMPLOYEES.  
 50 1. Each deputy sheriff shall receive an annual

**Page 2**

1 salary as determined by the board of supervisors.  
 2 Upon certification by the sheriff, the board of  
 3 supervisors shall review, and may modify, the annual  
 4 salary of each deputy before certifying it to the  
 5 county auditor.

6 2. The board of supervisors shall determine the  
 7 compensation for other employees in the sheriff's  
 8 office.

9 Sec. 4. Section three hundred forty point ten  
 10 (340.10), unnumbered paragraph one (1), Code 1979,  
 11 is amended by striking the unnumbered paragraph and  
 12 inserting in lieu thereof the following:

13 The annual salary of each assistant county attorney  
 14 shall be determined by the board of supervisors.  
 15 Upon certification by the county attorney, the board  
 16 of supervisors shall review, and may modify, the  
 17 annual salary of each assistant county attorney before  
 18 certifying it to the county auditor.

19 Sec. 5. Section three hundred forty-one point  
 20 nine (341.9), Code 1979, is amended to read as follows:

21 341.9 FULL-TIME COUNTY PROSECUTORS. The county  
 22 attorney may appoint, with the approval of the board  
 23 of supervisors, assistant county attorneys to serve  
 24 as full-time prosecutors who shall refrain from the  
 25 private practice of law. The compensation paid to  
 26 such the assistant county attorneys shall be determined  
 27 by the county attorney within the budget set for the  
 28 county attorney's office by the board of supervisors.  
 29 The salary of an assistant county attorney shall not  
 30 exceed eighty-five percent of the maximum salary of  
 31 a full-time county attorney."

32 2. Page 1, by inserting after line 36 the  
 33 following:

34 "2. By renumbering sections to conform to this  
 35 amendment."

36 3. Amend the title, line 1, by striking the word  
 37 "sheriffs" and inserting in lieu thereof the words  
 38 "county officers and other employees of the county".

Smalley of Polk rose on a point of order that amendment  
 H-5415 was not germane.

The Speaker ruled the point well taken and amendment H—5415 not germane.

Howell of Floyd offered the following amendment H—5417, to the committee amendment H—5313, filed by him and Dieleman of Marion and moved its adoption:

H—5417

- 1 Amend the Committee amendment, H—5313, to Senate
- 2 File 2122, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 21 and
- 4 inserting in lieu thereof the following:
- 5 "1. Each deputy sheriff shall receive an annual
- 6 salary as determined by the board of supervisors.
- 7 Upon certification by the sheriff, the board of
- 8 supervisors shall review, and may modify, the annual
- 9 salary of each deputy before certifying it to the
- 10 county auditor."
- 11 2. Page 1, by striking lines 25 through 34.

Amendment H—5417 lost.

Kirkenslager of Des Moines offered the following amendment H—5424, to the committee amendment H—5313, filed by him and Connors of Polk and moved its adoption:

H—5424

- 1 Amend amendment H—5313 to Senate File 2122, as
- 2 follows:
- 3 1. By striking lines 25 through 30, and renumbering
- 4 subsection 4 to be subsection 3.

A non-record roll call was requested.

The ayes were 37, nays 49.

Amendment H—5424 lost.

Smalley of Polk offered the following amendment H—5427, to the committee amendment H—5313, filed by Smalley, Lageschulte and Oxley from the floor and moved its adoption:

H—5427

- 1 Amend the Committee amendment, H—5313, to Senate
- 2 File 2122, as passed by the Senate, as follows:

3 1. Page 1, line 18, by striking the word "In"  
 4 and inserting in lieu thereof the following: "The  
 5 annual base salary of any other deputy sheriff shall  
 6 not exceed the annual base salary of the first or  
 7 second deputy sheriff except that in".

A non-record roll call was requested.

The ayes were 56, nays 32.

Amendment H—5427 was adopted.

Spear of Lee offered the following amendment H—5438, to the committee amendment H—5313, filed by him from the floor and moved its adoption:

H—5438

1 Amend amendment H—5313 to Senate File 2122, as passed  
 2 by the Senate, as follows:  
 3 1. Page 1, line 26, by striking the words "overtime  
 4 pay."

Amendment H—5438 lost.

On motion by Smalley of Polk, the committee amendment H—5313, as amended, was adopted.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2122)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Holt
Horn	Howell	Hullinger	Husak

Jay	Jesse	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker (Stromer)			

The nays were, none.

Absent or not voting, 7:

Dieleman	Hinkhouse	Hummel	Johnson, J.
Patchett	Schroeder	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### CORRECTED REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 5, 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:

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Doorkeeper	Carman Breeding	13-1 to 13-2	I-FT	3/14/80
Executive Secretary to Speaker	Judith L. Hooker	23-1	P-FT	3/3/80
House Clerk	Janet S. Clayton	15-5	I-FT*	3/3/80

\*Approved to maintain benefits to the end of the session.

DAGGETT of Taylor, Chair

### PROOF OF PUBLICATION (House File 2526)

Published copy of House File 2526 and verified proof of publication of said bill in The Council Bluffs Nonpareil, a daily newspaper

printed and published in Council Bluffs, Pottawattamie County, Iowa, on February 5, 1980 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 Tuesday, March 11, 1980. Had I been present, I would have voted "aye" on House File 747.

HOWELL of Floyd

### STUDY BILL COMMITTEE ASSIGNMENTS

#### **S.B. 740 Judiciary and Law Enforcement**

Relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

#### **S.B. 741 Judiciary and Law Enforcement**

Making technical amendments to the rules on hospitalization of the mentally ill.

#### **S.B. 742 Judiciary and Law Enforcement**

Correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

#### **S.B. 743 Agriculture**

Relating to the exemption of temporary food service establishments from inspections.

#### **S.B. 744 Judiciary and Law Enforcement**

Relating to exemptions from execution and garnishment.

#### **S.B. 745 Education**

Relating to the calculation of the state percent of growth for school foundation aid purposes.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

COMMITTEE ON COMMERCE

Senate File 2200, a bill for an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles.

Recommended Do Pass.

COMMITTEE ON COUNTY GOVERNMENT

Study Bill 739, relating to the age of fire fighters.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Study Bill 723, relating to the authority of school districts to sell, lease, or dispose of school property.

Recommended Amend and Do Pass.

COMMITTEE ON HUMAN RESOURCES

Senate File 431, a bill for an act relating to complaints alleging violations of provisions relating to health care facilities.

Recommended Amend and Do Pass.

H-5433

- 1 Amend Senate File 431 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section one hundred thirty-five C
- 6 point nineteen (135C.19), subsection one (1), Code
- 7 1979, is amended to read as follows:
- 8 1. Following any inspection of a health care
- 9 facility by the department, the findings of the
- 10 inspection with respect to compliance by the facility
- 11 with requirements for licensing under this chapter

12 shall be made available to the public in a readily  
 13 available form and place ~~forty-five not later than~~  
 14 ~~twenty-one days after the findings are made available~~  
 15 ~~to the applicant or licensee. However, if the~~  
 16 ~~applicant or licensee requests a hearing pursuant~~  
 17 ~~to section 135C.11, the findings of the inspection~~  
 18 ~~shall not be made public until the hearing has been~~  
 19 ~~completed. When the findings are made available to~~  
 20 ~~the public, they shall include no reference to any~~  
 21 ~~cited violation which has been corrected to the~~  
 22 ~~department's satisfaction unless the same reference~~  
 23 ~~also clearly notes that the violation has been~~  
 24 ~~corrected. Other information relating to any health~~  
 25 ~~care facility, obtained by the department through~~  
 26 ~~reports, investigations, complaints, or as otherwise~~  
 27 ~~authorized by this chapter, which is not a part of~~  
 28 ~~the department's findings from an inspection of the~~  
 29 ~~facility, shall not be disclosed publicly made~~  
 30 ~~available to the public except in proceedings involving~~  
 31 ~~the citation of a facility for a violation, in the~~  
 32 ~~manner provided by section 135C.40, or the denial,~~  
 33 ~~suspension or revocation of a license under this~~  
 34 ~~chapter."~~

35 2. Page 1, by striking lines 1 through 12 and  
 36 inserting in lieu thereof the following:

37 "Sec. 2. Section one hundred thirty-five C point  
 38 thirty-seven (135C.37), Code 1979, is amended to read  
 39 as follows:

40 135C.37 COMPLAINTS ALLEGING VIOLATIONS. Any  
 41 person may request an inspection of any health care  
 42 facility by filing with the department or care review  
 43 committee of the facility a complaint of an alleged  
 44 violation of applicable requirements of this chapter  
 45 or the rules adopted pursuant to it. A copy of a  
 46 complaint filed with the care review committee shall  
 47 be forwarded to the department. The complaint shall  
 48 state in a reasonably specific manner the basis of  
 49 the complaint, and a copy thereof statement of the  
 50 nature of the complaint shall be forwarded delivered

**Page 2**

1 to the facility involved within twenty-four hours  
 2 of receipt of the complaint by the department or the  
 3 committee at the time of or prior to the inspection.

4 Sec. 3. Section one hundred thirty-five C point  
 5 thirty-eight (135C.38), subsection two (2), Code 1979,  
 6 is amended to read as follows:

7 2. An inspection made pursuant to a complaint  
 8 filed under section 135C.37 shall need not be limited  
 9 to the matter or matters complained of, and; however



10 the inspection shall not be a general inspection  
 11 unless the complaint inspection coincides with a  
 12 scheduled general inspection. Upon arrival at the  
 13 facility to be inspected, the inspector shall identify  
 14 himself or herself to an employee the person in charge  
 15 of the facility and state that an inspection is to  
 16 be made, before beginning the inspection. Upon request  
 17 of either the complainant or the department or  
 18 committee, the complainant or his or her representative  
 19 or both may be allowed the privilege of accompanying  
 20 the inspector during any on-site inspection made  
 21 pursuant to this section. The inspector may cancel  
 22 the privilege at any time if the inspector determines  
 23 that the privacy of any resident of the facility to  
 24 be inspected would otherwise be violated. The dignity  
 25 of the resident shall be given first priority by the  
 26 inspector and others."

Fiscal Note is not required.

**Committee Bill** (Formerly House File 2423), as amended, a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool.

**Recommended Do Pass.**

Fiscal Note is not required.

**Study Bill 663**, relating to licensed practical nurses.

Recommended Amend and Do Pass February 13, 1980, reconsidered March 3, 1980 and **Indefinitely Postponed.**

### AMENDMENTS FILED

H-5429	H.F. 731	Bruner of Story
H-5430	H.F. 2483	Bina of Scott
		Krewson of Polk
H-5431	H.F. 2492	Schneklath of Scott
H-5432	S.F. 2060	Norland of Worth
		Pope of Polk
H-5434	H.F. 2393	Poffenberger of Dallas
H-5435	H.F. 2393	Poffenberger of Dallas
H-5436	H.F. 731	Bruner of Story
H-5437	H.F. 2492	Schroeder of Pottawattamie
		Johnson of Linn
		Chiodo of Polk

H-5439	H.F. 2472	De Groot of Lyon Pellett of Cass
H-5440	H.F. 2492	Bruner of Story
H-5441	H.F. 2492	Jochum of Dubuque Chiodo of Polk Rapp of Black Hawk Connolly of Dubuque Bruner of Story
H-5442	H.F. 2492	Bruner of Story Rapp of Black Hawk Bina of Scott Chiodo of Polk Jochum of Dubuque
H-5443	H.F. 2492	Jochum of Dubuque Rapp of Black Hawk Chiodo of Polk Bruner of Story Connolly of Dubuque
H-5444	H.F. 2492	Rapp of Black Hawk Bruner of Story Bina of Scott Chiodo of Polk Connolly of Dubuque Jochum of Dubuque
H-5445	H.F. 759	Perkins of Greene Jay of Appanoose Hullinger of Decatur
H-5446	H.F. 2492	Chiodo of Polk Bruner of Story Jochum of Dubuque Connolly of Dubuque Avenson of Fayette
H-5447	H.F. 2492	Miller of Buchanan

On motion by Halvorson of Clayton, the House adjourned at 5:18 p.m., until 9:00 a.m., Wednesday, March 12, 1980.

# JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day—Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 12, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by Father Eugene F. Walding, pastor of the St. Boniface Catholic Church, Charter Oak.

The Journal of Tuesday, March 11, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Ashler, Hamburg.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Members of the Terril Tigerettes Girls Basketball Team from Terril Community School, Terril, accompanied by Orville Lewis, Roger Conway, Dwayne Torkelson and their staff. By Holt of Clay.

## INTRODUCTION OF BILLS

**House File 2528**, by committee on transportation, a bill for an act to permit counties to sell property to the state department of transportation to be used for highway purposes.

Read first time and placed on the calendar.

**House File 2529**, by committee on state government, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

Read first time and placed on the calendar.

**House File 2530**, by committee on county government, a bill for an act relating to the age of fire fighters.

Read first time and **placed on the calendar**.

**House File 2531**, by committee on energy, a bill for an act creating an office of residential energy consumer counsel and specifying the powers and duties of the residential energy consumer counsel.

Read first time and **placed on the calendar**.

**House File 2532**, by committee on transportation, a bill for an act authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, switching yards and sidings and making an appropriation.

Read first time and referred to committee on **appropriations**.

**House File 2533**, by committee on human resources, a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool.

Read first time and **placed on the calendar**.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2241, a bill for an act relating to appropriations for the fiscal year beginning July 1, 1979, by supplementing and adjusting appropriations.

Also: That the Senate has on March 10, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act to establish a communications review committee and abolish police communications review committee.

Also: That the Senate has on March 10, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2291, a bill for an act amending the Acts relating to making appropriations to certain departments responsible for education programs of this state.

FRANK J. STORK, Secretary

**REFERRED TO COMMITTEE ON WAYS AND MEANS  
(House File 2512)**

Halvorson of Clayton asked and received unanimous consent that House File 2512, presently on the **regular calendar**, be referred to the committee on **ways and means**.

On motion by Halvorson of Clayton, the House was recessed at 9:10 a.m., until 1:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Harbor in the chair.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Doyle of Woodbury and O'Kane of Woodbury on request of Cochran of Webster.

**PRESENTATION OF VISITORS**

Pavich of Pottawattamie presented to the House Robert Fenning, Foreign Exchange Student from Ghana, presently attending Thomas Jefferson High School, Council Bluffs.

The Speaker announced that the following visitors were present in the House chamber:

Seventh grade students from Waukee Middle School, Waukee, accompanied by Al Molby. By Poffenberger of Dallas.

Forty junior students from Gilmore City Bradgate School, Gilmore City, accompanied by Mrs. Velma M. Juelfs. By Cochran of Webster.

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2021, a bill for an act to prohibit a person from hunting, fishing or trapping on the cultivated, enclosed or posted land of another without the permission of the owner or occupant and providing a penalty.

FRANK J. STORK, Secretary

**SPECIAL PRESENTATION**

Mullins of Kossuth escorted to the Speaker's station and presented to the House the Honorable Dr. Rory O'Hanlon, T.D., from Carrickmacross, Ireland. Dr. O'Hanlon is a member of the House of Parliament of the Republic of Ireland where he serves on the Committee of Public Accounts and the Regional Health Board and is a member of the Fianna Fail government party.

The House rose and expressed its welcome.

Dr. O'Hanlon introduced his wife, Theresa, who will accompany him to Emmetsburg for the St. Patrick's Day celebration.

Dr. O'Hanlon stated it was a privilege and honor to be present in the House chamber on his first visit to the United States. He noted that it was a great pleasure to visit a state that has so much in common with his country and one that is so well known for its hospitality as is his country. Dr. O'Hanlon referred to the strong bond of friendship between the two countries for many generations and the important "links" with Ireland in the number of American industries in Ireland.

**QUORUM CALL**

Roll call was requested by Renken of Grundy and Hansen of O'Brien to determine that a quorum was present.

## Present, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Danker	De Groot
Dieleman	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter,
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

## Absent, 10:

Daggett	Davitt	Doyle	Holt
Hullinger	Husak	Jesse	Johnson, R.
Lorenzen	O'Kane		

## HOUSE FILE 2472 DEFERRED

Halvorson of Clayton asked and received unanimous consent that House File 2472 be deferred and that the bill retain its place on the calendar.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 731**, a bill for an act amending section five hundred thirty-seven point five thousand one hundred ten (537.5110) of the Code by amending subsection two (2) of that section to authorize a creditor to commence attachment proceedings prior to giving a notice of right to cure, was taken up for consideration.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—3861 filed by him on April 11, 1979 and found on page 2550 of the 1979 House Journal.

Ritsema of Sioux offered the following amendment H—5324 filed by him and moved its adoption:

H—5324

1 Amend House File 731 as follows:

2 1. Page 1, line 9, by striking the word "action"  
3 and inserting in lieu thereof the words "legal action  
4 in any court".

5 2. Page 1, line 13, by inserting after the word  
6 "petition" the words "by a creditor seeking to enforce  
7 the consumer's obligation".

8 3. Page 1, by inserting after line 17 the  
9 following:

10 "When property is attached without the giving of  
11 notice of right to cure as permitted by this  
12 subsection, the creditor immediately shall give notice  
13 of the attachment to the consumer in the same manner  
14 as prescribed by the rules of civil procedure for  
15 service of an original notice. The notice shall  
16 advise the consumer that the attachment may be  
17 discharged by the filing of a bond as provided in  
18 sections six hundred thirty-nine point forty-two  
19 (639.42) and six hundred thirty-nine point forty-five  
20 (639.45) of the Code, or by the filing of a motion  
21 with the court to discharge the attachment pursuant  
22 to section six hundred thirty-nine point sixty-three  
23 (639.63) of the Code. The notice required by this  
24 paragraph is in lieu of the notice requirements of  
25 sections six hundred thirty-nine point thirty-one  
26 (639.31) and six hundred thirty-nine point thirty-  
27 three (639.33) of the Code.

28 When a motion is filed to discharge an attachment  
29 made without the giving of a prior notice of right  
30 to cure, the court shall hear the motion within three  
31 days of the filing of the motion to discharge. If  
32 the court finds that the attachment should not have  
33 been issued or should not have been levied on all  
34 or any part of the property held, the attachment shall  
35 be discharged in whole or in part and property  
36 wrongfully attached shall be returned to the consumer.

37 If the court finds that there was no probable cause  
38 to believe the grounds upon which the attachment was  
39 issued, the consumer may be awarded damages to the  
40 extent of actual damages sustained, plus reasonable



41 attorney's fees to be determined by the court. If  
42 the court finds that the attachment was sued out  
43 maliciously, the consumer also may be awarded exemplary  
44 damages."

Amendment H—5324 was adopted.

Bruner of Story offered the following amendment H—3687 filed by Doyle of Woodbury:

H—3687

1 Amend House File 731 as follows:  
2 1. Page 1, by inserting after line 17 the  
3 following:  
4 "Sec. . Section five hundred thirty-seven point  
5 five thousand one hundred ten (537.5110), Code 1979,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. As an exception to the other  
8 provisions of this section, if the default of the  
9 consumer in a consumer credit transaction is the  
10 failure to make a payment within the time required  
11 by the agreement, the creditor may commence an action  
12 for money judgment without giving the consumer the  
13 notice of right to cure where the outstanding  
14 obligation of the consumer, including any amounts  
15 the payment of which is accelerated under the agreement  
16 as a result of the default, and including accrued  
17 delinquency charges, does not exceed one thousand  
18 dollars. However, this exception does not apply if  
19 the obligation of the consumer is secured by collateral  
20 or if the transaction is an insurance premium loan."

Bruner of Story asked and received unanimous consent to withdraw the following amendments, to amendment H—3687, filed by him:

H—4174 filed on April 27, 1979 and found on page 2599 of the 1979 House Journal.

H—5425 filed on March 10, 1980.

H—5429 filed on March 11, 1980.

Bruner of Story offered the following amendment H—5436, to amendment H—3687, filed by him and moved its adoption:

H—5436

1 Amend amendment H—3687 to House File 731 as  
2 follows:

3 1. Page 1, by striking lines 7 through 20 and  
 4 inserting in lieu thereof the following:  
 5 "NEW SUBSECTION. If a creditor in a consumer  
 6 credit transaction commences an action for money judgment  
 7 prior to giving the customer notice of right to cure as  
 8 required by this section and fails to follow the procedures  
 9 set out in this section, the court shall dismiss the  
 10 action without prejudice. If the action was commenced as  
 11 a small claim under chapter six hundred thirty-one (631)  
 12 of the Code, the creditor shall not be in violation of  
 13 this section for purposes of section five hundred thirty-  
 14 seven point five thousand two hundred one (537.5201) of  
 15 the Code, and the penalty provided in that section shall  
 16 not apply to the creditor."

Amendment H—5436 was adopted.

On motion by Bruner of Story, amendment H—3687, as amended, was adopted.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 731)

The ayes were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Cusack	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Holt	Hummel
Husak	Johnson, J.	Johnson, R.	Johanson, W.
Lageschulte	Larsen	Lind	Lorenzen
Lura	Menke	Millen	Miller
Mullins	Pellett	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker			

The nays were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Crawford	Davitt	Dieleman	Gettings

Groth	Hall	Halvorson, R.N.	Hinkhouse
Horn	Howell	Hullinger	Jay
Jesse	Jochum	Kirkenslager	Krewson
Lloyd-Jones	Lonergan	McKean	Norland
Oxley	Patchett	Pavich	Pelton
Sherzan	Shimanek	Spears	Walter
Wells	Welsh		

Absent or not voting, 5:

Doyle	Hoffmann	Maulsby	O'Kane
Woods			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2492**, a bill for an act relating to statutory limitations on interest rates which were affected by the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapters one hundred seventeen (117), one hundred twenty-eight (128) and one hundred thirty (130), was taken up for consideration.

The House stood at ease at 2:30 p.m., until the fall of the gavel.

The House resumed session at 3:53 p.m., Speaker Harbor in the chair.

Schroeder of Pottawattamie offered the following amendment H—5437 filed by Schroeder, Johnson of Linn and Chiodo:

H—5437

1 Amend House File 2492 by striking everything after  
 2 title page, line 5 and inserting in lieu thereof the  
 3 following:  
 4 "BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF  
 IOWA:  
 5 Section 1. Section four hundred seventy-six point  
 6 six (476.6), unnumbered paragraph six (6), Code 1979,  
 7 as amended by Acts of the Sixty-eighth General  
 8 Assembly, 1979 Session, chapter one hundred seventeen  
 9 (117), section one (1), is amended to read as follows:  
 10 However, a public utility ~~shall have the right~~  
 11 may at any time after ~~said~~ rates, charges, schedules  
 12 or regulations have been suspended for ninety days.  
 13 ~~to place in effect any or all of such~~ the suspended  
 14 rates, charges, schedules or regulations by filing  
 15 with the commission a bond or other undertaking

16 approved by the commission conditioned upon the refund  
 17 in a manner to be prescribed by the commission of  
 18 any amounts collected ~~thereunder~~ in excess of the  
 19 amounts which would have been collected under rates,  
 20 charges, schedules or regulations finally approved  
 21 by the commission. The commission shall establish  
 22 a rate of interest to be paid by a public utility  
 23 to persons receiving refunds. ~~Such~~ The rate of  
 24 interest shall be a reasonable rate as determined  
 25 by the commission, but not less than five percent  
 26 per annum, nor more than twelve percent per annum,  
 27 and the interest shall be compounded annually.  
 28 \* Sec. 2. NEW SECTION. TEMPORARY EXEMPTIONS.  
 29 1. The following persons may agree in writing  
 30 to pay any rate of interest, and a person so agreeing  
 31 in writing shall not plead or interpose the claim  
 32 or defense of usury in any action or proceeding, and  
 33 the person agreeing to receive such rate of interest  
 34 shall not be subject to any penalty or forfeiture  
 35 for agreeing to receive or receiving such interest:  
 36 a. A person borrowing money to finance the  
 37 acquisition of real property, including the refinancing  
 38 of a contract for deed, the refinancing of a prior  
 39 loan whether or not the borrower also was the borrower  
 40 under the prior loan, or, subject to section five  
 41 hundred thirty-five point eight (535.8), subsection  
 42 two (2), paragraph c, Code 1979 Supplement, the  
 43 assumption of a prior loan;  
 44 b. A person borrowing money or obtaining credit  
 45 in an amount which exceeds thirty-five thousand  
 46 dollars, exclusive of interest, for the purpose of  
 47 constructing improvements on real property, whether  
 48 or not the real property is owned by that person;  
 49 c. A vendee under a contract for deed to real  
 50 property; or

Page 2

1 d. A person described in section five hundred  
 2 thirty-five point two (535.2), subsection two (2),  
 3 of the Code.  
 4 2. A person borrowing money or obtaining credit  
 5 for business or agricultural purposes, or a person  
 6 borrowing money or obtaining credit in an amount which  
 7 exceeds thirty-five thousand dollars for personal,  
 8 family or household purposes, may agree in writing  
 9 to pay any rate of interest which is not more than  
 10 five percentage points in excess of the discount rate  
 11 on ninety-day commercial paper in effect at the federal  
 12 reserve bank of Chicago, Illinois at 12:00 o'clock  
 13 noon on the day preceding the day on which the  
 14 agreement to pay interest is executed, and a person

15 so agreeing in writing shall not plead or interpose  
16 the claim or defense of usury in any action or  
17 proceeding, and the person agreeing to receive such  
18 rate of interest shall not be subject to any penalty  
19 or forfeiture for agreeing to receive or receiving  
20 such interest. As used in this subsection,  
21 "agricultural purpose" means and includes any of the  
22 purposes referred to in section five hundred thirty-  
23 seven point one thousand three hundred one (537.1301),  
24 subsection four (4) of the Code, but regardless of  
25 whether or not the activities described in that  
26 subsection are undertaken by a natural person or other  
27 entity.

28 3. The provisions of subsections one (1) and two  
29 (2) of this section apply only to written agreements  
30 which are executed on or after the effective date  
31 of this Act and before July 1, 1983, and with respect  
32 to those agreements, the provisions of this Act  
33 supersede any interest rate or finance charge  
34 limitations contained in the Code, including but not  
35 limited to provisions of chapters three hundred twenty-  
36 one (321), three hundred twenty-two (322), five hundred  
37 twenty-four (524), five hundred thirty-three (533),  
38 five hundred thirty-four (534), five hundred thirty-  
39 five (535), five hundred thirty-six A (536A), and  
40 five hundred thirty-seven (537) of the Code. A rate  
41 of interest which is lawful under the provisions of  
42 this Act shall remain lawful during the entire term  
43 of the written agreement in which the rate is set  
44 forth, including any extensions thereof, and until  
45 the principal amount to which the rate pertains is  
46 paid, and may apply to all money due or to become  
47 due under that agreement, including future advances,  
48 if any.

49 4. A lender may collect, in connection with any  
50 loan made pursuant to a written agreement executed

**Page 3**

1 by the borrower on or after the effective date of  
2 this Act and prior to July 1, 1983, or in connection  
3 with any loan made pursuant to a written commitment  
4 by the lender mailed or delivered to the borrower  
5 on or after the effective date of this Act and prior  
6 to July 1, 1983, a loan processing fee which does  
7 not exceed two percent of an amount which is equal  
8 to the loan principal less fifteen thousand dollars,  
9 except that in the event of an assumption of a prior  
10 loan the lender may collect a loan processing fee  
11 which does not exceed an amount which is a reasonable  
12 estimate of the expenses of processing the loan  
13 assumption but which does not exceed one percent of

14 the amount assumed. As used in this subsection, the  
 15 term "loan" means as defined in section five hundred  
 16 thirty-five point eight (535.8), subsection one (1),  
 17 of the Code. The provisions of this subsection  
 18 supersede conflicting provisions of section five  
 19 hundred thirty-five point eight (535.8), subsection  
 20 two (2), paragraph a, Code 1979 Supplement, but no  
 21 other provision of this section is intended to affect  
 22 any other subsection or paragraph of section five  
 23 hundred thirty-five point eight (535.8) Code 1979  
 24 Supplement.

25 5. This section does not supersede the provisions  
 26 of section five hundred thirty-five point nine (535.9),  
 27 Code 1979 Supplement.

28 Sec. 3. Section three hundred twenty-two point  
 29 nineteen (322.19), unnumbered paragraph two (2), Code  
 30 1979, is amended to read as follows:

31 Class 1. Any new motor vehicle designated by the  
 32 manufacturer by a year model not earlier than the  
 33 year in which the sale is made, an amount equivalent  
 34 to one and ~~one-fourth~~ one-half percent per month  
 35 simple interest on the declining balance of the amount  
 36 financed.

37 Sec. 4. Acts of the Sixty-eighth General Assembly,  
 38 1979 Session, chapter one hundred twenty-eight (128),  
 39 section one (1), amending chapter three hundred twenty-  
 40 one (321) of the Code, is amended to read as follows:

41 SECTION 1. Chapter three hundred twenty-one (321),  
 42 Code 1979, is amended by adding the following new  
 43 section:

44 NEW SECTION: SEMITRAILER, MOBILE HOME, MODULAR  
 45 HOME OR TRAVEL TRAILER RETAIL INSTALLMENT CONTRACT -  
 46 FINANCE CHARGES. Notwithstanding the provisions  
 47 of any other law, a A retail installment contract  
 48 or agreement for the sale of a semitrailer, mobile  
 49 home, modular home or travel trailer may include a  
 50 finance charge not in excess of the following rates:

**Page 4**

1 Class 1. Any new semitrailer, mobile home, modular  
 2 home or travel trailer designated by the manufacturer  
 3 by a year model not earlier than the year in which  
 4 the sale is made, an amount equivalent to one and  
 5 ~~one-fourth~~ one-half percent per month simple interest  
 6 on the declining balance of the amount financed.

7 Class 2. Any new semitrailer, mobile home, modular  
 8 home or travel trailer not in Class 1 and any used  
 9 semitrailer designated by the manufacturer by a year  
 10 model of the same or not more than two years prior  
 11 to the year in which the sale is made, an amount  
 12 equivalent to one and three-fourths percent per month

13 simple interest on the declining balance of the amount  
14 financed.

15 Class 3. Any used semitrailer, mobile home, modular  
16 home or travel trailer not in Class 2 and designated  
17 by the manufacturer by a year model more than two  
18 years prior to the year in which the sale is made,  
19 an amount equivalent to two and one-fourth percent  
20 per month simple interest on the declining balance  
21 of the amount financed.

22 Amount financed shall be as defined in section  
23 five hundred thirty-seven point one thousand three  
24 hundred one (537.1301) of the Code.

25 The limitations contained in this section do not  
26 apply in a transaction referred to in section five  
27 hundred thirty-five point two (535.2), subsection  
28 two (2) of the Code. With respect to a consumer  
29 credit sale, as defined in section five hundred thirty-  
30 seven point one thousand three hundred one (537.1301)  
31 of the Code, the limitations contained in this section  
32 supersede conflicting provisions of chapter five  
33 hundred thirty-seven (537), article two (2), part  
34 two (2) of the Code.

35 Sec. 5. Section five hundred thirty-seven point  
36 two thousand two hundred one (537.2201), subsection  
37 two (2), Code 1979, is amended to read as follows:

38 2. The finance charge, calculated according to  
39 the actuarial method, may not exceed fifteen eighteen  
40 percent per year on the unpaid balances of the amount  
41 financed.

42 Sec. 6. Section five hundred thirty-seven point  
43 two thousand four hundred one (537.2401), subsection  
44 one (1), Code 1979, is amended to read as follows:

45 1. Except as provided with respect to a finance  
46 charge for loans pursuant to open end credit under  
47 section 537.2402, a lender may contract for and receive  
48 a finance charge not exceeding the maximum charge  
49 permitted by the laws of this state or of the United  
50 States for similar lenders, and, in addition, with

**Page 5**

1 respect to a consumer loan not secured by a first  
2 lien on a dwelling of the debtor given to finance  
3 the acquisition of that dwelling, a supervised  
4 financial organization may contract for and receive  
5 a finance charge, calculated according to the actuarial  
6 method, not exceeding fifteen eighteen percent per  
7 year on the unpaid balance of the amount financed.

8 Sec. 7.

9 1. This Act, being deemed of immediate importance,  
10 takes effect from and after its publication in the  
11 Quad City Times, a newspaper published in Davenport,

12 Iowa, and in The Council Bluffs Nonpareil, a newspaper  
 13 published in Council Bluffs, Iowa.  
 14 2. Section one (1) of this Act applies to any  
 15 refund order issued by the Iowa state commerce  
 16 commission on or after the effective date of this  
 17 Act."

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—5447, to amendment H—5437, filed by him on March 11, 1980.

Jochum of Dubuque offered the following amendment H—5443, to amendment H—5437, filed by Jochum, et al., and moved its adoption:

H—5443

- 1 Amend amendment H—5437 to House File 2492 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the words "to read
- 4 as follows:" and inserting in lieu thereof the words
- 5 "by striking the paragraph."
- 6 2. Page 1, by striking lines 10 through 27.

Roll call was requested by Jochum of Dubuque and Rapp of Black Hawk.

Rule 80 was invoked.

On the question "Shall amendment H—5443 be adopted?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Jay
Jochum	Kirkenslager	Lloyd-Jones	Loneragan
Miller	Norland	Oxley	Patchett
Pavich	Rapp	Sherzan	Spear
Wells	Welsh	Woods	

The nays were, 58:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot



Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hullinger
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Perkins	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
West	Mr. Speaker		

Absent or not voting, 3:

Doyle	Jesse	O'Kane
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Amendment H—5443 lost.

Jochum of Dubuque offered the following amendment H—5441, to amendment H—5437, filed by Jochum, et al. :

H—5441

- 1 Amend amendment H—5437 to House File 2492, page
- 2 1, line 10, by inserting after the word "However,"
- 3 the words "and for no more than one filing before the
- 4 commission within any twelve-month period".

Schroeder of Pottawattamie rose on a point of order that amendment H—5441 was not germane.

The Speaker ruled the point well taken and amendment H—5441 not germane.

Jochum of Dubuque moved that the rules governing germaneness be suspended to consider and adopt amendment H—5441.

Roll call was requested by Jochum of Dubuque and Binneboese of Plymouth.

On the question "Shall the rules be suspended to consider and adopt amendment H—5441?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly

Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Kirkenslager
Lloyd-Jones	Loneragan	Miller	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Larsen	Lind	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
Welden	West	Mr. Speaker	

Absent or not voting, 7:

Doyle	Hoffmann	Jesse	Lorenzen
Norland	O'Kane	Tofte	

The motion lost.

Avenson of Fayette rose on a point of order that amendment H—5437 was not germane.

The Speaker ruled the point well taken and amendment H—5437 not germane.

Halvorson of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—5437.

A non-record roll call was requested.

The ayes were 86, nays 5.

The motion prevailed and the rules were suspended to consider amendment H—5437.

Jochum of Dubuque asked and received unanimous consent to reconsider the vote by which the motion to suspend the rules to consider and adopt amendment H — 5441 lost.

The House stood at ease at 4:46 p.m., until the fall of the gavel.

The House resumed session at 5:02 p.m., Speaker Harbor in the chair.

(House File 2492, and amendments to amendment H — 5437 pending at adjournment.)

**MOTIONS TO RECONSIDER**  
(House File 731)

I move to reconsider the vote by which House File 731 passed the House on March 12, 1980.

**RITSEMA of Sioux**

(House File 731)

I move to reconsider the vote by which House File 731 passed the House on March 12, 1980.

**RAPP of Black Hawk**

**MESSAGE FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2301, a bill for an act relating to gubernatorial appointments which are subject to confirmation by the senate.

**FRANK J. STORK, Secretary**

**STUDY BILL COMMITTEE ASSIGNMENT**

**S.B. 746 Commerce**

Relating to the rate of interest which may be charged on accounts receivable, and providing penalties.

**SPONSORS ADDED**  
(House File 2177)

The following have requested to be added as sponsors to House File 2177: Tyrrell of Iowa, Brandt of Black Hawk, Lind of Black Hawk, Johnson of Howard, Binneboese of Plymouth, Avenson of Fayette, Connolly of Dubuque, Hinkhouse of Cedar, Hullinger of Decatur, Doyle of Woodbury, O'Kane of Woodbury, Pavich of Pottawattamie, Wells of Linn, Hansen of O'Brien, Hibbs of Johnson, Swearingen of Keokuk, Lorenzen of Scott, Renken of Grundy, Gettings of Wapello, Sherzan of Polk, Wells of Linn, Krewson of Polk, Byerly of Polk, Anderson of Jasper, Perkins of Greene, Connors of Polk, Howell of Floyd, Cusack of Scott, Conlon of Muscatine, Arnould of Scott, Lloyd-Jones of Johnson, Miller of Buchanan, Norland of Worth, Smalley of Polk, Johnson of Linn, Welsh of Dubuque, Branstad of Winnebago, Tofte of Winneshiek, Patchett of Johnson, Oxley of Linn, Jay of Appanoose, Lonergan of Boone, Groth of Buena Vista, Bruner of Story, Husak of Tama, Horn of Linn, Woods of Polk, Larsen of Wapello, Crabb of Crawford, Chiodo of Polk, Hall of Linn, Diemer of Black Hawk, Clark of Lee, Millen of Van Buren, Cochran of Webster, Shull of Warren, Rapp of Black Hawk, Jesse of Polk, Davitt of Warren, Jochum of Dubuque, Halvorson of Webster, Kirkenlager of Des Moines, Hanson of Delaware, Thompson of Polk, Pelton of Clinton, Dieleman of Marion, Lura of Marshall, Corey of Louisa, Holt of Clay and Mullins of Kossuth.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on March 10, 1980. Had I been present, I would have voted "aye" on House Files 584; 2163, 2482, 2488 and Senate File 477.

**GROTH** of Buena Vista

I was necessarily absent from the House chamber on Tuesday afternoon, March 11, 1980. Had I been present, I would have voted "aye" on House Files 690 and 747; amendment H—5421 to House File 747 and Senate File 2122.

**DIELEMAN** of Marion

## REPORT OF COMMITTEE MEETING

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:00 a.m., March 11, 1980

Convened: 10:10 a.m.

Adjourned: 12:00 Noon

Present: Shimanek, Chair; Ritsema, Vice-Chair; Patchett, Ranking Member; Arnould, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Johnson of Howard, Maulsby, Pelton and Smalley.

Absent: Anderson of Audubon (arrived at 10:15 a.m.), Jesse (arrived at 10:13 a.m.), Lloyd-Jones (arrived at 10:12 a.m.), Lonergan (arrived at 10:35 a.m.), Rapp (arrived at 10:12 a.m.), Walter (arrived at 10:13 a.m.) and Welsh.

### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

### COMMITTEE ON ENERGY

**Study Bill 526**, subjecting persons who install insulation to registration and bonding requirements and providing a penalty for violations.

**Recommended Amend and Do Pass.**

**Study Bill 605**, relating to allowing the executive council to purchase or condemn and lease land to be used as a site for a hazardous waste treatment or disposal facility.

**Recommended Amend and Do Pass.**

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Study Bill 589 (Revised)**, relating to the procedures applying to the promulgation of rules under the Iowa administrative procedure Act.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

**Study Bill 744 (Revised)**, relating to exemptions from execution and garnishment.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

**Study Bill 742**, correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House File 2029, as amended), a bill for an act to require annual reporting by certain nonprofit organizations and providing penalties.

**Recommended Do Pass.**

Fiscal Note is required.

**Study Bill 528**, relating to administration, benefits, and funding of certain public retirement systems, and making appropriations.

**Recommended Amend and Do Pass.**

Fiscal Note is required.

**Study Bill 601**, relating to the operations of the citizens' aide office.

**Recommended Amend and Do Pass.**

Fiscal Note is not required.

## COMMITTEE ON TRANSPORTATION

**Study Bill 708**, to permit counties to sell property to the state department of transportation to be used for highway purposes.

**Recommended Do Pass.**

**Study Bill 734**, authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, switching yards and sidings and making an appropriation.

Recommended **Amend and Do Pass.**

COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2347, as amended), a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child.

Recommended **Do Pass.**

AMENDMENTS FILED

H-5448	S.F. 2291	Brandt of Black Hawk
H-5449	H.F. 2492	Miller of Buchanan
H-5450	H.F. 2492	Miller of Buchanan
H-5451	H.F. 2492	Schnekloth of Scott
		Johnson of Howard
		Perkins of Greene
		Van Maanen of Mahaska
		De Groot of Lyon
		Miller of Buchanan
H-5452	H.F. 2492	Pelton of Clinton
H-5453	H.F. 2486	Johnson of Woodbury
		Perkins of Greene
H-5454	H.F. 2492	Egenes of Story
H-5455	S.F. 2118	Conlon of Muscatine
H-5457	H.F. 2527	Spear of Lee
H-5458	H.F. 2492	Rapp of Black Hawk
		Bruner of Story
H-5459	H.F. 2492	Rapp of Black Hawk
		Bruner of Story
H-5460	H.F. 2492	Miller of Buchanan
		Brandt of Black Hawk
		Pavich of Pottawattamie
H-5461	H.F. 2492	Rapp of Black Hawk
		Bruner of Story
H-5462	H.F. 2492	Rapp of Black Hawk
		Bruner of Story
H-5463	H.F. 2520	Lageschulte of Bremer
		Dieleman of Marion
H-5464	H.F. 2393	Crabb of Crawford

H-5465	H.F. 2393	Crabb of Crawford
H-5466	H.F. 2393	Tofte of Winneshiek
H-5467	H.F. 2524	Cochran of Webster
H-5468	H.F. 2393	Menke of O'Brien
H-5469	H.F. 2393	Pope of Polk
H-5470	H.F. 2393	Pope of Polk
H-5471	H.F. 2520	Lageschulte of Bremer
H-5472	H.F. 2520	Crabb of Crawford
H-5473	H.F. 2393	Menke of O'Brien
H-5474	H.F. 2492	Jochum of Dubuque
H-5475	H.F. 398	Pavich of Pottawattamie
		Walter of Pottawattamie
H-5476	H.F. 2492	Egenes of Story
H-5477	H.F. 2492	Poffenberger of Dallas
		Schroeder of Pottawattamie
		Ritsema of Sioux
		Hanson of Delaware
		Kirkenslager of Des Moines
		Shimanek of Jones
		Pelton of Clinton
		Larsen of Wapello
		Krewson of Polk
		Mullins of Kossuth
H-5478	H.F. 2492	Bruner of Story
H-5479	H.F. 2492	Chiodo of Polk
H-5480	H.F. 2492	Rapp of Black Hawk
H-5481	H.F. 398	Spear of Lee
H-5482	H.F. 2483	Krewson of Polk
H-5483	H.F. 398	Bruner of Story
H-5484	H.F. 2524	Bruner of Story
		Anderson of Jasper
H-5485	H.F. 2524	Perkins of Greene
		Tofte of Winneshiek
H-5486	H.F. 2527	Bennett of Ida
		Husak of Tama
		Welden of Hardin
H-5487	H.F. 2518	Crawford of Story
		Hoffmann of Muscatine
H-5488	H.F. 2524	Perkins of Greene
		Anderson of Jasper
		Cochran of Webster
		Hinkhouse of Cedar
		Davitt of Warren



H-5489	H.F. 2524	Davitt of Warren
H-5490	H.F. 398	Conlon of Muscatine
H-5491	H.F. 2527	Bennett of Ida
H-5492	H.F. 2524	Cochran of Webster
		Hinkhouse of Cedar
		Davitt of Warren
H-5493	H.F. 2524	Jay of Appanoose
		Davitt of Warren
H-5494	H.F. 2524	Hinkhouse of Cedar
		Davitt of Warren
		Cochran of Webster
H-5495	H.F. 2520	Welsh of Dubuque
Anderson of Jasper		Groth of Buena Vista
Jay of Appanoose		Sherzan of Polk
Lonergan of Boone		Davitt of Warren
Avenson of Fayette		Binneboese of Plymouth
Hullinger of Decatur		Oxley of Linn
Howell of Floyd		Norland of Worth
Husak of Tama		Perkins of Greene
Hinkhouse of Cedar		Patchett of Johnson
Dieleman of Marion		
H-5496	H.F. 2516	Conlon of Muscatine
H-5497	H.F. 2492	Bruner of Story
H-5498	H.F. 2492	Bruner of Story
H-5499	H.F. 2524	Davitt of Warren
H-5500	H.F. 2520	Davitt of Warren
H-5501	H.F. 2520	Bruner of Story
		Anderson of Jasper
H-5502	H.F. 2492	Schroeder of Pottawattamie

On motion by Halvorson of Clayton, the House adjourned at 5:09 p.m., until 9:00 a.m., Thursday, March 13, 1980.

# JOURNAL OF THE HOUSE

Sixtieth Calendar Day—Forty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 13, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Sam Hahn, pastor of the West Branch Methodist Church, West Branch.

The Journal of Wednesday, March 12, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Murphy, Boone.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Ten eighth grade students from Assumption School, Granger, accompanied by Kathy Campbell, Jackie Schram and Jeri Biondi. By Poffenberger of Dallas.

## PETITIONS FILED

The following petitions were received and placed on file:

By Anderson of Audubon, from thirty-four constituents of Greene County favoring indexing state inheritance tax rates and the exemptions increased to compensate for inflation and the accompanying increase in agricultural land values.

By Gettings of Wapello, from seven hundred thirty-five constituents favoring House File 2337, an act making supplemental appropriations from the general fund of the state to the state DOT for public transit purposes, including the implementation of a state assistance program for reimbursement of fuel costs, acquisition of public transportation vehicles, and providing additional transportation services.

By Johnson of Woodbury, from twenty-two constituents of the 52nd district favoring "the list."

### INTRODUCTION OF BILLS

**House File 2534**, by committee on education, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property.

Read first time and **placed on the calendar**.

**House File 2535**, by committee on state government, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

Read first time and referred to committee on **appropriations**.

### SENATE MESSAGES CONSIDERED

**Senate File 2021**, by Tieden, a bill for an act to prohibit a person from hunting, fishing or trapping on the cultivated, enclosed or posted land of another without the permission of the owner or occupant and providing a penalty.

Read first time and referred to committee on **natural resources**.

**Senate File 2269**, by committee on state government, a bill for an act to establish a communications review committee and to abolish the police communications review committee.

Read first time and referred to committee on **state government**.

**Senate File 2291**, by committee on appropriations, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13) relating to and making appropriations to certain departments, agencies and commissions responsible for education programs of this state for the fiscal year beginning July 1, 1980.

Read first time and referred to committee on **appropriations**.

**Senate File 2301**, by committee on rules and administration, a bill for an act relating to gubernatorial appointments which are subject to confirmation by the senate.

Read first time and referred to committee on **state government**.

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 9:43 a.m., Speaker pro tempore Stromer of Hancock in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2006, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must advertise and receive sealed bids.

Also: That the Senate has on March 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act to amend statutory provision that an electronic voting system authorized for use in this state allow an elector to correct an error in marking the ballot.

Also: That the Senate has on March 11, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2290, a bill for an act amending the Acts relating to the administration and financing of current programs whose responsibilities relate to transportation.

FRANK J. STORK, Secretary

On motion by Halvorson of Clayton, the House was recessed at 9:45 a.m., until 1:30 p.m.

### MUSICAL PRESENTATION

Hinkhouse of Cedar presented the Covenant Singers, a gospel swing choir, who performed in the House chamber from 12:30 p.m., until 1:10 p.m. The choir, which is composed of members from various churches from West Liberty, West Branch, Springdale, Riverside, Ainsworth and Iowa City, is under the direction of Betty

Farmer and their manager is Tom Brooke. They were the guests of Hinkhouse of Cedar and Hoffmann of Muscatine. The House rose and expressed its appreciation with a standing ovation.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Kane of Woodbury and Doyle of Woodbury on request of Groth of Buena Vista.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine eighth grade students from Indianola Junior High, Indianola, accompanied by Bill Pendgraft. By Shull of Warren.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2219, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

FRANK J. STORK, Secretary

### HOUSE CONCURRENT RESOLUTION 117 By Committee on Human Resources

1     *Whereas*, a large segment of the population of the  
2 state of Iowa dwells in mobile homes located in 1100 mobile  
3 home communities in the state of Iowa; and  
4     *Whereas*, the public and this general assembly are  
5 concerned about the safety of persons residing in mobile  
6 home communities in times of natural disasters; *Now Therefore*,  
7     *Be It Resolved by the House of Representatives, the*  
8 *Senate Concurring*, That the legislative council create a  
9 study committee composed of members representing the house  
10 and senate committees on human resources to undertake a  
11 study following final adjournment of the sixty-eighth

12 general assembly of matters relevant to the safety of  
 13 dwellers in mobile home parks from natural disasters, such  
 14 as tornadoes; and  
 15 *Be It Further Resolved*, That the study committee shall  
 16 consist of five members of the house of representatives, of  
 17 which three members shall represent the majority party and  
 18 two shall represent the minority party; and five members of  
 19 the senate, of which three shall represent the majority  
 20 party and two shall represent the minority party.

Laid over under Rule 30.

### QUORUM CALL

Roll call was requested by Hansen of O'Brien and Renken of Grundy to determine that a quorum was present.

Present, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	

Absent, 5:

Cusack	Doyle	Jesse	O'Kane
Patchett			

### UNANIMOUS CONSENT

Halvorson of Clayton asked and received unanimous consent that the following members be recorded as "present" on the quorum roll call: Egenes of Story, Lageschulte of Bremer, Lloyd-Jones of Johnson and Davitt of Warren.

Husak of Tama asked and received unanimous consent to be recorded as "present" on the quorum roll call.

### BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2492**, a bill for an act relating to statutory limitations on interest rates which were affected by the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapters one hundred seventeen (117), one hundred twenty-eight (128) and one hundred thirty (130), and amendment H-5437 filed by Schroeder, et al., and found on pages 873 through 878 of the House Journal.

Chiodo of Polk asked and received unanimous consent to withdraw his name as a sponsor of amendment H-5437.

Bruner of Story asked and received unanimous consent to withdraw amendment H-5497, to amendment H-5437, filed by him on March 12, 1980.

Bruner of Story offered the following amendment H-5498, to amendment H-5437, filed by him and moved its adoption:

H-5498

- 1 Amend amendment H-5437 to House File 2492 as follows:
- 2 1. By inserting on page 1, before line 1,
- 3 the following:
- 4 "Amend House File 2492 by striking everything
- 5 after title page, line 5 and inserting in lieu
- 6 thereof the following:
- 7 "BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
- 8 IOWA:
- 9 Section 1. Section four hundred seventy-six point
- 10 six (476.6), unnumbered paragraph six (6), Code 1979,
- 11 as amended by Acts of the Sixty-eighth General
- 12 Assembly, 1979 Session, chapter one hundred seventeen
- 13 (117), section one (1), is amended to read as follows:

13 However, a public utility ~~shall have the right~~  
 14 may, at any time after ~~said~~ rates, charges, schedules  
 15 or regulations have been suspended for ninety days,  
 16 request authority to place in effect any or all of  
 17 such the suspended rates, charges, schedules or  
 18 regulations by filing with the commission a bond or  
 19 other undertaking approved by the commission  
 20 conditioned upon the refund in a manner to be  
 21 prescribed by the commission of any amounts collected  
 22 ~~thereunder~~ in excess of the amounts which would have  
 23 been collected under rates, charges, schedules or  
 24 regulations finally approved by the commission. The  
 25 commission shall establish a rate of interest to be  
 26 paid by a public utility to persons receiving refunds.  
 27 Such The rate of interest shall be a reasonable rate  
 28 as determined by the commission, but not less than  
 29 five percent per annum, nor more than twelve percent  
 30 per annum, and the interest shall be compounded  
 31 annually."  
 32 2. By striking on page 1, lines 1 through 27.

Roll call was requested by Bruner of Story and Rapp of Black Hawk.

On the question "Shall amendment H—5498, to amendment H—5437, be adopted?"

The ayes were, 38:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Horn
Howell	Hullinger	Jay	Jesse
Jochum	Kirkenslager	Lloyd-Jones	Loneragan
Miller	Norland	Oxley	Pavich
Rapp	Sherzan	Spear	Wells
Welsh	Woods		

The nays were, 59:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hinkhouse	Hoffmann
Holt	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura



Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	West	Mr. Speaker	

Absent or not voting, 3:

Doyle	O'Kane	Patchett
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Amendment H — 5498 lost.

Halvorson of Clayton moved the previous question on amendments and amendments to amendments filed to House File 2492.

A non-record roll call was requested.

The ayes were 54, nays 35.

The motion prevailed.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2492 at 3:01 p.m., Speaker Harbor in the chair.

Rapp of Black Hawk offered the following amendment H — 5508, to amendment H — 5437, filed by him from the floor and moved its adoption:

H — 5508

- 1 Amend amendment H — 5437 to House File 2492 as
- 2 follows:
- 3 1. By inserting on page 1, before line 1, the
- 4 following:
- 5 "Amend House File 2492 by striking everything after
- 6 the title page, line 5, and inserting in lieu thereof
- 7 the following:
- 8 "BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
- 9 IOWA:
- 10 Section 1. Section four hundred seventy-six point
- 11 six (476.6), unnumbered paragraph six (6), Code 1979,
- 12 as amended by Acts of the Sixty-eighth General Assembly,
- 13 1979 Session, Chapter one hundred seventeen (117), section
- 14 one (1), is amended to read as follows:

14 However, a public utility ~~shall have the right~~ at any  
 15 time after said the rates, charges, schedules or regulations  
 16 have been suspended for ninety days, may request the authority  
 17 to place in effect any or all of such the suspended rates,  
 18 charges, schedules or regulations by filing with the commission  
 19 a bond or other undertaking approved by the commission  
 20 conditioned upon the refund in a manner to be prescribed by  
 21 the commission of any amounts collected thereunder in excess  
 22 of the amounts which would have been collected under rates,  
 23 charges, schedules or regulations finally approved by the  
 24 commission. In determining that portion, if any, of the  
 25 utility's proposed increase in rates and charges to be placed  
 26 in effect subject to refund, the commission shall at a minimum  
 27 allow the rates and charges which, consistent with the  
 28 principles of the utility's last rate case, will allow the  
 29 utility the opportunity to earn a return on common stock  
 30 equity equal to that which the commission held reasonable and  
 31 just in the utility's last rate case. If the commission  
 32 fails to make such a determination within thirty days of  
 33 the request, the utility may place in effect any or all of  
 34 the suspended rates, charges, schedules or regulations. The  
 35 commission shall establish a rate of interest to be paid by  
 36 a public utility to persons receiving refunds. Such The  
 37 rate of interest shall be a reasonable rate as determined by  
 38 the commission, but not less than five percent per annum, nor  
 39 more than twelve percent per annum, and the interest shall be  
 40 compounded annually."

41 2. Page 1, by striking lines 1 through 27.

Roll call was requested by Bina of Scott and Anderson of Jasper.

Rule 80 was invoked.

Under the provisions of Rule 81, Smalley of Polk refrained from voting.

On the question "Shall amendment H-5508, to amendment H-5437, be adopted?"

The ayes were, 44:

Anderson, R.	Arnpuld	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Kirkenslager
Lloyd-Jones	Lonergan	Miller	Norland
Oxley	Patchett	Pavich	Perkins

Rapp	Ritsema	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Schnekloth
Schroeder	Shimanek	Shull	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

Absent or not voting, 4:

Doyle	Husak	O'Kane	Smalley
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Amendment H—5508 lost.

West of Marshall offered amendment H—5505, to amendment H—5437, filed from the floor by West, Johnson of Linn, Poffenberger, Schnekloth, Schroeder and Mullins.

Division was requested as follows:

H—5505

- 1 Amend amendment H-5437 to House File 2492 as
- 2 follows:

H—5505A

- 3 1. Page 1, by striking lines 1 through 27 and
- 4 inserting in lieu thereof the following:
- 5 "Amend House File 2492 by striking everything after
- 6 title page, line 5, and inserting in lieu thereof
- 7 the following:
- 8 "BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
- 9 IOWA:
- 10 Section 1. Section four hundred seventy-six point
- 11 six (476.6), unnumbered paragraph six (6), Code 1979,
- 12 as amended by Acts of the Sixty-eighth General
- 13 Assembly, 1979 Session, chapter one hundred seventeen
- 14 (117), is amended by striking the paragraph and

14 inserting in lieu thereof the following:

15 However upon a suspension by the commission, a  
16 public utility may proceed as follows:

17 1. Subject to the provisions of subparagraph two  
18 (2) of this paragraph, a public utility may, at any  
19 time after rates, charges, schedules or regulations  
20 have been suspended for ninety days, place in effect  
21 any or all of the suspended rates, charges, schedules  
22 or regulations by filing with the commission a bond  
23 or other undertaking approved by the commission  
24 conditioned upon the refund in a manner to be  
25 prescribed by the commission of any amounts collected  
26 in excess of the amounts which would have been  
27 collected under rates, charges, schedules or  
28 regulations finally approved by the commission. The  
29 commission shall establish a rate of interest to be  
30 paid by a public utility to persons receiving refunds.  
31 The rate of interest shall be a reasonable rate as  
32 determined by the commission, but not less than five  
33 percent per annum, and the interest shall be compounded  
34 annually.

35 2. a. The public utility shall not place into  
36 effect any portion of the suspended rates, charges,  
37 schedules or regulations which would result in an  
38 increase in gross intrastate operating revenues which  
39 is greater than the annual inflation factor unless  
40 the public utility specifically applies to the  
41 commission for authority to impose a greater interim  
42 increase and the commission approves a greater interim  
43 increase on the basis of need.

44 b. If the commission has not issued a final order  
45 in the rate proceedings within twelve months following  
46 the date formal proceedings were commenced, the public  
47 utility may, at the end of that twelve-month period  
48 and of each subsequent twelve-month period, place  
49 into effect such additional portion of the suspended  
50 rates, charges, schedules or regulations as will

**Page 2**

1 result in an additional increase in gross intrastate  
2 operating revenues which is equal to the annual  
3 inflation factor for the respective twelve-month  
4 period; provided that the public utility may apply  
5 for and receive authority for a greater increase in  
6 the manner otherwise permitted by this subparagraph.

7 c. Except as provided in subdivisions a and b  
8 of this subparagraph, the public utility shall not  
9 place into effect any portion of any suspended rates,  
10 charges, schedules or regulations of any subsequent  
11 rate filing relating to services with respect to which  
12 a rate filing is pending until after the commission

13 has issued a final order in the previously filed rate  
14 proceedings, unless the public utility applies to  
15 the commission for authority and receives authority  
16 to place a portion of the subsequent filed rate filing  
17 into effect on an interim basis.

18 d. "Annual inflation factor" means the annual  
19 percent change in the consumer price index produced  
20 by the bureau of labor statistics of the United States  
21 department of labor. As used in subdivisions a and  
22 b, of this subparagraph, the annual inflation factor  
23 shall mean this annual percent change as of the  
24 calendar month preceding the month in which the  
25 respective portion of the suspended rules, charges,  
26 schedules or regulations is actually placed into  
27 effect."

H-5505B

28 2. Page 3, by inserting after line 27 the  
29 following:

30 "Sec. Chapter five hundred thirty-five (535),  
31 Code 1979, is amended by adding the following new  
32 section:

33 **NEW SECTION. FINANCE CHARGE ON ACCOUNTS RECEIVABLE.**

34 1. Except where the parties have agreed in writing  
35 for the payment of a different finance charge or rate  
36 of interest, a creditor may charge a finance charge  
37 on the unpaid balances of an account receivable at  
38 a rate not exceeding that permitted by subsection  
39 three (3) or four (4) of this section if the creditor  
40 gives notice as required by subsection two (2) of  
41 this section.

42 2. As a condition of imposing a finance charge  
43 under this section, the creditor shall give notice  
44 to the debtor as follows:

45 a. In a transaction that is subject to the truth  
46 in lending Act, the creditor shall give all disclosures  
47 as required by that Act and at the time or times  
48 required by that Act.

49 b. In a transaction that is not subject to the  
50 truth in lending Act, the creditor shall give written

Page 3

1 notice to the debtor at the time the debt arises.  
2 The notice shall be contained on the invoice or bill  
3 of sale evidencing the credit transaction, and shall  
4 disclose the rate of the finance charge and the date  
5 or day of the month before which payment must be  
6 received if the finance charge is to be avoided.  
7 With respect to open accounts, this notice shall be  
8 given at the time credit is initially extended;

9 provided that additional advance notice in writing  
10 shall be given to the debtor not less than ninety  
11 days prior to any change in the terms of the agreement  
12 or of rate of the finance charge or date payment is  
13 due. For purposes of this paragraph, notice is given  
14 if the invoice or bill of sale is delivered with the  
15 goods, whether or not the debtor is present at the  
16 time of delivery.

17 c. As used in this subsection, "truth in lending  
18 Act" means as defined in section five hundred thirty-  
19 seven point one thousand three hundred two (537.1302)  
20 of the Code.

21 3. With respect to an account other than an open  
22 account, the creditor may impose a finance charge  
23 not exceeding that permitted by section five hundred  
24 thirty-seven point two thousand two hundred one  
25 (537.2201), subsections two (2) through five (5) of  
26 the Code.

27 4. With respect to an open account, the creditor  
28 may impose a finance charge not exceeding that  
29 permitted by section five hundred thirty-seven point  
30 two thousand two hundred two (537.2202), subsections  
31 two (2) and three (3) of the Code.

32 5. As used in this section, "finance charge" means  
33 as defined in section five hundred thirty-seven point  
34 one thousand three hundred one (537.1301) of the Code;  
35 and "account receivable" means a debt arising from  
36 the retail sale of goods or services or both on credit;  
37 and "open account" means an account receivable con-  
38 sisting of debt arising from the extension of open-  
39 end credit, as defined in section five hundred thirty-  
40 seven point one thousand three hundred one (537.1301)  
41 of the Code.

42 6. This section does not supersede any of the  
43 provisions of chapter five hundred thirty-seven (537)  
44 of the Code, except that section five hundred thirty-  
45 seven point three thousand two hundred twelve  
46 (537.3212) of the Code does not apply to a consumer  
47 credit transaction in which a finance charge is imposed  
48 under this section. This section does not authorize  
49 the compounding of a finance charge.

50 7. The finance charge authorized by this section

**Page 4**

1 is in lieu of interest or a finance charge authorized  
2 under section five hundred thirty-five point two  
3 (535.2), subsection one (1) of the Code or any other  
4 provision of law. The rate of a finance charge imposed  
5 pursuant to this section is applicable to a judgment  
6 in an action on the account, notwithstanding section  
7 five hundred thirty-five point three (535.3) of the

8 Code.

9 8. If a creditor imposes a finance charge in  
10 violation of this section, the debtor shall have the  
11 right to recover all amounts unlawfully received by  
12 the creditor as finance charges, plus attorney's fees  
13 and court costs incurred in any action to effect  
14 recovery. This subsection does not limit remedies  
15 which may be available under chapter five hundred  
16 thirty-seven (537) of the Code."

17 3. By renumbering sections and correcting internal  
18 references."

Speaker pro tempore, Stromer of Hancock in the chair at 4:20 p.m.

West of Marshall moved the adoption of amendment H—5505A, to amendment H—5437.

Roll call was requested by Jochum of Dubuque and Cusack of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—5505A, to amendment H—5437, be adopted?"

The ayes were, 55:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker (Stromer)	

The nays were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors

Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Loneragan	Miller	Norland
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

Absent or not voting, 2:

Doyle                      O'Kane

**Amendment H—5505A was adopted.**

Husak of Tama rose on a point of order and invoked Rule 37 on House File 2492.

The Speaker ruled the point not well taken and Rule 37 not in order.

With the adoption of amendment H—5505A, the following amendments, to amendment H—5437, are out of order:

H—5441 filed by Jochum, et al., and found on page 879 of the House Journal.

H—5442 filed by Bruner, et al., on March 11, 1980.

H—5444 filed by Rapp, et al., on March 11, 1980.

H—5446 filed by Chiodo, et al., on March 11, 1980.

H—5477 filed by Poffenberger of Dallas on March 12, 1980.

H—5478 filed by Bruner of Story on March 12, 1980.

H—5502 filed by Schroeder of Pottawattamie on March 12, 1980.

Chiodo of Polk offered the following amendment H—5479, to amendment H—5437, filed by him and moved its adoption:

H—5479

- 1 Amend amendment H—5437 to House File 2492,
- 2 page one, by inserting after line 27 the following



3 new sentence:

4 "If the commission finds, under section four  
 5 hundred seventy-six point three (476.3) of the  
 6 Code, that a public utility's rates produce an  
 7 excessive return, the commission may also order a  
 8 refund, with the rate of interest the same as for  
 9 other refunds provided by this section, of amounts  
 10 collected after the initiation of the formal  
 11 proceeding in excess of that amount which would  
 12 have been collected under the rates finally  
 13 approved."

Roll call was requested by Chiodo of Polk and Woods of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—5479, to amendment H—5437, be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Loneragan	Miller
Norland	Oxley	Patchett	Pavich
Perkins	Poffenberger	Pope	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 51:

Anderson, J.	Bennett	Branstad,	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	West	Mr. Speaker	
		(Stromer)	

Absent or not voting, 3:

Doyle                      O'Kane                      Welden

Amendment H—5479 lost.

Rapp of Black Hawk offered the following amendment H—5480, to amendment H—5437, filed by him and moved its adoption:

H—5480

- 1 Amend amendment H—5437 to House File 2492,
- 2 page one, by inserting after line 27 the following
- 3 new sentence:
- 4 “This rate of interest shall also be the
- 5 maximum interest or penalty charged by all public
- 6 utilities for utility service provided in the past
- 7 on which customers have not made payment.”

Roll call was requested by Rapp of Black Hawk and Welsh of Dubuque.

Rule 80 was invoked.

On the question “Shall amendment H—5480, to amendment H—5437, be adopted?”

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Kirkenslager
Lloyd-Jones	Loneragan	Miller	Norland
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh		

The nays were, 55:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, R.

Johnson, W.	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker (Stromer)	

Absent or not voting, 3:

Doyle                      O'Kane                      Woods

Amendment H—5480 lost.

Rapp of Black Hawk offered the following amendment H—5462, to amendment H—5437, filed by him and Bruner of Story:

H—5462

- 1 Amend amendment H—5437 to House File 2492 as
- 2 follows:
- 3 1. Page 1, by inserting after line 27, the following:
- 4 "Sec. . NEW SECTION. TEMPORARY EXEMPTIONS—PUBLIC
- 5 FUNDS.
- 6 1. Associations as defined in section five hundred
- 7 thirty-four point two (534.2) may accept deposits of
- 8 public funds and pay interest on deposits of public funds.
- 9 2. The provisions of subsection one (1) of this Act are
- 10 effective through July 1, 1983, and supersede the provisions
- 11 of chapters ninety-seven (97), ninety-seven A (97A), ninety-
- 12 seven B (97B), two hundred sixty-two (262), three hundred
- 13 two (302), four hundred ten (410), four hundred eleven
- 14 (411), four hundred fifty-two (452), four hundred fifty-
- 15 three (453), and four hundred fifty-four (454)."

Schroeder of Pottawattamie rose on a point of order that amendment H—5462 was not germane.

The Speaker ruled the point well taken and amendment H—5462 not germane.

Rapp of Black Hawk moved that the rules governing germaneness be suspended to consider and adopt amendment H—5462.

Roll call was requested by Rapp of Black Hawk and Welsh of Dubuque.

On the question "Shall the rules be suspended to consider and adopt amendment H—5462?"

The ayes were, 38:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Groth	Hall
Halvorson, R.N.	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 56:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Dieleman	Diemer	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Holt
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimaneck	Shull	Smalley
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Stromer)

Absent or not voting, 6:

Doyle	Egenes	Gettings	Harbor
Hoffmann	O'Kane		

The motion lost.

The House resumed consideration of amendment H—5505B to amendment H—5437.

On motion by West of Marshall, amendment H—5505B was adopted.

With the adoption of amendment H—5505B, amendment H—5451 (to amendment H—5437) filed by Schnekloth, et al., on March 12, 1980 was out of order.

Egenes of Story offered the following amendment H—5454, to amendment H—5437, filed by her and moved its adoption:

H—5454

1 Amend amendment H-5437 to House File 2492 as  
2 follows:

3 1. By striking page 1, line 28 through page 5,  
4 line 7, and inserting in lieu thereof the following:

5 "Sec. 2. Any interest rate limitation contained  
6 in the provisions of sections three hundred twenty-  
7 two point nineteen (322.19), five hundred twenty-four  
8 point nine hundred six (524.906), five hundred thirty-  
9 three point fourteen (533.14), five hundred thirty-  
10 four point nineteen (534.19), five hundred thirty-  
11 five point two (535.2), five hundred thirty-six point  
12 thirteen (536.13), five hundred thirty-six A point  
13 twenty-three (536A.23), five hundred thirty-seven  
14 point two thousand two hundred one (537.2201), five  
15 hundred thirty-seven point two thousand two hundred  
16 two (537.2202), five hundred thirty-seven point two  
17 thousand four hundred one (537.2401) or five hundred  
18 thirty-seven point two thousand four hundred two  
19 (537.2402) of the Code and Acts of the Sixty-eighth  
20 General Assembly, 1979 Session, chapter one hundred  
21 twenty-eight (128), section one (1), is temporarily  
22 suspended commencing on the effective date of this  
23 Act and until July 1, 1983, and does not apply with  
24 respect to any loan or extension of credit made on  
25 or after the effective date of this Act and prior  
26 to July 1, 1983.

27 Sec. 3. The provisions of section five hundred  
28 thirty-five point eight (535.8), Code 1979 Supplement,  
29 except subsection two (2), paragraph c, of that  
30 section, are temporarily suspended commencing on the  
31 effective date of this Act, and do not apply to any  
32 loan agreement executed by the borrower on or after  
33 the effective date of this Act and prior to July 1,  
34 1983.

35 Sec. 4. The provisions of section five hundred  
36 thirty-five point nine (535.9), Code 1979 Supplement  
37 are temporarily suspended commencing on the effective  
38 date of this Act and until July 1, 1983, and do not  
39 apply to any loan agreement executed by the borrower  
40 on or after the effective date of this Act and prior  
41 to July 1, 1983.

42 Sec. 5. The provisions of sections two (2) through  
43 four (4) of this Act do not apply to any loan or  
44 extension of credit made prior to the effective date  
45 of this Act."

46 2. By renumbering sections.

A non-record roll call was requested.

The ayes were 1, nays 90.

Amendment H—5454 lost.

Rapp of Black Hawk offered the following amendment H—5459, to amendment H—5437, filed by him and Bruner of Story and moved its adoption:

H—5459

1 Amend amendment H-5437 to House File 2492 as  
2 follows:

3 1. By striking page 2, line 49 through page 3,  
4 line 24.

5 2. Page 3, by inserting after line 27 the  
6 following:

7 "Sec. 3. Section five hundred thirty-five point  
8 eight (535.8), subsection two (2), paragraph a, Code  
9 1979 Supplement, is amended to read as follows:

10 2. a. A lender may collect in connection with  
11 a loan a loan processing fee which does not exceed  
12 one percent of an amount which is equal to the loan  
13 principal less twelve thousand five hundred dollars,  
14 except that in the event of an assumption of a prior  
15 loan the lender may collect a loan processing fee  
16 which does not exceed an amount which is a reasonable  
17 estimate of the expense of processing the loan  
18 assumption but which does not exceed one percent of  
19 the amount assumed. A loan processing fee collected  
20 under the authority of this paragraph is compensation  
21 to the lender solely for the use of money,  
22 notwithstanding any provision of the agreement to  
23 the contrary. However, a loan processing fee collected  
24 under the authority of this paragraph shall be  
25 disregarded for purposes of determining the maximum  
26 charge permitted by section 535.2 or 535.9, subsection  
27 2. The collection in connection with a loan of a  
28 loan origination fee, closing fee, commitment fee  
29 or similar charge other than expressly authorized  
30 by this paragraph is prohibited.

31 Sec. 4. Section five hundred thirty-five point  
32 eight (535.8), Code 1979 Supplement, as amended by  
33 section three (3) of this Act, is reenacted as amended  
34 by section three (3) of this Act. It is the intent  
35 of the general assembly in enacting this section to  
36 adopt the limitations on discount points and other  
37 charges which are contained in section five hundred  
38 thirty-five point eight (535.8), Code 1979 Supplement,

- 39 as amended by section three (3) of this Act, as  
 40 required by the provisions of Public Law 96-161,  
 41 section 105, subsection c, for the purpose of  
 42 superseding the provisions of Public Law 96-161,  
 43 section 105, subsection a."  
 44 3. By renumbering sections and subsections and  
 45 correcting internal references.

Roll call was requested by Rapp of Black Hawk and Jochum of Dubuque.

Rule 80 was invoked.

On the question "Shall amendment H—5459, to amendment H—5437, be adopted?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Gettings	Groth
Hall	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Miller
Norland	Oxley	Patchett	Pavich
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 59:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Halvorson, R.A.
Halvorson, R.N.	Hahsen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker (Stromer)	

Absent or not voting, 2:

Doyle O'Kane

Amendment H—5459 lost.

Pelton of Clinton offered the following amendment H—5452, to amendment H—5437, filed by him and moved its adoption:

H—5452

- 1 Amend amendment H—5437 to House File 2492 as follows:
- 2 1. Page 3, line 8, by striking the word "fifteen"
- 3 and inserting in lieu thereof the word "twenty-five".

Roll call was requested by Jochum of Dubuque and Rapp of Black Hawk.

Rule 80 was invoked.

On the question "Shall amendment H—5452, to amendment H—5437, be adopted?"

The ayes were, 45:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Crawford
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Horn
Howell	Hullinger	Jay	Jesse
Jochum	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Lorenzen	McKean	Miller
Norland	Oxley	Patchett	Pavich
Pelton	Perkins	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hanson, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Larsen
Lind	Lura	Maulsby	Menke
Millen	Mullins	Pellet	Poffenberger



Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Stromer)

Absent or not voting, 3:

Arnould	Doyle	O'Kane
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Amendment H — 5452 lost.

Halvorson of Clayton asked for unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

Objection was raised.

Halvorson of Clayton moved to suspend House Rule 2 to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 54, nays 39.

The motion prevailed and House Rule 2 was suspended.

The House stood at ease at 6:00 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2492 at 6:35 p.m., Speaker Harbor in the chair.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 15 to allow food in the House chamber while the House is in session.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hinkhouse of Cedar on request of Husak of Tama.

Jochum of Dubuque offered the following amendment H—5474, to amendment H—5437, filed by him and moved its adoption:

H—5474

1 Amend the amendment H—5437, to House File 2492, as  
2 follows:  
3 1. Page 3, line 14, by inserting after the word  
4 "assumed." the following: "A loan processing fee collected  
5 under the authority of this paragraph is deemed a  
6 reimbursement of expenses to be incurred by the lender  
7 in the event the obligation or an interest in the oblig-  
8 ation is subsequently sold by the lender. A fee which  
9 does not exceed the maximum amount permitted by this  
10 paragraph is conclusively presumed to be the amount of  
11 the lender's expenses in the event of sale. However,  
12 if the obligation or an interest in the obligation  
13 has not been sold upon the expiration of thirty-six  
14 months after the date of closing the loan, the lender  
15 shall repay the entire amount of the fee without interest  
16 to the borrower within thirty days."

Roll call was requested by Jochum of Dubuque and Walter of Pottawattamie.

Rule 80 was invoked.

On the question "Shall amendment H—5474, to amendment H—5437, be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Egenes	Gettings
Groth	Hall	Halvorson, R.N.	Hanson, D.
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Johnson, R.
Lloyd-Jones	Loneragan	McKean	Miller
Norland	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Walter
Wells	Welsh	Woods	

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Halvorson, R.A.	Hansen, I.	Hibbs
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker	

Absent or not voting, 6:

Connors	Doyle	Hinkhouse	Menke
Millen	O'Kane		

Amendment H—5474 lost.

Bruner of Story offered the following amendment H—5440, to amendment H—5437, filed by him and moved its adoption:

H—5440

- 1 Amend amendment H—5437 to House File 2492
- 2 as follows:
- 3 1. Page 3, line 14, by striking the word
- 4 "As" and inserting in lieu thereof the following:
- 5 "If the loan is a refinancing of a prior loan to
- 6 the same borrower, a loan processing fee shall
- 7 not be collected by the lender with respect to
- 8 that amount of the loan principal which is used
- 9 to repay the outstanding balance of the prior
- 10 loan. As".

Roll call was requested by Jochum of Dubuque and Rapp of Black Hawk.

Rule 80 was invoked.

On the question "Shall amendment H—5440, to amendment H—5437, be adopted?"

## The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Gettings	Groth
Hall	Halvorson, R.N.	Hanson, D.	Hibbs
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Kirkenslager
Krewson	Lloyd-Jones	Lonergan	Lorenzen
Miller	Norland	Oxley	Patchett
Pavich	Perkins	Pope	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

## The nays were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Larsen
Lind	Lura	Maulsby	McKean
Millen	Mullins	Pellett	Pelton
Poffenberger	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker			

## Absent or not voting, 5:

Connors	Doyle	Hinkhouse	Menke
O'Kane			

## Amendment H — 5440 lost.

Rapp of Black Hawk offered the following amendment H — 5458, to amendment H — 5437, filed by him and Bruner of Story and moved its adoption:

## H — 5458

- 1 Amend amendment H — 5437 to House File 2492 as
- 2 follows:
- 3 1. Page 3, by inserting after line 27 the
- 4 following:
- 5 "Sec. . Section five hundred thirty-five point
- 6 nine (535.9), Code 1979 Supplement is reenacted.

7 It is the intent of the general assembly in enacting  
 8 this section to adopt the limitations on prepayment  
 9 penalties and other provisions contained in section  
 10 five hundred thirty-five point nine (535.9), Code  
 11 1979 Supplement, as may be required by the provisions  
 12 of Public Law 96-161, section 105, subsection c, for  
 13 the purpose of superseding the provisions of Public  
 14 Law 96-161, section 105, subsection a."  
 15 2. By renumbering sections and correcting internal  
 16 references.

Roll call was requested by Rapp of Black Hawk and Connolly of Dubuque.

Rule 80 was invoked.

On the question "Shall amendment H—5458, to amendment H—5437, be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Egenes
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Loneragan	Lorenzen
Miller	Norland	Oxley	Pavich
Pelton	Perkins	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Larsen	Lind	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Poffenberger	Pope	Renken
Ritsema	Schneklloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker	

Absent or not voting, 4:

Doyle

Hinkhouse

O'Kane

Patchett

Amendment H—5458 lost.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—5449, to amendment H—5437, filed by him on March 12, 1980.

Miller of Buchanan offered the following amendment H—5460, to amendment H—5437, filed by Miller, et al., and moved its adoption:

H—5460

- 1 Amend amendment H-5437 to House File 2492 as
- 2 follows:
- 3 1. Page 3, by inserting after line 36 the
- 4 following:
- 5 "Sec. Chapter three hundred twenty-one (321),
- 6 Code 1979, is amended by adding the following new
- 7 section:
- 8 "NEW SECTION. MOBILE HOME AND MODULAR HOME RETAIL
- 9 INSTALLMENT CONTRACT—FINANCE CHARGE. A retail
- 10 installment contract or agreement for the sale of
- 11 a mobile home or modular home may include a finance
- 12 charge not in excess of an amount equivalent to one
- 13 and one-half percent per month simple interest on
- 14 the declining balance of the amount financed.
- 15 "Amount financed" shall be as defined in section
- 16 five hundred thirty-seven point one thousand three
- 17 hundred one (537.1301) of the Code.
- 18 The limitations contained in this section do not
- 19 apply in a transaction referred to in section five
- 20 hundred thirty-five point two (535.2), subsection
- 21 two (2), of the Code. With respect to a consumer
- 22 credit sale, as defined in section five hundred thirty-
- 23 seven point one thousand three hundred one (537.1301)
- 24 of the Code, the limitation contained in this section
- 25 supersede conflicting provisions of chapter five
- 26 hundred thirty-seven (537), article two (2), part
- 27 two (2) of the Code."
- 28 2. Page 3, lines 44 and 45, by striking the words
- 29 "MOBILE HOME, MODULAR HOME".
- 30 3. Page 3, lines 48 and 49, by striking the words
- 31 "mobile home, modular home".
- 32 4. Page 4, lines 1 and 2, by striking the words
- 33 "mobile home, modular home".
- 34 5. Page 4, lines 7 and 8, by striking the words

- 35 "mobile home, modular home".  
 36 6. Page 4, lines 15 and 16, by striking the words  
 37 "mobile home, modular home".  
 38 7. By renumbering sections and correcting internal  
 39 references.

Amendment H—5460 was adopted.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—5450, to amendment H—5437, filed by him on March 12, 1980.

Rapp of Black Hawk asked and received unanimous consent to withdraw amendment H—5461, to amendment H—5437, filed by him and Bruner of Story on March 12, 1980.

Egenes of Story offered the following amendment H—5476, to amendment H—5437, filed by her and moved its adoption:

H—5476

- 1 Amend the House amendment H—5437 to House File  
 2 2492 as follows:  
 3 1. Page 5, by inserting after line 7 the following:  
 4 "Sec. Federal limitations on interest rates  
 5 paid to depositors by financial institutions and  
 6 agencies authorized to do business in this state shall  
 7 be increased by thirty-five percent on the effective  
 8 date of this Act, by an additional thirty-five percent  
 9 on September 1, 1980, and shall be eliminated on March  
 10 1, 1981."  
 11 2. Renumber as required.

Roll call was requested by Patchett of Johnson and Walter of Pottawattamie.

Rule 80 was invoked.

On the question "Shall amendment H—5476, to amendment H—5437, be adopted?"

The ayes were, 50:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Egenes	Gettings	Groth	Hall

Halvorson, R.N.	Hanson, D.	Hibbs	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Kirkenslager	Lloyd-Jones
Loneragan	McKean	Miller	Mullins
Norland	Oxley	Patchett	Pavich
Pelton	Perkins	Rapp	Ritsema
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 47:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	Menke
Millen	Pellett	Poffenberger	Pope
Renken	Schneklath	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker	

Absent or not voting, 3:

Doyle	Hinkhouse	O'Kane
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Amendment H—5476 was adopted.

Poffenberger of Dallas moved to reconsider the vote by which amendment H—5505A, to amendment H—5437, was adopted by the House on March 13, 1980, which motion prevailed.

Halvorson of Clayton asked for unanimous consent to suspend the rules to consider and adopt amendment H—5518.

Objection was raised.

Halvorson of Clayton moved to suspend the rules to consider and adopt amendment H—5518, to amendment H—5505A, to amendment H—5437, filed by Poffenberger, Mullins, Schroeder and Shimanek from the floor as follows:

H—5518

- 1 Amend amendment H—5505A to amendment H—5437 to
- 2 House File 2492 as follows:



- 3 1. Page 2, by striking lines 7 and 8 and inserting  
4 in lieu thereof the following:  
5 "c. The public utility shall not".

A non-record roll call was requested.

The ayes were 88, nays 4.

The motion prevailed, the rules were suspended and amendment H-5518 was adopted.

On motion by West of Marshall amendment H-5505A (to amendment H-5437), as amended, was adopted.

On motion by Schroeder of Pottawattamie, amendment H-5437, as amended, was adopted.

The House stood at ease at 7:40 p.m., until the fall of the gavel.

The House resumed session at 7:50 p.m., Speaker Harbor in the chair.

With the adoption of amendment H-5437, as amended, the following amendments are out of order:

H-5352 filed by Miller of Buchanan on March 3, 1980.

H-5361 filed by Jochum, et al., on March 5, 1980.

H-5364 filed by Bruner, et al., on March 5, 1980.

H-5365 filed by Rapp, et al., on March 5, 1980.

H-5369 filed by Conlon of Muscatine on March 5, 1980.

H-5374 filed by Johnson of Linn and Miller of Buchanan on March 5, 1980.

H-5375 filed by Schroeder of Pottawattamie and Johnson of Linn on March 5, 1980.

H-5376 filed by Schroeder of Pottawattamie on March 5, 1980.

H-5377 filed by Chiodo of Polk on March 5, 1980.

H—5383, to amendment H—5375, filed by Bruner of Story on March 6, 1980.

H—5384, to amendment H—5375, filed by Bruner of Story and Chiodo of Polk on March 6, 1980.

H—5386, to amendment H—5375, filed by Schroeder of Pottawattamie on March 6, 1980.

H—5387, to amendment H—5375, filed by Bruner of Story and Rapp of Black Hawk on March 6, 1980.

H—5388, to amendment H—5375, filed by Schroeder of Pottawattamie, Johnson of Linn and Chiodo of Polk on March 6, 1980.

H—5389, to amendment H—5375, filed by Bruner, et al., on March 6, 1980.

H—5390, to amendment H—5375, filed by Norland of Worth on March 6, 1980.

H—5391, to amendment H—5375, filed by Jochum, et al., on March 6, 1980.

H—5392, to amendment H—5375, filed by Rapp, et al., on March 6, 1980.

H—5393, to amendment H—5375, filed by Jochum, et al., on March 6, 1980.

H—5394, to amendment H—5375, filed by Perkins of Greene on March 6, 1980.

H—5395, to amendment H—5375, filed by Chiodo, et al., on March 6, 1980.

H—5399 filed by Chiodo, et al., on March 6, 1980.

H—5401 filed by Bruner of Story on March 6, 1980.

H—5431, to amendment H—5375, filed by Schnekloth of Scott on March 11, 1980.

The following amendment H-5519, filed by Schroeder of Pottawattamie from the floor, was adopted by unanimous consent:

H-5519

- 1 Amend House File 2492 as follows:
- 2 1. By striking the title and inserting in lieu
- 3 thereof the following: "An Act relating to the regulation
- 4 of terms and conditions of certain loans, advances and
- 5 extensions of credit."

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. 2492)

The ayes were, 74:

Anderson, J.	Bennett	Bina	Brandt
Branstad	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Groth	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Hora
Hullinger	Hummel	Husak	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Oxley	Patchett	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Welsh	West
Woods	Mr. Speaker		

The nays were, 23:

Anderson, R.	Arnould	Avenson	Binneboese
Bruner	Byerly	Chiodo	Connolly
Connors	Gettings	Hall	Halvorson, R.N.
Howell	Jesse	Jochum	Lloyd-Jones
Norland	Pavich	Rapp	Sherzan
Spear	Walter	Wells	

Absent or not voting, 3:

Doyle

Hinkhouse

O'Kane

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 2492)

Schroeder of Pottawattamie moved that House File 2492 be immediately messaged to the Senate, which motion prevailed.

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of March, 1980: House Files 708 and 2476.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**COMMISSION FOR THE BLIND**

The 1979 annual report for the fiscal year July 1, 1978 to June 30, 1979.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

COMMITTEE ON AGRICULTURE /s/

**Study Bill 546**, relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources.

**Recommended Amend and Do Pass.**

**Study Bill 733**, providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

**Recommended Amend and Do Pass.**

**Study Bill 736**, relating to the receipt of livestock at a public livestock market for sale by auction upon delivery.

**Recommended Amend and Do Pass.**

COMMITTEE ON APPROPRIATIONS

**Senate File 2090**, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-1980 fiscal year and removing the acreage limitation in determining the amount of claim for credit for property taxes due or reimbursement for rent constituting property taxes paid by certain elderly and disabled persons under chapter four hundred twenty-five (425) of the Code.

**Recommended Do Pass.**

**Senate File 2273**, a bill for an act relating to appropriations by amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters four (4) and fourteen (14), to increase the appropriations for the board of engineering examiners, Iowa beer and liquor control department, department of revenue, secretary of state and the administration of the Iowa public employees' retirement system fund, by increasing the full-time equivalent positions for the board of engineering examiners and department of job service, and by providing that unobligated funds remaining from the appropriation to the comptroller's office for data processing shall not revert at the end of the 1979-1980 fiscal year.

**Recommended Amend and Do Pass.**

H-5503

- 1 Amend Senate File 2273 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 31, by striking the word "thirty"
- 4 and inserting in lieu thereof the word "six".
- 5 2. Page 1, line 35, by striking the figure
- 6 "15,297,474" and inserting in lieu thereof the figure
- 7 "14,997,974".

8 3. Page 3, by inserting after line 2, the  
9 following:  
10 "Sec. Acts of the Sixty-eighth General  
11 Assembly, 1979 Session, chapter four (4), section  
12 two (2), subsection six (6), is amended by adding  
13 the following paragraph:  
14 d. Implementation of  
15 Governor's Economy Com-  
16 mittee Recommendations.  
17 This appropriation is  
18 to be allocated to de-  
19 partments and agencies  
20 of state government for  
21 the exclusive purpose  
22 of implementing the  
23 governor's economy com-  
24 mittee recommendations.  
25 The objectives of im-  
26 plementation are to in-  
27 crease the effective-  
28 ness and efficiency of  
29 state government and  
30 to maximize the rever-  
31 sion of appropriated  
32 funds to the state gen-  
33 eral fund.  
34 The amounts reason-  
35 ably attributable to  
36 being saved by the  
37 various agencies as a  
38 result of this appro-  
39 priation shall be iden-  
40 tified and reverted to  
41 the general fund in  
42 time to be included in  
43 the balance of June  
44 30, 1981.  
45 The comptroller  
46 shall furnish a de-  
47 tailed report of the  
48 use and results of  
49 this appropriation to  
50 the general assembly

**Page 2**

1 by January 1, 1982,  
2 including the speci-  
3 fic recommendations  
4 of the governor's  
5 economy committee  
6 which were imple-

- 7 mented, the amounts
- 8 saved and reverted..... \$                    \$     500,000"
- 9     4. Page 4, by striking lines 11 through 16.
- 10    5. Amend the title, line 6, by inserting after
- 11 the word "state" the words ", comptroller's office".
- 12    6. By numbering, renumbering and correcting
- 13 internal references as are necessary.

**Senate File 2274**, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

**Recommended Do Pass.**

**COMMITTEE ON CITIES**

**Study Bill 747**, relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing codes and authorizing penalties.

**Recommended Amend and Do Pass.**

Fiscal Note is required.

**COMMITTEE ON COMMERCE**

**Committee Bill** (Formerly House File 2235), a bill for an act relating to authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

**Recommended Do Pass.**

**Committee Bill** (Formerly House File 2270), a bill for an act relating to the sale of individual policies of accident and sickness insurance, and providing penalties.

**Recommended Do Pass.**

**Committee Bill** (Formerly House File 2372, as amended), a bill for an act relating to consumer credit transactions involving a savings and loan association.

**Recommended Do Pass.**

**Committee Bill** (Formerly House File 2396, as amended), a bill for an act relating to pipelines.

**Without Recommendation.**

**Study Bill 746** (Formerly SSB 2198), relating to the rate of interest which may be charged on accounts receivable, and providing penalties.

**Recommended Amend and Do Pass.**

## COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House File 2449), a bill for an act relating to the officers of school boards.

**Recommended Amend and Do Pass.**

**Study Bill 560** (Draft III), relating to the establishment of programs for gifted and talented children by allowing additional allowable growth and by establishing area education agency gifted and talented children advisory councils.

**Recommended Amend and Do Pass.**

**Study Bill 706**, relating to transportation of public and nonpublic school children.

**Recommended Amend and Do Pass.**

**Study Bill 745**, relating to the calculation of additional allowable growth for special education support services provided through area education agencies.

**Recommended Amend and Do Pass.**

## COMMITTEE ON HUMAN RESOURCES

**House Concurrent Resolution** (Formerly House File 2052), requiring storm shelters in certain mobile home parks and providing a penalty.

**Recommended Do Pass.**

Fiscal Note is not required.

## COMMITTEE ON NATURAL RESOURCES

**Study Bill 202**, relating to hunter safety programs and subjecting violators to a penalty.

**Recommended Do Pass.**

**Study Bill 633 (Revised)**, to establish a land preservation policy and organizations and procedures to implement that policy.

**Recommended Amend and Do Pass.**

**Study Bill 730**, relating to the membership of the board of certification of waterworks and waste waterworks operators.

**Recommended Do Pass.**

Fiscal Note is required.

**Study Bill 735**, relating to the use of steel shot in shotguns.

**Recommended Do Pass.**



## AMENDMENTS FILED

H-5504	H.F. 398	Spear of Lee
H-5506	H.F. 2520	Crabb of Crawford
H-5507	H.F. 2393	Holt of Clay
H-5509	H.F. 2516	Tyrrell of Iowa
H-5510	H.F. 2516	Tyrrell of Iowa
		Danker of Pottawattamie
H-5511	H.F. 2508	Tyrrell of Iowa
		Johnson of Howard
H-5512	H.F. 2208	Hansen of O'Brien
H-5513	H.F. 2527	Cusack of Scott
		Gettings of Wapello
Arnould of Scott		Brandt of Black Hawk
Connolly of Dubuque		Bina of Scott
Dieleman of Marion		Lonergan of Boone
Horn of Linn		Chiodo of Polk
Jochum of Dubuque		Sherzan of Polk
Howell of Floyd		Welsh of Dubuque
Pavich of Pottawattamie		Oxley of Linn
Walter of Pottawattamie		Cochran of Webster
Binneboese of Plymouth		Hall of Linn
Halvorson of Webster		Woods of Polk
Connors of Polk		Jay of Appanoose
Byerly of Polk		Groth of Buena Vista
Spear of Lee		Bruner of Story
Norland of Worth		Patchett of Johnson
Rapp of Black Hawk		
Lloyd-Jones of Johnson		
H-5514	H.F. 2527	Cusack of Scott
Arnould of Scott		Gettings of Wapello
Connolly of Dubuque		Brandt of Black Hawk
Dieleman of Marion		Bina of Scott
Horn of Linn		Lonergan of Boone
Jochum of Dubuque		Perkins of Greene
Chiodo of Polk		Howell of Floyd
Sherzan of Polk		Pavich of Pottawattamie
Welsh of Dubuque		Walter of Pottawattamie
Oxley of Linn		Binneboese of Plymouth
Cochran of Webster		Halvorson of Webster
Hall of Linn		Connors of Polk
Husak of Tama		Hinkhouse of Cedar
Hullinger of Decatur		Woods of Polk
Byerly of Polk		Wells of Linn

Jay of Appanoose  
Norland of Worth  
Bruner of Story  
Patchett of Johnson  
H—5515            H.F. 398  
H—5516            S.F. 2273  
H—5517            H.F. 2472

Groth of Buena Vista  
Anderson of Jasper  
Rapp of Black Hawk  
Lloyd-Jones of Johnson  
Norland of Worth  
Tofte of Winneshiek  
McKean of Jones  
Husak of Tama  
Pelton of Clinton  
Shimanek of Jones  
Hall of Linn  
Mullins of Kossuth  
Clark of Cerro Gordo  
Welsh of Dubuque

On motion by Halvorson of Clayton, the House adjourned at 7:57 p.m., until 9:00 a.m., Friday, March 14, 1980.

# JOURNAL OF THE HOUSE

Sixty-first Calendar Day — Forty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 14, 1980

The House met pursuant to adjournment, Speaker pro tempore Stromer of Hancock in the chair.

Prayer was offered by the mixed quartet "Celebration" from Des Moines, which included Joyce Lewis, soprano; Mary Jane Tesdall, alto; Paul Stageberg, tenor; and Bill Pratt, bass, singing "Quiet Place."

The Journal of Thursday, March 13, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crawford of Story on request of Stromer of Hancock; Brandt of Black Hawk on request of Perkins of Greene; Lind of Black Hawk on request of Johnson of Howard; Arnould of Scott on request of Cusack of Scott; O'Kane of Woodbury and Doyle of Woodbury on request of Cochran of Webster; Walter of Pottawattamie on request of Pavich of Pottawattamie; Hoffmann of Muscatine on request of Halvorson of Clayton; Harbor of Mills on request of Schroeder of Pottawattamie.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-one members of Boy Scout Troop 17 from Webster City, accompanied by Jack Spratt and George Clum. By Hinkhouse of Cedar.

## PETITION FILED

The following petition was received and placed on file:

By Howell of Floyd, from forty-five constituents favoring indexing state inheritance tax rates and increasing exemptions to compensate for inflation and the accompanying increase in agricultural land values.

## INTRODUCTION OF BILLS

**House File 2536**, by committee on cities, a bill for an act relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties.

Read first time and **placed on the calendar**.

**House File 2537**, by committee on commerce, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, and providing penalties.

Read first time and **placed on the calendar**.

**House File 2538**, by committee on judiciary and law enforcement, a bill for an act relating to the types and form of administrative rules to be promulgated, the rights of the public to participate in the rule-making process, and the powers of the governor, the administrative rules review committee and the attorney general in reviewing that process.

Read first time and **placed on the calendar**.

**House File 2539**, by committee on education, a bill for an act relating to transportation of public and nonpublic school children.

Read first time and **placed on the calendar**.

**House File 2540**, by committee on natural resources, a bill for an act relating to the membership of the board of certification of waterworks and waste waterworks operators.

Read first time and **placed on the calendar**.

**House File 2541**, by committee on natural resources, a bill for an act relating to hunter safety programs and subjecting violators to a penalty.

Read first time and **placed on the calendar**.

**House File 2542**, by committee on state government, a bill for an act providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

Read first time and placed on the calendar.

**House File 2543**, by committee on state government, a bill for an act relating to the operations of the citizens' aide office.

Read first time and placed on the calendar.

**House File 2544**, by committee on energy, a bill for an act to provide for the registration and bonding of insulation installers and to subject violators to civil penalties.

Read first time and placed on the calendar.

**House File 2545**, by committee on judiciary and law enforcement, a bill for an act relating to bankruptcy exemptions and garnishment by providing that where there are joint bankruptcy debtors and one debtor elects to claim state exemptions, the other may not claim the federal exemptions, and permitting garnishments to the extent that the debtor's weekly disposable earnings exceed the greater of forty times the minimum wage or seventy-five percent of the debtor's weekly disposable earnings with a yearly limit of one thousand dollars.

Read first time and placed on the calendar.

**House File 2546**, by committee on agriculture, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

Read first time and placed on the calendar.

**House File 2547**, by committee on natural resources, a bill for an act relating to the use of steel shot in shotguns.

Read first time and placed on the calendar.

**House File 2548**, by committee on education, a bill for an act relating to the establishment of programs for gifted and talented

children by allowing additional allowable growth and by establishing area education agency gifted and talented children advisory councils.

**Read first time and placed on the calendar.**

**House File 2549**, by committee on energy, a bill for an act allowing the executive council to purchase or condemn and lease land to be used as a site for a hazardous waste treatment or disposal facility.

**Read first time and placed on the calendar.**

**House File 2550**, by committee on energy, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies.

**Read first time and placed on the calendar.**

**House File 2551**, by committee on education, a bill for an act relating to the calculation of the state percent of growth for school foundation aid purposes.

**Read first time and placed on the calendar.**

#### SENATE MESSAGES CONSIDERED

**Senate File 2006**, by Nystrom, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must hold a public hearing, advertise and receive sealed bids.

**Read first time and referred to committee on cities.**

**Senate File 2219**, by Hansen, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

**Read first time and passed on file.**

**Senate File 2252**, by committee on state government, a bill for an act to amend the statutory provision that an electronic voting system authorized for use in this state allow an elector to correct an

error in marking the ballot, by deleting the requirement that the system indicate when an error has been made.

Read first time and referred to committee on **state government**.

**Senate File 2290**, by committee on appropriations, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), relating to the administration and financing of current programs of agencies whose responsibilities relate to transportation, public safety, and public defense for the fiscal year beginning July 1, 1980.

Read first time and referred to committee on **appropriations**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1980, 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 673, a bill for an act increasing the amount of interest on money due on judgments and decrees of courts.

Also: That the Senate has on March 12, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy.

Also: That the Senate has on March 12, 1980, 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 205, a bill for an act relating to the reorganization of the department of environmental quality.

Also: That the Senate has on March 12, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 464, a bill for an act relating to the final report of the personal representative of a decedent's estate.

Also: That the Senate has on March 12, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 477, a bill for an act relating to the control, abatement and prevention of air pollution by the department of environmental quality and providing a civil penalty.

Also: That the Senate has on March 12, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 117, requesting legislative council to direct legislative fiscal bureau to conduct a program evaluation of the chronic renal disease program and provide recommendations regarding cost.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 205

H-5520

- 1 Amend the House amendment, S-5253, to Senate File
- 2 205, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 12, by striking the word "and"
- 5 and inserting in lieu thereof the word "or".
- 6 2. Page 1, by striking lines 34 through 40.
- 7 3. Page 2, by inserting after line 2 the following:
- 8 " . . . By striking page 14, line 25 through page 15,
- 9 line 25."

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 464

H-5521

- 1 Amend the House amendment, S-3570, to Senate
- 2 File 464 as follows:
- 3 1. Page 1, by striking lines 7 through 12 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SUBSECTION. Upon the request of the
- 6 personal representative, an itemization of services
- 7 performed, time spent for such services, and respon-
- 8 sibilities assumed by the personal representative's
- 9 attorney for all estates of decedents dying after
- 10 January 1, 1981. If the itemization is not included,
- 11 there shall be set forth a statement that the personal
- 12 representative was informed of the provisions of this
- 13 subsection and did not request the itemization."



SENATE CONCURRENT RESOLUTION 117  
By Committee on Appropriations

1     *Whereas*, the chronic renal disease program is  
2 intended to provide lifesaving care for Iowa residents  
3 unable to provide for the continuing cost of their  
4 care; and  
5     *Whereas*, the costs of medical supplies and medical  
6 services have continued to rise; and  
7     *Whereas*, the cost to the state of the chronic renal  
8 disease program administered by the state department  
9 of health, pursuant to section one hundred thirty-  
10 five point forty-five (135.45) of the Code has  
11 dramatically increased during the years of its  
12 existence; and  
13     *Whereas*, cost containment measures implemented  
14 by the state department of health appear to be  
15 ineffective; and  
16     *Whereas*, the financial criteria established by  
17 the state department of health appear to provide  
18 assistance to individuals who may be able to provide  
19 for all or part of the cost of their care; *Now*  
20 *Therefore*,  
21     *Be It Resolved by the Senate, the House Concurring,*  
22 *That the legislative council direct the legislative*  
23 *fiscal bureau to conduct a program evaluation of the*  
24 *chronic renal disease program and to provide*  
25 *recommendations regarding cost containment to the*  
26 *legislative council and the appropriations subcommittee*  
27 *on human resources by December, 1980.*

Laid over under Rule 30.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 2472**, a bill for an act relating to the definitions of and standards for milk and milk products, was taken up for consideration.

McKean of Jones asked and received unanimous consent to withdraw amendment H—5327 filed by McKean, et al., on February 27, 1980.

De Groot of Lyon offered the following amendment H—5439 filed by him and Pellett of Cass:

H—5439

1 Amend House File 2472 as follows:

2 1. Page 2, by inserting after line 28 the  
3 following:

4 "Sec. . Section one hundred ninety-two point  
5 five (192.5), unnumbered paragraphs one (1), two (2)  
6 and three (3), Code 1979, are amended to read as  
7 follows:

8 It shall be is unlawful for any a person who does  
9 not possess a permit from the secretary or authorized  
10 municipal corporation to bring into, send into, or  
11 receive into the state for sale, or to sell, or offer  
12 for sale therein in the state, or to have in storage  
13 any milk or milk products defined in this chapter  
14 and chapters 190 and 191; provided that, grocery  
15 stores, restaurants, soda fountains, and similar  
16 establishments food establishments or food service  
17 establishments as defined in chapters one hundred  
18 seventy (170) and one hundred seventy A (170A) of  
19 the Code where milk or milk products or both are  
20 served or sold at retail, but not processed, may be  
21 are exempt from the requirements of this section.

22 Only a person who complies with the requirements  
23 of this chapter and chapters 190 and 191 shall be  
24 is entitled to receive and retain such a permit from  
25 the department or authorized municipal corporation.  
26 Permits shall are not be transferable with respect  
27 to persons or locations.

28 The secretary or authorized municipal corporation  
29 shall suspend such the permit in accordance with  
30 section seventeen A point eighteen (17A.18) of the  
31 Code whenever there is reason to believe that a public  
32 health hazard exists, or whenever the permit holder  
33 has violated any of the requirements of said the  
34 chapters or whenever the permit holder has interfered  
35 with the secretary or authorized municipal corporation  
36 in the performance of their duties: Except, where  
37 If the milk or milk product involved creates, or  
38 appears to create, an imminent hazard to the public  
39 health; or in any a case of a willful refusal to  
40 permit authorized inspection, the secretary or  
41 authorized municipal corporation shall serve upon  
42 the holder a written notice of intent to summarily  
43 suspend the permit. The notice shall specify pursuant  
44 to section seventeen A point eighteen (17A.18) of  
45 the Code, specifying with particularity the violations  
46 in question, and afford the holder such reasonable  
47 opportunity to correct such the violations as may  
48 be agreed to by the parties, or in the absence of  
49 agreement, fixed by the secretary or authorized  
50 municipal corporation before making any order of

## Page 2

1 suspension effective. A suspension of permit shall  
2 remain in effect until the violation has been corrected  
3 to the satisfaction of the secretary or authorized  
4 municipal corporation.

5 Sec. . Section one hundred ninety-two point  
6 five (192.5), unnumbered paragraphs four (4) and five  
7 (5), Code 1979, are amended by striking the unnumbered  
8 paragraphs.

9 Sec. . Section one hundred ninety-two point  
10 eleven (192.11), unnumbered paragraphs four (4) and  
11 five (5), Code 1979, are amended by striking the  
12 unnumbered paragraphs.

13 Sec. . Section one hundred ninety-two point  
14 thirty (192.30), Code 1979, is amended to read as  
15 follows:

16 192.30 LAW TO BE ENFORCED BY SECRETARY OF  
17 AGRICULTURE OR MUNICIPALITIES. This chapter and  
18 chapters 190 and 191 shall be enforced by the secretary  
19 or municipal corporations, which have entered into  
20 agreements with him under section 192.11, both of  
21 whom who shall make regulations adopt rules which  
22 shall conform to the Grade "A" Pasteurized Milk  
23 Ordinance with Administrative Procedures - ~~1965~~ 1978  
24 Recommendations of the United States Public Health  
25 Service, a the Methods of Making Evaluation of Milk  
26 Laboratories, 1978 edition and Methods of Making  
27 Sanitation Ratings of Milk Supplies, 1978 edition,  
28 certified copy copies of which shall be on file at  
29 the secretary's office or the office of the clerk  
30 of an authorized municipal corporation. Where the  
31 mandatory compliance with provisions of the appendixes  
32 therein is specified, such the provisions shall be  
33 deemed a requirement of said the chapters.

34 For the purpose of the Grade "A" Pasteurized Milk  
35 Ordinance "regulatory agency" means the secretary  
36 of agriculture, an authorized representative, or an  
37 authorized sanitation unit approved by the secretary  
38 that has trained inspection personnel and qualified  
39 laboratory facilities for the official examination  
40 of dairy farms, milk plants, receiving or transfer  
41 stations or samples of raw or pasteurized milk or  
42 milk products.

43 Municipal corporations The secretary may establish  
44 grade "A" standards for cottage cheese dry curd,  
45 cottage cheese, and low fat cottage cheese as a part  
46 of the ordinance rules required by this section;  
47 however no the secretary or a municipal corporation  
48 shall not require a grade "A" rating for these products  
49 as a condition precedent to their sale anywhere within  
50 the city state.

## Page 3

- 1 Sec. . Sections one hundred ninety-two point  
 2 eighteen (192.18) and one hundred ninety-two point  
 3 thirty-three (192.33), Code 1979, are repealed."  
 4 2. By renumbering as necessary.

Lura of Marshall asked and received unanimous consent to temporarily defer action on amendment H—5439.

McKean of Jones offered the following amendment H—5517 filed by McKean, et al., and moved its adoption:

H—5517

- 1 Amend House File 2472 as follows:  
 2 1. Page 2, by inserting after line 28 the  
 3 following:  
 4 "Sec. . Chapter one hundred ninety-two (192),  
 5 Code 1979, is amended by adding the following new  
 6 section:  
 7 NEW SECTION. RAW MILK—MINIMUM STANDARDS.  
 8 Notwithstanding sections one hundred ninety-two point  
 9 eleven (192.11) and one hundred ninety-two point  
 10 thirty (192.30) of the Code grade "A" certified raw  
 11 milk shall be sold only from a dairy farm directly  
 12 to the final consumer for personal or family use,  
 13 which shall include home delivery. Each dairy farm  
 14 whose milk is intended for consumption as grade "A"  
 15 certified raw milk shall be inspected and the milk  
 16 certified by the secretary prior to the issuance of  
 17 the permit provided in section one hundred ninety-  
 18 two point five (192.5) of the Code and the milk shall  
 19 be tested daily by the department after the issuance  
 20 of the permit. Individuals handling raw milk to be  
 21 sold shall pass a physical examination once every  
 22 six months. The department shall prepare a form to  
 23 be completed by a licensed physician. The completed  
 24 form shall be returned to the department for  
 25 verification. The secretary may suspend the permit  
 26 as provided in section one hundred ninety-two point  
 27 five (192.5) of the Code.  
 28 Grade "A" certified raw milk is market milk which  
 29 conforms to the methods and standards of the American  
 30 association of medical milk commissions in addition  
 31 to the following minimum standards:  
 32 1. The health of the cows or goats shall be  
 33 determined at least twice each year by a representative  
 34 of the secretary. The ring test and the tuberculosis  
 35 tests shall be mandatory. The premises shall meet

36 the sanitation standards provided in section one  
37 hundred ninety-two point twenty (192.20) of the Code.  
38 2. It shall be bottled on the premises where  
39 produced and sold in containers which have the pouring  
40 lip completely protected from contamination.  
41 3. It shall be cooled within two hours after being  
42 drawn from the cow or goat to forty degrees Fahrenheit  
43 or less and maintained at that temperature until  
44 purchased by the consumer, at which time it shall  
45 contain not more than ten thousand bacteria per  
46 milliliter and no pathogenic species.  
47 4. It shall be sold to the consumer within forty-  
48 eight hours after production and labeled to indicate  
49 to the consumer the date of bottling.  
50 The costs incurred by the department of agriculture

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1 for the certification, inspection and testing  
2 procedures of raw milk shall be determined annually  
3 by the secretary and the cost allocated and assessed  
4 equally to each dairy farm holding a permit to sell  
5 certified raw milk.  
6 The references made to milk in chapters one hundred  
7 ninety (190), one hundred ninety-one (191) and one  
8 hundred ninety-two (192) of the Code apply to raw  
9 milk to the extent they are applicable."  
10 2. By renumbering as necessary.

**Amendment H—5517 was adopted.**

**The House resumed consideration of amendment H—5439.**

Lura of Marshall offered the following amendment H—5523, to amendment H—5439, filed by him from the floor and moved its adoption:

**H—5523**

1 Amend amendment H—5439 to House File 2472 as follows:  
2 1. Page 2, by striking lines 9 through 12 and inserting  
3 in lieu thereof the following:  
4 "Sec. Section one hundred ninety-two point  
5 eleven (192.11), unnumbered paragraph four (4) is amended to  
6 read as follows:  
7 Each dairy farm, milk plant, receiving station, and  
8 transfer station whose milk or milk products are intended  
9 for consumption as grade "A" pasteurized milk and milk  
10 products shall be inspected by the secretary prior to the  
11 issuance of the permit provided for in section 192.5.

12 However, if any municipal corporation makes application to  
 13 the secretary for authority to conduct such inspections, the  
 14 secretary, upon finding that such municipal corporation has  
 15 qualified personnel has trained inspection personnel and  
 16 qualified laboratory facilities, for an official examination  
 17 of dairy farms, milk plants receiving or transfer stations or  
 18 samples of raw or pasteurized milk or milk products and  
 19 if previous inspection has been granted, previous activities  
 20 must have been conducted in accordance to the Grade "A"  
 21 Pasteurized Milk Ordinance to perform the same, shall enter  
 22 into agreements with the municipal corporation providing  
 23 for such inspection. Inspection by either the secretary or  
 24 approved municipal corporation shall be acceptable for  
 25 issuance of such permit by the secretary or municipal  
 26 corporation."

Amendment H—5523 was adopted.

Lura of Marshall offered amendment H—5522, to amendment H—5439, filed by him from the floor and requested division as follows:

H—5522

1 Amend amendment H-5439 to House File 2472 as  
 2 follows:

H—5522A

3 1. Page 1, line 9, by striking the words "or  
 4 authorized" and inserting in lieu thereof the words  
 5 "or authorized".

6 2. Page 1, line 10, by striking the words  
 7 "municipal corporation" and inserting in lieu thereof  
 8 the words "municipal corporation".

H—5522B

9 3. Page 1, line 25, by striking the words "or  
 10 authorized municipal corporation" and inserting in  
 11 lieu thereof the words "or authorized municipal  
 12 corporation".

13 4. Page 1, by striking lines 28 through 31 and  
 14 inserting in lieu thereof the following: "The  
 15 secretary or authorized municipal corporation shall  
 16 suspend such the permit whenever there is reason to  
 17 believe that a public".

18 5. Page 1, by inserting after line 36, the  
 19 following: "If the secretary suspends the permit,  
 20 it shall be done in accordance with section seventeen

- 21 A point eighteen (17A.18) of the Code."
- 22 6. Page 1, line 40, by striking the word "or"
- 23 and inserting in lieu thereof the word "or".
- 24 7. Page 1, line 41, by striking the words
- 25 "authorized municipal corporation" and inserting in
- 26 lieu thereof the words "authorized municipal
- 27 corporation".
- 28 8. Page 1, by striking line 43 through 45 and
- 29 inserting in lieu thereof the following: "suspend
- 30 the permit. The notice shall specify specifying with
- 31 particularity the violations".
- 32 9. Page 1, line 49, by striking the words "or
- 33 authorized" and inserting in lieu thereof the words
- 34 "or authorized".
- 35 10. Page 1, line 50, by striking the words
- 36 "municipal corporation" and inserting in lieu thereof
- 37 the words "municipal corporation".
- 38 11. Page 2, by striking line 1, and inserting
- 39 in lieu thereof the following: "suspension effective.
- 40 If the secretary summarily suspends the permit it
- 41 shall be done pursuant to section seventeen A point
- 42 eighteen (17A.18) of the Code. A suspension of permit
- 43 shall".
- 44 12. Page 2, line 3, by striking the words "or
- 45 authorized" and inserting in lieu thereof the words
- 46 "or authorized".
- 47 13. Page 2, line 4, by striking the words
- 48 "municipal corporation" and inserting in lieu thereof
- 49 the words "municipal corporation".
- 50 14. Page 2, line 17, by striking the words "OR

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- 1 ~~MUNICIPALITIES~~" and inserting in lieu thereof the
- 2 words "OR MUNICIPALITIES".
- 3 15. Page 2, by striking lines 19 through 21 and
- 4 inserting in lieu thereof the following: "or municipal
- 5 corporations, which have entered into agreements with
- 6 him the secretary under section 192.11, both of whom
- 7 shall make regulations or adopt rules which".
- 8 16. Page 2, by striking lines 29 and 30 and
- 9 inserting in lieu thereof the following: "the
- 10 secretary's office or the office of the clerk of an
- 11 authorized municipal corporation. Where the".

Lura of Marshall asked and received unanimous consent to withdraw amendment H—5522A.

Lura of Marshall moved the adoption of amendment H—5522B, to amendment H—5439.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 36, nays 51.

Amendment H—5522B lost.

De Groot of Lyon moved to reconsider the vote by which amendment H—5522B, to amendment H—5439, failed to be adopted by the House.

A non-record roll call was requested.

The ayes were 49, nays 28.

The motion prevailed and the House reconsidered amendment H—5522B, to amendment H—5439.

Lura of Marshall moved the adoption of amendment H—5522B, to amendment H—5439.

A non-record roll call was requested.

The ayes were 46, nays 18.

Amendment H—5522B was adopted.

On motion by De Groot of Lyon, amendment H—5439, as amended, was adopted.

Corey of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2472)

The ayes were, 79:

Anderson, J.  
Bina  
Byerly  
Conlon  
Crabb

Anderson, R.  
Binneboese  
Chiodo  
Connolly  
Cusack

Avenson  
Branstad  
Clark, J.H.  
Connors  
Daggett

Bennett  
Bruner  
Cochran  
Corey  
Davitt



De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lloyd-Jones	Loneragan	Lorenzen	Lura
McKean	Millen	Miller	Mullins
Oxley	Pavich	Pellett	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimaneck
Shull	Smalley	Spear	Swearingen
Thompson	Tyrrell	Van Maanen	Wells
Welsh	Woods	Mr. Speaker (Stromer)	

The nays were, 4:

Danker	Menke	Tofte	Welden
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Absent or not voting, 17:

Arnould	Brandt	Clark, B.J.	Crawford
Doyle	Harbor	Hoffmann	Jesse
Lind	Maulsby	Norland	O'Kane
Patchett	Pelton	Rapp	Walter
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2493**, a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee, 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?" (H.F. 2493)

The ayes were, 84:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Cochran
Connolly	Connors	Corey	Crabb
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes

Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lloyd-Jones	Lonergan	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Wells	Welsh	Mr. Speaker (Stromer)

The nays were, 5:

Clark, J.H.	Conlon	Lorenzen	Thompson
Woods			

Absent or not voting, 11:

Arnould	Brandt	Crawford	Doyle
Harbor	Hoffmann	Lind	O'Kane
Patchett	Walter	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Connors of Polk asked and received unanimous consent that Howell of Floyd and Connors of Polk be recorded as voting "aye" on House File 2493 and the votes were so recorded.

### MOTION TO SUSPEND RULES LOST

Avenson of Fayette moved that the rules be suspended for the immediate consideration of **House File 759**, a bill for an act to provide a refund of sales and use tax paid on industrial machinery and equipment and certain personal property used for agricultural purposes and making an appropriation.

Roll call was requested by Halvorson of Clayton and Schroeder of Pottawattamie.

Rule 80 was invoked.

On the question "Shall the rules be suspended for the immediate consideration of House File 759?"

The ayes were, 36:

Anderson, R.	Avenson	Bina	Binneboese
Bruner	Byerly	Chiodo	Cochran
Connolly	Connors	Davitt	Dieleman
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Lonergan	Norland	Oxley
Pavich	Perkins	Rapp	Sherzan
Spear	Wells	Welsh	Woods

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Cusack	Daggett	Danker	De Groot
Diemer,	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schneklath	Schroeder	ShimaneK
Shull	Smalley	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker (Stromer)			

Absent or not voting, 11:

Arnould	Brandt	Crawford	Doyle
Harbor	Hoffmann	Lind	O'Kane
Patchett	Walter	West	

The motion lost.

### Appropriations Calendar

**House File 2520**, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters two (2) and three (3), relating to appropriations to various executive, legislative and judicial departments and agencies for the fiscal year beginning July 1, 1980 and providing an additional appropriation, was taken up for consideration.

Lageschulte of Bremer offered the following amendment H—5463 filed by him and Dieleman of Marion:

H—5463

1 Amend House File 2520 as follows:  
 2 1. Page 1, by inserting after line 24 the  
 3 following:  
 4 "Sec. . Acts of the Sixty-eighth General  
 5 Assembly, 1979 Session, chapter three (3), section  
 6 one (1), subsection three (3), is amended to read  
 7 as follows:  
 8 3. For salaries and support  
 9 of not more than eight point five  
 10 full-time equivalent positions  
 11 and maintenance of the Terrace  
 12 Hill governor's mansion which shall  
 13 be open for the public tours by  
 14 individuals or groups of ten or  
 15 fewer persons without prior  
 16 appointment, and for groups of  
 17 more than ten persons with a  
 18 prior appointment, a minimum of  
 19 twenty hours per week and a  
 20 minimum of five days per week,  
 21 in addition to arranged special  
 22 group tours, and. The visiting  
 23 hours and tour arrangements may  
 24 be adjusted in order to provide  
 25 access to Terrace Hill which  
 26 will best serve the public.  
 27 Terrace Hill shall be closed  
 28 during the months of January  
 29 and February except for special  
 30 tours which may be conducted  
 31 at the discretion of the  
 32 Terrace Hill site coordinator. . . . \$ 174,570 \$ 171,580"  
 33 2. Renumber as required.

Crabb of Crawford asked and received unanimous consent to withdraw amendment H—5472, to amendment H—5463, filed by him on March 12, 1980.

Crabb of Crawford offered the following amendment H—5506, to amendment H—5463, filed by him:

H—5506

1 Amend amendment H—5463 to House File 2520 as  
 2 follows:

- 3 1. By inserting after the period in line 26 the  
4 following: "The final tour in any day shall begin not  
5 earlier than 2:00 p.m."

The following amendment H—5527, to amendment H—5506 (to amendment H—5463) filed by Crabb of Crawford from the floor was adopted by unanimous consent:

H—5527

- 1 Amend amendment H—5506 to amendment H—5463  
2 to House File 2520 as follows:  
3 1. Page 1, line 4, by inserting after the word  
4 "day" the following: "when requested".

On motion by Crabb of Crawford, amendment H—5506, as amended, was adopted.

Avenson of Fayette moved that House File 2520 be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

The ayes were 31, nays 51.

The motion lost.

Spear of Lee offered the following amendment H—5525, to amendment H—5463, filed by him from the floor and moved its adoption:

H—5525

- 1 Amend amendment H—5463 to House File 2520 as  
2 follows:  
3 1. Page 1, line 26, by adding the following after  
4 the word "public": "and also cause the least  
5 inconvenience to the governor and the governor's  
6 family".

Amendment H—5525 was adopted.

Kirkenslager of Des Moines offered the following amendment H—5526, to amendment H—5463, filed by Horn of Linn and him from the floor:

H—5526

1 Amend the amendment H—5463 to House File 2520 as  
 2 follows:  
 3 1. Page 1, by inserting after line 32 the  
 4 following:  
 5 "Sec. . Acts of the Sixty-eighth General  
 6 Assembly, 1979 Session, chapter three (3), section  
 7 three (3), subsection three (3), is amended to read  
 8 as follows:  
 9 3. BUREAU OF LABOR  
 10 For salaries and sup-  
 11 port of not more than  
 12 ~~ninety-two~~ ninety-three  
 13 point twelve full-time  
 14 equivalent positions,  
 15 maintenance and miscel-  
 16 laneous purposes ..... \$1,181,330~~\$1,177,511~~  
 17 1,202,011"

Lageschulte of Bremer rose on a point of order that amendment H—5526 was not germane.

The Speaker ruled the point well taken and amendment H—5526 not germane.

Kirkenslager of Des Moines moved that the rules governing germaneness be suspended to consider and adopt amendment H—5526, to amendment H—5463.

Roll call was requested by Byerly of Polk and Chiodo of Polk.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider and adopt amendment H—5526?"

The ayes were, 37:

Avenson	Bina	Binneboese	Bruner
Byerly	Chiodo	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Loneragan	Miller
Mullins	Norland	Oxley	Pavich
Perkins	Rapp	Sherzan	Wells.
Welsh			

The nays were, 48:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Larsen
Lorenzen	Lura	Maulsby	McKean
Menke	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Weiden	Mr. Speaker (Stromer)

Absent or not voting, 15:

Anderson, R.	Arnould	Brandt	Crawford
Doyle	Harbor	Hinkhouse	Hoffmann
Lind	Millen	O'Kane	Patchett
Walter	West	Woods	

The motion lost.

On motion by Lageschulte of Bremer, amendment H—5463, as amended, was adopted.

Lageschulte of Bremer offered the following amendment H—5471 filed by him:

H—5471

- 1 Amend House File 2520 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "If a judge defers the sentence of the person who
- 5 is convicted of or pleads guilty to a violation of
- 6 section three hundred twenty-one point two hundred
- 7 eighty-one (321.281) of the Code, the judge shall
- 8 have deducted from his or her salary one percent of
- 9 the amount of the salary for each deferred sentence
- 10 given and the amount deducted shall revert to the
- 11 general fund of the state."

Schroeder of Pottawattamie rose on a point of order that amendment H—5471 was not germane.

The Speaker ruled the point well taken and amendment H—5471 not germane.

Welsh of Dubuque offered the following amendment H—5495 filed by Welsh, et al. :

H—5495

- 1 Amend House File 2520 as follows:
- 2 1. Page 2, line 2, by striking the figure
- 3 "250,000" and inserting in lieu thereof the figure
- 4 "300,000".

Lorenzen of Scott offered the following amendment H—5528, to amendment H—5495, filed by him from the floor and moved its adoption:

H—5528

- 1 Amend the amendment H—5495 to House File 2520
- 2 as follows:
- 3 1. Page 1, line 4, by striking the figure
- 4 "300,000" and inserting in lieu thereof the figure
- 5 "0".

Roll call was requested by Welsh of Dubuque and Bina of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—5528, to amendment H—5495, be adopted?"

The ayes were, 11:

Byerly	Corey	Diemer	Holt
Johnson, R.	Larsen	Lorenzen	Renken
Ritsema	Schroeder	Smalley	

The nays were, 72:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Branstad	Bruner
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Crabb
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Loneragan	Maulsby	McKean



Menke	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Rapp	Schnekloth
Sherzan	Shimanek	Shull	Spear
Swearingen	Thompson	Tyrrell	Van Maanen
Weiden	Wells	Welsh	Mr. Speaker (Stromer)

Absent or not voting, 17:

Arnould	Brandt	Crawford	Doyle
Harbor	Hoffmann	Lind	Lloyd-Jones
Lura	Millen	O'Kane	Patchett
Pope	Tofte	Walter	West
Woods			

Amendment H—5528 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott, for the remainder of the day, on request of Bina of Scott.

Welsh of Dubuque moved the adoption of amendment H—5495.

Roll call was requested by Anderson of Jasper and Welsh of Dubuque.

Rule 80 was invoked.

On the question "Shall amendment H—5495 be adopted?"

The ayes were, 34:

Anderson, R.	Bina	Binneboese	Bruner
Chiodo	Cochran	Connolly	Connors
Davitt	Dieleman	Gettings	Groth
Hall	Halvorson, R.N.	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Lloyd-Jones	Lonergan
McKean	Miller	Norland	Oxley
Pavich	Perkins	Rapp	Sherzan
Wells	Welsh		

The nays were, 49:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Corey

Crabb	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lorenzen
Maulsby	Menke	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimaneck
Shull	Smalley	Spear	Swearingen
Thompson	Tyrrell	Van Maanen	Welden
Mr. Speaker (Stromer)			

Absent or not voting, 17:

Arnould	Avenson	Brandt	Crawford
Cusack	Doyle	Harbor	Hoffmann
Lind	Lura	Millen	O'Kane
Patchett	Tofte	Walter	West
Woods			

Amendment H — 5495 lost.

(House File 2520 pending at adjournment.)

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 13, 1980 he approved and transmitted to the Secretary of State the following bills:

Senate File 468, an act relating to the forfeiture of installment real estate contracts.

Senate File 2003, an act providing that a person sentenced for a new offense while committed to the custody of the director of the Division of Adult Corrections shall serve the new sentence in the same facility in which the person is already confined.

\* Senate File 2121, an act relating to the powers of savings and loan associations.

### STUDY BILL COMMITTEE ASSIGNMENTS

#### S.B. 747 Cities

Relating to housing in cities.

**S.B. 748 Energy**

Relating to a public utility's ability to collect a portion of a rate increase subject to refund while all the rate increase is pending before the Iowa state commerce commission.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2013 (Reassigned)**

Ways and Means: Lageschulte, Chair; Lorenzen and Brandt.

**House File 2048 (Reassigned)**

Ways and Means: Lageschulte, Chair; Lorenzen and Brandt.

**House File 2065 (Reassigned)**

Ways and Means: Lageschulte, Chair; Lorenzen and Brandt.

**House File 2095 (Reassigned)**

Ways and Means: Lageschulte, Chair; Lorenzen and Brandt.

**House File 2140 (Reassigned)**

Ways and Means: Millen, Chair; Lorenzen and Brandt.

**House File 2149 (Reassigned)**

Ways and Means: Millen, Chair; Lorenzen and Brandt.

**House File 2151 (Reassigned)**

Ways and Means: Millen, Chair; Lorenzen and Brandt.

**House File 2154 (Reassigned)**

Ways and Means: Millen, Chair; Lorenzen and Brandt.

**House File 2231 (Reassigned)**

Ways and Means: Millen, Chair; Lorenzen and Brandt.

**House File 2314 (Reassigned)**

Ways and Means: Millen, Chair; Lorenzen and Brandt.

**House File 2321 (Reassigned)**

Ways and Means: Millen, Chair; Lorenzen and Brandt.

**House File 2327 (Reassigned)**

Ways and Means: Lageschulte, Chair; Lorenzen and Brandt.

**House File 2343 (Reassigned)**

Ways and Means: Lageschulte, Chair; Lorenzen and Brandt.

**House File 2483**

Ways and Means: Pope, Chair; Clark of Lee and Connolly.

**Senate File 124**

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Patchett and Corey.

**Senate File 500**

Ways and Means: West, Chair; Conlon and Hall.

**Senate File 2099**

Human Resources: Spear, Chair; Daggett and Maulsby.

**Senate File 2179**

Transportation: Schnekloth, Chair; Lageschulte and Hullinger.

**Senate File 2197**

Ways and Means: Conlon, Chair; Pavich and Connolly.

**Senate File 2234**

State Government: Hoffmann, Chair; Swearingen and Hinkhouse.

**Senate File 2235**

State Government: Crawford, Chair; Hibbs, Branstad, Arnould and Walter.

**Senate File 2237**

State Government: Anderson of Audubon, Chair; Branstad and Lloyd-Jones.

**Senate File 2238**

Agriculture: Bennett, Chair; Crabb and Husak.

**Senate File 2243**

Agriculture: Anderson of Audubon, Chair; De Groot, Husak, Bennett and Hinkhouse.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**Study Bill 517 (Reassigned)**

**Energy:** Pelton, Chair; Howell, Ritsema, Hullinger and Renken.

**Study Bill 740**

**Judiciary and Law Enforcement:** Lonergan, Chair; Johnson of Howard, Lloyd-Jones, Ritsema and Conlon.

**Study Bill 741**

**Judiciary and Law Enforcement:** Shimanek, Chair; Patchett, Ritsema, Jesse and Pelton.

**Study Bill 742**

**Judiciary and Law Enforcement:** Anderson of Audubon, Chair; Johnson of Howard and Lloyd-Jones.

**Study Bill 743**

**Agriculture:** De Groot, Chair; Van Maanen and Husak.

**Study Bill 745**

**Education:** Stromer, Chair; Menke, Horn, Thompson and Norland.

**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 JUDICIARY AND LAW ENFORCEMENT**

**Scheduled:** 10:00 a.m., March 13, 1980

**Convened:** 10:10 a.m.

**Adjourned:** 11:00 a.m.

**Present:** Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Conlon, Corey, Hibbs, Holt, Johnson of Howard, Lonergan, Maulsby, Rapp, Smalley, and Walter.

Absent: Arnould (arrived 10:20 a.m.), Clark of Cerro Gordo (arrived 10:45 a.m.), Doyle, Jesse (arrived 10:30 a.m.), Pelton (arrived 10:15 a.m.) and Welsh (arrived 10:30 a.m.).

Excused: Patchett, Ranking Member, and Lloyd-Jones (excused at 10:20 a.m.).

### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Study Bill 548**, to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more such districts are under the management and control of that board, and to authorize a one-time assessment on land in such districts for the purpose of establishing the fund.

**Recommended Do Pass.**

**Study Bill 743**, relating to the exemption of temporary food service establishments from inspections.

**Recommended Do Pass.**

#### COMMITTEE ON ENERGY

**Study Bill 517**, relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies.

**Recommended Amend and Do Pass.**

**Study Bill 719**, relating to the purchase of energy efficient products by the state.

**Recommend Amend and Do Pass.**

**Study Bill 748**, relating to a public utility's ability to collect a portion of a rate increase subject to refund while all the rate increase is pending before the Iowa state commerce commission.

**Recommended Amend and Do Pass.**

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Committee Bill** (Formerly House File 2216, as amended), a bill for an act relating to the payment of costs in a civil action brought by the state.

**Recommend Do Pass.**

Fiscal note is required.

**Study Bill 121 (Revised)**, making procedure in discretionary reviews, criminal appeals, and post-conviction relief appeals, and post-conviction relief appeals consistent with the rules of appellate procedure.

**Recommended Do Pass.**

Fiscal note is not required.

**Study Bill 740**, relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

**Recommended Amend and Do Pass.**

Fiscal note is not required.

**Study Bill 741**, making technical amendments to the rules on hospitalization of the mentally ill.

**Recommended Do Pass.**

Fiscal note is not required.

**COMMITTEE ON STATE GOVERNMENT**

**Committee Bill** (Formerly House File 2026, as amended), a bill for an act relating to the disposition of conviction and disposition data to criminal justice agencies.

**Recommended Do Pass.**

Fiscal note is required.

**AMENDMENTS FILED**

H—5524	H.F. 2520	Davitt of Warren
H—5529	S.F. 2090	Norland of Worth
H—5530	H.F. 2305	Spear of Lee
H—5531	H.F. 2514	Diemer of Black Hawk
H—5532	H.F. 398	Rapp of Black Hawk
H—5533	H.F. 2496	Spear of Lee
H—5534	H.F. 2520	Kirkenslager of Des Moines
		Horn of Linn
H—5535	H.F. 2527	Rapp of Black Hawk
		Clark of Cerro Gordo

On motion by Halvorson of Clayton, the House adjourned at 12:50 p.m., until 10:00 a.m., Monday, March 17, 1980.

# JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day — Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 17, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend M. L. Jacobson, pastor of the Nazareth Lutheran Church, Cedar Falls.

The Journal of Friday, March 14, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lorenzen of Scott on request of Conlon of Muscatine; Johnson of Linn on request of Maulsby of Calhoun; Renken of Grundy, for a portion of the morning session, on request of Johnson of Howard; Woods of Polk on request of Horn of Linn.

## PETITION FILED

The following petition was received and placed on file:

By Anderson of Jasper, from one hundred fifty-four constituents of the 69th district favoring House File 181, an act to permit pari-mutuel betting in Iowa.

## INTRODUCTION OF BILLS

**House File 2552**, by committee on judiciary and law enforcement, a bill for an act making technical amendments to the rules on hospitalization of the mentally ill.

**Read first time and placed on the calendar.**

**House File 2553**, by committee on agriculture, a bill for an act relating to the exemption of temporary food service establishments from inspections.

**Read first time and placed on the calendar.**



**House File 2554**, by committee on ways and means, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child.

Read first time and **placed on the ways and means calendar**.

**House File 2555**, by committee on judiciary and law enforcement, a bill for an act making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals and civil appeals more uniform and consistent.

Read first time and **placed on the calendar**.

**House File 2556**, by committee on state government, a bill for an act relating to the disposition of conviction and disposition data to criminal justice agencies.

Read first time and **placed on the calendar**.

**House File 2557**, by committee on judiciary and law enforcement, a bill for an act relating to the payment of costs in certain civil actions to which the state is a party.

Read first time and referred to committee on **appropriations**.

**House File 2558**, by committee on natural resources, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy.

Read first time and **placed on the calendar**.

**House File 2559**, by committee on energy, a bill for an act relating to the purchase of energy efficient products by the state.

Read first time and **placed on the calendar**.

**House File 2560**, by committee on judiciary and law enforcement, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

Read first time and **placed on the calendar**.

**House File 2561**, by committee on agriculture, a bill for an act relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources.

Read first time and **placed on the calendar**.

**House File 2562**, by committee on judiciary and law enforcement, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

Read first time and **placed on the calendar**.

**House File 2563**, by committee on education, a bill for an act relating to the officers of school boards.

Read first time and **placed on the calendar**.

**House File 2564**, by committee on state government, a bill for an act to require annual reporting by nonprofit organizations and providing penalties.

Read first time and **placed on the calendar**.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 715, a bill for an act relating to the information to be furnished a jury commission for use in drawing jury lists.

Also: That the Senate has on March 13, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2275, a bill for an act to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year.

Also: That the Senate has on March 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2105, a bill for an act relating to trapping restrictions.

Also: That the Senate has on March 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2229, a bill for an act establishing the office of state appellate defender.

Also: That the Senate has on March 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue.

Also: That the Senate has on March 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2268, a bill for an act to make consistent Code provisions relating to limitation of actions against cities and municipalities.

Also: That the Senate has on March 13, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2272, a bill for an act relating to the movement of vehicles of excessive size and weight.

FRANK J. STORK, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 108**, by Briles, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy.

Read first time and referred to committee on **ways and means**.

**Senate File 2105**, by Ramsey, Rodgers, Waldstein, Van Gilst, Briles, Baugher, Junkins, Hulse and Slater, a bill for an act relating to trapping restrictions.

Read first time and referred to committee on **natural resources**.

**Senate File 2229**, by committee on judiciary, a bill for an act establishing the office of state appellate defender.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2264**, by committee on ways and means, a bill for an act relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue.

Read first time and referred to committee on **ways and means**.

**Senate File 2268**, by committee on judiciary, a bill for an act to make consistent Code provisions relating to limitation of actions against cities and municipalities.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2272**, by committee on transportation, a bill for an act relating to the movement of vehicles of excessive size and weight.

Read first time and referred to committee on **transportation**.

### QUORUM CALL

Roll call was requested by Halvorson of Webster and Johnson of Howard to determine that a quorum was present.

Present, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Clark, B.J.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellet
Pelton	Perkins	Poffenberger	Pope
Rapp	Ritsema	Schnekloth	Schroeder

Sherzan	ShimaneK	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Mr. Speaker			

Absent, 15:

Brandt	Byerly	Chiodo	Clark, J.H.
Egenes	Hoffmann	Jesse	Jochum
Johnson, R.	Lonerган	Lorenzen	Lura
Patchett	Renken	Woods	

The House stood at ease at 10:18 a.m., until the fall of the gavel.

The House resumed session at 12:08 p.m., Speaker Harbor in the chair.

On motion by Halvorson of Clayton, the House was recessed at 12:10 p.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee on request of Halvorson of Clayton; Egenes of Story on request of Crawford of Story.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2043, a bill for an act relating to the supervision of construction and maintenance work on secondary roads.

FRANK J. STORK, Secretary

### QUORUM CALL

Roll call was requested by Halvorson of Webster and Jay of Appanoose to determine that a quorum was present.

Present, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	Welsh	West
Mr. Speaker			

Absent, 11:

Clark, J.H.	Cochran	Davitt	Egenes
Hoffmann	Jesse	Johnson, R.	Lorenzen
Rapp	Welden	Woods	

### HOUSE CONCURRENT RESOLUTION 118

By McKean, Daggett, Hansen of O'Brien, Jochum, Holt, Bruner, Lloyd-Jones, Clark of Cerro Gordo, Van Maanen, De Groot, Brandt, Halvorson of Webster, Shimanek, Spear and Cusack

- 1 *Whereas*, the security of the state correctional
- 2 institutions is directly affected by the quality and
- 3 experience of personnel serving the institutions; and
- 4 *Whereas*, current job classifications, salaries, and
- 5 retirement benefits for correctional personnel, includ-
- 6 ing correctional officers and other employees of cor-
- 7 rectional institutions, have not alleviated the problems

8 of high personnel turnover and substantial training  
 9 costs and the consequential security risks which exist  
 10 when inexperienced and untrained personnel are responsible  
 11 for the security of the correctional institutions; and

12 *Whereas*, it is essential that the Iowa merit employ-  
 13 ment commission in cooperation with the division of  
 14 adult corrections of the department of social services  
 15 address and study these critical issues immediately; *Now*  
 16 *Therefore*,

17 *Be It Resolved by the House of Representatives, the*  
 18 *Senate Concurring*, That the Iowa merit employment commission  
 19 be directed to complete a study of the current job  
 20 classifications, salaries, and retirement benefits for  
 21 correctional personnel and consider the establishment of  
 22 separate classifications within the state merit system for  
 23 employees of correction institutions and submit to the  
 24 legislative council by December 1, 1980 a recommended  
 25 reclassification system and salary and benefit adjustment  
 26 for correctional personnel.

Laid over under Rule 30.

The House stood at ease at 4:13 p.m., until the fall of the gavel.

The House resumed session at 4:36 p.m., Speaker Harbor in the chair.

### BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2520**, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapters two (2) and three (3), relating to appropriations to various executive, legislative and judicial departments and agencies for the fiscal year beginning July 1, 1980 and providing an additional appropriation.

Bruner of Story offered the following amendment H—5501 filed by him and Anderson of Jasper and moved its adoption:

H—5501

- 1 Amend House File 2520, page 2, by inserting
- 2 after line 24 the following:
- 3 "Sec. Acts of the Sixty-eighth General
- 4 Assembly, 1979 Session, chapter three (3), section
- 5 ten (10), subsection one (1), paragraph d, is amended
- 6 to read as follows:
- 7 "d. BUILDINGS AND GROUNDS

8	For salaries and sup-	
9	port of not more than two	
10	hundred twelve full-time	
11	equivalent positions, and,	
12	<u>by the end of fiscal 1981</u>	
13	<u>through attrition and not</u>	
14	<u>filling vacancies not more</u>	
15	<u>than two hundred full-time</u>	
16	<u>equivalent positions, main-</u>	
17	<u>tenance and miscellaneous</u>	
18	purposes.....\$2,770,024	\$2,775,665
19		\$2,709,665

Roll call was requested by Avenson of Fayette and Anderson of Jasper.

Rule 80 was invoked.

On the question "Shall amendment H—5501 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Sherzan	Spear	Walter	Wells
Welsh			

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Holt	Hummel	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stroimer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker	



Absent or not voting, 8:

Clark, J.H.	Egenes	Hoffmann	Jesse
Johnson, R.	Lorenzen	Rapp	Woods

Amendment H—5501 lost.

Kirkenslager of Des Moines offered the following amendment H—5534 filed by him and Horn of Linn:

H—5534

1 Amend House File 2520 as follows:  
 2 1. Page 3, by inserting after line 14 the following:  
 3 "Sec. Acts of the Sixty-eighth General Assembly,  
 4 1979 Session, chapter three (3), section three (3), subsection  
 5 three (3), is amended to read as follows:  
 6 3: BUREAU OF LABOR  
 7 For Salaries and sup-  
 8 port of not more than  
 9 ~~ninety-two ninety-three~~  
 10 point twelve full-time  
 11 equivalent positions,  
 12 maintenance and miscel-  
 13 laneous purposes.....\$1,181,330 ~~\$1,177,511~~  
 14 1,202,011"

Horn of Linn offered the following amendment H—5547 to amendment H—5534, filed by him from the floor and moved its adoption:

H—5547

1 Amend the amendment H—5534 to House File 2520 as  
 2 follows:  
 3 1. Page 1, line 14, by striking the figure  
 4 "1,202,011" and inserting in lieu thereof the figure  
 5 "1,198,511".

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 43, nays 48.

Amendment H—5547 lost.

Lageschulte of Bremer rose on a point of order that amendment H—5534 was subject matter previously considered and, therefore, out of order.

The Speaker ruled the point well taken and amendment H—5534 out of order.

Davitt of Warren offered the following amendment H—5500 filed by him:

H—5500

- 1 Amend House File 2520 as follows:
- 2 1. Page 3, by inserting after line 20 the
- 3 following:
- 4 "Sec. . Section three hundred eighty-seven
- 5 point three (387.3), subsection one (1) is amended
- 6 to read as follows:
- 7 1. A sponsor from a city of less than twenty-
- 8 five hundred population by the last available federal
- 9 census or a homeowners' association in an unincor-
- 10 porated area may apply to the committee for a grant
- 11 for a community development project. The application
- 12 must be sponsored by the city government or by an
- 13 organization representing a broad cross-section of
- 14 the community."

Davitt of Warren offered the following amendment H—5524, to amendment H—5500, filed by him and moved its adoption:

H—5524

- 1 Amend amendment H—5500 to House File 2520 as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "association" the words "organized as a nonprofit
- 5 corporation".

A non-record roll call was requested.

The ayes were 41, nays 47.

Amendment H—5524 lost.

Welden of Hardin rose on a point of order that amendment H—5500 was not germane.

The Speaker ruled the point well taken and amendment H—5500 not germane.

Davitt of Warren moved that the rules governing germaneness be suspended to consider and adopt amendment H—5500.

Roll call was requested by Davitt of Warren and Anderson of Jasper.

On the question "Shall the rules be suspended to consider and adopt amendment H—5500?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Sherzan	Walter	Wells	Welsh

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Holt	Hummel	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimaneck
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 9:

Clark, J.H.	Egenes	Hoffmann	Jesse
Johnson, R.	Lorenzen	Rapp	West
Woods			

The motion lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Perkins of Greene, for the remainder of the day, on request of Brandt of Black Hawk.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2520).

The ayes were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

The nays were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Sherzan
Spear	Walter	Wells	Welsh

Absent or not voting, 8:

Clark, J.H.  
Lorenzen

Egenes  
Perkins

Jesse  
Rapp

Johnson, R.  
Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTION TO RECONSIDER TABLED

Welden of Hardin moved to reconsider the vote by which House File 2520 passed the House on March 17, 1980 and to table the motion to reconsider.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 51, nays 40.

The motion prevailed.

### REFERRED TO COMMITTEE ON WAYS AND MEANS (Senate File 2247)

The Speaker announced that Senate File 2247, previously passed on file, was referred to the committee on ways and means.

### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

- 1980-27     Algona High School Wrestlers
- 1980-28     City of Emmetsburg
- 1980-29     Bettendorf Bulldogs' Girls' Basketball Team
- 1980-30     Covenant Singers

DAVID L. WRAY  
Chief Clerk of the House

## AMENDMENTS FILED

H-5536	H.F. 2525	Shimanek of Jones Conlon of Muscatine Smalley of Polk
H-5537	H.F. 2532	Lloyd-Jones of Johnson Davitt of Warren
H-5538	H.F. 2537	Bruner of Story Pope of Polk
H-5539	H.F. 2518	Dieleman of Marion
H-5540	H.F. 2513	Gettings of Wapello
H-5541	H.F. 2560	Shimanek of Jones
H-5542	H.F. 398	O'Kane of Woodbury Doyle of Woodbury
H-5543	H.F. 398	Doyle of Woodbury O'Kane of Woodbury
H-5544	H.F. 398	Doyle of Woodbury O'Kane of Woodbury
H-5545	H.F. 398	O'Kane of Woodbury Doyle of Woodbury
H-5546	H.F. 2559	Howell of Floyd
H-5548	H.F. 2560	Danker of Pottawattamie Anderson of Audubon Shimanek of Jones
H-5549	H.F. 2535	Tyrrell of Iowa Hibbs of Johnson Ritsema of Sioux Diemer of Black Hawk Branstad of Winnebago Danker of Pottawattamie
		Johnson of Howard
H-5550	S.F. 2090	Norland of Worth
H-5551	H.F. 398	Conlon of Muscatine
H-5552	H.F. 2524	Byerly of Polk
H-5553	H.F. 398	Spear of Lee

On motion by Halvorson of Clayton, the House adjourned at 6:20 p.m., until 9:00 a.m., Tuesday, March 18, 1980.

# JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day – Forty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 18, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend John C. Frey, pastor of the Central Reformed Church, Oskaloosa.

The Journal of Monday, March 17, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, Denison.

## PETITION FILED

The following petition was received and placed on file:

By Welden of Hardin, from one hundred two constituents of district 10 favoring House File 2509, an act to allow certain school districts to raise an additional school district amount following approval at an election.

## INTRODUCTION OF BILL

**House File 2565**, by committee on energy, a bill for an act relating to a public utility's ability to collect a portion of a rate increase subject to refund while all the rate increase is pending before the Iowa state commerce commission.

Read first time and placed on the calendar.

## SENATE MESSAGE CONSIDERED

**Senate File 2043**, by Priebe, a bill for an act relating to the supervision of construction and maintenance work on secondary roads.

Read first time and referred to committee on transportation.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 79, a bill for an act to allow members of the office of citizens' aide to become notary publics.

Also: That the Senate has on March 14, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2470, a bill for an act updating references to the Internal Revenue Code for purposes of computing individual and corporate income taxes and franchise taxes and making the Act retroactive.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2285, a bill for an act to repeal the state residency requirement for employees of the department of social services.

FRANK J. STORK, Secretary

## UNANIMOUS CONSENT

Connors of Polk asked and received unanimous consent for the committee on labor and industrial relations committee meeting.

On motion by Halvorson of Clayton, the House was recessed at 9:15 a.m., until 1:30 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norland of Worth, for the afternoon session, on request of Avenson of Fayette; Menke of O'Brien, for a portion of the afternoon session, on request of Johnson of Woodbury; Lloyd-Jones of Johnson, for the afternoon session, on request of Arnould of Scott; Woods of Polk, for the afternoon session and March 19, on request of Chiodo of Polk.



## PRESENTATION OF VISITORS

Husak of Tama presented to the House the Honorable Russell Wyckoff, former member of the House representing Benton County.

The Speaker announced that the following visitors were present in the House chamber:

One hundred four seventh and eighth grade students from Greenfield Junior High School, Greenfield. By Davitt of Warren.

Thirty-three seniors from Highland Community High School, Riverside, accompanied by Chris Samuelson. By Swearingen of Keokuk.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

## POINT OF ORDER

Byerly of Polk rose on a point of order regarding the committee on labor and industrial relations meeting and invoked House Rule 54, which prohibits a committee to sit while the House is in session.

The Speaker ruled the point not well taken inasmuch as the committee on labor and industrial relations was not presently sitting.

The House stood, at ease at 1:58 p.m., until the fall of the gavel.

The House resumed session at 2:07 p.m., Speaker Harbor in the chair.

## CONSIDERATION OF BILLS Regular Calendar

**House File 2496**, a bill for an act providing an exemption of individuals who make baked goods or confectionary items from licensing and inspection when receipts are less than two thousand dollars in one year, was taken up for consideration.

Spear of Lee offered the following amendment H—5533 filed by him and moved its adoption:

H—5533

- 1 Amend House File 2496 as follows:
- 2 1. Page 1, by striking lines 9 and 10.

Amendment H—5533 was adopted.

Van Maanen of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2496)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lonergan	Lorenzen
Lura	Maulsby	McKean	Millen
Miller	Mullins	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherman
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Wells
Welsh	West	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Brandt	Branstad	Jesse	Lloyd-Jones
Menke	Norland	Patchett	Welden
Woods			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2305**, a bill for an act to allow county conservation boards to exchange property, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5530 filed by him and moved its adoption:

H—5530

- 1 Amend House File 2305 as follows:
- 2 1. Page 2, by striking lines 9 and 10.

Amendment H—5530 was adopted.

Diemer 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. 2305)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Cannolly	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lonergan
Lorenzen	Lura	Maulsby	McKean
Millen	Miller	Mullins	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Corey  
Norland

Jesse  
Patchett

Lloyd-Jones  
Thompson

Menke  
Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2516**, a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children, was taken up for consideration.

Conlon of Muscatine offered the following amendment H—5496 filed by him and moved its adoption:

H—5496

1 Amend House File 2516 as follows:  
2 1. By striking Page 1, line 35 through Page 2,  
3 line 4 and inserting in lieu thereof the following:  
4 "requesting additional testing. Verified documen-  
5 tation of the chain of custody of the blood  
6 specimens is competent evidence to establish the  
7 chain of custody. A verified expert's report shall  
8 be admitted at trial unless a challenge to the  
9 testing procedures or the results of blood  
10 analysis has been made before trial. All costs  
11 shall".

Amendment H—5496 was adopted.

Tyrrell of Iowa offered the following amendment H—5510 filed by him and Danker of Pottawattamie:

H—5510

1 Amend House File 2516 as follows:  
2 1. Page 2, by inserting after line 6 the following:  
3 "Sec. . Section two hundred thirty-nine point  
4 two (239.2), Code 1979, is amended by adding the  
5 following new subsection:  
6 **NEW SUBSECTION.** Under no circumstances shall  
7 assistance be granted under this chapter to a pregnant  
8 woman by reason of her unborn child, or to any other  
9 person on behalf of an unborn child. This subsection  
10 shall not affect a grant of assistance made on behalf  
11 of a needy child or children to a woman who is the  
12 mother of or who has custody of those children, but  
13 the grant shall not be increased by reason of the

- 14 pregnancy of that woman at any time before the child  
 15 is born."  
 16 2. Title, line 3, by inserting after the word  
 17 "children" the words ", and prohibiting aid to  
 18 dependent children payments by reason of or on behalf  
 19 of an unborn child".

Shimanek of Jones rose on a point of order that amendment H—5510 was not germane.

The Speaker ruled the point well taken and amendment H—5510 not germane.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—5509 filed by him on March 13, 1980.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2516)

The ayes were, 87:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Crabb	Crawford	Cusack	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lonergan
Lorenzen	Lura	Maulsby	McKean
Millen	Miller	Mullins	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Mr. Speaker	

The nays were, 3:

Krewson	Poffenberger	Pope
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Absent or not voting, 10:

Anderson, R.	Chiodo	Corey	Daggett
Jesse	Lloyd-Jones	Menke	Norland
Tofte	Woods		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2191 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 2191 from further consideration by the House.

**House File 2513**, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties, was taken up for consideration.

Gettings of Wapello offered amendment H—5540 filed by him.

Division was requested as follows:

H—5540

1 Amend House File 2513 as follows:

H—5540A

- 2 1. Page 1, line 31, by striking the word "ten"
- 3 and inserting in lieu thereof the word "forty".
- 4 2. Page 4, line 5, by striking the word "ten"
- 5 and inserting in lieu thereof the word "forty".
- 6 3. Page 4, line 7, by striking the word "ten"
- 7 and inserting in lieu thereof the word "forty".
- 8 4. Page 4, line 12, by striking the word "ten"
- 9 and inserting in lieu thereof the word "forty".
- 10 5. Page 4, line 18, by striking the word "ten"
- 11 and inserting in lieu thereof the word "forty".
- 12 6. Page 4, line 25, by striking the word "ten"
- 13 and inserting in lieu thereof the word "forty".
- 14 7. Page 4, line 32, by striking the word "ten"
- 15 and inserting in lieu thereof the word "forty".
- 16 8. Page 5, line 4, by striking the word "ten"
- 17 and inserting in lieu thereof the word "forty".
- 18 9. Page 5, line 10, by striking the word "ten"

- 19 and inserting in lieu thereof the word "forty".  
20 10. Page 5, line 15, by striking the word "ten"  
21 and inserting in lieu thereof the word "forty".  
22 11. Page 5, line 21, by striking the word "ten"  
23 and inserting in lieu thereof the word "forty".  
24 12. Page 6, line 2, by striking the word "ten"  
25 and inserting in lieu thereof the word "forty".  
26 13. Page 6, line 6, by striking the word "ten"  
27 and inserting in lieu thereof the word "forty".  
28 14. Page 6, line 9, by striking the word "ten"  
29 and inserting in lieu thereof the word "forty".  
30 15. Page 6, line 15, by striking the word "ten"  
31 and inserting in lieu thereof the word "forty".

## H-5540B

- 32 16. Page 6, line 32, by striking the word "two  
33 million dollars or two percent" and inserting in lieu  
34 thereof the words "eight million dollars or eight  
35 percent".  
36 17. Page 6, line 34, by striking the words "one-  
37 fourth of".  
38 18. Page 7, lines 2 and 3, by striking the words  
39 "two million dollars or two percent" and inserting  
40 in lieu thereof the words "eight million dollars or  
41 eight percent".

## H-5540A

- 42 19. Page 7, line 6, by striking the word "ten"  
43 and inserting in lieu thereof the word "forty".

## H-5540B

- 44 20. Page 7, line 15, by striking the words "two  
45 million dollars or two percent" and inserting in lieu  
46 thereof the words "eight million dollars or eight  
47 percent".

## H-5540A

- 48 21. Page 8, line 12, by striking the word "ten"  
49 and inserting in lieu thereof the word "forty".  
50 22. Page 13, line 8, by striking the word "ten"

**Page 2**

- 1 and inserting in lieu thereof the word "forty".

On motion by Gettings of Wapello, amendment H-5540A lost.

On motion by Gettings of Wapello, amendment H—5540B lost.

Welsh of Dubuque asked for unanimous consent to suspend House Rule 36.8 for the consideration of amendment H—5561 filed by him from the floor.

Objection was raised.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2513)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lonerган	Lorenzen	Lura	Maulsby
McKean	Millen	Miller	Mullins
O'Kane	Oxley	Pavich	Pellett
Pelton	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklath	Schroeder
Sherzan	Shimanek	Shuil	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Jesse	Lloyd-Jones	Menke	Norland
Patchett	Perkins	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 2513)

Conlon of Muscatine asked and received unanimous consent that House File 2513 be immediately messaged to the Senate.

**MOTION TO RECONSIDER TABLED**  
(House File 731)

Ritsema of Sioux called up for consideration the motion to reconsider House File 731, filed on March 12, and moved to reconsider the vote by which House File 731, a bill for an act amending section five hundred thirty-seven point five thousand one hundred ten (537.5110) of the Code by amending subsection two (2) of that section to authorize a creditor to commence attachment proceedings prior to giving a notice of right to cure, passed the House on March 12, 1980 and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 54, nays 89.

The motion prevailed, placing out of order the motion to reconsider filed by Rapp of Black Hawk on March 12, 1980.

**Appropriations Calendar**

**House File 2524**, a bill for an act supplementing and amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), relating to appropriations from the general fund of the state beginning July 1, 1980 for various operations and grants to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy use and conservation and natural resource management and research, was taken up for consideration.

Davitt of Warren offered the following amendment H-5489 filed by him:

H-5489

- 1 Amend House File 2524 as follows:
- 2 1. Page 1, line 19, by striking the numerals

- 3 "\$200,000" and inserting in lieu thereof the  
4 numerals "\$237,000".

The House stood at ease at 2:56 p.m., until the fall of the gavel.

The House resumed session at 3:55 p.m., Speaker Harbor in the chair.

Howell of Floyd offered amendment H—5563, to amendment H—5489, filed by him from the floor.

Division was requested as follows:

H—5563

- 1 Amend amendment H—5489 to House File 2524 as  
2 follows:

H—5563A

- 3 1. Page 1, by striking lines 3 and 4 and  
4 inserting in lieu thereof the numeral "\$200,000".

H—5563B

- 5 2. Page 1, by inserting after line 4 the  
6 following:  
7 "2. Page 4, by striking line 30 and inserting  
8 in lieu thereof the words "the amount of two  
9 million three hundred thousand (2,300,000)"."

On motion by Howell of Floyd, amendment H—5563A lost.

Howell of Floyd asked and received unanimous consent to withdraw amendment H—5563B.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hinkhouse of Cedar, for the remainder of the day, on request of Perkins of Greene.

Speaker pro tempore Stromer of Hancock in the chair at 4:14 p.m.

Avenson of Fayette moved that House File 2524 be rereferred to the committee on appropriations.

Roll call was requested by Avenson of Fayette and Davitt of Warren.

Rule 80 was invoked.

On the question "Shall House File 2524 be rereferred to the committee on appropriations?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Horn	Howell	Hullinger	Husak
Jay	Jochum	Lonerган	Miller
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsch	

The nays were, 55:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Mullins
Pellet	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimaneck	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker (Stromer)	

Absent or not voting, 6:

Hinkhouse	Jesse	Lloyd-Jones	Millen
Norland	Woods		

The motion lost.

On motion by Davitt of Warren, amendment H-5489 lost.

Perkins of Greene offered the following amendment H—5485 filed by him and Tofte of Winneshiek and moved its adoption:

H—5485

- 1 Amend House File 2524 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following: "The Iowa development commission shall
- 4 study the feasibility of funding any overseas offices
- 5 by assessing and collecting a fee from the businesses
- 6 of this state who use the office. The development
- 7 commission shall report the results of its study to
- 8 the general assembly by January 12, 1981."

Roll call was requested by Welsh of Dubuque and Perkins of Greene.

Rule 80 was invoked.

On the question "Shall amendment H—5485 be adopted?"

The ayes were, 80:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Gettings
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hoffmann
Holt	Horn	Howell	Hullinger
Husak	Jay	Jochum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Lorenzen	Maulsby
McKean	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Perkins	Poffenberger	Rapp	Ritsema
Schneklath	Sherzan	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Mr. Speaker (Stromer)

The nays were, 15:

Chiodo	Clark, J.H.	Egenes	Hummel
Johnson, J.	Johnson, R.	Larsen	Lura

Menke  
Renken

Mullins  
Schroeder

Pelton  
Shimanek

Pope

Absent or not voting, 5:

Groth  
Woods

Hinkhouse

Jesse

Millen

**Amendment H—5485 was adopted.**

**Bruner of Story offered the following amendment H—5484 filed by him and Anderson of Jasper:**

**H—5484**

- 1 Amend House File 2524, page 2, by inserting
- 2 after line 35 the following:
- 3 "Sec. Acts of the Sixty-eighth General
- 4 Assembly, 1979 Session, chapter twelve (12), section
- 5 fourteen (14), subsection one (1), is amended to
- 6 read as follows:
- 7 "1. For salaries, sup-
- 8 port and maintenance of
- 9 not more than one hundred
- 10 eighty-six full-time equi-
- 11 valent positions and by
- 12 June 30, 1981 not more
- 13 than one hundred eighty-
- 14 four full-time equiva-
- 15 lent positions and for
- 16 miscellaneous purposes ... \$2,206,852      ~~\$2,213,998~~
- 17    \$2,183,998

Tofte of Winneshiek rose on a point of order that amendment H—5484 was not germane.

The Speaker ruled the point well taken and amendment H—5484 not germane.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Millen of Van Buren, for the remainder of the day, on request of Danker of Pottawattamie.

Bruner of Story moved that the rules governing germaneness be suspended to consider and adopt amendment H—5484.

A non-record roll call was requested.

The ayes were 38, nays 53.

The motion lost.

Cochran of Webster offered the following amendment H—5492 filed by Cochran, et al., and moved its adoption:

H—5492

- 1 Amend House File 2524 as follows:
- 2 1. Page 3, line 25, by striking the words
- 3 "seventy-eight" and inserting in lieu thereof the
- 4 words "eighty-three".
- 5 2. Page 3, line 31, by striking the numerals
- 6 "2,649,476" and inserting in lieu thereof the
- 7 numerals "2,738,876".
- 8 3. Page 3, line 35, by striking the word "five"
- 9 and inserting in lieu thereof the word "ten".

Roll call was requested by Cochran of Webster and Doyle of Woodbury.

On the question "Shall amendment H—5492 be adopted?"

The ayes were, 33:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Cochran
Connolly	Connors	Davitt	Doyle
Groth	Hall	Halvorson, R.N.	Horn
Howell	Hullinger	Husak	Jay
Jochum	Lonergan	Miller	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Walter	Wells
Welsh			

The nays were, 61:

Anderson, J.	Bennett	Brandt	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Gettings	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lorenzen

Lura	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Weiden	West
Mr. Speaker (Stromer)			

Absent or not voting, 6:

Chiodo	Hinkhouse	Jesse	Millen
Norland	Woods		

Amendment H — 5492 lost.

Cochran of Webster asked and received unanimous consent to withdraw amendment H — 5494 filed by Hinkhouse, et al., on March 12, 1980.

Perkins of Greene offered amendment H — 5488 filed by Perkins, et al., and requested division as follows:

H — 5488

1 Amend House File 2524 as follows:

H — 5488A

2 1. Page 4, line 30, by striking the words  
3 "one hundred thousand (2,100,000)" and inserting in  
4 lieu thereof the words "three hundred thousand  
5 (2,300,000)".

H — 5488B

6 2. Page 5, line 4, by inserting after the word  
7 "farms" the words ", except that not more than  
8 five percent of the amount appropriated in this  
9 section may be used for compensation of production  
10 losses due to summer construction of permanent  
11 soil and water conservation practices".

Perkins of Greene asked and received unanimous consent to withdraw amendment H — 5488A.

Perkins of Greene moved the adoption of amendment H—5488B.

A non-record roll call was requested.

The ayes were 38, nays 54.

Amendment H—5488B lost.

Cochran of Webster offered the following amendment H—5467 filed by him and moved its adoption:

H—5467

- 1 Amend House File 2524 as follows:
- 2 1. Page 5, line 1, by inserting after the word
- 3 "permanent" the words "or temporary".

A non-record roll call was requested.

The ayes were 37, nays 53.

Amendment H—5467 lost.

Jay of Appanoose offered the following amendment H—5493 filed by him and Davitt of Warren and moved its adoption:

H—5493

- 1 Amend House File 2524 as follows:
- 2 1. Page 5, by inserting after line 4 the following:
- 3 "Sec. 12. There is appropriated from the general
- 4 fund of the state to the department of agriculture
- 5 for the fiscal year beginning July 1, 1980 and ending
- 6 June 30, 1981 the sum of twenty thousand (20,000)
- 7 dollars, or so much thereof as may be necessary, for
- 8 the grain dryer testing program established by this
- 9 section. The department shall establish standards
- 10 for the fuel efficiency and quality of grain after
- 11 drying of grain dryers. The department shall test
- 12 the various types of grain dryers and certify whether
- 13 the dryer meets the standards for fuel efficiency
- 14 and grain quality. The department shall publish and
- 15 make available a pamphlet showing the results of the
- 16 grain dryer tests."

A non-record roll call was requested.

The ayes were 34, nays 54.



**Amendment H—5493 lost.**

Davitt of Warren offered the following amendment H—5499 filed by him and moved its adoption:

H—5499

- 1 Amend House File 2524 as follows:
- 2 1. Page 5, by inserting after line 4 the
- 3 following:
- 4 "Sec. . There is appropriated from the
- 5 general fund of the state to the Iowa state
- 6 university of science and technology for the
- 7 fiscal year beginning July 1, 1980 and ending
- 8 June 30, 1981 the amount of one hundred thousand
- 9 (100,000) dollars, or so much thereof as may be
- 10 necessary, for use by the energy and minerals
- 11 research institute for research and development of
- 12 alcohol production processes based on absorption
- 13 technology."

Roll call was requested by Davitt of Warren and Rapp of Black Hawk.

On the question "Shall amendment H—5499 be adopted?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Crawford	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Horn	Howell	Hullinger
Jay	Jochum	Lonergan	Menke
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Rapp	Sherzan
Walter	Wells	Welsh	

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	Lura
Maulsby	McKean	Mullins	Pellett

Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Shimaneck	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Stromer)		

Absent or not voting, 7:

Hinkhouse	Husak	Jesse	Millen
Perkins	Schroeder	Woods	

Amendment H—5499 lost.

Byerly of Polk offered the following amendment H—5552 filed by him and raised the point of order as to whether or not amendment H—5552 was germane:

H—5552

- 1 Amend House File 2524 as follows:
- 2 1. On Page 5, by inserting after line 4, the
- 3 following:
- 4 "Sec. The additional full time equivalent
- 5 positions authorized in this Act shall not be
- 6 filled until a minimum of a two-percent increase
- 7 in salaries, in addition to the increase provided
- 8 for in the Acts of the Sixty-eighth General
- 9 Assembly, 1979 session, chapter two (2), is
- 10 provided for state employees for the fiscal year
- 11 beginning July 1, 1980 and ending June 30, 1981.

The Speaker ruled the point well taken and amendment H—5552 not germane.

Chiodo of Polk moved that the rules governing germaneness be suspended to consider and adopt amendment H—5552.

Roll call was requested by Crabb of Crawford and Danker of Pottawattamie.

On the question "Shall the rules be suspended to consider and adopt amendment H—5552?"

The ayes were, 38:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors

Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Horn
Howell	Hullinger	Jay	Jochum
Lloyd-Jones	Loneragan	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Rapp	Sherzan	Spears	Walter
Wells	Welsh		

The nays were, 55:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Swearingen	Thompson	Tofte	Van Maanen
Welden	West	Mr. Speaker (Stromer)	

Absent or not voting, 7:

Hinkhouse	Husak	Jesse	Millen
Perkins	Tyrrell	Woods	

The motion lost.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2524)

The ayes were, 57:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Gettings	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager

Krewson	Lageschulte	Larsen	Lind
Lorenzen	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker (Stromer)			

The nays were, 37:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Groth	Hall	Horn	Howell
Hullinger	Jay	Jochum	Lloyd-Jones
Lonergan	Lura	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Walter	Wells
Welsh			

Absent or not voting, 6:

Hinkhouse	Husak	Jesse	Millen
Patchett	Woods		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTIONS TO RECONSIDER (House File 2524)

I move to reconsider the vote by which House File 2524 passed the House on March 18, 1980.

TOFTE of Winneshiek

(House File 2524)

I move to reconsider the vote by which House File 2524 passed the House on March 18, 1980.

WELDEN of Hardin

(House File 2524)

I move to reconsider the vote by which House File 2524 passed the House on March 18, 1980.

TYRRELL of Iowa

UNANIMOUS CONSENT CALENDAR  
(House Concurrent Resolution 118)

We respectfully request that House Concurrent Resolution 118, filed on March 17, 1980 and found on page 964 of the House Journal, be placed on the unanimous consent calendar.

McKEAN of Jones  
DAGGETT of Taylor  
JOCHUM of Dubuque

PRESENTATION OF VISITOR

Johnson of Woodbury presented to the House the Honorable Louis A. Peterson, former member of the House representing Woodbury County.

HOUSE CONCURRENT RESOLUTION 119

By Egenes, Davitt, Pellett, Lageschulte, Anderson of Audubon and Howell

- 1 *Whereas*, the basic economy of the state of Iowa
- 2 is dependent upon railroad transportation; and
- 3 *Whereas*, it is critical that rail shipments both
- 4 inbound and outbound not be interrupted for even a
- 5 short period of time; and
- 6 *Whereas*, a partial disruption or reduction of rail
- 7 service will result in severe economic hardship to
- 8 many individuals and corporations in Iowa; and
- 9 *Whereas*, the economy of the nation will be adversely
- 10 affected by the reduced ability of Iowa to continue
- 11 contributing to the reduction of the deficit level in
- 12 balance of payments; and
- 13 *Whereas*, the directed service carrier (Kansas City
- 14 Terminal Railway) is presently maximizing rail service
- 15 in Iowa and has done a commendable job serving the
- 16 "Heartland Core" as well as providing the flexibility
- 17 required beyond Iowa's borders; and
- 18 *Whereas*, the initiation of temporary service by
- 19 another carrier will result in diminution of service

20 and further complicate operational problems unneces-  
21 sarily; and

22 *Whereas*, labor protection agreements have been signed  
23 covering employees of bankrupt carriers hired by a  
24 successor carrier, and legislation, already passed by  
25 the Senate, is being progressed in the United States  
26 Congress to protect employees of bankrupt carriers not  
27 hired by a successor carrier; and

28 *Whereas*, this legislation will encourage potential  
29 successor carriers to finalize offers to buy Rock Island  
30 trackage; *Now Therefore*,

**Page 2**

1 *Be It Resolved by the House of Representatives, the*  
2 *Senate Concurring*, That the Iowa general assembly urge  
3 the United States Congress to legislate an extension of  
4 directed service operations to be continued by the  
5 current operator (Kansas City Terminal Railway), for a  
6 period of at least forty-five days beyond the expiration  
7 of the presently authorized period, which expires on  
8 March 23, 1980, and to provide the necessary funding  
9 therefor, in order to maintain the present level and  
10 frequency of service keeping the "Heartland Core" in  
11 Iowa and the extensions beyond Iowa to Minneapolis,  
12 St. Paul, Chicago, and Kansas City, intact; and

13 *Be It Further Resolved*, That the Iowa general  
14 assembly urges that the completed legislation be  
15 effected without delay to prevent the service reduc-  
16 tion and economic harm which will result if directed  
17 service operations are not continued; and

18 *Be It Further Resolved*, That the secretary of state  
19 of Iowa is directed to send copies of this resolution  
20 to the speaker and the clerk of the United States  
21 house of representatives, the president and the secre-  
22 tary of the United States senate, and each member of the  
23 Iowa congressional delegation.

Laid over under Rule 30.

**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 18th day of March, 1980: House Files 454, 747 and 2240.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 708, an act to permit the issuance of shares of a professional corporation to persons who are licensed in other states to practice the profession which the corporation is licensed to practice in Iowa.

House File 2476, an act relating to the state and county funding of a county fair by providing for a referendum.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

### COMMITTEE ON EDUCATION

Senate File 455, a bill for an act relating to the serving of breakfast to children in certain public and nonpublic schools.

**Recommended Amend and Do Pass.**

H-5555

- 1 Amend Senate File 455, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "public" the word "elementary".
- 5 2. Page 1, line 24, by striking the word "forty"
- 6 and inserting in lieu thereof the word "sixty".
- 7 3. Page 2, by inserting after line 1 the following:
- 8 "For the purpose of this section, the term "public
- 9 elementary school" means a public school which contains
- 10 all or a portion of grades kindergarten through six."

Senate File 2002, a bill for an act relating to expenditure of profits from auxiliary services by area schools.

**Recommended Amend and Do Pass.**

H—5554

- 1 Amend Senate File 2002, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 19 through 23 and
- 4 inserting in lieu thereof the words "for the auxiliary
- 5 enterprises."
- 6 2. Page 1, by striking lines 24 and 25.

## COMMITTEE ON NATURAL RESOURCES

Senate File 473, a bill for an act to authorize the state conservation commission to set by rule the size limit for commercially caught catfish and other fish.

Recommended Amend and Do Pass.

H—5556

- 1 Amend Senate File 473 as follows:
- 2 1. Page 1, lines 10 and 11, by striking the words
- 3 "or paddlefish, subject to" and inserting in lieu
- 4 thereof the words "or, paddlefish, or northern pike
- 5 subject to territorial limitations or".

## AMENDMENTS FILED

H—5557	H.F. 2553	Johnson of Howard De Groot of Lyon Husak of Tama Pellett of Cass
H—5558	H.F. 2553	De Groot of Lyon Johnson of Howard Tyrrell of Iowa Renken of Grundy Husak of Tama Pellett of Cass Cochran of Webster Hinkhouse of Cedar Oxley of Linn Maulsby of Calhoun
H—5559	S.F. 2060	Davitt of Warren
H—5560	S.F. 455	Spear of Lee
H—5562	H.F. 2537	Pope of Polk Bruner of Story
H—5564	H.F. 2527	Husak of Tama
H—5565	S.F. 2183	Miller of Buchanan



H—5566	H.F. 2485	Miller of Buchanan
H—5567	H.F. 2528	Spear of Lee
H—5568	H.F. 2528	Spear of Lee
H—5569	H.F. 2479	Hall of Linn
		Walter of Pottawattamie
H—5570	H.F. 2527	Bennett of Ida
		Cusack of Scott
H—5571	H.F. 2527	Cusack of Scott
H—5572	H.F. 2560	Shimanek of Jones
H—5573	H.F. 2509	Perkins of Greene
		Patchett of Johnson
		Hullinger of Decatur
		Horn of Linn
H—5574	S.F. 2219	Rapp of Black Hawk
H—5575	H.F. 2559	Kirkenslager of Des Moines
		Hibbs of Johnson
		Horn of Linn
		Jay of Appanoose
		Holt of Clay
		Arnould of Scott
		Renken of Grundy
		Welsh of Dubuque
		Walter of Pottawattamie
		Byerly of Polk
		Connors of Polk
		Tyrrell of Iowa
		Larsen of Wapello
		Halvorson of Webster
		Jochum of Dubuque
		Johnson of Howard
		Smalley of Polk
		Poffenberger of Dallas
		Byerly of Polk

On motion by Halvorson of Clayton, the House adjourned at 6:02 p.m., until 9:00 a.m., Wednesday, March 19, 1980.

# JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 19, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Norman Roddick, pastor of the New Creation United Presbyterian Church, Altoona.

The Journal of Tuesday, March 18, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. E. Douglas, Belle Plaine.

## PRESENTATION OF VISITOR

Speaker Harbor presented to the House Jeff Fink from Kansas City, Missouri. Jeff is a fifth grade student and attends Graden Elementary School in Kansas City.

## PETITION FILED

The following petition was received and placed on file:

By Stromer of Hancock, from one hundred three constituents favoring House File 2509 for budget to budget financing for school districts with declining enrollments of three hundred twenty-five students or less.

## INTRODUCTION OF BILL

**House File 2566**, by committee on agriculture, a bill for an act relating to the receipt of livestock at a public livestock market for sale by auction upon delivery.

Read first time and placed on the calendar.

**SENATE MESSAGE CONSIDERED**

**Senate File 2285**, by committee on state government, a bill for an act to repeal the state residency requirement for employees of the department of social services.

**Read first time and passed on file.**

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

**Mr. Speaker:** I am directed to inform your honorable body that the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 340, a bill for an act to specify in the Code the date the armed forces were directed to cease hostilities in Vietnam.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 360, a bill for an act relating to controlled substances by providing that the possession of one ounce or less of marijuana constitutes a simple misdemeanor.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 386, a bill for an act authorizing certain cities to contract with elected city officers.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 404, a bill for an act providing that the court may sentence a defendant who is convicted of a crime other than a forcible felony to perform unpaid community service.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2050, a bill for an act relating to the definition of public utility to exclude persons who sell energy generated from nonfossil fuel sources to neighboring properties but not to the general public.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2168, a bill for an act relating to the duties of the county compensation board.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2204, a bill for an act relating to the bonding of township clerks.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act to authorize certain trusts to be shareholders in a family farm corporation.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2278, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2279, a bill for an act relating to the dates for limitations of actions on title to real property.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act granting the state the power of eminent domain to acquire railroad right-of-way.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2281, a bill for an act providing for temporary allocation of farm-to-market road use funds.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2298, a bill for an act relating to the taxable status of property.

Also: That the Senate has on March 17, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2299, a bill for an act permitting the establishment and use of common trust funds by banks having common ownership.

On motion by Halvorson of Clayton, the House was recessed at 9:12 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### PRESENTATION OF VISITORS

De Groot of Lyon presented to the House Foreign Exchange Students Evelyn Zern from Germany and Fernando Clemans from Switzerland, as well as six students of district 1.

The Speaker announced that the following visitors were present in the House chamber:

Forty-two senior students from North Mahaska High School, New Sharon, accompanied by Mrs. Anita Sietsinger. By Van Maanen of Mahaska and Dieleman of Marion.

Nine Foreign Exchange Students from the University of Dubuque, Dubuque, accompanied by the Dean of Students, Rick Nelson, and two other staff officers. By Connolly of Dubuque.

### CONSIDERATION OF BILLS Regular Calendar

**House File 2486**, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code, was taken up for consideration.

Johnson of Woodbury offered the following amendment H—5453 filed by him and Perkins of Greene and moved its adoption:

H—5453

- 1 Amend House File 2486 as follows:
- 2 1. Page 2, line 5, by striking the words "is an
- 3 extension of authority and".
- 4 2. Page 2, by striking lines 12 through 18 and
- 5 inserting in lieu thereof the words "a corporation
- 6 which has been designated by the federal intermediate
- 7 credit bank of Omaha, Nebraska, as an agricultural

- 8 credit corporation eligible to sell or discount loans  
 9 to that bank pursuant to the provisions of 12 United  
 10 States Code, sec. 2074."

Amendment H—5453 was adopted.

Johnson of Woodbury asked and received unanimous consent to withdraw amendment H—5372 filed by him on March 5, 1980.

Schroeder of Pottawattamie asked and received unanimous consent to suspend House Rule 36.8 for the consideration of amendment H—5585 filed from the floor by Perkins, Schroeder and Pellett as follows:

H—5585

- 1 Amend House File 2486 as follows:  
 2 1. Page 3, by inserting after line 15 the following  
 3 new section:  
 4 "Sec. . This Act, being deemed of immediate  
 5 importance, shall take effect and be in force from and  
 6 after its publication in The Jefferson Herald, a newspaper  
 7 published in Jefferson, Iowa and The Council Bluffs  
 8 Nonpareil, a newspaper published in Council Bluffs, Iowa."

On motion by Perkins of Greene, amendment H—5585 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. 2486)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum

Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimaneck	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Welsh	West	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Jesse	Pavich	Pelton	Wells
Woods			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2537**, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, and providing penalties, was taken up for consideration.

Pope of Polk offered the following amendment H—5562 filed by him and Bruner of Story and moved its adoption:

H—5562

- 1 Amend House File 2537 as follows:
- 2 1. Page 1, line 9, by inserting before the word
- 3 "subscriber" the word "individual".
- 4 2. Page 1, line 19, by inserting after the word
- 5 "means" the word "individual".
- 6 3. Page 1, line 21, by inserting before the word
- 7 "pharmaceutical" the word "individual".
- 8 4. Page 1, line 33, by inserting after the word
- 9 "includes" the word "individual".
- 10 5. Page 2, line 10, by inserting after the word
- 11 "and" the word "individual".
- 12 6. Page 3, line 3, by inserting before the word
- 13 "subscriber" the word "individual".

Amendment H—5562 was adopted.

Bruner of Story offered the following amendment H—5538 filed by him and Pope of Polk and moved its adoption:

H—5538

- 1 Amend House File 2537 as follows:
- 2 1. Page 6, line 33, by striking the word
- 3 "also".
- 4 2. Page 6, line 34, by striking the words
- 5 "as well as convalescent".

Amendment H—5538 was adopted.

Pope 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. 2537)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lloyd-Jones	Lonerган	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Norland	O'Kane	Oxley
Patchett	Pellett	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Welsh
West	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Lind	Miller	Pavich	Pelton
Wells	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 2537)

Pope of Polk asked and received unanimous consent that House File 2537 be immediately messaged to the Senate.

(House File 2486)

Schroeder of Pottawattamie asked and received unanimous consent that House File 2486 be immediately messaged to the Senate.

**HOUSE FILE 596 WITHDRAWN**

Hanson of Delaware asked and received unanimous consent to withdraw House File 596 from further consideration by the House.

**House File 2509**, a bill for an act to allow certain school districts to raise an additional school district operation amount following approval at an election, was taken up for consideration.

Horn of Linn asked for unanimous consent to suspend House Rule 36.8 for the consideration of an amendment filed by him from the floor.

Objection was raised.

Perkins of Greene offered the following amendment H-5573 filed by Perkins, et al. :

H-5573

- 1 Amend House File 2509 as follows:
- 2 1. Page 1, by striking lines 22, 23, and 24 and
- 3 inserting in lieu thereof the following:
- 4 "The board of directors may direct the".

Speaker pro tempore Stromer of Hancock in the chair at 2:47 p.m.

Perkins of Greene moved the adoption of amendment H-5573.

Roll call was requested by Patchett of Johnson and Bina of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—5573 be adopted?"

The ayes were, 50:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Jay
Jesse	Jochum	Johnson, J.	Kirkenslager
Larsen	Lind	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Smalley	Spear	Walter
Wells	Welsh		

The nays were, 48:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Husak	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Stromer)

Absent or not voting, 2:

Halvorson, R.N.      Woods

Amendment H—5573 was adopted.

Chiodo of Polk rose on a point of order and invoked House Rule 37 to refer House File 2509 to the committee on ways and means.

The Speaker ruled the point not well taken and House Rule 37 not in order.

Chiodo of Polk moved that House File 2509 be referred to the committee on ways and means.

A non-record roll call was requested.

The ayes were 25, nays 68.

The motion lost.

Spear of Lee moved to reconsider the vote by which amendment H—5573 was adopted by the House.

Thompson of Polk in the chair at 3:16 p.m.

Roll call was requested by Patchett of Johnson and Perkins of Greene.

Rule 80 was invoked.

On the question "Shall the vote by which amendment H—5573 was adopted be reconsidered?"

The ayes were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Husak
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Oxley
Pellett	Pelton	Pope	Renken
Ritsema	Schroeder	Shimanek	Shull
Spear	Stromer	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	West
Madam Speaker (Thompson)			

The nays were, 49:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly

Chiodo	Cochran	Conlon	Cannolly
Connors	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Jay	Jesse
Jochum	Kirkenslager	Krewson	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Norland	O'Kane	Patchett	Pavich
Perkins	Poffenberger	Rapp	Schneklath
Sherzan	Smalley	Walter	Wells
Welsh			

Absent or not voting, 2:

Harbor                      Woods

The motion lost.

Maulsby 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.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2509)

The ayes were, 61:

Avenson	Binneboese	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Cannolly
Connors	Corey	Crabb	Crawford
Daggett	Davitt	Egenes	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Jay
Johnson, J.	Johnson, R.	Lind	Lloyd-Jones
Lonergan	Lura	McKean	Menke
Millen	Mullins	Norland	O'Kane
Oxley	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schroeder	Sherzan	Shimanek	Shull
Spear	Stromer	Swearingen	Tyrrell
Welden	Wells	Welsh	West
Madam Speaker (Thompson)			

The nays were, 37:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Brandt	Branstad	Chiodo
Conlon	Cusack	Danker	De Groot
Dieleman	Diemer	Doyle	Gettings
Holt	Hummel	Husak	Jesse
Jochum	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lorenzen	Maulsby
Miller	Patchett	Pavich	Pellett
Schnekloth	Smalley	Tofte	Van Maanen
Walter			

Absent or not voting, 2:

Harbor                      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 2509)

Patchett of Johnson asked for unanimous consent that House File 2509 be immediately messaged to the Senate.

Objection was raised.

**MOTION TO RECONSIDER TABLED**

Bruner of Story moved to reconsider the vote by which House File 2509 passed the House on March 19, 1980 and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 64, nays 29.

The motion prevailed.

**UNANIMOUS CONSENT**

Byerly of Polk asked and received unanimous consent to be recorded as voting "aye" on House File 2537 and amendment H-5573 to House File 2537 and the votes were so recorded.

Speaker pro tempore Stromer of Hancock in the chair at 3:55 p.m.

### HOUSE FILE 2528 DEFERRED

Halvorson of Clayton asked and received unanimous consent that House File 2528 be deferred and that the bill retain its place on the calendar.

### Appropriations Calendar

**House File 2527**, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9) and chapter sixteen (16) relating to appropriating funds for the fiscal year beginning July 1, 1980 to state agencies for designated service programs including health programs, civil rights and programs for women, minority and elderly persons, was taken up for consideration.

The House stood at ease at 4:03 p.m., until the fall of the gavel.

The House resumed session at 4:59 p.m., Speaker Harbor in the chair.

Cusack of Scott offered the following amendment H—5514 filed by Cusack, et al., and moved its adoption:

H—5514

- 1 Amend House File 2527 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "Sec. . . Acts of the Sixty-eighth General
- 5 Assembly, 1979 Session, chapter nine (9), section
- 6 one (1), is amended by adding the following new
- 7 numbered section:
- 8 5. For the Older Iowans Model
- 9 Legislature . . . . . \$ \$15,960"
- 10 2. By renumbering remaining sections.

Roll call was requested by Anderson of Jasper and Bina of Scott.

Rule 80 was invoked.

**On the question "Shall amendment H—5514 be adopted?"**

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Johnson, J.	Lloyd-Jones	Loneragan	Norland
Oxley	Pavich	Perkins	Rapp
Sherzan	Spear	Tyrrell	Walter
Wells	Welsh		

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	Menke
Millen	Miller	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Tofte	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 4:

McKean	O'Kane	Patchett	Woods
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**Amendment H—5514 lost.**

Husak of Tama offered the following amendment H—5564 filed by him and moved its adoption:

H—5564

- 1 Amend House File 2527 by the Committee on
- 2 Appropriations as follows:
- 3 1. Page 1, by striking lines 27 through 35.
- 4 2. Page 4, by inserting after line 24 the
- 5 following:
- 6 "Sec. . Acts of the Sixty-eighth General
- 7 Assembly, 1979 Session, chapter nine (9), section

8 seven (7), is amended to read as follows:

9 SEC. 7. There is appropriated from the general  
10 fund of the state to the Spanish-speaking people's  
11 commission for the fiscal year beginning July 1, 1979  
12 and ending June 30, 1980 the sum of forty-five thousand  
13 seven hundred fifteen (45,715) dollars and for the  
14 fiscal year beginning July 1, 1980 and ending June  
15 30, 1981 the sum of fifty thousand (50,000) dollars  
16 or so much thereof as may be necessary for salaries  
17 and support of not more than two full-time equivalent  
18 positions, maintenance and miscellaneous purposes.

19 Sec. . Acts of the Sixty-eighth General  
20 Assembly, 1979 Session, chapter nine (9), section  
21 nine (9), is amended to read as follows:

22 SEC. 9. Section sixteen point eight (16.8), Code  
23 1979, is amended to read as follows:

24 16.8 COMMISSION TERMINATION. ~~Without affirmative~~  
25 ~~action by the general assembly before June 30, 1980,~~  
26 ~~the The Spanish-speaking people's commission shall~~  
27 ~~expire on June 30, 1981 terminate upon the~~  
28 ~~establishment of a human rights commission."~~

29 3. Renumber sections and correct internal  
30 references as are necessary in accordance with this  
31 amendment.

Roll call was requested by Husak of Tama and Hinkhouse of Cedar.

On the question "Shall amendment H — 5564 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Cusack	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs



Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Weiden
West	Mr. Speaker		

Absent or not voting, 3:

Davitt	Patchett	Woods
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Amendment H—5564 lost.

Spear of Lee offered the following amendment H—5457 filed by him:

H—5457

- 1 Amend House File 2527 as follows:
- 2 1. Page 1, line 35, by inserting after the
- 3 word "commission" the words "The Iowa civil rights
- 4 commission shall provide support services to the
- 5 Spanish-speaking people's commission including, but
- 6 not limited to, office space, secretarial assistance,
- 7 supplies, and similar services."

Spear of Lee asked and received unanimous consent to defer action on amendment H—5457.

Rapp of Black Hawk offered the following amendment H—5535 filed by him and Clark of Cerro Gordo:

H—5535

- 1 Amend House File 2527 as follows:
- 2 1. Page 1, by inserting after line 26, the following:
- 3 "Sec. . . As a condition of expending the additional
- 4 funds appropriated by section four (4) of this Act, the
- 5 board of medical examiners shall adopt a rule pursuant
- 6 to chapter seventeen A (17A) of the Code to prohibit
- 7 practitioners licensed by the board from administering,
- 8 prescribing, dispensing, or transferring substances
- 9 listed in section two hundred four point two hundred six
- 10 (204.206), numbered paragraph five (5), subparagraphs
- 11 a, b and c, as anorectic agents."

The following amendment H—5586, to amendment H—5535, filed by Rapp of Black Hawk from the floor was adopted by unanimous consent:

H—5586

- 1 Amend amendment H—5535 to House File 2527 as
- 2 follows:
- 3 1. Line 2, by striking the words and numeral
- 4 "Page 1" and inserting in lieu thereof the words
- 5 and numeral "Page 2".

Bruner of Story rose on a point of order that amendment H—5535 was not germane.

The Speaker ruled the point not well taken and amendment H—5535 germane.

Rapp of Black Hawk moved the adoption of amendment H—5535, as amended.

Roll call was requested by Rapp of Black Hawk and Perkins of Greene.

Rule 80 was invoked.

On the question "Shall amendment H—5535 be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Conlon	Connolly	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Lageschulte
Lloyd-Jones	Loneragan	McKean	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Ritsema	Spear
Tofte	Tyrrell	Walter	Wells
Welsh			

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Corey	Crabb	Crawford

Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lorenzen
Lura	Maulsby	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Smalley
Stromer	Swearingen	Thompson	Van Maanen
Welden	West	Mr. Speaker	

Absent or not voting, 4:

Chiodo	Connors	Patchett	Woods
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Amendment H—5535, as amended, lost.

Halvorson of Clayton moved the previous question on amendments, amendments to amendments and motions thereto on House File 2527.

A non-record roll call was requested.

The ayes were 53, nays 34.

The motion prevailed.

(House File 2527 pending at adjournment.)

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

A group of senior students from Burlington High School, By Kirkenslager of Des Moines.

## STUDY BILL COMMITTEE ASSIGNMENTS

### S.B. 749 Appropriations

Relating to limitation of state employees.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

### COMMITTEE ON AGRICULTURE

**Senate File 2238**, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition.

**Recommended Do Pass.**

**Senate File 2243**, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds.

**Recommended Amend and Do Pass.**

H—5578

- 1 Amend Senate File 2243 as amended, passed and
- 2 reprinted as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. NEW SECTION. SHORT TITLE. This Act
- 6 may be cited as the "Iowa Family Enterprise Development
- 7 Act".
- 8 Sec. 2. NEW SECTION. DEFINITIONS. As used in
- 9 this Act, unless the context otherwise requires:
- 10 1. "Agricultural improvements" means any
- 11 improvements, buildings, structures or fixtures
- 12 suitable for use in farming which are located on
- 13 agricultural land. "Agricultural improvements"
- 14 includes a single-family dwelling located on
- 15 agricultural land which is or will be occupied by
- 16 the beginning farmer and structures attached to or
- 17 incidental to the use of the dwelling.
- 18 2. "Agricultural land" means land suitable for
- 19 use in farming.
- 20 3. "Beginning businessperson" means an individual
- 21 with a low or moderate net worth who engages in or
- 22 wishes to engage in a business involving one of the
- 23 following:

- 24 a. The manufacturing, processing or assembling  
25 of agricultural or manufactured products.
- 26 b. A commercial enterprise involving the storing,  
27 warehousing or distributing of products of agriculture,  
28 mining or industry.
- 29 c. The retailing of products of agriculture,  
30 mining or industry.
- 31 d. The construction of improvements, buildings,  
32 structures or fixtures suitable for use in farming  
33 or any other type of business.
- 34 e. A professional business.
- 35 4. "Beginning farmer" means an individual with  
36 a low or moderate net worth who engages in farming  
37 or wishes to engage in farming.
- 38 5. "Board" means the Iowa family enterprise  
39 development board established pursuant to section  
40 three (3) of this Act.
- 41 6. "Bonds" means bonds issued by the board under  
42 this Act.
- 43 7. "Business property" means real property within  
44 this state which is suitable for use as the principal  
45 place of business of a beginning businessperson or  
46 real or personal property suitable for use in the  
47 business of the beginning businessperson for which  
48 an income tax deduction for depreciation is allowable  
49 in computing federal income tax under the Internal  
50 Revenue Code of 1954 as defined in section four hundred

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- 1 twenty-two point four (422.4) of the Code.
- 2 8. "Depreciable agricultural property" means real  
3 or personal property suitable for use in farming,  
4 including agricultural improvements, for which an  
5 income tax deduction for depreciation is allowable  
6 in computing federal income tax under the Internal  
7 Revenue Code of 1954 as defined in section four hundred  
8 twenty-two point four (422.4) of the Code.
- 9 9. "Farming" means farming as defined in section  
10 one hundred seventy-two C point one (172C.1),  
11 subsection six (6), of the Code.
- 12 10. "Low or moderate net worth" means an aggregate  
13 net worth of an individual and the individual's spouse  
14 and children, if any, of less than one hundred thousand  
15 dollars.
- 16 11. "Mortgage" means a mortgage, mortgage deed,  
17 deed of trust, or other instrument creating a first  
18 lien, subject only to title exceptions and encumbrances  
19 acceptable to the board, including any subordinate  
20 mortgage liens retained by a seller or conveyed to  
21 a mortgage lender, on a fee interest in agricultural  
22 land and agricultural improvements or business

23 property.

24 12. "Mortgage lender" means a bank, trust company,  
25 mortgage company, national banking association, savings  
26 and loan association, life insurance company, any  
27 state or federal governmental agency or  
28 instrumentality, including without limitation the  
29 federal land bank or any of its local associations,  
30 or any other financial institution or entity authorized  
31 to make mortgage loans in this state.

32 13. "Mortgage loan" means a financial obligation  
33 secured by a mortgage.

34 14. "Net worth" means total assets minus total  
35 liabilities as determined in accordance with generally  
36 accepted accounting principles with appropriate  
37 exceptions and exemptions reasonably related to an  
38 equitable determination of the beginning farmer's  
39 or businessperson's net worth.

40 15. "Note" means a bond anticipation note issued  
41 by the board under this Act.

42 16. "Program" means the Iowa family enterprise  
43 development program established pursuant to section  
44 ten (10) of this Act.

45 17. "Secured loan" means a financial obligation  
46 secured by a chattel mortgage, security agreement  
47 or other instrument creating a lien on an interest  
48 in depreciable agricultural property or business  
49 property.

50 18. "State agency" means any board, commission,

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1 department, public officer, or other agency or  
2 authority of the state of Iowa.

3 19. "Treasurer" means the treasurer of the state  
4 of Iowa.

5 The board may establish by rule further definitions  
6 applicable to this Act and clarification of the  
7 definitions in this section, as necessary to assure  
8 eligibility for funds, insurance or guarantees  
9 available under federal laws and to carry out the  
10 public purposes of this Act.

### 11 Sec. 3. NEW SECTION. ESTABLISHMENT OF BOARD.

12 1. The Iowa family enterprise development board  
13 is established and constituted a public instrumentality  
14 and agency of the state exercising public and essential  
15 governmental functions to establish and operate the  
16 program. The board shall consist of nine members,  
17 seven members appointed by the governor with the  
18 approval of two-thirds of the members of the senate  
19 and the treasurer and the state secretary of  
20 agriculture who are ex officio voting members. No

21 more than five members shall belong to the same  
22 political party. As far as possible the governor  
23 shall include within the membership persons who  
24 represent financial institutions experienced in  
25 agricultural or business lending, the real estate  
26 sales industry, farmers, beginning farmers,  
27 businesspersons, beginning businesspersons and any  
28 other person specially interested in family enterprise  
29 development.

30 2. The appointed members of the board shall be  
31 appointed by the governor for terms of six years  
32 except that, of the first appointments, two members  
33 shall be appointed for terms of two years and two  
34 members shall be appointed for a term of four years.  
35 A person appointed to fill a vacancy shall serve only  
36 for the unexpired portion of the term. A member is  
37 eligible for reappointment. An appointed member of  
38 the board may be removed from office by the governor  
39 for misfeasance, malfeasance or willful neglect of  
40 duty or other just cause, after notice and hearing,  
41 unless the notice and hearing is expressly waived  
42 in writing.

43 3. Five members of the board constitute a quorum  
44 and the affirmative vote of a majority of the members  
45 is necessary for any recommendation made by the board.  
46 The majority shall not include any member who has  
47 a conflict of interest and a statement by a member  
48 of a conflict of interest is conclusive for this  
49 purpose. A vacancy in the membership does not impair  
50 the right of a quorum to perform the functions and

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1 duties of the board.

2 4. Appointed members of the board are entitled  
3 to receive forty dollars per diem for each day spent  
4 in performance of their functions and duties as members  
5 and reimbursement for all actual and necessary expenses  
6 incurred in the performance of their functions and  
7 duties as members.

8 5. Meetings of the board shall be held at the  
9 call of the chairperson or when two members so request.

10 6. Members shall elect a chairperson and vice  
11 chairperson annually, and other officers as they  
12 determine. However, the treasurer of state shall  
13 be the treasurer of the board and shall not serve  
14 as any other officer of the board.

15 7. The appointed members of the board shall give  
16 bond as required for public officers in chapter 64.

17 8. The treasurer and staff of the treasurer's  
18 office shall serve as the staff of the board. The

19 treasurer shall advise the board on matters relating  
20 to agricultural or business land and property and  
21 agricultural or business finance, and carry out all  
22 directives from the board, and may hire and supervise  
23 additional staff pursuant to its directions and under  
24 the provisions of chapter nineteen A (19A), of the  
25 Code, except that principal administrative assistants  
26 with responsibilities in beginning farm or business  
27 loan programs, accounting, mortgage loan processing,  
28 and investment portfolio management are exempt from  
29 that chapter.

30 Sec. 4. NEW SECTION. LEGISLATIVE FINDINGS. The  
31 general assembly finds and declares as follows:

32 1. The establishment of the program is in all  
33 respects for the benefit of the people of the state  
34 of Iowa, for the improvement of their health and  
35 welfare and for the promotion of the economy, which  
36 are public purposes.

37 2. The board will be performing an essential  
38 governmental function in the exercise of the powers  
39 and duties conferred by this Act.

40 3. There exists a serious problem in this state  
41 regarding the ability of nonestablished farmers to  
42 acquire agricultural land and improvements and  
43 depreciable agricultural property in order to enter  
44 farming and the ability of nonestablished  
45 businesspersons to acquire business property in order  
46 to start a business.

47 4. This barrier to entry into farming is conducive  
48 to consolidation of acreage of agricultural land with  
49 fewer individuals resulting in a grave threat to the  
50 traditional family farm.

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1 5. This barrier to starting a business is conducive  
2 to the continuing expansion of very large businesses  
3 and the decrease in number of smaller independent  
4 businesses resulting in a grave threat to the  
5 traditional family business.

6 6. These conditions result in a loss in population,  
7 unemployment and a movement of persons from rural  
8 communities to urban areas accompanied by added costs  
9 to communities for creation of new public facilities  
10 and services.

11 7. One major cause of this condition has been  
12 recurrent shortages of funds in private channels and  
13 the high interest cost of borrowing.

14 8. The ordinary operations of private enterprise  
15 and of existing programs of the federal government  
16 have not in the past corrected these conditions.



17 9. A stable supply of adequate funds for  
 18 agricultural and business financing is required to  
 19 encourage beginning farmers and businesspersons in  
 20 an orderly and sustained manner and to reduce the  
 21 problems described in this section.

22 10. Article nine (IX), section three (3), of the  
 23 Constitution of the State of Iowa requires that, "The  
 24 General Assembly shall encourage, by all suitable  
 25 means, the promotion of intellectual, scientific,  
 26 moral, and agricultural improvement", and agricultural  
 27 improvement and the public good are served by a policy  
 28 of facilitating access to capital by beginning farmers  
 29 unable to obtain capital elsewhere in order to  
 30 preserve, encourage and protect the family farm.

31 11. It is necessary to create a family enterprise  
 32 development program to encourage ownership and  
 33 operation of farms by beginning farmers and to  
 34 encourage ownership and operation of businesses by  
 35 beginning businesspersons by providing purchase money  
 36 loans to beginning farmers and businesspersons who  
 37 are not able to obtain adequate capital elsewhere  
 38 and to lower costs through the use of public financing.

39 12. All of the purposes stated in this section  
 40 are public purposes and uses for which public moneys  
 41 may be borrowed, expended, advanced, loaned or granted.

42 Sec. 5. NEW SECTION. GUIDING PRINCIPLES. In  
 43 the performance of the duties, implementation of the  
 44 powers, and selection of specific projects to receive  
 45 assistance under this Act, the board shall be guided  
 46 by the following principles:

47 1. The board shall not become an owner of real  
 48 or depreciable agricultural property or business  
 49 property, except on a temporary basis where necessary  
 50 in order to implement the projects, to protect its

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1 investments by means of foreclosure or other means,  
 2 or to facilitate transfer of real or depreciable  
 3 agricultural property for the use of beginning farmers  
 4 or the transfer of business property for use of  
 5 beginning businesspersons.

6 2. The board shall exercise diligence and care  
 7 in selection of projects to receive assistance and  
 8 shall apply customary and acceptable business and  
 9 lending standards in selection and subsequent  
 10 implementation of the projects. The board may delegate  
 11 primary responsibility for determination and  
 12 implementation of the projects to any federal  
 13 governmental agency or instrumentality or state agency  
 14 which assumes any obligation to repay the loan, either

15 directly or by insurance or guarantee.

16 Sec. 6. NEW SECTION. GENERAL POWERS. The board  
17 has all of the powers needed to carry out the program,  
18 including but not limited to the power to:

19 1. Issue bonds and notes as provided in this Act  
20 in order to finance the program.

21 2. Sue and be sued on behalf of the program.

22 3. Make and execute agreements, contracts and  
23 other instruments, with any public or private entity,  
24 including but not limited to any federal governmental  
25 agency or instrumentality, in furtherance of the  
26 program. The board may make and execute contracts  
27 with mortgage lenders for the servicing of mortgage  
28 and secured loans. All political subdivisions, other  
29 public agencies and state agencies may enter into  
30 contracts and otherwise cooperate with the board.

31 4. Acquire, hold, improve, mortgage, lease and  
32 dispose of real and personal property, including but  
33 not limited to, the power to sell at public or private  
34 sale, with or without public bidding, any property,  
35 mortgage or secured loan or other obligation held  
36 by the board.

37 5. Procure insurance, including pool insurance  
38 on any group of mortgage or secured loans, against  
39 any loss in connection with the operations and property  
40 interests of the program.

41 6. Fix and collect fees and charges for program  
42 services.

43 7. Subject to any agreement with bondholders or  
44 noteholders, invest or deposit moneys of the program  
45 in any manner determined by the board, notwithstanding  
46 the provisions of chapters four hundred fifty-two  
47 (452), four hundred fifty-three (453) or four hundred  
48 fifty-four (454) of the Code.

49 8. Accept appropriations, gifts, grants, loans,  
50 or other aid from public or private entities. A

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1 record of all gifts or grants, stating the type,  
2 amount and donor, shall be clearly set out in the  
3 board's annual report along with the record of other  
4 receipts.

5 9. Provide technical assistance and counseling  
6 related to the program's purposes.

7 10. In cooperation with other local, state or  
8 federal governmental agencies or instrumentalities,  
9 conduct studies of beginning farmer and businessperson  
10 needs, and gather and compile data useful to facilitate  
11 decision making.

12 11. Contract with architects, appraisers,

13 agronomists, soil conservationists, engineers,  
14 attorneys, accountants, construction and finance  
15 experts, and other advisors or enter into contracts  
16 or agreements for such services with local, state  
17 or federal governmental agencies.

18 12. Make, alter and repeal rules consistent with  
19 the provisions of this Act, and subject to chapter  
20 seventeen A (17A) of the Code.

21 Sec. 7. NEW SECTION. ANNUAL REPORT.

22 1. The board shall submit to the governor and  
23 to the general assembly, not later than January  
24 fifteenth of each year, a complete report relating  
25 to the program setting forth:

26 a. Its operations and accomplishments.

27 b. Its receipts and expenditures during the fiscal  
28 year, in accordance with the classifications  
29 established for operating and capital accounts.

30 c. Its assets and liabilities at the end of the  
31 fiscal year and the status of reserve, special and  
32 other funds.

33 d. A schedule of its bonds and notes outstanding  
34 at the end of the fiscal year, together with a  
35 statement of the amounts redeemed and issued during  
36 the fiscal year.

37 e. A statement of its proposed and projected  
38 activities.

39 f. Recommendations to the general assembly, as  
40 it deems necessary.

41 g. An analysis of beginning farmer and  
42 businessperson needs in the state.

43 2. The annual report shall identify performance  
44 goals of the program, and clearly indicate the extent  
45 of progress during the reporting period, in attaining  
46 the goals. Where possible, results shall be expressed  
47 in terms of number of loans, acres of agricultural  
48 land and parcels of business real property.

49 Sec. 8. NEW SECTION. NONDISCRIMINATION.

50 1. The opportunity to acquire agricultural land

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1 and improvements and depreciable agricultural property  
2 or business property financed or otherwise assisted  
3 by the board, directly or indirectly, is open to all  
4 persons regardless of race, creed, color, sex, national  
5 origin, age, physical or mental impairment, or  
6 religion.

7 2. The board shall promote marketing plans for  
8 the program.

9 Sec. 9. NEW SECTION. SURPLUS MONEYS. Moneys  
10 declared by the board to be surplus moneys which are  
11 not required to service bonds and notes, to pay

12 administrative expenses of the program or to accumulate  
13 necessary operating or loss reserves, shall be used  
14 by the board to provide loans, grants, subsidies,  
15 and services to beginning farmers and businesspersons  
16 through any of the projects established under the  
17 program.

18 Sec. 10. NEW SECTION. FAMILY ENTERPRISE  
19 DEVELOPMENT PROGRAM.

20 1. The board shall develop an Iowa family  
21 enterprise development program to facilitate the  
22 acquisition of agricultural land and improvements  
23 and depreciable agricultural property by beginning  
24 farmers and the acquisition of business property by  
25 beginning businesspersons. The board shall exercise  
26 the powers granted in this Act in order to fulfill  
27 the goal of providing financial assistance to beginning  
28 farmers in the acquisition of agricultural land and  
29 improvements and depreciable agricultural property  
30 and to beginning businesspersons in the acquisition  
31 of business property. The board may participate in  
32 and cooperate with programs of any federal governmental  
33 agency or instrumentality or with any program of any  
34 other state agency in the administration of the  
35 program.

36 2. The board shall provide in the program that  
37 a mortgage or secured loan to or on behalf of a  
38 beginning farmer may only be provided if the following  
39 criteria are satisfied:

40 a. The beginning farmer is a resident of the  
41 state.

42 b. The agricultural land and improvements or the  
43 depreciable agricultural property proposed to be  
44 purchased will be located in the state.

45 c. The beginning farmer has sufficient education,  
46 training, or experience in the type of farming for  
47 which the loan is requested.

48 d. The program is financing the acquisition by  
49 that beginning farmer of agricultural land,  
50 agricultural improvements or depreciable agricultural

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1 property totaling not more than four hundred thousand  
2 dollars in value.

3 e. If the loan is for the acquisition of  
4 agricultural land, the beginning farmer has or will  
5 have access to adequate working capital, farm  
6 equipment, machinery or livestock. If the loan is  
7 for the acquisition of depreciable agricultural  
8 property, the beginning farmer has or will have access  
9 to adequate working capital or agricultural land.

10 f. The board determines that the beginning farmer

11 is unable to secure financing from conventional sources  
12 upon terms and conditions which the beginning farmer  
13 reasonably could be expected to fulfill.

14 g. The agricultural land and improvements or  
15 depreciable agricultural property shall only be used  
16 for farming by the beginning farmer or his or her  
17 family.

18 h. All or part of the loan is to be insured,  
19 guaranteed or otherwise secured by the federal  
20 government or a federal governmental agency or  
21 instrumentality, a state agency or private mortgage  
22 insurers.

23 i. Other criteria as the board prescribes by rule.

24 3. The board shall provide in the program that  
25 a mortgage or secured loan to or on behalf of a  
26 beginning businessperson may only be provided if the  
27 following criteria are satisfied:

28 a. The beginning businessperson is a resident  
29 of the state.

30 b. The business property proposed to be purchased  
31 will be located in the state.

32 c. The beginning businessperson has sufficient  
33 education, training, or experience in the type of  
34 business for which the loan is requested,

35 d. The program is financing the acquisition by  
36 that beginning businessperson of business property  
37 totaling not more than four hundred thousand dollars  
38 in value.

39 e. If the loan is for the acquisition of business  
40 real property, the beginning businessperson has or  
41 will have access to adequate working capital, business  
42 equipment, machinery or fixtures. If the loan is  
43 for the acquisition of business equipment, machinery  
44 or fixtures, the beginning businessperson has or will  
45 have access to adequate working capital or business  
46 real property.

47 f. The board determines that the beginning  
48 businessperson is unable to secure financing from  
49 conventional sources upon terms and conditions which  
50 the beginning businessperson reasonably could be

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1 expected to fulfill.

2 g. The business property shall only be used for  
3 a business engaged in by the beginning businessperson  
4 or his or her family.

5 h. All or part of the loan is to be insured,  
6 guaranteed or otherwise secured by the federal  
7 government or a federal governmental agency or  
8 instrumentality, a state agency or private mortgage  
9 insurers.

10 i. Other criteria as the board prescribes by rule.  
 11 4. The board may provide in a mortgage or secured  
 12 loan that the loan may not be assumed without its  
 13 written consent and may provide a due-on-sale clause  
 14 with respect to an assignment without the requisite  
 15 consent. The board may provide by rule the grounds  
 16 for permitted assumptions of the loan. This provision  
 17 controls with respect to a mortgage or secured loan  
 18 made or purchased by the board notwithstanding the  
 19 provisions of chapter five hundred thirty-five (535)  
 20 of the Code.

21 Sec. 11. NEW SECTION. LOANS TO BEGINNING FARMERS  
 22 AND BUSINESSPERSONS.

23 1. The board may make mortgage or secured loans,  
 24 limited to loans all or part of the amount of which  
 25 are insured, guaranteed, or otherwise secured by the  
 26 federal government or a federal governmental agency  
 27 or instrumentality, a state agency or private mortgage  
 28 insurers, to beginning farmers to provide financing  
 29 for agricultural land and improvements or depreciable  
 30 agricultural property or to beginning businesspersons  
 31 to provide financing for business property.

32 2. Mortgage or secured loans shall contain terms  
 33 and provisions, including interest rates, and be in  
 34 a form established by rules of the board. The board  
 35 shall require the beginning farmer or businessperson  
 36 to execute any note, mortgage or security agreement  
 37 and furnish assurances and guarantees, including  
 38 insurance, reasonably related to protecting the  
 39 security of the loan, as the board deems necessary.

40 Sec. 12. NEW SECTION. LOANS TO MORTGAGE LENDERS.

41 1. The board may make and contract to make loans  
 42 to mortgage lenders on terms and conditions determined  
 43 to be reasonably related to protecting the security  
 44 of the program's investment and to implementing the  
 45 purposes of this Act. Mortgage lenders are authorized  
 46 to borrow from the board under the program in  
 47 accordance with the provisions of this section and  
 48 the rules of the board.

49 2. The board shall require the submission to the  
 50 board by each mortgage lender to which the board has

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1 made a loan, of evidence satisfactory to the board  
 2 of the making of new mortgage or secured loans to  
 3 beginning farmers or businesspersons as required by  
 4 this section and in that connection may, through the  
 5 board's employees or agents, inspect the books and  
 6 records of a mortgage lender.

7 3. Compliance by a mortgage lender with the terms

8 of its agreement with the board with respect to the  
9 making of new mortgage or secured loans to beginning  
10 farmers or businesspersons may be enforced by decree  
11 of any district court of this state. The board may  
12 require as a condition of a loan to a national banking  
13 association or a federally chartered savings and loan  
14 association, the consent of the association to the  
15 jurisdiction of courts of this state over any  
16 enforcement proceeding. The board may also require,  
17 as a condition of a loan to a mortgage lender,  
18 agreement by the mortgage lender to the payment of  
19 penalties to the treasurer for violation by the  
20 mortgage lender of its agreement with the board, and  
21 the penalties shall be recoverable at the suit of  
22 the board.

23 4. The board shall require that each mortgage  
24 lender receiving a loan pursuant to this section shall  
25 issue and deliver to the board evidence of its  
26 indebtedness to the board which shall constitute a  
27 general obligation of the mortgage lender and shall  
28 bear a date, mature at a time, be subject to prepayment  
29 and contain other provisions consistent with this  
30 section and reasonably related to protecting the  
31 security of the program's investment, as the board  
32 determines.

33 5. Notwithstanding any other provision of this  
34 section, the interest rate and other terms of loans  
35 to mortgage lenders made from the proceeds of an issue  
36 of bonds or notes of the board shall be at least  
37 sufficient to assure the payment of the bonds or notes  
38 and the interest on them as they become due.

39 6. The board may require that loans to mortgage  
40 lenders are additionally secured as to payment of  
41 both principal and interest by a pledge of and lien  
42 upon collateral security by special escrow funds or  
43 other forms of guarantee and in amounts and forms  
44 as the board by resolution determines to be necessary  
45 to assure the payment of the loans and the interest  
46 as they become due. Collateral security shall consist  
47 of direct obligations of or obligations guaranteed  
48 by the United States or one of its agencies,  
49 obligations satisfactory to the board which are issued  
50 by other federal agencies, direct obligations of or

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1 obligations guaranteed by a state or a political  
2 subdivision of a state or investment quality  
3 obligations approved by the board.

4 7. The board may require that collateral for loans  
5 be deposited with a bank, trust company or other  
6 financial institution acceptable to the board located

7 in this state and designated by the board as custodian.  
8 In the absence of that requirement, each mortgage  
9 lender shall enter into an agreement with the board  
10 containing provisions the board deems necessary to  
11 adequately identify and maintain the collateral,  
12 service the collateral and require the mortgage lender  
13 to hold the collateral as an agent for the board and  
14 be accountable to the board as the trustee of an  
15 express trust for the application and disposition  
16 of the collateral and the income from it. The board  
17 may also establish additional requirements the board  
18 deems necessary with respect to the pledging,  
19 assigning, setting aside or holding of collateral  
20 and the making of substitutions for it or additions  
21 to it and the disposition of income and receipts from  
22 it.

23 8. The board may require as a condition of loans  
24 to mortgage lenders any representations and warranties  
25 the board determines are necessary to secure the loans  
26 and carry out the purposes of this section.

27 9. If a provision of this section is inconsistent  
28 with a provision of law of this state governing  
29 mortgage lenders, the provision of this section  
30 controls for the purposes of this section.

31 **Sec. 13. NEW SECTION. PURCHASE OF MORTGAGE OR**  
32 **SECURED LOANS.**

33 1. The board may purchase and make advance  
34 commitments to purchase mortgage or secured loans  
35 from mortgage lenders at prices and upon terms and  
36 conditions as the board determines. However, the  
37 total purchase price for all mortgage or secured loans  
38 which the board commits to purchase from a mortgage  
39 lender at any one time shall not exceed the total  
40 of the unpaid principal balances of the loans  
41 purchased. Mortgage lenders are authorized to sell  
42 mortgage or secured loans to the board in accordance  
43 with the provisions of this section and the rules  
44 of the board.

45 2. The board shall require the submission to the  
46 board by each mortgage lender from which the board  
47 has purchased loans of evidence satisfactory to the  
48 board of the making of mortgage or secured loans to  
49 beginning farmers or businesspersons as required by  
50 this section and in that connection may, through the

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1 board's employees or agents, inspect the books and  
2 records of a mortgage lender.

3 3. Compliance by a mortgage lender with the terms  
4 of its agreement with the board with respect to the  
5 making of mortgage or secured loans to beginning



6 farmers or businesspersons may be enforced by decree  
7 of any district court of this state. The board may  
8 require as a condition of purchase of loans from any  
9 national banking association or federally chartered  
10 savings and loan association the consent of the  
11 association to the jurisdiction of courts of this  
12 state over any enforcement proceeding. The board  
13 may also require as a condition of the purchase of  
14 loans from a mortgage lender agreement by the mortgage  
15 lender to the payment of penalties to the board for  
16 violation by the mortgage lender of its agreement  
17 with the board and the penalties shall be recoverable  
18 at the suit of the board.

19 4. The board may require as a condition of purchase  
20 of a loan from a mortgage lender that the mortgage  
21 lender make representations and warranties the board  
22 requires. A mortgage lender is liable to the board  
23 for damages suffered by the board by reason of the  
24 untruth of a representation or the breach of a warranty  
25 and, in the event that a representation proves to  
26 be untrue when made or in the event of a breach of  
27 warranty, the mortgage lender shall, at the option  
28 of the board, repurchase the loan for the original  
29 purchase price adjusted for amounts subsequently paid  
30 on it, as the board determines.

31 5. If a provision of this section is inconsistent  
32 with another provision of law of this state governing  
33 mortgage lenders, the provision of this section  
34 controls for the purposes of this section.

35 Sec. 14. NEW SECTION. POWERS RELATING TO LOANS.

36 Subject to any agreement with bondholders or  
37 noteholders, the board may renegotiate a mortgage  
38 or secured loan or a loan to a mortgage lender in  
39 default, waive a default or consent to the modification  
40 of the terms of a mortgage or secured loan or a loan  
41 to a mortgage lender, forgive or forbear all or part  
42 of a mortgage or secured loan or a loan to a mortgage  
43 lender and commence, prosecute and enforce a judgment  
44 in any action, including but not limited to a  
45 foreclosure action, to protect or enforce any right  
46 conferred upon the board by law, mortgage or secured  
47 loan agreement, contract or other agreement and in  
48 connection with any action, bid for and purchase the  
49 property or acquire or take possession of it, complete,  
50 administer, pay the principal of and interest on any

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1 obligations incurred in connection with the property  
2 and dispose of and otherwise deal with the property  
3 in a manner the board deems advisable to protect the  
4 program's interests.

5 Sec. 15. NEW SECTION. BONDS AND NOTES.

6 1. The board may issue bonds and notes in principal  
7 amounts which are necessary to provide sufficient  
8 funds for achievement of the purposes of the program,  
9 the payment of interest on bonds and notes, the  
10 establishment of reserves to secure bonds and notes  
11 and all other expenditures of the board incident to  
12 and necessary or convenient to carry out the purposes  
13 of the program. However, the board may not have a  
14 total principal amount of bonds and notes outstanding  
15 at any time in excess of two hundred million dollars.  
16 The bonds and notes shall be deemed to be investment  
17 securities and negotiable instruments within the  
18 meaning of and for all purposes of the uniform  
19 commercial code.

20 2. Bonds and notes are payable solely and only  
21 out of the moneys, assets or revenues of the program  
22 and as provided in the agreement with bondholders  
23 or noteholders pledging any particular moneys, assets  
24 or revenues. Bonds or notes are not an obligation  
25 of this state or any political subdivision of this  
26 state within the meaning of any constitutional or  
27 statutory debt limitations, but are special obligations  
28 payable solely and only from the sources provided  
29 in this Act, and the board shall not pledge the credit  
30 or taxing power of this state or any political  
31 subdivision of this state or make the program's debts  
32 payable out of any moneys except those of the program.

33 3. Bonds and notes must be authorized by a  
34 resolution of the board. However, the resolution  
35 may delegate to an officer of the board the power  
36 to negotiate and fix the details of an issue of bonds  
37 or notes by an appropriate certificate of the  
38 authorized officer.

39 4. Bonds shall:

40 a. State the date and series of the issue, be  
41 consecutively numbered and state on their face that  
42 they are payable both as to principal and interest  
43 solely out of the assets of the program and do not  
44 constitute an indebtedness of this state or any  
45 political subdivision of this state within the meaning  
46 of any constitutional or statutory debt limit.

47 b. Be either registered, registered as to principal  
48 only, or in coupon form, issued in denominations as  
49 the board prescribes, fully negotiable instruments  
50 under the laws of this state, signed on behalf of

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1 the board with the manual or facsimile signature of  
2 the chairperson or vice chairperson, attested by the  
3 manual or facsimile signature of the treasurer, have

4 impressed or imprinted thereon the seal of the state  
5 of Iowa or a facsimile of it, and the coupons attached  
6 shall be signed with the facsimile signature of the  
7 chairperson or vice chairperson, be payable as to  
8 interest at rates and at times as the board determines,  
9 be payable as to principal at times over a period  
10 not to exceed fifty years from the date of issuance,  
11 at places and with reserved rights of prior redemption,  
12 as the board prescribes, be sold at prices, at public  
13 or private sale, and in a manner as the board  
14 prescribes, and the board may pay all expenses,  
15 premiums and commissions which the board deems  
16 necessary or advantageous in connection with the  
17 issuance and sale, and be issued under and subject  
18 to the terms, conditions and covenants providing for  
19 the payment of the principal, redemption premiums,  
20 if any, interest and other terms, conditions, covenants  
21 and protective provisions safeguarding payment, not  
22 inconsistent with this Act, as are found to be  
23 necessary by the board for the most advantageous sale,  
24 which may include, but are not limited to, covenants  
25 with the holders of the bonds as to:

26 (1) Pledging or creating a lien, to the extent  
27 provided by the resolution, on moneys or property  
28 of the program or moneys held in trust or otherwise  
29 by others to secure the payment of the bonds.

30 (2) Providing for the custody, collection,  
31 securing, investment and payment of any moneys of  
32 or due to the program.

33 (3) The setting aside of reserves or sinking funds  
34 and the regulation or disposition of them.

35 (4) Limitations on the purpose to which the  
36 proceeds of sale of an issue of bonds then or  
37 thereafter to be issued may be applied.

38 (5) Limitations on the issuance of additional  
39 bonds and on the refunding of outstanding or other  
40 bonds.

41 (6) The procedure by which the terms of a contract  
42 with the holders of bonds may be amended or abrogated,  
43 the amount of bonds the holders of which must consent  
44 thereto and the manner in which consent may be given.

45 (7) The creation of special funds into which  
46 moneys of the program may be deposited.

47 (8) Vesting in an indentured trustee properties,  
48 rights, powers and duties in trust.

49 (9) Defining the acts or omissions which constitute  
50 a default in the obligations and duties of the board

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1 and providing for the rights and remedies of the  
2 holders of bonds in the event of a default. However,

3 rights and remedies shall be consistent with the laws  
4 of this state and other provisions of this Act.

5 (10) Any other matters which affect the security  
6 and protection of the bonds and the rights of the  
7 holders.

8 5. The board may issue bonds for the purpose of  
9 refunding any bonds or notes of the program then  
10 outstanding, including the payment of any redemption  
11 premiums and any interest accrued or to accrue to  
12 the date of redemption of the outstanding bonds or  
13 notes. Until the proceeds of bonds issued for the  
14 purpose of refunding outstanding bonds or notes are  
15 applied to the purchase or retirement of outstanding  
16 bonds or notes or the redemption of outstanding bonds  
17 or notes, the proceeds may be placed in escrow and  
18 be invested and reinvested in accordance with the  
19 provisions of this Act. The interest, income and  
20 profits earned or realized on an investment may also  
21 be applied to the payment of the outstanding bonds  
22 or notes to be refunded by purchase, retirement or  
23 redemption. After the terms of the escrow have been  
24 fully satisfied and carried out, any balance of  
25 proceeds and interest earned or realized on the  
26 investments may be returned to the program for use  
27 in any lawful manner. All refunding bonds shall be  
28 issued and secured and subject to the provisions of  
29 this Act in the same manner and to the same extent  
30 as other bonds.

31 6. The board may issue negotiable bond anticipation  
32 notes and may renew them from time to time but the  
33 maximum maturity of the notes, including renewals,  
34 shall not exceed ten years from the date of issue  
35 of the original notes. Notes are payable from any  
36 available moneys of the program not otherwise pledged  
37 or from the proceeds of the sale of bonds in  
38 anticipation of which the notes were issued. Notes  
39 may be issued for any purpose of the program. Notes  
40 shall be issued in the same manner as bonds and notes  
41 and the resolution authorizing them may contain any  
42 provisions, conditions or limitations, not inconsistent  
43 with the provisions of this subsection, which the  
44 bonds or a bond resolution may contain. Notes may  
45 be sold at public or private sale. In case of default  
46 on notes or violation of any obligations of the board  
47 to the noteholders, the noteholders shall have all  
48 the remedies provided in this Act for bondholders.  
49 Notes shall be as fully negotiable as bonds of the  
50 program.

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1 7. A copy of each pledge agreement by or to the  
2 board, including without limitation each bond  
3 resolution, indenture of trust or similar agreement,  
4 or any revisions or supplements to it shall be filed  
5 with the secretary of state and no further filing  
6 or other action under article nine (9) of the uniform  
7 commercial code, or any other law of the state shall  
8 be required to perfect the security interest in the  
9 collateral or any additions to it or substitutions  
10 for it and the lien and trust so created shall be  
11 binding from and after the time made against all  
12 parties having claims of any kind in tort, contract  
13 or otherwise against the pledgor.

14 8. The members of the board and any person  
15 executing bonds, notes or other obligations are not  
16 liable personally on the bonds, notes or other  
17 obligations or subject to personal liability or  
18 accountability by reason of the issuance of the bonds  
19 or notes.

20 9. The board shall publish a notice of intention  
21 to issue bonds or notes in a newspaper published and  
22 of general circulation in the state. The notice shall  
23 include a statement of the maximum amount of bonds  
24 or notes proposed to be issued, and in general, what  
25 net revenues will be pledged to pay the bonds or notes  
26 and interest thereon. An action shall not be brought  
27 questioning the legality of the bonds or notes or  
28 the power of the board to issue the bonds or notes  
29 or to the legality of any proceedings in connection  
30 with the authorization or issuance of the bonds or  
31 notes after sixty days from the date of publication  
32 of the notice.

33 Sec. 16. NEW SECTION. RESERVE FUNDS AND  
34 APPROPRIATIONS.

35 1. The board may create and establish for the  
36 program one or more special funds, each to be known  
37 as a "bond reserve fund" and shall pay into each bond  
38 reserve fund any moneys appropriated and made available  
39 by the state for the purpose of the fund, any proceeds  
40 of sale of notes or bonds to the extent provided in  
41 the bond resolutions of the board authorizing their  
42 issuance and any other moneys which are available  
43 to the board for the purpose of the fund from any  
44 other sources. Moneys held in a bond reserve fund,  
45 except as otherwise provided in this Act, shall be  
46 used as required solely for the payment of the  
47 principal of bonds secured in whole or in part by  
48 the fund or of the sinking fund payments with respect  
49 to the bonds, the purchase or redemption of the bonds,  
50 the payment of interest on the bonds or the payments

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1 of any redemption premium required to be paid when  
2 the bonds are redeemed prior to maturity.

3 2. Moneys in a bond reserve fund shall not be  
4 withdrawn from it in an amount that will reduce the  
5 amount of the fund to less than the bond reserve fund  
6 requirement established for the fund, as provided  
7 in this section, except for the purpose of making  
8 payment when due of principal, interest, redemption  
9 premiums and the sinking fund payments with respect  
10 to the bonds for the payment of which other moneys  
11 of the program are not available. Any income or  
12 interest earned by, or incremental to, a bond reserve  
13 fund due to the investment of it may be transferred  
14 by the board to other funds or accounts of the program  
15 to the extent the transfer does not reduce the amount  
16 of that bond reserve fund below the bond reserve fund  
17 requirement for it.

18 3. The board shall not at any time issue bonds,  
19 secured in whole or in part by a bond reserve fund  
20 if, upon the issuance of the bonds, the amount in  
21 the bond reserve fund will be less than the bond  
22 reserve fund requirement for the fund, unless the  
23 board at the time of issuance of the bonds deposits  
24 in the fund from the proceeds of the bonds issued  
25 or from other sources an amount which, together with  
26 the amount then in the fund will not be less than  
27 the bond reserve fund requirement for the fund. For  
28 the purposes of this section, the term "bond reserve  
29 fund requirement" means, as of any particular date  
30 of computation, an amount of money, as provided in  
31 the bond resolutions of the board authorizing the  
32 bonds with respect to which the fund is established,  
33 equal to not more than ten percent of the outstanding  
34 principal amount of bonds secured by the fund.

35 4. To assure the continued operation and solvency  
36 of the board for the carrying out of its purposes,  
37 provision is made in subsection one (1) of this section  
38 for the accumulation in each bond reserve fund of  
39 an amount equal to the bond reserve fund requirement  
40 for the fund. In order further to assure maintenance  
41 of the bond reserve funds, the board shall, on or  
42 before July first of each calendar year, make and  
43 deliver to the governor a certificate stating the  
44 sum, if any, required to restore each bond reserve  
45 fund to its bond reserve fund requirement. Within  
46 thirty days after the beginning of the session of  
47 the general assembly next following the delivery of  
48 the certificate, the governor may submit to both  
49 houses printed copies of a budget including any sum  
50 required to restore each bond reserve fund to its

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1 bond reserve fund requirement. Sums appropriated  
2 by the general assembly and paid to the board pursuant  
3 to this section shall be deposited by the board in  
4 the applicable bond reserve fund.

5 5. Amounts paid over to the board by the state  
6 pursuant to the provisions of this section shall  
7 constitute and be accounted for as advances by the  
8 state to the program and, subject to the rights of  
9 the holders of any bonds or notes of the program,  
10 shall be repaid to the state without interest from  
11 all available operating revenues of the program in  
12 excess of amounts required for the payment of bonds,  
13 notes or obligations of the program, the bond reserve  
14 fund and operating expenses.

15 6. The board shall cause to be delivered to the  
16 legislative fiscal committee within ninety days of  
17 the close of the fiscal year an annual report certified  
18 by an independent certified public accountant, who  
19 may be the accountant or a member of the firm of  
20 accountants who regularly audits the books and accounts  
21 of the program. In the event that the principal  
22 amount of any bonds or notes deposited in a bond  
23 reserve fund is withdrawn for payment of principal  
24 or interest, reducing the amount of that fund to less  
25 than the bond reserve fund requirement, the board  
26 shall immediately notify the general assembly of this  
27 event and shall take steps to restore the fund to  
28 its bond reserve fund requirement from any amounts  
29 available, other than principal of a bond issue, which  
30 are not pledged to the payment of other bonds or  
31 notes.

32 **Sec. 17. NEW SECTION. REMEDIES OF BONDHOLDERS**  
33 **AND NOTEHOLDERS.**

34 1. If the board defaults in the payment of  
35 principal or interest on an issue of bonds or notes  
36 at maturity or upon call for redemption and the default  
37 continues for a period of thirty days or if the board  
38 fails or refuses to comply with the provisions of  
39 this Act, or defaults in an agreement made with the  
40 holders of an issue of bonds or notes, the holders  
41 of twenty-five percent in aggregate principal amount  
42 of bonds or notes of the issue then outstanding, by  
43 instrument filed in the office of the clerk of Polk  
44 county and proved or acknowledged in the same manner  
45 as a deed to be recorded, may appoint a trustee to  
46 represent the holders of the bonds or notes for the  
47 purposes provided in this section.

48 2. The board or any trustee appointed under the  
49 indenture under which the bonds are issued may, but  
50 upon written request of the holders of twenty-five

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- 1 percent in aggregate principal amount of the issue  
 2 of bonds or notes then outstanding shall:
- 3 a. Enforce all rights of the bondholders or  
 4 noteholders including the right to require the board  
 5 to carry out the agreements with the holders and to  
 6 perform the duties under this Act.
- 7 b. Bring suit upon the bonds or notes.
- 8 c. By action require the board to account as if  
 9 it were the trustee of an express trust for the  
 10 holders.
- 11 d. By action enjoin any acts or things which are  
 12 unlawful or in violation of the rights of the holders.
- 13 e. Declare all the bonds or notes due and payable  
 14 and if all defaults are made good then with the consent  
 15 of the holders of twenty-five percent of the aggregate  
 16 principal amount of the issue of bonds or notes then  
 17 outstanding, annul the declaration and its  
 18 consequences.
- 19 3. The trustee shall also have all powers necessary  
 20 or appropriate for the exercise of functions  
 21 specifically set forth or incident to the general  
 22 representation of bondholders or noteholders in the  
 23 enforcement and protection of their rights.
- 24 4. Before declaring the principal of bonds or  
 25 notes due and payable, the trustee shall first give  
 26 thirty days notice in writing to the governor, to  
 27 the board and to the attorney general of the state.
- 28 5. The district court has jurisdiction of any  
 29 action by the trustee on behalf of bondholders or  
 30 noteholders. The venue of the action shall be in  
 31 Polk county.

32 **Sec. 18. NEW SECTION. BONDS AND NOTES AS LEGAL**  
 33 **INVESTMENTS.** Bonds and notes are securities in which  
 34 public officers, state departments and agencies,  
 35 political subdivisions, insurance companies and other  
 36 persons carrying on an insurance business, banks,  
 37 trust companies, savings and loan associations,  
 38 investment companies and other persons carrying on  
 39 a banking business, administrators, executors,  
 40 guardians, conservators, trustees and other fiduciaries  
 41 and other persons authorized to invest in bonds or  
 42 other obligations of this state may properly and  
 43 legally invest funds including capital in their control  
 44 or belonging to them. The bonds and notes are also  
 45 securities which may be deposited with and may be  
 46 received by public officers, state departments and  
 47 agencies and political subdivisions for any purpose  
 48 for which the deposit of bonds or other obligations  
 49 of this state is authorized.

50 **Sec. 19. NEW SECTION. MONEYS OF THE PROGRAM.**



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1 1. Moneys of the program, except as otherwise  
2 provided in this Act, shall be paid to the board and  
3 shall be deposited in a bank or other financial  
4 institution designated by the board. The moneys shall  
5 be withdrawn on the order of the person authorized  
6 by the board. Deposits shall be secured in the manner  
7 determined by the board. The auditor of state or  
8 the auditor's legally authorized representatives may  
9 periodically examine the accounts and books of the  
10 program, including receipts, disbursements, contracts,  
11 leases, sinking funds, investments and any other  
12 records and papers relating to its financial standing,  
13 and the program shall not be required to pay a fee  
14 for the examination.

15 2. The board under the program may contract with  
16 holders of bonds or notes as to the custody,  
17 collection, security, investment and payment of moneys  
18 of the program, of moneys held in trust or otherwise  
19 for the payment of bonds or notes and to carry out  
20 the contract. Moneys held in trust or otherwise for  
21 the payment of bonds or notes or in any way to secure  
22 bonds or notes and deposits of the moneys may be  
23 secured in the same manner as moneys of the program  
24 and banks and trust companies may give security for  
25 the deposits.

26 3. Subject to the provisions of any contract with  
27 bondholders or noteholders and to the approval of  
28 the state comptroller, the board shall prescribe a  
29 system of accounts.

30 4. The board shall submit to the governor, the  
31 auditor of state and the state comptroller, within  
32 thirty days of receipt, a copy of the report of every  
33 external examination of the books and accounts of  
34 the program other than copies of the reports of  
35 examinations made by the auditor of state.

36 **Sec. 20. NEW SECTION. LIMITATION OF LIABILITY.**

37 The members of the board and persons acting in the  
38 board's behalf, while acting within the scope of their  
39 employment or agency, are not subject to personal  
40 liability resulting from carrying out the powers and  
41 duties given in this Act.

42 **Sec. 21. NEW SECTION. ASSISTANCE BY STATE**  
43 **OFFICERS, AGENCIES AND DEPARTMENTS.** State officers  
44 and state departments and agencies may render services  
45 to the board under the program within their respective  
46 functions as requested by the board.

47 **Sec. 22. NEW SECTION. CONFLICTS OF INTEREST.**

48 1. If a member or employee of the board, other  
49 than the treasurer, has an interest, either direct  
50 or indirect, in a contract to which the board is or

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1 is to be a party or in a mortgage lender requesting  
2 a loan from or offering to sell mortgage or secured  
3 loans to the board, the interest shall be disclosed  
4 to the board in writing and shall be set forth in  
5 the minutes. The member or employee having the  
6 interest shall not participate in action by the board  
7 with respect to that contract or mortgage lender.

8 2. This section does not limit the right of a  
9 member or employee of the board to acquire an interest  
10 in bonds or notes or limit the right of a member or  
11 employee, other than the treasurer, to have an interest  
12 in a bank or other financial institution in which  
13 the funds of the program are deposited or which is  
14 acting as trustee or paying agent under a trust  
15 indenture to which the board is a party.

16 3. The treasurer shall not have an interest in  
17 a bank or other financial institution in which the  
18 funds of the program are deposited or which is acting  
19 as trustee or paying agent under a trust indenture  
20 to which the board is a party. The treasurer shall  
21 not receive, in addition to fixed salary or  
22 compensation, any money or valuable thing, either  
23 directly or indirectly, or through any substantial  
24 interest in any other corporation or business unit,  
25 for negotiating, procuring, recommending or aiding  
26 in any purchase or sale of property or loan made under  
27 the program, nor shall the treasurer be pecuniarily  
28 interested, either as principal, co-principal, agent  
29 or beneficiary, either directly or indirectly or  
30 through any substantial interest in any other  
31 corporation or business unit, in any purchase, sale  
32 or loan.

33 Sec. 23. NEW SECTION. EXEMPTION FROM COMPETITIVE  
34 BID LAWS. The board and all contracts made by it  
35 in carrying out the program's purposes under this  
36 Act, are exempt from the laws of the state which  
37 provide for competitive bids in connection with such  
38 contracts.

39 Sec. 24. NEW SECTION. LIBERAL INTERPRETATION.  
40 This Act, being necessary for the welfare of this  
41 state and its inhabitants, shall be liberally construed  
42 to effect its purposes."

43 2. By striking the title and inserting in lieu  
44 thereof the words "An Act establishing the Iowa family  
45 enterprise development board, authorizing the issuance  
46 of bonds, prescribing its powers and duties."

## COMMITTEE ON STATE GOVERNMENT

**Senate File 2058**, a bill for an act providing for the reimbursement to the city, county or state of the witness fees of a peace officer who has been paid a salary to testify while not on regular duty.

**Recommended Do Pass.**

Fiscal Note is not required.

**Senate File 2070**, a bill for an act to allow multi-year professional and occupational licenses.

**Recommended Do Pass.**

Fiscal Note is not required.

**Senate File 2234**, a bill for an act relating to the payment of recording fees for land acquisitions by governmental agencies.

**Recommended Amend and Do Pass.**

H-5576

- 1 Amend Senate File 2234 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "governmental" the words "subdivision or".
- 5 2. Page 1, line 20, by inserting after the word
- 6 "governmental" the words "subdivision or".
- 7 3. Page 1, line 21, by inserting after the word
- 8 "governmental" the words "subdivision or".
- 9 4. Page 1, line 22, by inserting after the word
- 10 "governmental" the words "subdivision or".
- 11 5. Amend the title, line 2, by inserting after
- 12 the word "governmental" the words "subdivisions or".

Fiscal Note is not required.

**Senate File 2269**, a bill for an act to establish a communications review committee and to abolish the police communications review committee.

**Recommended Do Pass.**

Fiscal Note is not required.

**Senate File 2301**, a bill for an act relating to gubernatorial appointments which are subject to confirmation by the senate.

**Recommended Do pass.**

Fiscal Note is not required.

## COMMITTEE ON WAYS AND MEANS

**Senate File 500**, a bill for an act relating to financial institutions, its imposition and rates and increasing the interest rates on special assessment bonds.

**Recommended Amend and Do Pass.**

H-5577

1 Amend Senate File 500, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 15 and 16, by striking the words  
4 "and any amount of franchise taxes paid or accrued  
5 under this division during the taxable year".

6 2. Page 1, line 26, by inserting after the word  
7 "subdivisions" the words "and any amount of franchise  
8 taxes paid or accrued under this division during the  
9 taxable year".

10 3. Page 1, by inserting after line 32 the  
11 following: "If the net income of the financial  
12 institution is derived from its business carried on  
13 entirely within the state, the tax shall be imposed  
14 on the entire net income, but if the business is  
15 carried on partly within and partly without the state,  
16 the portion of net income reasonably attributable  
17 to the business within the state shall be specifically  
18 allocated or equitably apportioned within and without  
19 the state under rules of the director."

20 4. Page 2, line 6, by striking the figure "1979"  
21 and inserting in lieu thereof the figure "1980".

22 5. Page 2, line 9, by striking the figure "1979"  
23 and inserting in lieu thereof the figure "1980".

24 6. Page 2, by striking lines 14 through 35 and  
25 inserting in lieu thereof the following:

26 "Sec. . . **NEW SECTION. TEMPORARY RATES.**

27 1. Notwithstanding the interest rate or interest-  
28 rate limitation specified in a provision of the Code  
29 referred to in subsection two (2) of this section,  
30 the interest rate or interest-rate limitation in  
31 effect in a provision of the Code referred to in  
32 subsection two (2) of this section is a rate of  
33 interest which is equal to the sum of the rate actually  
34 specified in that provision plus three percentage  
35 points, except that if the bond issue voted at an  
36 election or approved by the governing body of a  
37 political subdivision is for an amount equal to five  
38 million dollars or more, then the provisions of this  
39 subsection and subsection two (2) of this section  
40 shall not be applicable and those bonds when sold  
41 under any of the sections enumerated in subsection  
42 two (2) of this section shall not be subject to any

43 interest rate limitations.

44 2. Subsection one (1) of this section applies  
45 to the following sections of the Code: Section  
46 nineteen point eight (19.8), Code 1979, as amended  
47 by Acts of the Sixty-eighth General Assembly, 1979  
48 Session, chapter twenty-four (24), section one (1);  
49 sections twenty-eight F point eight (28F.8), and  
50 section thirty-seven point six (37.6), Code 1979;

**Page 2**

1 section thirty-seven point twenty-eight (37.28), Code  
2 1979, as amended by Acts of the Sixty-eighth General  
3 Assembly, 1979 Session, chapter twenty-four (24),  
4 section two (2); section seventy-four point two (74.2),  
5 Code 1979, as amended by Acts of the Sixty-eighth  
6 General Assembly, 1979 Session, chapter twenty-four  
7 (24), section three (3); section seventy-five point  
8 twelve (75.12), subsections one (1), two (2) and three  
9 (3), section one hundred eleven A point six (111A.6),  
10 unnumbered paragraph two (2), section one hundred  
11 forty-five A point seventeen (145A.17), and section  
12 two hundred two point five (202.5), Code 1979; section  
13 two hundred two point six (202.6), Code 1979, as  
14 amended by Acts of the Sixty-eighth General Assembly,  
15 1979 Session, chapter twenty-four (24), section four  
16 (4); section two hundred eighty A point twenty-two  
17 (280A.22), unnumbered paragraph two (2), section two  
18 hundred ninety-six point one (296.1), section two  
19 hundred ninety-eight point twenty-two (298.22),  
20 unnumbered paragraph one (1), section three hundred  
21 two point twelve (302.12), section three hundred nine  
22 point forty-seven (309.47), subsection four (4) and  
23 section three hundred nine point seventy-three  
24 (309.73), unnumbered paragraph three (3), Code 1979;  
25 section three hundred eleven point sixteen (311.16),  
26 unnumbered paragraph two (2), Code 1979, as amended  
27 by Acts of the Sixty-eighth General Assembly, 1979  
28 Session, chapter sixty-eight (68), section one (1);  
29 section three hundred eleven point seventeen (311.17),  
30 unnumbered paragraph one (1), Code 1979, as amended  
31 by Acts of the Sixty-eighth General Assembly, 1979  
32 Session, chapter sixty-eight (68), section two (2);  
33 section three hundred eleven point twenty-eight  
34 (311.28), section three hundred thirty point seven  
35 (330.7), unnumbered paragraph five (5), section three  
36 hundred thirty point fourteen (330.14), section three  
37 hundred thirty point sixteen (330.16), unnumbered  
38 paragraph two (2), section three hundred thirty A  
39 point nine (330A.9), subsection one (1), section three  
40 hundred thirty-two point forty-four (332.44),

41 subsection eight (8), unnumbered paragraph two (2),  
 42 section three hundred forty-five point sixteen  
 43 (345.16), section three hundred forty-six point three  
 44 (346.3), unnumbered paragraph one (1), section three  
 45 hundred forty-six point twenty-three (346.23),  
 46 unnumbered paragraph two (2), section three hundred  
 47 forty-six point twenty-six (346.26), subsection three  
 48 (3), section three hundred forty-six point twenty-  
 49 seven (346.27), subsection fourteen (14), section  
 50 three hundred forty-six A point three (346A.3),

**Page 3**

1 unnumbered paragraph two (2), section three hundred  
 2 forty-seven point five (347.5), section three hundred  
 3 forty-seven point twenty-seven (347.27), unnumbered  
 4 paragraphs one (1) and three (3), section three hundred  
 5 forty-seven A point two (347A.2), section three hundred  
 6 forty-seven A point seven (347A.7), unnumbered  
 7 paragraph one (1), section three hundred fifty-seven  
 8 point twenty (357.20), section three hundred fifty-  
 9 seven A point eleven (357A.11), subsection eight (8),  
 10 section three hundred fifty-seven B point four  
 11 (357B.4), section three hundred fifty-seven C point  
 12 ten (357C.10), section three hundred fifty-eight point  
 13 twenty-one (358.21), unnumbered paragraph four (4),  
 14 section three hundred fifty-nine point forty-five  
 15 (359.45), section three hundred eighty-four point  
 16 fifty-seven (384.57), section three hundred eighty-  
 17 four point sixty (384.60), subsections three (3) and  
 18 five (5), section three hundred eighty-four point  
 19 sixty-eight (384.68), subsection two (2), section  
 20 three hundred eighty-four point eighty-three (384.83),  
 21 subsection six (6), section three hundred eighty-six  
 22 point twelve (386.12), subsection four (4), section  
 23 three hundred ninety-four point one (394.1), unnumbered  
 24 paragraph two (2), section four hundred three point  
 25 nine (403.9), subsection three (3), and section four  
 26 hundred three A point thirteen (403A.13), unnumbered  
 27 paragraph one (1), Code 1979; section four hundred  
 28 fifty-four point twenty (454.20), Code 1979, as amended  
 29 by Acts of the Sixty-eighth General Assembly, 1979  
 30 Session, chapter twenty-four (24), section five (5);  
 31 and section four hundred fifty-five point sixty-four  
 32 (455.64), subsections one (1) and two (2), section  
 33 four hundred fifty-five point seventy-seven (455.77),  
 34 unnumbered paragraph one (1), section four hundred  
 35 fifty-five point seventy-nine (455.79), section four  
 36 hundred fifty-five point eighty-three (455.83), section  
 37 four hundred fifty-five point one hundred seventy-  
 38 five (455.175), section four hundred fifty-five point  
 39 one hundred ninety-eight (455.198), section four

40 hundred fifty-five point two hundred thirteen  
 41 (455.213), section four hundred sixty-one point  
 42 fourteen (461.14), and section four hundred sixty-  
 43 three point ten (463.10), Code 1979.  
 44 3. Notwithstanding the interest-rate limitation  
 45 specified in sections four hundred sixty point seven  
 46 (460.7), four hundred sixty-seven A point thirty-three  
 47 (467A.33), unnumbered paragraph one (1), and four  
 48 hundred sixty-seven A point thirty-five (467A.35),  
 49 subsections one (1) and two (2), Code 1979, the  
 50 interest-rate limitation which is in effect under

**Page 4**

1 each one of those provisions is a rate of interest  
 2 equal to the sum of the rate of interest actually  
 3 specified plus four percentage points.  
 4 4. Bonds sold on or after the effective date of  
 5 this Act to finance an improvement for which a final  
 6 assessment schedule was adopted prior to the effective  
 7 date of this Act may bear a rate of interest not to  
 8 exceed ten percent per annum, and section seventy-  
 9 five point eleven (75.11) of the Code and any other  
 10 similar statutory restriction does not apply to these  
 11 bonds."  
 12 7. Page 3, by striking lines 1 through 35.  
 13 8. Page 4, by striking lines 1 through 4.

**Study Bill 569**, relating to the information which shall be included in notices prior to budget hearings by a political subdivision and to be included on tax statements provided by the county treasurer.

**Recommended Amend and Do Pass.**

**Study Bill 647**, allowing special income tax treatment for the receipt of a lump sum distribution from an employees' pension, retirement or annuity plan.

**Recommended Do Pass.**

**Study Bill 722**, relating to the determination of actual and assessed value of property for tax purposes within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code and making the Act retroactive.

**Recommended Amend and Do Pass.**

### AMENDMENTS FILED

H-5579	S.F. 455	Spear of Lee
H-5581	S.F. 314	Spear of Lee

H-5582	S.F. 314	Spear of Lee
H-5583	H.F. 2536	Lorenzen of Scott
H-5584	S.F. 360	Tyrrell of Iowa
H-5587	S.F. 455	Johnson of Howard
Menke of O'Brien		Johnson of Woodbury
Pellett of Cass		Crabb of Crawford
Anderson of Audubon		Lageschulte of Bremer
Renken of Grundy		Lura of Marshall
Bennett of Ida		Danker of Pottawattamie
Schnekloth of Scott		Holt of Clay
Lorenzen of Scott		Pope of Polk
Branstad of Winnebago		Maulsby of Calhoun
H-5588	H.F. 2531	Tyrrell of Iowa
		Pellett of Cass
		Danker of Pottawattamie
		Lind of Black Hawk
H-5589	H.F. 2523	Johnson of Woodbury
H-5590	H.F. 2536	Tyrrell of Iowa
H-5591	H.F. 2527	Horn of Linn
H-5592	H.F. 2527	Cusack of Scott
H-5593	H.F. 2529	Lura of Marshall
H-5594	H.F. 2534	Spear of Lee
H-5595	H.F. 759	Schnekloth of Scott
H-5596	H.F. 2529	Spear of Lee
H-5597	H.F. 2529	Spear of Lee
H-5598	H.F. 2518	Crawford of Story
H-5599	H.F. 2558	Hoffmann of Muscatine
		Anderson of Audubon
		Maulsby of Calhoun
		Oxley of Linn
		Danker of Pottawattamie
		Renken of Grundy
		Husak of Tama
		Branstad of Winnebago
		Stromer of Hancock
H-5600	H.F. 2536	Krewson of Polk
H-5601	H.F. 2527	Cusack of Scott
H-5602	H.F. 2393	Jay of Appanoose
H-5603	H.F. 2560	Lind of Black Hawk
H-5604	H.F. 2559	Lind of Black Hawk
H-5605	H.F. 2514	Cochran of Webster
H-5606	H.F. 2514	Cochran of Webster



H—5607	H.F. 2393	Mullins of Kossuth Poffenberger of Dallas Schroeder of Pottawattamie Ritsema of Sioux Pope of Polk
H—5608	H.F. 2561	Cochran of Webster

On motion by Halvorson of Clayton, the House adjourned at 6:04 p.m., until 9:00 a.m., Thursday, March 20, 1980.

# JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day – Forty-sixth, Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 20, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by Father Dennis Juhl, Walhert High School, Dubuque.

The Journal of Wednesday, March 19, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roger Boulden, Lenox.

## PETITION FILED

The following petition was received and placed on file:

By Howell of Floyd, from eighty-one constituents favoring Senate File 367, an act relating to reimbursement or the payment for health care services.

## INTRODUCTION OF BILLS

**House File 2567**, by committee on ways and means, a bill for an act relating to the determination of actual and assessed value of property for tax purposes and defining that property which may not be included within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code and making the Act retroactive.

Read first time and placed on the ways and means calendar.

**House File 2568**, by committee on ways and means, a bill for an act relating to the information which shall be included in notices prior to budget hearings by a political subdivision.

Read first time and placed on the ways and means calendar.

**House File 2569**, by committee on ways and means, a bill for an act allowing special income tax treatment for the receipt of a lump sum distribution from an employees' pension, retirement or annuity plan.

Read first time and **placed on the ways and means calendar.**

**House File 2570**, by committee on state government, a bill for an act relating to the method of transmission of funds to be deposited in the county mental health and institutions fund.

Read first time and **placed on the calendar.**

#### SENATE MESSAGES CONSIDERED

**Senate File 340**, by Taylor, a bill for an act to specify in the Iowa Code, the date the armed forces of the United States were directed by formal order of the government of the United States to cease hostilities in the Vietnam Conflict.

Read first time and referred to committee on **state government.**

**Senate File 360**, by committee on judiciary, a bill for an act relating to controlled substances by providing that the possession of one ounce or less of marijuana constitutes a simple misdemeanor; providing that the accommodation offense applies only to one ounce or less of marijuana; and removing the prohibition against deferred judgments, deferred sentences and suspended sentences for certain controlled substance offenses.

Read first time and referred to committee on **judiciary and law enforcement.**

**Senate File 386**, by Orr, a bill for an act authorizing certain cities to contract with elected city officers.

Read first time and referred to committee on **cities.**

**Senate File 404**, by Bisenius, a bill for an act providing that the court may sentence a defendant who is convicted of a crime other than a forcible felony to perform community service.

Read first time and referred to committee on **judiciary and law enforcement.**

**Senate File 2050**, by Scott, a bill for an act relating to the definition of public utility to exclude persons who sell energy generated from nonfossil fuel sources to neighboring properties but not to the general public.

Read first time and referred to committee on **commerce**.

**Senate File 2168**, by Holden, a bill for an act relating to the duties of the county compensation board.

Read first time and referred to committee on **county government**.

**Senate File 2204**, by Miller of Des Moines, a bill for an act relating to the bonding of township clerks.

Read first time and referred to committee on **county government**.

**Senate File 2267**, by committee on judiciary, a bill for an act to authorize certain trusts to be shareholders in a family farm corporation.

Read first time and **passed on file**.

**Senate File 2278**, by committee on judiciary, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2279**, by committee on judiciary, a bill for an act relating to the dates for limitations of actions on title to real property.

Read first time and **passed on file**.

**Senate File 2280**, by committee on transportation, a bill for an act granting the state the power of eminent domain to acquire railroad right-of-way.

Read first time and **passed on file**.

**Senate File 2281**, by committee on transportation, a bill for an act providing for temporary allocation of farm-to-market road use funds.

Read first time and referred to committee on **ways and means**.

**Senate File 2298**, by committee on ways and means, a bill for an act relating to the taxable status of property.

Read first time and referred to committee on **ways and means**.

**Senate File 2299**, by committee on commerce, a bill for an act permitting the establishment and use of common trust funds by banks having common ownership.

Read first time and referred to committee on **commerce**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2110, a bill for an act to require state depository financial institutions to give written disclosure of all transactions on mortgage-loan escrow accounts.

Also: That the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2199, a bill for an act relating to the wearing of a uniform likely to be mistaken for the official uniform of the Iowa Safety Patrol.

Also: That the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies.

Also: That the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2287, a bill for an act relating to the payment of expenses of the Iowa national guard.

Also: That the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act providing that magistrates and judges may receive actual and necessary expenses in an amount not exceeding a maximum set by supreme court.

Also: That the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2314, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

Also: That the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2317, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties.

Also: That the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2331, a bill for an act to legalize the sale of certain property in Lee county.

FRANK J. STORK, Secretary

Speaker pro tempore Stromer of Hancock in the chair at 9:35 a.m.

## BUSINESS PENDING AT ADJOURNMENT

### Appropriations Calendar

The House resumed consideration of **House File 2527**, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9) and chapter sixteen (16) relating to appropriating funds for the fiscal year beginning July 1, 1980 to state agencies for designated service programs including health programs, civil rights and programs for women, minority and elderly persons.

Spears of Lee asked and received unanimous consent to temporarily defer action on amendment H—5457.

Bennett of Ida offered the following amendment H—5486 filed by Bennett, et al., and moved its adoption:

H—5486

- 1 Amend House File 2527 as follows:  
2 1. Page 4, by striking lines 20 through 24 and  
3 inserting in lieu thereof the following:  
4 "(2) Of the appropriation for the 1980-1981 fiscal  
5 year, the sum of one hundred six thousand (106,000)  
6 dollars is allocated for deaf services, the sum of  
7 three hundred fifty thousand (350,000) dollars is  
8 allocated for the renal disease program, and the sum  
9 of twenty thousand (20,000) dollars is allocated for  
10 the emergency medical service program."

Amendment H—5486 was adopted.

Bennett of Ida offered the following amendment H—5570 filed by him and Cusack of Scott and moved its adoption:

H—5570

- 1 Amend House File 2527 by the Committee on  
2 Appropriations as follows:  
3 1. Page 4, by inserting after line 24 the  
4 following:  
5 "Sec. . Acts of the Sixty-eighth General  
6 Assembly, 1979 Session, chapter nine (9), section  
7 nine (9), amending section sixteen point eight (16.8),  
8 Code 1979, is amended to read as follows:  
9 16.8 COMMISSION TERMINATION TRANSFERRED. Without  
10 affirmative action by the general assembly before  
11 June 30, 1980, the The Spanish-speaking people's  
12 commission shall expire on June 30, 1981 be transferred  
13 to the Iowa state civil rights commission on July  
14 1, 1980. The Spanish-speaking people's commission  
15 shall continue to be appointed and function as provided  
16 in sections sixteen point one (16.1) through sixteen  
17 point seven (16.7) of the Code, but the Iowa state  
18 civil rights commission shall provide support services  
19 to the Spanish-speaking people's commission including,  
20 but not limited to, office space, secretarial  
21 assistance, supplies, and similar services."  
22 2. Renumber sections and internal references as  
23 necessary in accordance with this amendment.

Amendment H—5570 was adopted.

The House resumed consideration of amendment H—5457.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5457 filed by him on March 12, 1980 and found on page 1015 of the House Journal.

Cusack of Scott offered the following amendment H—5513 filed by Cusack, et al. :

H—5513

- 1 Amend House File 2527 as follows:
- 2 1. Page 4, by striking line 31 and inserting
- 3 in lieu thereof the following: "1980 fiscal year
- 4 and one million five hundred eight thousand (1,508,000)
- 5 dollars,".

Cusack of Scott asked and received unanimous consent to withdraw amendment H—5592, to amendment H—5513, filed by him on March 19, 1980.

Horn of Linn offered the following amendment H—5591, to amendment H—5513, filed by him:

H—5591

- 1 Amend H—5513, filed by Cusack et al. to House File
- 2 2527, as follows:
- 3 1. Page 1, line 4, by striking the words and
- 4 figure "one million five hundred eight thousand
- 5 (1,508,000)" and inserting in lieu thereof the words
- 6 and figure "two million (2,000,000)"."
- 7 2. By inserting after line 5 the following:
- 8 "2. Page 5, line 4, by inserting after the period
- 9 the following:
- 10 "However, five hundred thousand (500,000) dollars
- 11 of the appropriation for the 1980-1981 fiscal year
- 12 shall be allocated to an emergency fund to be used
- 13 at the discretion of the office for planning and
- 14 programming for assistance to low income elderly in
- 15 the payment of winter heating bills." "

Bennett of Ida rose on a point of order that amendment H—5591 was not germane.

The Speaker ruled the point well taken and amendment H—5591 not germane.

Byerly of Polk moved that the rules governing germaneness be suspended to consider and adopt amendment H—5591, to amendment H—5513.

Roll call was requested by Woods of Polk and Bina of Scott.



On the question "Shall the rules be suspended to consider and adopt amendment H — 5591?"

The ayes were, 37:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Bruner	Byerly	Cochran
Connolly	Connors	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jochum	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Sherzan	Walter	Wells
Woods			

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schneklath	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Stromer)		

Absent or not voting, 9:

Avenson	Chiodo	Halvorson, R.A.	Jesse
Lura	Perkins	Rapp	Schroeder
Welsh			

The motion lost.

Cusack of Scott moved the adoption of amendment H — 5513.

Roll call was requested by Cusack of Scott and Arnould of Scott.

Rule 80 was invoked.

On the question "Shall amendment H — 5513 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Lonergan	McKean	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Sherzan	Spear	Walter
Wells	Woods		

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lorenzen	Lura	Maulsby
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schneklath	Schroeder	Shimanek
Shull	Smalley	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Stromer)		

Absent or not voting, 4:

Jesse	Lind	Rapp	Welsh
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Amendment H—5513 lost.

Bennett of Ida offered the following amendment H—5491 filed by him:

H—5491

- 1 Amend House File 2527 by Committee on Appropriations
- 2 as follows:
- 3 1. Page 5, by inserting after line 7 the following:
- 4 "Sec. Acts of the Sixty-eighth General
- 5 Assembly, 1979 Session, chapter sixteen (16), section
- 6 nine (9), is amended to read as follows:
- 7 SEC. 9. NEW SECTION. LOCAL MATCH. Funds

8 appropriated to the commission from the general fund  
 9 for the elderly care program shall only be awarded  
 10 and distributed to local projects which match each  
 11 state dollar with two dollars of local funds in cash  
 12 or in equivalent support. Funds appropriated to the  
 13 commission from the general fund for the elderly care  
 14 program shall only be used to establish new projects,  
 15 ~~or~~ to expand existing programs and or to continue  
 16 existing elderly care projects. Elderly care funds  
 17 shall not be used to replace funds in existing programs  
 18 or to free funds for other state supported services.  
 19 The interagency coordinating committee may waive or  
 20 modify the local match requirements of this section  
 21 in accordance with rules promulgated by the  
 22 commission."

Cusack of Scott offered the following amendment H—5601, to amendment H—5491, filed by him and moved its adoption:

H—5601

- 1 Amend amendment H—5491 to House File 2527, as follows:
- 2 1. Page 1, by striking lines 10 and 11 and
- 3 inserting in lieu thereof the following: "and
- 4 distributed to local projects which match each state
- 5 dollar with two dollars of local funds provide
- 6 significant local matching effort either in cash".

Roll call was requested by Cusack of Scott and Connolly of Dubuque.

Rule 80 was invoked.

On the question "Shall amendment H—5601, to amendment H—5491, be adopted?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Conlon	Connolly
Connors	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hanson, D.	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jochum	Johnson, R.	Krewson	Larsen
Lind	Lloyd-Jones	Loneragan	McKean
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 48:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Harbor
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Lageschulte
Lorenzen	Lura	Maulsby	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimaneck	Shull
Smalley	Swearingen	Thompson	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Stromer)

Absent or not voting, 3:

Jesse	Rapp	Tofte
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Amendment H—5601 was adopted.

Speaker Harbor in the chair at 10:37 a.m.

Bennett of Ida moved the adoption of amendment H—5491, as amended.

Amendment H—5491, as amended, was adopted.

Cusack of Scott offered the following amendment H—5571 filed by him:

H—5571

- 1 Amend House File 2527 as follows:
- 2 1. Page 5, by inserting after line 7 the following
- 3 new section:
- 4 "Sec.
- 5 1. It is the intent of the general assembly that
- 6 a unified state human rights agency be established
- 7 as successor to various existing agencies having
- 8 relatively narrow fields of responsibility, not later
- 9 than January 1, 1982, in accordance with this section.
- 10 a. A state human rights agency, headed by a multi-
- 11 member commission on human rights, shall be established
- 12 effective July 1, 1981. The agency shall be vested
- 13 with broad responsibility to plan, coordinate and
- 14 review both the protection of rights guaranteed by
- 15 law to, and the delivery of state services intended

16 for, specific groups identified in pertinent statutes  
17 of this state. The agency shall also be vested with  
18 responsibility to directly deliver certain speci-  
19 fied services, if that is deemed appropriate upon  
20 consideration of relevant factors including findings  
21 of the study mandated by this section. The title,  
22 administrative structure, and specific powers and  
23 duties of the new state human rights agency shall  
24 be as prescribed by the 1981 Session of the Sixty-  
25 ninth General Assembly.

26 b. If the governor determines that it would not  
27 be in the best interest of the state for paragraph  
28 a of this subsection to be implemented on July 1,  
29 1981, or if legislation prescribing the title,  
30 administrative structure, and specific powers and  
31 duties of the unified state human rights agency has  
32 not been approved prior to that date, the governor  
33 may by executive order delay the implementation of  
34 that paragraph to a date not later than January 1,  
35 1982.

36 2. There is established a state commission on  
37 human rights consisting of fifteen members appointed  
38 by the governor, who shall designate, subject to  
39 senate confirmation, five of the initial appointees  
40 under this subsection to serve terms expiring June  
41 30, 1983, five to serve terms expiring June 30, 1982  
42 and five to serve terms expiring June 30, 1981.  
43 Successors to the initial appointees under this  
44 subsection shall each serve a term of three years  
45 beginning July first of the year of appointment.  
46 Vacancies shall be filled by the governor for the  
47 balance of the unexpired term. Members of the  
48 commission shall be entitled to forty dollars per  
49 diem for each day devoted to the duties of their  
50 office, and reimbursement for actual and necessary

**Page 2**

1 expenses incurred in attending meetings of the com-  
2 mission or in otherwise discharging their duties.

3 3. The commission shall:

4 a. As soon as possible after July first of each  
5 year, organize by selection of a chairperson and a  
6 vice chairperson from among its members.

7 b. Meet at least four times a year, and may meet  
8 more often, upon the call of the chairperson or the  
9 written request of any five members.

10 c. Advise the responsible officials and agencies  
11 of this state on establishment and implementation  
12 of policies and programs in furtherance of the  
13 objectives stated in pertinent statutes of this state,  
14 which include but are not necessarily limited to

15 sections sixteen point four (16.4) through sixteen  
16 point eight (16.8) and chapters six hundred one (601),  
17 six hundred one A (601A) and six hundred one F (601F)  
18 of the Code.

19 d. Beginning upon the date on which the transfer  
20 of duties, functions and programs required by  
21 subsection one (1) of this section takes effect, and  
22 continuing until otherwise provided by law, exercise  
23 any functions assigned by law to the Spanish-speaking  
24 peoples commission established by section sixteen  
25 point two (16.2), Code 1979, the commission on the  
26 status of women established by section six hundred  
27 one point one (601.1), Code 1979, the civil rights  
28 commission established by section six hundred one  
29 A point three (601A.3), Code 1979, and the governor's  
30 committee on employment of the handicapped established  
31 by section six hundred one F point one (601F.1), Code  
32 1979.

33 e. The commission shall consider, and may make  
34 recommendations regarding, the most desirable form  
35 of permanent organization for the new state human  
36 rights agency, referred to in subsection one (1) of  
37 this section.

38 4. The legislative council shall authorize  
39 establishment, by the standing committees on human  
40 resources of the senate and house of representatives,  
41 of a joint interim subcommittee of not less than five  
42 senators and five representatives, to develop, review,  
43 revise and prepare for submission to the first session  
44 of the Sixty-ninth General Assembly, not later than  
45 January 12, 1981, proposals for implementation of  
46 subsection one (1) of this section. The tentative  
47 proposals initially developed by the joint interim  
48 subcommittee shall be presented by that subcommittee  
49 at public hearings held widely throughout the state.  
50 The state commission on human rights established by

**Page 3**

1 subsection two (2) of this section shall be invited  
2 to review and comment from time to time on the basis  
3 of its deliberations and public hearings.

4 5. Sections sixteen point two (16.2), sixteen  
5 point three (16.3), six hundred one point one (601.1),  
6 six hundred one point two (601.2), six hundred one  
7 point three (601.3), six hundred one A point three  
8 (601A.3), six hundred one A point four (601A.4), six  
9 hundred one F point one (601F.1), six hundred one  
10 F point two (601F.2), six hundred one F point three  
11 (601F.3), six hundred one F point four (601F.4), and  
12 six hundred one F point five (601F.5), Code 1979,  
13 are repealed effective July 1 1981. However, if the  
14 implementation of subsection one (1), paragraph a

15 of this section is delayed pursuant to paragraph b  
16 of that subsection, the respective bodies created  
17 by the sections repealed by this subsection shall  
18 continue to be governed by the pertinent provisions  
19 of the statutes repealed by this subsection as if  
20 they were in full force and effect, until subsection  
21 one (1), paragraph a of this section is implemented."

Bennett of Ida rose on a point of order that amendment H—5571 was not germane.

The Speaker ruled the point well taken and amendment H—5571 not germane.

Cusack of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H—5571.

A non-record roll call was requested.

The ayes were 38, nays 58.

The motion lost.

#### HOUSE FILE 2527 DEFERRED

Welden of Hardin asked and received unanimous consent that House File 2527 be deferred and that the bill retain its place on the calendar.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 119

Egenes of Story called up for consideration House Concurrent Resolution 119, urging the United States Congress to legislate an extension of directed service operations by the Kansas City Terminal Railway, filed on March 18, 1980 and found on pages 995 and 996 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### MOTION TO RECONSIDER TABLED (Senate File 435)

Poffenberger of Dallas called up for consideration the motion to reconsider Senate File 435, filed on February 26, and moved to reconsider the vote by which Senate File 435, a bill for an act

relating to the establishment of historical preservation districts in cities, passed the House on February 26, 1980 and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 83, nays 8.

The motion prevailed, placing out of order the motions to reconsider filed by Tyrrell of Iowa on February 26, 1980 and by Johnson of Linn on February 26 to reconsider amendment H—5296.

### Regular Calendar

**House File 2536**, a bill for an act relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties, was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—5590 filed by him and moved its adoption:

H—5590

- 1 Amend House File 2536 as follows:
- 2 1. Page 1, line 4, by striking the word "fifteen"
- 3 and inserting in lieu thereof the word "twenty-five".
- 4 2. Page 1, line 20, by striking the word "fifteen"
- 5 and inserting in lieu thereof the word "twenty-five".
- 6 3. Page 1, line 26, by striking the word "fifteen"
- 7 and inserting in lieu thereof the word "twenty-five".
- 8 4. Page 2, line 27, by striking the word "fifteen"
- 9 and inserting in lieu thereof the word "twenty-five".
- 10 5. Page 3, line 15, by striking the word "fifteen"
- 11 and inserting in lieu thereof the word "twenty-five".

A non-record roll call was requested.

The ayes were 36, nays 57.

Amendment H—5590 lost.

(House File 2536 pending at recess.)



On motion by Halvorson of Clayton, the House was recessed at 11:48 a.m., until 1:45 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer and Davitt of Warren on request of Halvorson of Clayton; Patchett of Johnson on request of Jochum of Dubuque, all for the remainder of the day and March 21, 1980; and Chiodo of Polk, for the afternoon session, on request of Anderson of Jasper.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 119, urging the United States Congress to legislate an extension of directed service operations by the current operator of the Kansas City Terminal Railway for a period of at least forty-five days beyond the expiration date.

FRANK J. STORK, Secretary

### BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2536**, a bill for an act relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties.

Krewson of Polk offered the following amendment H — 5600 filed by him and moved its adoption:

H—5600

- 1 Amend House File 2536 as follows:
- 2 1. Page 1, line 15, by striking the words "Minimum
- 3 property" and inserting in lieu thereof the words

- 4 "Housing quality".  
 5 2. Page 1, line 16, by inserting after the word  
 6 "development" the words "for use in assisted housing  
 7 programs".

Amendment H—5600 was adopted.

Lorenzen of Scott offered the following amendment H—5583 filed by him:

H—5583

- 1 Amend House File 2536 as follows:  
 2 1. Page 2, by striking lines 13 and 14.

Brandt of Black Hawk offered the following amendment H—5618, to amendment H—5583, filed by her from the floor and moved its adoption:

H—5618

- 1 Amend amendment H—5583 to House File 2536 as follows:  
 2 1. Page 1, by inserting after line 2 the following:  
 3 "2. Page 1, line 31, by striking the word "may" and  
 4 inserting in lieu thereof the word "shall"."

Roll call was requested by Rapp of Black Hawk and Bina of Scott.

On the question "Shall amendment H—5618, to amendment H—5583, be adopted?"

The ayes were, 27:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Connolly
Connors	Cusack	Dieleman	Doyle
Groth	Halvorson, R.N.	Howell	Hullinger
Jay	Jochum	Lloyd-Jones	Lonergan
Norland	O'Kane	Pavich	Rapp
Sherzan	Wells	Welsh	

The nays were, 66:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gettings	Hall	Halvorson, R.A.	Hanson, D.

Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Oxley	Pellett
Perkins	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	West
Woods	Mr. Speaker		

Absent or not voting, 7:

Chiodo	Davitt	Hansen, I.	Jesse
Lageschulte	Patchett	Pelton	

Amendment H—5618 lost.

Lorenzen of Scott moved the adoption of amendment H—5583.

A non-record roll call was requested.

The ayes were 50, nays 42.

Amendment H—5583 was adopted.

Rapp of Black Hawk asked for unanimous consent to suspend House Rule 36.8 for the consideration of amendment H—5617.

Objection was raised.

Johnson of Linn rose on a point of order and invoked Rule 37 to refer House File 2536 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 37 not in order.

Arnould of Scott moved that the rules be suspended to consider and adopt amendment H—5617, filed by Rapp of Black Hawk from the floor as follows:

H—5617

- 1 Amend House File 2536 as follows:
- 2 1. Page 2, by inserting after line 31 the

3 following:

- 4 "8. No rent shall be recoverable by the owner  
 5 or lessee of any dwelling which does not comply with  
 6 the housing code adopted by the city until such time  
 7 as the dwelling does comply with the housing code  
 8 adopted by the city."

Roll call was requested by Jochum of Dubuque and O'Kane of Woodbury.

On the question "Shall the rules be suspended to consider and adopt amendment H—5617?"

The ayes were, 36:

Arnould	Bina	Binneboese	Brandt
Bruner	Byerly	Cochran	Connolly
Connors	Cusack	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Norland	O'Kane	Oxley
Pavich	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 56:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

Absent or not voting, 8:

Anderson, R.	Avenson	Chiodo	Davitt
Lageschulte	Lonergan	Patchett	Perkins

The motion lost.

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.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2536)

The ayes were, 60:

Anderson, R.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Crawford	Cusack	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hoffmann	Horn	Howell
Jay	Jesse	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Miller	Mullins	Norland	O'Kane
Pavich	Pellett	Poffenberger	Pope
Ritsema	Sherzan	Shimanek	Smalley
Spear	Stromer	Swearingen	Thompson
Tyrrell	Walter	Welsh	Mr. Speaker

The nays were, 36:

Anderson, J.	Branstad	Byerly	Clark, J.H.
Cobrey	Crabb	Daggett	Danker
De Groot	Dieleman	Hansen, I.	Hinkhouse
Holt	Hullinger	Hummel	Husak
Johnson, R.	Lura	Maulsby	McKean
Menke	Millen	Oxley	Pelton
Perkins	Rapp	Renken	Schnekloth
Schroeder	Shull	Tofte	Van Maanen
Welden	Wells	West	Woods

Absent or not voting, 4:

Chiodo	Davitt	Lageschulte	Patchett
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2536)

Krewson of Polk asked and received unanimous consent that House File 2536 be immediately messaged to the Senate.

## HOUSE FILE 2514 DEFERRED

Halvorson of Clayton asked and received unanimous consent that House File 2514 be deferred and that the bill retain its place on the calendar.

**House File 2393**, a bill for an act relating to the use of polygraph examinations as a condition of employment, was taken up for consideration.

Mullins of Kossuth offered the following amendment H—5607 filed by Mullins, et al. :

H—5607

- 1 Amend House File 2393 as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting in lieu thereof the following:
- 4 "Section 1. NEW SECTION. POLYGRAPH EXAMINATION
- 5 PROHIBITED. It is a simple misdemeanor for a person
- 6 to require a prospective employee applying for employment
- 7 to take a polygraph examination as a condition for
- 8 further interview regarding the employment application
- 9 or as a condition of employment, or once hired, as a
- 10 condition of continued employment. However it is not
- 11 a violation of this section to require a polygraph
- 12 examination of the following persons, as a condition for
- 13 further interview regarding the employment application
- 14 or as a condition of employment:
- 15 1. Peace officers as defined in section eight
- 16 hundred one point four (801.4) of the Code and peace
- 17 officer applicants.
- 18 2. Correctional officers and correctional officer
- 19 applicants.
- 20 3. Jailers and jailer applicants.
- 21 4. Law enforcement radio dispatchers and law
- 22 enforcement dispatcher applicants.
- 23 5. Criminal records clerks and criminal records
- 24 clerk applicants.
- 25 2. Title page, line 2, by inserting after the
- 26 word "employment" the words "and providing a penalty".

Smalley of Polk offered the following amendment H—5621, to amendment H—5607, filed by him from the floor:

H-5621

1 Amend the House amendment, H-5607, to House File  
2 2393 as follows:

3 1. Page 1, by inserting after line 17 the following:

4 "a. If a peace officer refuses to answer any  
5 questions in the course of a polygraph examination  
6 or voice stress analysis on the grounds that the  
7 answer might be self-incriminating, the officer shall  
8 be immediately advised of the officer's right to  
9 remain silent; that anything the officer says can  
10 and will be used against the officer in a court of  
11 law; that the officer has the right to consult with  
12 an attorney before making any statement or answering  
13 any questions; that the officer may have an attorney  
14 present while making a statement or answering  
15 questions; that if the officer wants an attorney but  
16 cannot afford one, an attorney will be provided for  
17 the officer at state expense before the officer makes  
18 any statement or answers any questions; and that while  
19 the officer would ordinarily be required to answer  
20 questions concerning official duties that the officer's  
21 refusal to answer potentially self-incriminating  
22 statements will not alone subject the officer to  
23 disciplinary action.

24 b. However, in purely administrative matters  
25 relating to official duties a peace officer shall  
26 be advised that a refusal to answer could subject  
27 the officer to disciplinary penalties."

Speaker pro tempore Stromer of Hancock in the chair at 3:46 p.m.

Smalley of Polk asked and received unanimous consent to temporarily defer action on amendment H-5621.

Tofte of Winneshiek offered the following amendment H-5610, to amendment H-5607, filed by him from the floor and moved its adoption:

H-5610

1 Amend amendment H-5607 to House File 2393 as follows:

2 1. Page 1, by inserting after line 24 the following:

3 "For the purposes of this section "polygraph" means any  
4 mechanical or electrical instrument or device of any type  
5 used or allegedly used to examine, test or question  
6 individuals for the purpose of determining truthfulness."

Amendment H-5610 was adopted.

Byerly of Polk offered the following amendment H—5623, to amendment H—5607, filed by Byerly, Welsh and Hullinger from the floor:

H—5623.

- 1 Amend the amendment H—5607 to House File 2393 as
- 2 follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "1. Public officials including persons elected
- 6 to serve in the general assembly."
- 7 2. Renumber as required.

Welsh of Dubuque asked for unanimous consent to amend amendment H—5623, to amendment H—5607.

Objection was raised.

Byerly of Polk moved the adoption of amendment H—5623, to amendment H—5607.

Roll call was requested by Schnekloth of Scott and Johnson of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—5623 be adopted?"

The ayes were, 51:

Anderson, J.	Bennett	Bina	Binneboese
Brandt	Branstad	Bruner	Byerly
Cochran	Conlon	Corey	Crabb
Cusack	Danker	De Groot	Diemer
Doyle	Gettings	Hansen, I.	Hanson, D.
Hoffmann	Horn	Howell	Hullinger
Hummel	Husak	Jay	Johnson, J.
Johnson, W.	Krewson	Lind	Lonergan
Lorenzen	Lura	Menke	Millen
Miller	Norland	Perkins	Rapp
Renken	Schnekloth	Sherzan	Shull
Smalley	Swearingen	Tofte	Tyrrell
Welden	Welsh	Woods	



The nays were, 41:

Anderson, R.	Arnould	Clark, B.J.	Clark, J.H.
Connolly	Connors	Crawford	Daggett
Dieleman	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Holt	Jesse
Jochum	Johnson, R.	Kirkenslager	Larsen
Lloyd-Jones	Maulsby	McKean	Mullins
O'Kane	Oxley	Pavich	Pellett
Pelton	Poffenberger	Pope	Ritsema
Schroeder	Shimanek	Spear	Thompson
Van Maanen	Walter	Wells	West
Mr. Speaker (Stromer)			

Absent or not voting, 8:

Avenson	Chiodo	Davitt	Egenes
Halvorson, R.A.	Harbor	Lageschulte	Patchett

Amendment H—5623 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Avenson of Fayette on request of Anderson of Jasper; Halvorson of Clayton and Harbor of Mills on request of Stromer of Hancock, all for a portion of the afternoon.

The House resumed consideration of amendment H—5621.

Smalley of Polk asked and received unanimous consent to withdraw amendment H—5621.

Smalley of Polk offered amendment H—5624, to amendment H—5607, filed by him from the floor. Division was requested as follows:

H—5624

- 1 Amend the House amendment, H—5607, to House File
- 2 2393 as follows:

H—5624A

- 3 1. Page 1, by inserting after line 24 the
- 4 following:
- 5 "1. If a person subject to the test as herein
- 6 provided refuses to answer any questions in the

7 course of a polygraph examination on the grounds  
 8 that the answer might be self-incriminating, the  
 9 person shall be immediately advised of the person's  
 10 right to remain silent; that anything the person  
 11 says can and will be used against the person in  
 12 a court of law; that the person has the right to  
 13 consult with an attorney before making any  
 14 statement or answering any questions; that if the  
 15 person wants an attorney but cannot afford one,  
 16 an attorney will be provided for the person at  
 17 state expense before the person makes any statement  
 18 or answers any questions; and that while the person  
 19 would ordinarily be required to answer questions  
 20 concerning official duties that the person's  
 21 refusal to answer potentially self-incriminating  
 22 statements will not alone subject the person to  
 23 disciplinary action."

H-5624B

24 2. Page 1, following line 24, by inserting  
 25 the following:  
 26 "1. However, in purely administrative  
 27 matters relating to official duties a person  
 28 shall be advised that a refusal to answer could  
 29 subject the person to disciplinary penalties."

On motion by Smalley of Polk, amendment H-5624A was adopted.

Smalley of Polk moved the adoption of amendment H-5624B, to amendment H-5607.

Roll call was requested by Krewson of Polk and Walter of Pottawattamie.

Rule 80 was invoked.

On the question "Shall amendment H-5624B be adopted?"

The ayes were, 12:

Anderson, J.	Bennett	Branstad	Conlon
De Groot	Hummel	Lorenzen	Schneklath
Smalley	Spear	Swearingen	Tyrrell

The nays were, 76:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Bruner	Byerly	Clark, B.J.

Clark, J.H.	Cochran	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Dieleman	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenlager
Krewson	Larsen	Lind	Lonergan
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schroeder
Sherzan	Shimanek	Shull	Thompson
Tofte	Van Maanen	Walter	Welden
Wells	Welsh	West	Mr. Speaker (Stromer)

Absent or not voting, 12:

Avenson	Chiodo	Connors	Davitt
Egenes	Halvorson, R.A.	Harbor	Husak
Lageschulte	Lloyd-Jones	Patchett	Woods

Amendment H — 5624B lost.

Krewson of Polk moved to reconsider the vote by which amendment H — 5623, to amendment H — 5607, was adopted by the House.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 43, nays 47.

The motion lost.

The House stood at ease at 5:15 p.m., until the fall of the gavel.

The House resumed session at 5:20 p.m., Speaker pro tempore Stromer of Hancock in the chair.

Jesse of Polk offered the following amendment H — 5626, to amendment H — 5607, filed by him and Krewson of Polk from the floor:

H—5626

- 1 Amend amendment H—5607 to House File 2393 as
- 2 follows:
- 3 1. By striking everything after the period
- 4 on line 10.
- 5 2. By striking lines 11 through 26.

Conlon of Muscatine rose on a point of order that amendment H—5626 was not in order.

The Speaker ruled the point well taken and amendment H—5626 not in order.

Poffenberger of Dallas moved that the rules be suspended to adopt amendment H—5626, to amendment H—5607.

Schroeder of Pottawattamie rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Krewson of Polk moved that the rules be suspended to adopt amendment H—5626, to amendment H—5607.

Roll call was requested by Conlon of Muscatine and Johnson of Howard.

On the question "Shall the rules be suspended to adopt amendment H—5626, to amendment H—5607?"

The ayes were, 57:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Clark, B.J.	Cochran	Connolly	Connors
Crabb	Crawford	Cusack	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Kirkenslager	Krewson	Larsen
Lloyd-Jones	Lonegan	Lura	McKean
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pelton	Perkins
Poffenberger	Rapp	Ritsema	Sherzan

Shimanek  
Welsh

Spear

Walter

Wells

The nays were, 35:

Anderson, J.  
Conlon  
De Groot  
Holt  
Lorenzen  
Pellett  
Schroeder  
Thompson  
Welden

Bennett  
Corey  
Diemer  
Johnson, J.  
Maulsby  
Pope  
Shull  
Tofte  
West

Branstad  
Daggett  
Hansen, I.  
Johnson, W.  
Menke  
Renken  
Smalley  
Tyrrell  
Mr. Speaker  
(Stromer)

Clark, J.H.  
Danker  
Harbor  
Lind  
Millen  
Schnekloth  
Swearingen  
Van Maanen

Absent or not voting, 8:

Chiodo  
Johnson, R.

Davitt  
Lageschulte

Egenes  
Patchett

Halvorson, R.A.  
Woods

The motion prevailed, the rules were suspended and amendment H-5626 was adopted, placing amendments H-5623, H-5610 and H-5624A, previously adopted, out of order.

Mullins of Kossuth moved the adoption of amendment H-5607, as amended.

A non-record roll call was requested.

The ayes were 57, nays 34.

Amendment H-5607 was adopted, placing the following amendments out of order:

H-5171 filed by Schroeder, et al., on February 6, 1980.

H-5363 (to amendment H-5171) and H-5366 filed by Kirkenlager of Des Moines and Gettings of Wapello on March 5, 1980.

H-5434 filed by Poffenberger of Dallas on March 11, 1980.

H-5435 (to amendment H-5171) filed by Poffenberger of Dallas on March 11, 1980.

H-5464 (to amendment H-5171) filed by Crabb of Crawford on March 12, 1980.

H-5465 (to amendment H-5171) filed by Crabb of Crawford on March 12, 1980.

H-5466 filed by Tofte of Winneshiek on March 12, 1980.

- H—5468 filed by Menke of O'Brien on March 12, 1980.  
 H—5469 filed by Pope of Polk on March 12, 1980.  
 H—5470 filed by Pope of Polk on March 12, 1980.  
 H—5473 filed by Menke of O'Brien on March 12, 1980.  
 H—5507 filed by Holt of Clay on March 13, 1980.  
 H—5602 filed by Jay of Appanoose on March 19, 1980.

Jay of Appanoose asked for unanimous consent to suspend the rules to adopt amendment H—5602.

Objection was raised.

The following amendment H—5629 filed by Doyle of Woodbury from the floor was adopted by unanimous consent:

H—5629

- 1 Amend House File 2393 as follows:
- 2 1. Amend the title by inserting after the word
- 3 "employment" the words "and providing a penalty".

Mullins of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2393)

The ayes were, 57:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Clark, B.J.	Cochran	Connolly	Connors
Crawford	Cusack	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, R.
Kirkenslager	Krewson	Larsen	Lloyd-Jones
Lonergan	Lura	McKean	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Perkins	Poffenberger
Pope	Rapp	Ritsema	Sherzan
Shimanek	Spear	Walter	Wells
Welsh			

The nays were, 36:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Halvorson, R.A.
Hansen, I.	Harbor	Hoffmann	Holt
Johnson, J.	Johnson, W.	Lind	Lorenzen
Maulsby	Menke	Millen	Pellett
Renken	Schneklath	Schroeder	Shull
Smalley	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker (Stromer)

Absent or not voting, 7:

Chiodo	Davitt	Egenes	Lageschulte
Patchett	West	Woods	

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 TABLED

(House File 2393)

Poffenberger of Dallas moved to reconsider the vote by which House File 2393 passed the House on March 20, 1980 and to table the motion to reconsider.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 52, nays 40.

The motion prevailed.

**House File 275**, a bill for an act relating to a penalty for taking deer in violation of law, with report of committee recommending amendment and passage was taken up for consideration.

Tyrrell of Iowa offered the following amendment H-3665 filed by the committee on natural resources and moved its adoption:

H-3365

- 1 Amend House File 275 as follows:
- 2 1. Page 1, by striking lines 7 and 8.

**Amendment H—3365 was adopted.**

Tyrrell of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

**On the question "Shall the bill pass?" (H.F. 275)**

The ayes were, 78:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Brandt	Branstad	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crawford	Cusack	Daggett	Danker
De Groot	Dieleman	Diemer	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hoffmann	Holt	Horn	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Norland	O'Kane
Oxley	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Swearingen	Thompson
Tyrrell	Van Maanen	Walter	Wells
Welsh	Mr. Speaker (Stromer)		

The nays were, 13:

Avenson	Binneboese	Doyle	Hinkhouse
Hullinger	Hummel	Husak	Miller
Pavich	Ritsema	Schnekloth	Tofte
Welden			

Absent or not voting, 9:

Chiodo	Crabb	Davitt	Egenes
Jesse	Lageschulte	Patchett	West
Woods			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.



## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seventy-five sixth grade students from Southeast Elementary School, Ankeny, accompanied by Mrs. Radcliff, Mrs. Plantz and Mr. Bell. By Byerly of Polk.

Thirty students from Decorah High School, Decorah, accompanied by Robert Topping and Jim Howell. By Tofte of Winneshiek.

Members of the boys' basketball team from Independence High School, Independence. By Miller of Buchanan.

Twenty members of the boys' basketball team from Northeast Community High School, Goose Lake, accompanied by coach Tom Reisdorph. By Pelton of Clinton.

Twenty-five high school students from Linn-Mar High School, Marion, accompanied by Bob Blake and Chris Keleher. By Hall and Oxley of Linn.

Twenty-two students from Sibley and Ocheyeden Christian School, Sibley, accompanied by Veryl Kooi and Tim Eckhoff. By Hansen of O'Brien.

The members of the basketball team from Burlington High School, Burlington, accompanied by their coach Don Gibbs. By Kirkenlager of Des Moines.

Twenty-three members of the basketball team from Benton Community School, Van Horne, accompanied by Don Logan. By Husak of Tama.

## REPORT OF COMMITTEE MEETING

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 10:30 a.m., March 19, 1980

Convened: 10:35 a.m.

Adjourned: 11:45 a.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Arnould, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Jesse, Johnson of Howard, Lloyd-Jones, Lonergan, Maulsby, Pelton, Smalley and Walter.

Absent: Patchett, Ranking Member (arrived at 10:40 a.m.), Rapp (arrived at 10:45 a.m.) and Welsh (arrived at 10:55 a.m.).

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON CITIES**

**Senate File 2006**, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must hold a public hearing, advertise and receive sealed bids.

**Recommended Do Pass.**

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Senate File 28**, a bill for an act to delete all placement investigation requirements in stepparent adoptions:

**Recommended Amend and Do Pass.**

H—5609

- 1 Amend Senate File 28 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 new section:
- 4 "Section 1. Section six hundred point seven
- 5 (600.7), subsection two (2), paragraphs b and c. Code
- 6 1979, are amended to read as follows:
- 7 b. If by any adult other person to be adopted,
- 8 either in the presence of the court in which the
- 9 adoption petition is filed or before a notary public.

- 10 e. If by any other person, before a notary public."
- 11 2. Page 1, line 25, by inserting after the word
- 12 "adopted." the words "However, in the case of a
- 13 stepparent adoption, the court, upon the request of
- 14 an interested person or on its own motion stating
- 15 the reasons therefor of record, may order an
- 16 investigation or report pursuant to this section."
- 17 3. Page 1, by striking lines 32 and 33.
- 18 4. Amend the title, by striking lines 1 and 2
- 19 and inserting in lieu thereof the words "An Act
- 20 relating to preplacement investigation requirements
- 21 for adoptions and to consent to adoptions."
- 22 5. By correcting section numbers and internal
- 23 references as made necessary by this amendment.

Fiscal Note is not required.

**Senate File 2119**, a bill for an act to repeal section two hundred forty-six point seventeen (246.17) of the Code.

**Recommended Do Pass.**

Fiscal Note is not required.

**Senate File 2154**, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

**Recommended Do Pass.**

Fiscal Note is not required.

### AMENDMENTS FILED

H-5614	S.F. 360	Johnson of Howard Renken of Grundy Tyrrell of Iowa
H-5615	H.F. 2544	Conlon of Muscatine McKean of Jones
H-5619	H.F. 2519	Bruner of Story
H-5620	H.F. 2560	Schnekloth of Scott
H-5622	S.F. 2273	Crawford of Story Welden of Hardin
H-5625	H.F. 2561	Hummel of Benton De Groot of Lyon Cochran of Webster Mullins of Kossuth

		Anderson of Audubon
		Husak of Tama
		Hinkhouse of Cedar
		Miller of Buchanan
H - 5627	H.F. 2558	Menke of O'Brien
H - 5628	H.F. 2561	O'Kane of Woodbury.
H - 5630	H.F. 2521	Connolly of Dubuque
H - 5631	H.F. 2531	Hullinger of Decatur
H - 5632	H.F. 2514	Groth of Buena Vista
H - 5633	H.F. 2533	Smalley of Polk
H - 5634	H.F. 2514	Kirkenslager of Des Moines

On motion by Halvorson of Clayton, the House adjourned at 5:50 p.m., until 9:00 a.m., Friday, March 21, 1980.

# JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day—Forty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 21, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Honorable John W. Jensen, State Senator representing Bremer County.

The Journal of Thursday, March 20, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago on request of Lorenzen of Scott; Connors of Polk on request of Anderson of Jasper.

## SPECIAL PRESENTATION

Carla Ernst, the Senate co-chairperson of the Pages' Ball, escorted to the well of the House the following members of the Ronald McDonald House Board of Directors: Guy Fowler; Lis Spoerl, President of the Children's Oncology Services of Iowa; Jim Spoerl; Mike Light and Linda Light. On behalf of the House and Senate Pages, she presented them with a check for \$1,960.00 from the Pages' Ball.

Carla explained that the Ronald McDonald House will be built for the parents of children who are critically ill to stay in to be near the child when they are hospitalized. She thanked everyone for their help and support.

Lis Spoerl accepted the check on behalf of the Ronald McDonald House and expressed their thanks and appreciation. She invited everyone to the groundbreaking ceremony approximately July 1 in Des Moines.

The House rose and expressed its appreciation to the Pages for their endeavor.

## PETITIONS FILED

The following petitions were received and placed on file:

By Bina of Scott, from forty-four constituents of the eightieth district favoring insurance equality legislation to provide programming for chiropractic health care services.

By Danker of Pottawattamie, from three hundred constituents favoring the indexing of state inheritance tax rates and the increase of exemptions to compensate for inflation and the accompanying increase in agricultural land values.

## INTRODUCTION OF BILLS

**House File 2571**, by committee on agriculture, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more such districts are under the management and control of that board, and to authorize a one-time assessment on land in such districts for the purpose of establishing the fund.

Read first time and referred to committee on **ways and means**.

**House File 2572**, by committee on commerce, a bill for an act relating to the lending and investment powers of savings and loan associations under section five hundred thirty-four point nineteen (534.19) of the Code.

Read first time and **placed on the calendar**.

**House File 2573**, by committee on commerce, a bill for an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

Read first time and **placed on the calendar**.

**House File 2574**, by committee on commerce, a bill for an act relating to the rate of interest which may be charged on accounts receivable, and providing penalties.

Read first time and **placed on the calendar**.

**House File 2575**, by committee on commerce, a bill for an act relating to pipelines.

Read first time and **placed on the calendar**.

#### SENATE MESSAGES CONSIDERED

**Senate File 2110**, by Waldstein and Holden, a bill for an act to require state depository financial institutions to give written disclosure of all transactions on mortgage-loan escrow accounts.

Read first time and referred to committee on **commerce**.

**Senate File 2199**, by Slater, a bill for an act relating to the wearing of a uniform likely to be mistaken for the official uniform of the Iowa Safety Patrol.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2282**, by committee on commerce, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, and including a correlating amendment removing the limitation on the tax levy authorized by section three hundred fifty-eight point twenty-one (358.21) of the Code with respect to interest-bearing obligations issued under that section.

Read first time and referred to committee on **commerce**.

**Senate File 2287**, by committee on state government, a bill for an act relating to the payment of expenses of the Iowa national guard.

Read first time and referred to committee on **state government**.

**Senate File 2306**, by committee on judiciary, a bill for an act providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel.

Read first time and referred to committee on **appropriations**.

**Senate File 2314**, by committee on judiciary, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2317**, by committee on judiciary, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawat-tamie county relating to the sale of certain properties.

Read first time and **passed on file**.

**Senate File 2331**, by committee on judiciary, a bill for an act to legalize the sale of certain property in Lee county.

Read first time and referred to committee on **judiciary and law enforcement**.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2109, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes.

Also: That the Senate has on March 19, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2198, a bill for an act relating to transportation of public and non-public school children.

Also: That the Senate has on March 19, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2327, a bill for an act to provide or increase the penalty for failure to file or pay the state income, sales tax and other taxes.

FRANK J. STORK, Secretary



**REFERRED TO COMMITTEE ON TRANSPORTATION  
(Senate File 2280)**

The Speaker announced that Senate File 2280, previously **passed on file**, was referred to the committee on **transportation**.

**UNFINISHED BUSINESS CALENDAR  
(House File 2514)**

Halvorson of Clayton asked and received unanimous consent to place House File 2514, presently on the regular calendar, on the unfinished business calendar.

**CONSIDERATION OF BILLS  
Regular Calendar**

**House File 2529**, a bill for an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises, was taken up for consideration.

Spear of Lee offered the following amendment H—5596 filed by him and moved its adoption:

H—5596

- 1 Amend House File 2529 as follows:
- 2 1. Page 3, by striking line 24 and inserting in
- 3 lieu thereof the following: "fruit juices, or
- 4 vegetables, vegetable juices, dandelions, clover,
- 5 honey, or any combination of these ingredients, may
- 6 sell, keep, or offer for sale and".
- 7 2. Page 3, by striking line 33 and inserting in
- 8 lieu thereof the following: "only those persons who
- 9 process the fruit or, vegetables, dandelions, clover,
- 10 honey or any combination of these ingredients, ferment,".

Amendment H—5596 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5597 filed by him on March 19, 1980.

Lura of Marshall offered the following amendment H—5593 filed by him and moved its adoption:

H—5593

- 1 Amend House File 2529, page 5, by striking
- 2 lines 5 and 6.

Amendment H—5593 was adopted.

Lura 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. 2529)

The ayes were, 68:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, J.H.	Cochran	Conlon
Connolly	Crabb	Crawford	Cusack
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Hummel
Husak	Jay	Jochum	Johnson, R.
Kirkenslager	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pelton	Perkins
Poffenberger	Rapp	Shimanek	Shull
Spear	Stromer	Swearingen	Tofte
Tyrrell	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 24:

Anderson, J.	Bennett	Clark, B.J.	Daggett
Danker	De Groot	Dieleman	Howell
Hullinger	Johnson, J.	Johnson, W.	Maulsby
McKean	Menke	Pellet	Pope
Renken	Ritsema	Schneklath	Schroeder
Sherzan	Smalley	Thompson	Van Maanen

Absent or not voting, 8:

Branstad	Connors	Corey	Davitt
Jesse	Krewson	Lageschulte	Patchett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2529)

Lura of Marshall asked for unanimous consent to immediately message House File 2529 to the Senate.

Objection was raised.

Lura of Marshall moved that House File 2529 be immediately messaged to the Senate, which motion prevailed.

Hansen of O'Brien in the chair at 9:46 a.m.

**House File 2534**, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property, was taken up for consideration.

Spear of Lee offered the following amendment H — 5594 filed by him and moved its adoption:

H — 5594

- 1 Amend House File 2534 as follows:
- 2 1. Page 2, by striking lines 1 and 2.

Amendment H — 5594 was adopted.

Johnson 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. 2534)

The ayes were, 90:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brançt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum

Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker (Hansen of O'Brien)		

The nays were, none.

Absent or not voting, 10:

Arnould	Branstad	Connors	Davitt
Jesse	Krewson	Lageschulte	Menke
Patchett	Pelton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2533**; a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool, was taken up for consideration.

Smalley of Polk offered the following amendment H — 5633 filed by him and moved its adoption:

H — 5633

- 1 Amend House File 2533 as follows:
- 2 1. Page 1, by inserting after line 21 the
- 3 following:
- 4 "Sec. 3. Chapter two hundred thirty-seven A (237A),
- 5 Code 1979, is amended by adding the following new
- 6 section:
- 7 **NEW SECTION. EXEMPTION.** A nonprofit organization
- 8 which operates a child care center or a family day
- 9 care home and which does not receive funds appropriated
- 10 to the department and allocated under this chapter
- 11 is not subject to the licensing requirements of this

- 12 chapter, but may voluntarily apply to the department  
 13 for licensing or registration under this chapter."

Roll call was requested by Anderson of Jasper and Smalley of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—5633 be adopted?"

The ayes were, 36:

Anderson, J.	Bennett	Conlon	Corey
Daggett	Danker	De Groot	Dieleman
Diemer	Hanson, D.	Harbor	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Lind	Lorenzo	Lura	Maulsby
McKean	Menke	Millen	Miller
Pellett	Pelton	Renken	Ritsema
Schneklath	Smalley	Stromer	Swearingen
Tofte	Tyrrrell	Van Maanen	Welden

The nays were, 58:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Crabb	Crawford	Cusack	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hibbs	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Kirkenslager	Krewson	Larsen	Lloyd-Jones
Loneragan	Mullins	Norland	O'Kane
Oxley	Pavich	Perkins	Poffenberger
Pope	Rapp	Schroeder	Sherzan
Shimanek	Shull	Spear	Thompson
Walter	Wells	Welsh	West
Woods	Mr. Speaker (Hansen of O'Brien)		

Absent or not voting, 6:

Arnould	Branstad	Connors	Davitt
Lageschulte	Patchett		

Amendment H—5633 lost.

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. 2533)

The ayes were, 81:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Crack	Daggett
Danker	De Groot	Dieleman	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, W.	Kirkenslager	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Spear	Stromer	Swearingen
Thompson	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Hansen of O'Brien)			

The nays were, 10:

Diemer	Holt	Johnson, J.	Johnson, R.
Lura	Renken	Ritsema	Smalley
Tofte	Tyrrell		

Absent or not voting, 9:

Anderson, R.	Branstad	Connors	Davitt
Halvorson, R.N.	Harbor	Krewson	Lageschulte
Patchett			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2504**, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly

invited and opened written competitive bid, 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. 2504)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellet
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, none.

Absent or not voting, 5:

Branstad	Connors	Davitt	Lageschulte
Patchett			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2504)

Danker of Pottawattamie asked and received unanimous consent that House File 2504 be immediately messaged to the Senate.

**HOUSE FILE 2506 DEFERRED**

Halvorson of Clayton asked and received unanimous consent that House File 2506 be deferred and that the bill retain its place on the calendar.

**CONSIDERATION OF BILLS**

**House File 2522**, a bill for an act to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate, 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. 2522)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema



Schneklloth	Schroeder	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Weiden	Wells	Welsh
West	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, 2:

Cusack	Sherzan
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Absent or not voting, 7:

Branstad	Connors	Davitt	Hibbs
Lageschulte	Mullins	Patchett	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2522)

Pelton of Clinton asked and received unanimous consent that House File 2522 be immediately messaged to the Senate.

**House File 2478**, a bill for an act relating to emergency repair, restoration, or reconstruction of a primary highway or bridge, was taken up for consideration.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2478)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay

Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, none.

Absent or not voting, 8:

Branstad	Connors	Davitt	Lageschulte
Lind	Lloyd-Jones	Norland	Patchett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE (House File 2478)

Pellett of Cass asked and received unanimous consent that House File 2478 be immediately messaged to the Senate.

**House File 2521**, a bill for an act to increase the minimum cost of repairs to school buildings for which bid procedures are required, was taken up for consideration.

Connolly of Dubuque offered amendment H-5630 filed by him and requested division as follows:

H-5630

1. Amend House File 2521 as follows:

H-5630A

2. 1. Page 1, line 4, by striking the word "twenty"
- 3 and inserting in lieu thereof the word "ten".

H-5630B

- 4 2. Page 1, line 11, by striking the words "area  
5 education agency administrator" and inserting in  
6 lieu thereof the words "area education agency  
7 administrator local school board".

On motion by Connolly of Dubuque, amendment H-5630A lost.

Johnson of Woodbury rose on a point of order that amendment H-5630B was not germane.

The Speaker ruled the point well taken and amendment H-5630B not germane.

Connolly of Dubuque moved that the rules governing germaneness be suspended for the consideration of amendment H-5630B.

A non-record roll call was requested.

The ayes were 39, nays 52.

The motion lost.

Johnson 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. 2521)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Corey	Crabb	Crawford
Cusack	Daggett	Danker	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller

Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimaneck
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
West	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, 2:

Connolly	Hullinger
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Absent or not voting, 11:

Bennett	Branstad	Chiodo	Connors
Davitt	Harbor	Krewson	Lageschulte
Patchett	Perkins	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Groth of Buena Vista asked and received unanimous consent to be recorded as voting "aye" on House File 2521 and the vote was so recorded.

**House File 2479**, a bill for an act relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees, was taken up for consideration.

Hall of Linn offered the following amendment H—5569 filed by him and Walter of Pottawattamie and moved its adoption:

H—5569

- 1 Amend House File 2479 as follows:
- 2 1. Page 1, by striking line 28 through page 2,
- 3 line 3, and inserting in lieu thereof the following:
- 4 "nine (326.29), Code 1979, is amended by striking
- 5 the section and inserting in lieu thereof the
- 6 following:
- 7 326.29 RECIPROCITY FUND — DISTRIBUTION OF FEES.
- 8 Fees collected for other states by the department
- 9 pursuant to this chapter shall be placed in a special
- 10 fund known as the "reciprocity fund". The department,
- 11 at least monthly, shall order the disbursement of
- 12 such fees collected to the appropriate states.

13 Interest earned on the "reciprocity fund" shall be  
 14 retained by the state and shall be credited to the  
 15 road use tax fund.  
 16 All other fees collected by the department pursuant  
 17 to this chapter shall be remitted to the treasurer  
 18 of state. Ninety percent of these fees shall be  
 19 deposited in the road use tax fund. Of the remaining  
 20 ten percent, one-half shall be deposited in the  
 21 secondary road fund of the counties and one-half in  
 22 the street construction fund of the cities and these  
 23 amounts shall be apportioned as provided in section  
 24 three hundred twelve point three (312.3) of the Code."

Roll call was requested by Bina of Scott and Walter of Pottawat-  
 tamie.

Rule 80 was invoked.

On the question "Shall amendment H—5569 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Cochran
Connolly	Cusack	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, W.	Krewson
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Pavich	Pelton	Rapp
Sherzan	Smalley	Spear	Walter
Wells	Welsh		

The nays were, 50:

Anderson, J.	Bennett	Brandt	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R.A.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, R.	Kirkenslager	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Mullins	Pellett
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Woods	Mr. Speaker (Hansen of O'Brien)		

Absent or not voting, 8:

Branstad	Connors	Davitt	Lageschulte
Millen	Oxley	Patchett	Perkins

Amendment H—5569 lost.

Kirkenslager 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. 2479)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Horn	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lloyd-Jones	Lonergan	Lorenzen
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schneklöth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, none.

Absent or not voting, 12:

Brandt	Branstad	Connors	Davitt
Holt	Howell	Lageschulte	Lind
Lura	Millen	Patchett	Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
**(House File 2479)**

Kirkenslager of Des Moines asked and received unanimous consent that House File 2479 be immediately messaged to the Senate.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Holt of Clay, for the remainder of the day, on request of Tofte of Winneshiek.

**House File 2519**, a bill for an act relating to the quorum requirements of the Iowa commission on the status of women, was taken up for consideration.

Bruner of Story offered the following amendment H—5619 filed by him and moved its adoption:

H—5619

- 1 Amend House File 2519 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following new section:
- 4 "Sec. Section six hundred one point one
- 5 (601.1), Code 1979, is amended to read as follows:
- 6 "601.1 ESTABLISHMENT. There is established
- 7 a commission on the status of women, hereinafter
- 8 referred to as the "commission", to consist of
- 9 twenty-four members, appointed by the governor
- 10 and representing a cross-section of the citizens
- 11 of Iowa. The commission shall be nonpartisan,
- 12 and the members shall be appointed without ref-
- 13 erence to their political affiliation. The
- 14 governor shall appoint one of the members to
- 15 serve as ~~chairman~~ chairperson." "
- 16 2. Page 1, line 7, by striking the words
- 17 "at least" and inserting in lieu thereof the fol-
- 18 lowing: "at least a majority of those present but
- 19 in no event fewer than".
- 20 3. By renumbering the sections as necessary.

Amendment H—5619 was adopted.

Lura 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. 2519)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Horn	Howell	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lloyd-Jones	Loneran
Lorenzen	Lura	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Shenzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maarten
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, none.

Absent or not voting, 9:

Branstad	Connors	Danker	Davitt
Holt	Hullinger	Lageschulte	Millen
Patchett			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE  
(House File 2519)

Lura of Marshall asked and received unanimous consent that House File 2519 be immediately messaged to the Senate.

**House File 2525**, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property, was taken up for consideration.



Shimanek of Jones offered the following amendment H—5536 filed by Shimanek, et al., and moved its adoption:

H—5536

- 1 Amend House File 2525, page 1, line 10, by
- 2 striking the words and figures "twenty-seven (562B.27)"
- 3 and inserting in lieu thereof the words and figures
- 4 "twenty-five (562B.25)".

Amendment H—5536 was adopted.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2525)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Horn	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Wells	Welsh	West
Woods	Mr. Speaker (Hansen of O'Brien)		

The nays were, none.

Absent or not voting, 10:

Branstad	Connors	Davitt	Holt
Howell	Lageschulte	Millen	Patchett
Walter	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 2525)

Smalley of Polk asked and received unanimous consent that House File 2525 be immediately messaged to the Senate.

Speaker Harbor in the chair at 12:01 p.m.

**House File 2487**, a bill for an act relating to the supplying of a house or quarters, utilities and provisions for executive heads of institutions under the department of social services, was taken up for consideration.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2487)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger

Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Weiden	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Branstad	Connors	Cusack	Davitt
Holt	Lageschulte	Millen	Patchett
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 2487)

Spear of Lee asked and received unanimous consent that House File 2487 be immediately messaged to the Senate.

**REREFERRED TO COMMITTEE ON EDUCATION**  
(Senate File 108)

The Speaker announced that Senate File 108, previously referred to the committee on **ways and means**, was rereferred to the committee on **education**.

**IMMEDIATE MESSAGE**  
(House Files 2521, 2533 and 2534)

Halvorson of Clayton asked and received unanimous consent that House Files 2521, 2533 and 2534 be immediately messaged to the Senate.

**UNANIMOUS CONSENT**

Halvorson of Clayton asked and received unanimous consent that House Files 2572, 2573, 2574 and 2575 be added to the weekly debate calendar.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2343, a bill for an act exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit.

FRANK J. STORK, Secretary

### HOUSE CONCURRENT RESOLUTION 120

By Pellett, Crabb, Danker, Pavich, Binneboese, Doyle, Anderson of Audubon, Daggett, Bennett, Johnson of Woodbury, Walter, De Groot, Menke, Ritsema and Schroeder

1     *Whereas*, efforts have been initiated in the legis-  
2     latures of Nebraska, Missouri, and Kansas to establish  
3     a compact between those states and this state for the  
4     purpose of promoting barge traffic on the Missouri  
5     River; and

6     *Whereas*, the general assembly of this state desires  
7     to support the efforts to establish the compact; *Now*  
8     *Therefore*,

9     *Be It Resolved by the House of Representatives, the*  
10    *Senate Concurring*, That the governor is requested to  
11    negotiate on behalf of the state of Iowa with the state  
12    of Nebraska, Missouri, and Kansas, and present a compact  
13    with those states to the next general assembly in form  
14    substantially as follows:

#### 15             ARTICLE I

16    The purposes of this compact are to provide for  
17    the most efficient use of the waters of the Missouri  
18    River, to increase the amount of barge traffic on the  
19    Missouri River which flows along or through the compact  
20    states, to take necessary steps to develop the Missouri  
21    River and its banks to handle more barge traffic than  
22    is presently handled, to encourage the use of barges  
23    on the Missouri River for transporting bulk goods,  
24    especially farm commodities, and to promote joint action  
25    between the compact parties to accomplish these purposes.

#### 26             ARTICLE II

27    It is the responsibility of the four states to  
28    accomplish the purposes in article one (I) through  
29    the official in each state who is charged with the  
30    duty of administering the public waters and to collect

**Page 2**

1 and correlate through those officials the data neces-  
2 sary for the proper administration of the compact.  
3 Those officials may, by unanimous action, adopt rules  
4 and regulations to accomplish the purposes of this  
5 compact.

**6 ARTICLE III**

7 The states of Iowa, Missouri, Kansas, and Nebraska  
8 agree that within a reasonable time they shall fulfill  
9 the obligations of this compact and that each shall  
10 authorize the proper official or agency in its state to  
11 take the necessary steps to promote the use of barges  
12 and develop the Missouri River for greater amounts of  
13 barge traffic.

**14 ARTICLE IV**

15 This compact does not limit the powers granted in any  
16 other act to enter into interstate or other agreements  
17 relating to the Missouri River, alter the relations  
18 between and respective internal responsibilities of the  
19 government of a party state and its subdivisions, or  
20 impair or affect any rights, powers, or jurisdiction of  
21 the United States, or those acting by or under its  
22 authority, in, over, and to the waters of the Missouri  
23 River.

**24 ARTICLE V**

25 Unless this compact is entered into on or before  
26 July 1, 1981, the governor shall take no further action  
27 to secure the compact.

Laid over under Rule 30.

**PRESENTATION OF VISITORS**

Stromer of Hancock presented to the House the Honorable Charles Grassley, United States Congressman representing Iowa's Third District, and former member of the House representing Butler County.

The Speaker announced that the following visitors were present in the House chamber:

Members of the boys' basketball team from Clarinda, accompanied by coach Kent Thorsen. By Daggett of Taylor.

Sixteen fourth, fifth and sixth grade students from Tama Intermediate School, Tama, accompanied by Shirley Franklin. By Husak of Tama.

Thirty-five eighth grade students from Maquoketa Junior High School, Maquoketa, accompanied by William Mueller. By McKean and Shimanek of Jones and Welsh of Dubuque.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 20, 1980 he approved and transmitted to the Secretary of State the following bills:

Senate File 2098, an act to provide that the procedures and committees for the investigation and confirmation of appointees by the Senate be established by rule.

Senate File 2126, an act abolishing the additional bonus and disability fund.

Also: that on March 21, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 454, an act relating to countersignatures on insurance policies.

House File 747, an act relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

House File 2240, an act relating to the confidentiality of certain library records.

Senate File 278, an act relating to motor vehicle laws by providing four-year operators' and chauffeurs' licenses for licensees between the ages of eighteen and seventy, by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by authorizing the director of transportation to enter into nonresident violator compacts, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties.

### 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 21st day of March, 1980: House Files 2275 and 2470.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on March 21, 1980. Had I been present, I would have voted "aye" on House File 2521.

WELSH of Dubuque

**STUDY BILL COMMITTEE ASSIGNMENTS****S.B. 750 Ways and Means**

To allow the department of revenue to credit tax refunds against outstanding taxes due.

**S.B. 751 Ways and Means**

To authorize a compact between the states of Iowa, Missouri, Nebraska and Kansas to develop the Missouri River for more barge traffic and promote the use of barges on the Missouri River.

**SUBCOMMITTEE ASSIGNMENTS****House File 2505**

Ways and Means: Lageschulte, Chair; Bennett and Davitt.

**House File 2507**

Ways and Means: Schnekloth, Chair; Branstad and Oxley.

**House File 2512**

Ways and Means: Clark, Chair; Howell and Diemer.

**Senate File 69**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**Senate File 2103**

County Government: Shull, Chair; Welsh and Tofte.

**Senate File 2229**

Judiciary and Law Enforcement: Shimanek, Chair; Johnson of Howard, Conlon, Jesse and Patchett.

**Senate File 2247**

Ways and Means: Conlon, Chair; Lura, Diemer, Shull, Howell, Hall and Chiodo.

**Senate File 2252**

State Government: Crawford, Chair; Hibbs, Branstad, Arnould and Walter.

**Senate File 2253**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Senate File 2264**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Senate File 2268**

Judiciary and Law Enforcement: Hibbs, Chair; Pelton and Lloyd-Jones.

**Senate File 2272**

Transportation: Menke, Chair; Miller and Schnekloth.

**Senate File 2280**

Transportation: Lageschulte, Chair; Pellett and Binneboese.

**AMENDMENTS FILED**

H—5635	H.F. 2546	Welsh of Dubuque
H—5636	S.F. 2194	Shimanek of Jones
		Corey of Louisa
H—5637	S.F. 2090	De Groot of Lyon
H—5638	H.F. 2560	Shimanek of Jones
H—5639	S.F. 460	Pope of Polk
		Byerly of Polk
H—5640	S.F. 500	Jochum of Dubuque
H—5641	S.F. 314	Spear of Lee
H—5642	S.F. 314	Spear of Lee
H—5643	H.F. 2546	Perkins of Greene
H—5644	H.F. 2546	Perkins of Greene
H—5645	H.F. 2546	Perkins of Greene

On motion by Halvorson of Clayton, the House adjourned at 12:13 p.m., until 10:00 a.m., Monday, March 24, 1980.



# **JOURNAL OF THE HOUSE**

Seventy-first Calendar Day — Forty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 24, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by Monsignor A. W. Behrens, pastor of the Holy Name Catholic Church, Marcus.

The Journal of Friday, March 21, 1980 was approved.

## **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Crabb of Crawford on request of Millen of Van Buren; Patchett of Johnson, for March 24 and 25, on request of Arnould of Scott; Horn of Linn on request of Byerly of Polk; Connors of Polk, for the week of March 24, on request of Anderson of Jasper.

## **PETITION FILED**

The following petition was received and placed on file:

By Bina of Scott, from thirty-three constituents of Scott county favoring insurance, equality legislation to provide programming for chiropractic health care services.

## **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2292, a bill for an act amending the Iowa banking law in relation to the powers of banks with respect to compensation.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2310, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court.

Also: That the Senate has on March 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2345, a bill for an act amending the Code relating to the marketing of certain agricultural products.

Also: That the Senate has on March 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2346, a bill for an act relating to the installation of smoke detectors in buildings.

FRANK J. STORK, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2109**, by Orr, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes.

Read first time and referred to committee on **education**.

**Senate File 2198**, by Hansen, Van Gilst, Carr, Baugher, Palmer, Miller of Des Moines, Gallagher, Rodgers, Rush, Tieden, Junkins, Brown, Kinley, Small, Coleman, Slater, Bisenius, Taylor, Schwengels, Bergman, Carney, Calhoon, Waldstein, DeKoster, Robinson and Briles, a bill for an act relating to transportation of public and nonpublic school children.

Read first time and **passed on file**.

**Senate File 2292**, by committee on commerce, a bill for an act amending the Iowa banking law in relation to the powers of banks with respect to the compensation of directors, permissible deposit accounts and related charges, places of doing business, permissible investments, loan charges and leasing powers.

Read first time and referred to committee on **commerce**.

**Senate File 2327**, by committee on judiciary, a bill for an act to provide or increase the penalty for failure to file or pay the state income, franchise, sales and use, or inheritance and estate taxes or local hotel and motel tax.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2343**, by committee on energy, a bill for an act exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under chapter one hundred twenty-three (123) of the Code.

Read first time and referred to committee on **ways and means**.

**Senate File 2345**, by committee on commerce, a bill for an act amending chapters five hundred forty-two (542) and five hundred forty-three (543) of the Code, relating to the marketing of certain agricultural products, and providing penalties.

Read first time and referred to committee on **commerce**.

**Senate File 2346**, by committee on commerce, a bill for an act relating to installation of smoke detectors in apartment buildings with more than four units, hotels, motels and rooming houses and to inspection by fire or casualty insurance companies initially, by insureds annually, and by tenants or roomers during the year.

Read first time and referred to committee on **commerce**.

**REREFERRED TO COMMITTEE ON WAYS AND MEANS**  
(Senate File 2243)

Halvorson of Clayton asked and received unanimous consent that Senate File 2243, presently on the **regular calendar**, be rereferred to the committee on **ways and means**.

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 118**

Pursuant to House Rule 31, House Concurrent Resolution 118, directing the Iowa merit employment commission to complete a study of the current job classifications, salaries, and retirement benefits for correctional personnel, which was filed on March 17, 1980 and found on pages 964 and 965 of the House Journal, was adopted by unanimous consent.

**QUORUM CALL**

Roll call was requested by Tyrrell of Iowa and Hansen of O'Brien to determine that a quorum was present.

## Present, 81:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Bruner	Chiodo
Clark, B.J.	Cochran	Conlon	Corey
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lloyd-Jones	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	West	Woods
Mr. Speaker			

## Absent, 19:

Avenson	Brandt	Branstad	Byerly
Clark, J.H.	Connolly	Connors	Crabb
Egenes	Horn	Howell	Jesse
Krewson	Loneragan	Lorenzen	Lura
Patchett	Rapp	Welsh	

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**Senate File 500**, a bill for an act relating to the franchise tax on financial institutions, its imposition and rates, the definition of net income, providing a corresponding adjustment in interest rates for government bonds and making certain provisions of the Act retroactive, was taken up for consideration.

West of Marshall offered amendment H—5577 filed by the committee on ways and means on March 19, 1980 and found on pages 1042 through 1045 of the House Journal.

Bruner of Story rose on a point of order that the committee amendment H—5577 was not germane.

The Speaker ruled the point not well taken and the committee amendment H-5577 germane.

Bruner of Story offered the following amendment H-5646, to the committee amendment H-5577, filed by him and Rapp of Black Hawk from the floor:

H-5646

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-5577, to Senate File 500, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 43, by inserting after the word
- 5 "limitations" the words "and except that the provisions
- 6 of this subsection and subsection two (2) of this
- 7 section shall be applicable to the rate of interest
- 8 on anticipatory warrants issued on or after the
- 9 effective date of this Act and on or before July 1,
- 10 1981 at which time the provisions of this subsection
- 11 and subsection two (2) of this section shall not be
- 12 applicable to the rate of interest payable on
- 13 anticipatory warrants".

Thompson of Polk in the chair at 10:35 a.m.

Bruner of Story moved the adoption of amendment H-5646, to amendment H-5577.

Roll call was requested by Chiodo of Polk and Woods of Polk.

Rule 80 was invoked.

On the question "Shall amendment H-5646, to amendment H-5577, be adopted?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Cusack
Davitt	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hinkhouse	Howell
Hullinger	Husak	Jochum	Krewson
Lloyd-Jones	Loneragan	Maulsby	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lura
McKean	Menke	Millen	Miller
Mullins	Pellett	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Tofte	Tyrrell	Welden
West	Madam Speaker (Thompson)		

Absent or not voting, 11:

Clark, J.H.	Connors	Crabb	Dieleman
Horn	Jay	Jesse	Lorenzen
Patchett	Pelton	Van Maanen	

Amendment H—5646 lost.

Bruner of Story offered the following amendment H—5649, to the committee amendment H—5577, filed by him and Chiodo of Polk from the floor and moved its adoption:

H—5649

- 1 Amend the Committee on Ways and Means amendment,
- 2 H—5577, to Senate File 500, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 35, by inserting after the word
- 5 "points" the words "provided that the maximum interest
- 6 rate payable on anticipatory warrants issued under
- 7 any of the Code sections specified in subsection two
- 8 (2) of this section shall not exceed eight percent".

Amendment H—5649 lost.

Bruner of Story offered the following amendment H—5648, to the committee amendment H—5577, filed by him from the floor:

H—5648

- 1 Amend amendment H—5577 to Senate File 500, as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 43 the following

4 new subsection:

5 "3. Notwithstanding the interest rate specified in  
6 a provision of the Code referred to in this subsection,  
7 the interest rate in effect in a provision of the Code  
8 referred to in this subsection is a rate of monthly  
9 interest which is equal to the sum of the monthly  
10 rate actually specified in that provision plus  
11 thirty-five hundredths (.35) of one percentage point.  
12 This subsection applies to the following sections of  
13 the Code: Sections four hundred twenty-two point  
14 sixteen, (422.16), four hundred twenty-two point twenty-  
15 four (422.24), four hundred twenty-two point twenty-five  
16 (422.25), four hundred twenty-two point twenty-eight  
17 (422.28), four hundred twenty-two point fifty-eight  
18 (422.58), Code 1979, as amended by Acts of the Sixty-  
19 eighth General Assembly, 1979 Session, chapter ninety-  
20 seven (97), section three (3); section four hundred  
21 twenty-three point eighteen (423.18), Code 1979, as  
22 amended by Acts of the Sixty-eighth General Assembly,  
23 1979 Session, chapter ninety-seven (97), section five  
24 (5); and section four hundred twenty-four point thirteen  
25 (424.13), Code 1979."

West of Marshall rose on a point of order that amendment H-5648 was not germane.

The Speaker ruled the point well taken and amendment H-5648 not germane.

Bruner of Story moved that the rules governing germaneness be suspended to consider and adopt amendment H-5648, to amendment H-5577.

A non-record roll call was requested.

The ayes were 35, nays 49.

The motion lost.

Norland of Worth offered the following amendment H-5647, to the committee amendment H-5577, filed by him from the floor and moved its adoption:

H-5647

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-5577, to Senate File 500, as amended, passed, and
- 3 reprinted by the Senate, as follows:

- 4 1. Page 4, by inserting after line 11 the  
 5 following:  
 6 "5. If there is a delay in the preparation of  
 7 the tax lists and the collection of the taxes in the  
 8 fiscal year beginning July 1, 1980 and ending June  
 9 30, 1981 and the delay requires a political subdivision  
 10 of this state to issue warrants at the rate of interest  
 11 specified in this section, the state shall reimburse  
 12 the political subdivision for fifty percent of the  
 13 interest paid on warrants issued. However, before  
 14 the provisions of this section shall apply, the state  
 15 comptroller shall determine that any warrants were  
 16 required to be issued and that the warrants would  
 17 not have been issued but for the delays in the  
 18 collection of taxes for the fiscal year beginning  
 19 July 1, 1980 and ending June 30, 1981. There is  
 20 appropriated to the state comptroller from the general  
 21 fund of the state an amount sufficient to carry out  
 22 the provisions of this section."  
 23 2. Amend the title page, line 4, by inserting  
 24 after the word "bonds" the words ", making an  
 25 appropriation,".

Roll call was requested by Perkins of Greene and Anderson of Jasper.

On the question "Shall amendment H-5647, to amendment H-5577, be adopted?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Howell	Hullinger	Husak	Jesse
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.



Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Benken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
West	Madam Speaker (Thompson)		

Absent or not voting, 6:

Connors	Crabb	Horn	Jay
Lorenzen	Patchett		

Amendment H—5647 lost.

West of Marshall moved the adoption of the committee amendment H—5577.

The committee amendment H—5577 was adopted.

Jochum of Dubuque offered the following amendment H—5640 filed by him:

H—5640

1 Amend Senate File 500, as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 F. Page 1, by striking lines 27 through 32, and  
 4 inserting in lieu thereof the following:  
 5 "Sec. Section four hundred twenty-two  
 6 point sixty-three (422.63), Code 1979, is amended  
 7 to read as follows:  
 8 422.63 AMOUNT OF TAX. The franchise tax is  
 9 imposed annually in an amount measured by applying  
 10 the following rates to the net income received or  
 11 accrued during the taxable year:  
 12 1. On the first twenty-five thousand dollars  
 13 of net income, or any part thereof, five four percent.  
 14 2. On the next fifty thousand dollars of net  
 15 income, or any part thereof, six five percent.  
 16 3. On the next twenty-five thousand dollars of  
 17 net income, or any part thereof, seven six percent.  
 18 4. On all net income in excess of one hundred  
 19 thousand dollars, eight seven percent."

Norland of Worth asked and received unanimous consent to defer action on amendment H—5650 for the consideration of amendment H—5651.

Jochum of Dubuque offered the following amendment H—5651, to amendment H—5640, filed by him from the floor and moved its adoption:

H—5651

- 1 Amend amendment H—5640 to Senate File 500 as
- 2 amended, passed and reprinted by the Senate, as follows:
- 3 1. By striking the word "four" on line 13 and
- 4 inserting in lieu thereof the word "three".
- 5 2. By striking the word "five" on line 15 and
- 6 inserting in lieu thereof the word "four".
- 7 3. By striking the word "six" on line 17 and
- 8 inserting in lieu thereof the word "five".
- 9 4. By striking the word "seven" on line 19 and
- 10 inserting in lieu thereof the word "six".

Amendment H—5651 lost.

Norland of Worth offered the following amendment H—5650, to amendment H—5640, filed from the floor by him and Howell of Floyd and moved its adoption:

H—5650

- 1 Amend the House amendment, H—5640, to
- 2 Senate File 500, as amended, passed and reprinted
- 3 by the Senate as follows:
- 4 1. Line 13, by striking the word "four" and
- 5 inserting in lieu thereof the word "three".
- 6 2. Line 15, by striking the word "five" and
- 7 inserting in lieu thereof the word "four".
- 8 3. Line 17, by striking the word "six" and
- 9 inserting in lieu thereof the word "four".
- 10 4. By striking lines 18 and 19, and inserting
- 11 in lieu thereof the following:
- 12 "4. On all net income ~~in excess of between~~
- 13 one hundred thousand dollars and five hundred
- 14 thousand dollars, eight five percent.
- 15 5. On all net income over five hundred
- 16 thousand dollars, six percent."

Roll call was requested by Groth of Buena Vista and Norland of Worth.

Rule 80 was invoked.

On the question "Shall amendment H—5650, to amendment H—5640, be adopted?"

## The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Cochran	Connolly
Cusack	Davitt	Doyle	Groth
Hall	Halvorson, R.N.	Hinkhouse	Holt
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Perkins	Rapp
Sherzan	Spear	Tofte	Walter
Wells	Welsh	Woods	

## The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Stromer	Swearingen	Tyrrell	Van Maanen
Welden	West	Madam Speaker (Thompson)	

## Absent or not voting, 6:

Connors	Crabb	Gettings	Horn
Lorenzen	Patchett		

Amendment H—5650 lost.

Jochum of Dubuque moved the adoption of amendment H—5640.

Amendment H—5640 lost.

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?" (S.F. 500)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lura	Maulsby	McKean	Menke
Millen	Miller	Millins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Madam Speaker (Thompson)		

The nays were, none.

Absent or not voting, 6:

Connors	Crabb	Gettings	Horn
Lorenzen	Patchett		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Howell of Floyd and Egenes of Story asked and received unanimous consent to be recorded as voting "aye" on Senate File 500 and the votes were so recorded.

### IMMEDIATE MESSAGE (Senate File 500)

West of Marshall asked and received unanimous consent that Senate File 500 be immediately messaged to the Senate.

## UNANIMOUS CONSENT

Halvorson of Clayton asked and received unanimous consent to place Senate File 2060 at the top of the Tuesday, March 25, 1980 Daily Debate Calendar.

REREFERRED TO COMMITTEE ON WAYS AND MEANS  
(Senate File 2238)

The Speaker announced that Senate File 2238, presently on the **regular calendar**, was rereferred to the committee on **ways and means**.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty twelfth grade students from Webster City High School, Webster City, accompanied by Mr. Tjaden. By Egenes of Story.

Thirty-five eighth grade students from Maquoketa Junior High School, Maquoketa, accompanied by Mr. Disney. By McKean and Shimanek of Jones, and Welsh of Dubuque.

Eleana Castro, foreign exchange student, from Costa Rica. She was accompanied by her host parents, Mr. and Mrs. LeRoy Miller from Emmetsburg and their daughter Beth. By Holt of Clay.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, March 21, 1980. Had I been present, I would have voted "aye" on House Files 2478, 2479, 2487, 2504, 2519, 2521, 2522, 2525, 2534, and on amendment H-5633 to House File 2533, and "nay" on House Files 2529, 2533 and amendment H-5569 to House File 2479.

BRANSTAD of Winnebago

I was necessarily absent from the House chamber on Thursday afternoon, March 20; and Friday, March 21, 1980. Had I been present, I would have voted "aye" on House Files 275, 2478, 2479, 2487, 2504, 2519, 2521, 2522, 2525, 2529, 2533, 2534 and 2536, and I would have voted "nay" on House File 2393.

LAGESCHULTE of Bremer

**COMMUNICATIONS RECEIVED**

The following communications have been received and are on file in the office of the Chief Clerk:

**AUDITOR OF STATE**

The Audit Report regarding the Office of Citizens' Aide has been received.

**IOWA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The Annual Report 1978-79 of the Iowa Department of Environmental Quality has been received.

**CERTIFICATES OF RECOGNITION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1980-32	Colo Girls' Basketball Team
1980-33	Dr. Emmett Dohse
1980-34	Burlington Boys' Basketball Team

DAVID L. WRAY  
Chief Clerk of the House

**COMMITTEE RECOMMENDATION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk:

DAVID L. WRAY  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**House File 2557**, a bill for an act relating to the payment of costs in certain civil actions to which the state is a party.

**Recommended Do Pass.**

## AMENDMENTS FILED

H-5652	H.F. 2561	Bennett of Ida
H-5653	H.F. 2550	Pope of Polk
		Schroeder of Pottawattamie
H-5654	S.F. 314	Spear of Lee
H-5655	S.F. 2292	Byerly of Polk
		Chiodo of Polk
		Woods of Polk
H-5656	H.F. 2560	Shimanek of Jones
H-5657	H.F. 2560	Shimanek of Jones
H-5658	S.F. 333	Schnekloth of Scott
		Johnson of Woodbury
		Pelton of Clinton
		Tyrrell of Iowa
		Branstad of Winnebago
		Bennett of Ida
		Miller of Buchanan
		Renken of Grundy
		Anderson of Audubon
		Hoffmann of Muscatine
		Krewson of Polk
H-5659	H.F. 2546	Conlon of Muscatine
H-5660	H.F. 2561	Perkins of Greene
H-5661	H.F. 2561	Perkins of Greene
H-5662	H.F. 2561	Perkins of Greene

On motion by Halvorson of Clayton, the House adjourned at 12:28 p.m., until 9:00 a.m., Tuesday, March 25, 1980.

# JOURNAL OF THE HOUSE

Seventy-second Calendar Day — Forty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 25, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Dr. Donald McKnight, pastor of the Evangelical Methodist Church, Dublin, Maryland.

The Journal of Monday, March 24, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Wettach, Mt. Pleasant.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk on request of Bina of Scott.

## PETITION FILED

The following petition was received and placed on file:

By Lloyd-Jones of Johnson, from eighty-five constituents from the 73rd and 74th districts favoring Senate File 376, an act relating to reimbursement or the payment for health care services and providing that it is a discriminatory practice to deny reimbursement or payment to certain persons.

## SENATE MESSAGE CONSIDERED

**Senate File 2310**, by committee on judiciary, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court.

Read first time and referred to committee on **judiciary and law enforcement**.



**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2026, a bill for an act relating to deductible and coinsurance provisions of contracts with health maintenance organizations.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2303, a bill for an act to permit counties to use random computer selection of jurors.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2311, a bill for an act relating to the age of fire fighters.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2315, a bill for an act relating to presentence investigation reports.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2316, a bill for an act relating to the disposition of property by counties.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2318, a bill for an act relating to the Iowa Probate Code.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2321, a bill for an act relating to the offense of assisting a prisoner escape.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2325, a bill for an act relating to the state entomologist.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2326, a bill for an act to repeal the requirement that assessors gather agricultural statistics from persons whose property is assessed.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2328, a bill for an act requiring that upon reconsideration of a prisoner's sentence a certified copy of the court's order be sent to the institution.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act making technical amendments to the rules on hospitalization of the mentally ill.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2339, a bill for an act relating to the discipline and removal of judicial magistrates.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2341, a bill for an act amending the uniform commercial code with respect to the effectiveness of certain filings.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2351, a bill for an act relating to the state fair board convention.

Also: That the Senate has on March 21, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2352, a bill for an act amending the Iowa credit union law as it relates to the composition of the credit union review board.

Also: That the Senate has on March 20, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2354, a bill for an act providing for joint financing by public agencies of electric power facilities.

Also: That the Senate has on March 21, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 118, directing the program evaluation division of the legislative fiscal bureau to conduct an evaluation of the structure, administration and funding of juvenile probation offices.

FRANK J. STORK, Secretary

**SENATE CONCURRENT RESOLUTION 118**  
By Committee on Judiciary

1     *Whereas*, concern has been expressed regarding the  
2 possible lack of uniformity in the caseloads and  
3 policies of the various juvenile probation offices  
4 throughout the state; and  
5     *Whereas*, there exist varying opinions as to the  
6 appropriate source of funding for juvenile probation  
7 offices; and  
8     *Whereas*, concern has been expressed regarding possible  
9 conflicts of interest in the various relationships be-  
10 tween juvenile court judges and juvenile probation  
11 officers; *Now Therefore*,  
12     *Be It Resolved by the Senate, the House Concurring*,  
13 That the program evaluation division of the legislative  
14 fiscal bureau be directed to conduct an evaluation of  
15 the structure, administration and funding of the state  
16 juvenile probation offices and report its findings to  
17 the 1981 session of the Sixty-ninth General Assembly.

Laid over under Rule 30.

On motion by Halvorson of Clayton, the House was recessed at 9:12 a.m., until 1:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Harbor in the chair.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Brandt of Black Hawk, for a portion of the afternoon, on request of Perkins of Greene; Hansen of O'Brien, for the afternoon session, on request of Pellett of Cass.

**QUORUM CALL**

Roll call was requested by Pope of Polk and Menke of O'Brien to determine that a quorum was present.

## Present, 85:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	West	Woods
Mr. Speaker			

## Absent, 15:

Arnould	Brandt	Connors	Diemer
Doyle	Hansen, I.	Jesse	Larsen
Lorenzen	Lura	Patchett	Rapp
Sherzan	Welden	Welsh	

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**Senate File 2060**, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property, with report of committee recommending amendment and passage was taken up for consideration.

Pope of Polk offered amendment H—5355 filed by the committee on ways and means on March 5, 1980 and found on page 783 of the House Journal.

Norland of Worth offered the following amendment H—5432, to the committee amendment H—5355, filed by him and Pope of Polk and moved its adoption:

H—5432

- 1 Amend the Committee on Ways and Means amendment,  
2 H—5355, to Senate File 2060, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 1, by inserting after line 1 the following:  
5 " . Page 1, line 11, by inserting after the  
6 word "city" the words "or county".  
7 . Page 1, line 12, by inserting after the word  
8 "city" the words "or county".  
9 . Page 1, line 16, by inserting after the word  
10 "city" the words "or county."  
11 2. Page 1, line 6, by inserting after the word  
12 "property" the words "if the property is owned by  
13 the city or the county has approved the serving of  
14 food and beverages on the property if the property  
15 is owned by the county".

Amendment H—5432 was adopted.

Davitt of Warren offered the following amendment H—5559, to the committee amendment H—5355, filed by him:

H—5559

- 1 Amend the Committee on Ways and Means amendment,  
2 H—5355, to Senate File 2060, as amended, passed, and  
3 reprinted by the Senate, as follows:  
4 1. Page 1, line 6, by inserting after the period  
5 the words "Other tangible personal property may be  
6 sold on the site without affecting the property tax  
7 exemption, provided the city has approved the sales  
8 of the tangible personal property where the real  
9 property is owned by the city or the county has  
10 approved the sale of the tangible personal property  
11 if the real property is owned by the county."

Speaker pro tempore Stromer of Hancock in the chair at 1:52 p.m.

Davitt of Warren moved the adoption of amendment H—5559, to the committee amendment H—5355.

Amendment H—5559 lost.

On motion by Pope of Polk, the committee amendment H—5355, as amended, was adopted.

Pope 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. 2060)

The ayes were, 75:

Arnould	Avenson	Bennett	Bina
Binneboese	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Crabb	Crawford	Cusack
Davitt	Diemer	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Lloyd-Jones	Lonergan	Lura
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pelton	Perkins	Poffenberger	Pope
Rapp	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Stromer)	

The nays were, 14:

Anderson, J.	Branstad	Corey	Daggett
Danker	De Groot	Dieleman	Lageschulte
Larsen	Maulsby	McKean	Pellett
Renken	Van Maanen		

Absent or not voting, 11:

Anderson, R.	Brandt	Connors	Doyle
Egenes	Hansen, I.	Harbor	Jesse
Lorenzen	Patchett	Sherzan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 2187 WITHDRAWN

Pope of Polk asked and received unanimous consent to withdraw House File 2187 from further consideration by the House.

### Regular Calendar

**Senate File 2200**, a bill for an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles, was taken up for consideration.

Chiodo of Polk rose on a point of order that the bill was not in order, referring to section 159.3 of Mason's Manual of Legislative Procedure concerning consideration of same subject matter.

The Speaker ruled the point not well taken and the bill in order.

Speaker Harbor in the chair at 2:22 p.m.

Cusack of Scott rose on a point of order that the bill was not in order inasmuch as it concerned consideration of same subject matter.

The Speaker ruled the point not well taken and the bill in order.

Speaker pro tempore Stromer of Hancock in the chair at 2:36 p.m.

Johnson 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.

Under the provisions of Rule 81, Lura of Marshall and Holt of Clay refrained from voting.

On the question "Shall the bill pass?" (S.F. 2200)

The ayes were, 82:

Anderson, J.  
Bina  
Chiodo

Anderson, R.  
Binneboese  
Clark, B.J.

Arnould  
Branstad  
Clark, J.H.

Bennett  
Bruner  
Cochran

Conlon	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Groth,
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Howell	Hullinger	Hummel	Husak
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Ravich	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker (Stromer)		

The nays were, 8:

Avenson	Eyerly	Connolly	Cusack
Gettings	Horn	Jochum	Rapp

Absent or not voting, 10:

Brandt	Connors	Doyle	Hansen, I.
Holt	Jesse	Lorenzen	Lura
Patchett	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Schnekloth of Scott and Smalley of Polk asked and received unanimous consent to be recorded as voting "aye" on Senate File 2200 and the votes were so recorded.

Horn of Linn asked and received unanimous consent to change his vote from "aye" to "nay" on Senate File 2200 and the vote was so recorded.

### OBJECTION TO IMMEDIATE MESSAGE (Senate File 2200)

Schroeder of Pottawattamie asked for unanimous consent to immediately message Senate File 2200 to the Senate.

Objection was raised.



Schroeder of Pottawattamie moved that the rules be suspended and that Senate File 2200 be immediately messaged to the Senate.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his motion.

**House File 2546**, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code, was taken up for consideration.

Conlon of Muscatine offered the following amendment H—5659 filed by him and moved its adoption:

H—5659

- 1 Amend House File 2546 as follows:
- 2 1. Page 1, by striking lines 1 through 5, and
- 3 by inserting in lieu thereof the following:
- 4 "Section 1. **NEW SECTION.** Notwithstanding
- 5 subsection two (2) of section five hundred fifty-
- 6 four point two thousand three hundred sixteen
- 7 (554.2316) of the Code, all implied warranties
- 8 arising under sections".

Amendment H—5659 was adopted.

Perkins of Greene offered the following amendment H—5644 filed by him:

H—5644

- 1 Amend House File 2546 as follows:
- 2 1. Page 1, line 15, by inserting after the
- 3 word "inspected" the words "within the last thirty
- 4 days".

Speaker Harbor in the chair at 2:59 p.m.

Perkins of Greene offered the following amendment H—5673, to amendment H—5644, filed by him from the floor:

H—5673

- 1 Amend amendment H—5644 to House File 2546 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "thirty"
- 4 and inserting in lieu thereof the word "ten".

Davitt of Warren asked and received unanimous consent to temporarily defer action on amendment H—5673, to amendment H—5644.

Welsh of Dubuque offered the following amendment H—5635 filed by him and moved its adoption:

H—5635

- 1 Amend House File 2546 as follows:
- 2 1. Page 1, line 20, by striking the word
- 3 "comingled" and inserting in lieu thereof the
- 4 word "commingled".
- 5 2. Page 1, line 25, by striking the word
- 6 "comingled" and inserting in lieu thereof the
- 7 word "commingled".
- 8 3. Page 1, line 28, by striking the word
- 9 "comingled" and inserting in lieu thereof the
- 10 word "commingled".
- 11 4. Page 1, line 31, by striking the word
- 12 "comingling" and inserting in lieu thereof the
- 13 word "commingling".

Amendment H—5635 was adopted.

Perkins of Greene offered the following amendment H—5645 filed by him and moved its adoption:

H—5645

- 1 Amend House File 2546 as follows:
- 2 1. Page 1, line 24, by striking the word
- 3 "thirty" and inserting in lieu thereof the word
- 4 "sixty".
- 5 2. Page 1, line 27, by striking the word
- 6 "thirty" and inserting in lieu thereof the word
- 7 "sixty".

Roll call was requested by Perkins of Greene and O'Kane of Woodbury.

On the question "Shall amendment H—5645 be adopted?"

The ayes were, 35:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Connolly	Cusack	Davitt

Dieleman	Groth	Hall	Halvorson, R.N.
Hanson, D.	Horn	Howell	Hullinger
Jesse	Jochum	Lloyd-Jones	Miller
Norland	O'Kane	Pavich	Perkins
Rapp	Smalley	Spear	Walter
Wells	Welsh	Woods	

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Gettings	Halvorson, R.A.
Hibbs	Hinkhouse	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Loneragan	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 11:

Cochran	Connors	Doyle	Hansen, I.
Jay	Johnson, R.	Lorenzen	Oxley
Patchett	Sherzan	West	

Amendment H—5645 lost.

Perkins of Greene offered the following amendment H—5643 filed by him and moved its adoption:

H—5643

- 1 Amend House File 2546 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 "c. Whether any medication has been administered
- 5 to the animals within the last fifteen days before
- 6 sale and, if so, the type of medication administered."

Roll call was requested by Perkins of Greene and Jochum of Dubuque.

On the question "Shall amendment H—5643 be adopted?"

## The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Chiodo
Cochran	Connolly	Cusack	Davitt
Dieleman	Groth	Hall	Halvorson, R.N.
Hanson, D.	Howell	Hullinger	Jay
Jesse	Jochum	Johnson, W.	Lloyd-Jones
Maulsby	McKean	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Ritsema	Smalley	Spear
Tofte	Walter	Welden	Wells
Welsh			

## The nays were, 51:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Gettings
Halvorson, R.A.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Hummel	Husak
Johnson, J.	Johnson, R.	Kirkenslager	Krewson
Lageschulte	Lind	Loneragan	Lura
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Schneklath	Schroeder	Shull	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
West	Woods	Mr. Speaker	

## Absent or not voting, 8:

Connors	Doyle	Hansen, I.	Larsen
Lorenzen	Patchett	Sherzan	Shimaneck

## Amendment H—5643 lost.

The House resumed consideration of amendment H—5673, to amendment H—5644.

Perkins of Greene asked and received unanimous consent to withdraw amendments H—5644 and H—5673.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2546)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Hullinger
Hummel	Husak	Jay	Jesse
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	Oxley	Pellett	Pelton
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Wells	West	Woods
Mr. Speaker			

The nays were, 11:

Binneboese	Chiodo	Conlon	Connolly
Howell	Jochum	O'Kane	Pavich
Perkins	Walter	Welsh	

Absent or not voting, 8:

Connors	Doyle	Hansen, I.	Lorenzen
Lura	Patchett	Sherzan	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 2546)

Bennett of Ida asked and received unanimous consent that House File 2546 be immediately messaged to the Senate.

Senate File 2301, a bill for an act relating to gubernatorial appointments which are subject to confirmation by the senate, with report of committee recommending passage was taken up for consideration.

Crawford of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2301)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Gettings
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneran
Lura	Maulsby	McKean	Menke
Millen	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 1:

Miller

Absent or not voting, 10:

Binneboese	Connors	Doyle	Groth
Hansen, I.	Hinkhouse	Husak	Lorenzen
Patchett	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2561**, a bill for an act relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the

owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources, was taken up for consideration.

Bennett of Ida offered the following amendment H—5652 filed by him:

H—5652

1 Amend House File 2561 as follows:

2 1. Page 2, line 6, by striking the word "landowner"  
3 and inserting in lieu thereof the words "landowner  
4 owner of the land on which the practices are to be  
5 established".

6 2. Page 2, line 8, by inserting after the word  
7 "agreement" the words "identifying the particular  
8 lands upon which the practices for which state cost  
9 sharing funds are to be received will be established  
10 and providing".

11 3. Page 2, line 13, by striking the words "the  
12 landowner" and inserting in lieu thereof the words  
13 "the landowner owner of the land on which the  
14 practices have been so removed, altered or modified".

Cochran of Webster offered the following amendment H—5668, to amendment H—5652, filed from the floor by Cochran, Bennett and Pellett and moved its adoption:

H—5668

1 Amend the Bennett amendment H—5652 to House File  
2 2561, as follows:

3 1. By inserting after line 14 the following:

4 "4. Page 11, line 19, by striking the words "occurs  
5 in" and inserting in lieu thereof the words "is to occur  
6 as a part of a project for which a permit is required  
7 by".

8 5. Page 11, line 23, by striking the words "a  
9 building" and inserting in lieu thereof the words "the  
10 required".

11 6. Page 11, line 26, by inserting after the word  
12 "plan" the words "which covers the proposed project and  
13 is".

14 7. Page 12, by inserting after line 21 the  
15 following:

16 "j. The construction, relocation, alteration or  
17 maintenance of public roads." "

**Amendment H—5668 was adopted.**

On motion by Bennett of Ida, amendment H—5652, as amended, was adopted, placing amendment H—5608, filed by Cochran of Webster on March 19, 1980, out of order.

Perkins of Greene offered the following amendment H—5661 filed by him and moved its adoption:

H—5661

- 1 Amend House File 2561 as follows:
- 2 1. Page 4, line 35, by striking the words
- 3 "prevent erosion" and inserting in lieu thereof the
- 4 words "implement a farm unit soil conservation plan".
- 5 2. Page 5, by striking lines 1 and 2 and
- 6 inserting in lieu thereof the words ", and conditioned
- 7 on the furnishing by the".
- 8 3. Page 5, by striking lines 7 and 8 and
- 9 inserting in lieu thereof the words "water
- 10 conservation practices necessary to implement the
- 11 plan."

Amendment H—5661 was adopted.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—5628 filed by him on March 20, 1980.

Hummel of Benton offered the following amendment H—5625 filed by Hummel, et al., and moved its adoption:

H—5625

- 1 Amend House File 2561 as follows:
- 2 1. Page 6, by inserting after line 8 the following
- 3 new section:
- 4 "Sec. . Section four hundred sixty-seven A
- 5 point forty-eight (467A.48), Code 1979, as amended
- 6 by Acts of the Sixty-eighth General Assembly, 1979
- 7 Session, chapter one hundred fifteen (115), section
- 8 one (1), is amended to read as follows:
- 9 467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS.
- 10 No owner or occupant of land in this state shall be
- 11 required to establish any new permanent or temporary
- 12 soil and water conservation practice unless public
- 13 or other cost-sharing funds have been specifically
- 14 approved for such land and actually made available
- 15 to the owner or occupant in an amount equal to at
- 16 least seventy-five percent of the cost of any permanent
- 17 soil and water conservation practice, or an amount



18 set by the state soil conservation committee for any  
19 temporary soil and water conservation practice, except  
20 as otherwise provided by law with respect to land  
21 classified as agricultural land under conservation  
22 cover. The state soil conservation committee shall  
23 review these requirements at least once each year,  
24 and may authorize soil conservation district  
25 commissioners to make the mandatory establishment  
26 of any specified soil and water conservation practice  
27 in any particular case conditional on a higher  
28 proportion of public cost-sharing than is required  
29 by this section. When the commissioners have been  
30 so authorized, they shall, in determining the amount  
31 of cost-sharing for establishment of a specified soil  
32 and water conservation practice to comply with an  
33 administrative order issued pursuant to section  
34 467A.47, consider the extent to which the practice  
35 will contribute benefits to the public in relation  
36 to the benefits that will accrue to the individual  
37 owner or occupant of the land on which the practice  
38 is to be established. Evidence that an application  
39 for public or other cost-sharing funds, from a source  
40 or sources having authority to pay a portion of the  
41 cost of work needed to comply with an administrative  
42 order issued pursuant to section 467A.47, has been  
43 submitted to the proper officer or agency shall  
44 constitute commencement of such work within the meaning  
45 of sections 467A.43 to 467A.53. Upon receiving  
46 evidence of the submission of such application, the  
47 commissioners shall forward to the officer or agency  
48 to which the application was made a written request  
49 to receive notification of the disposition of such  
50 application. When notified of the approval of such

**Page 2**

1 application, the commissioners shall issue to the  
2 same parties who received the original administrative  
3 order, or their successors in interest, a supplementary  
4 order, to be delivered in the same manner as provided  
5 by sections 467A.43 to 467A.53 for delivery of original  
6 administrative orders. The supplementary order shall  
7 state a time, not more than six months after approval  
8 of the application for public cost-sharing funds,  
9 by which the work needed to comply with the original  
10 administrative order shall actually be commenced,  
11 and a time thereafter when such work is to be  
12 satisfactorily completed. If feasible, that time  
13 shall be within one year after the date of the  
14 supplementary order, but the owner of land on which  
15 a soil and water conservation practice is being  
16 established under this section shall not be required

17 to incur a cost therefor in any one calendar year  
 18 which exceeds ten dollars per acre for each acre of  
 19 land belonging to that owner and located in the county  
 20 containing the land on which the required practice  
 21 is being established or in counties contiguous  
 22 thereto."

23 2. Page 12, by inserting after line 32 the  
 24 following new section:

25 "Sec. . Chapter four hundred sixty-seven A  
 26 (467A), Code 1979, is amended by adding the following  
 27 new section:

28 **NEW SECTION. COST-SHARING FOR CERTAIN LANDS**  
 29 **RESTRICTED.** On January 1, 1981, or as soon thereafter  
 30 as reasonably possible, the commissioners of each  
 31 soil conservation district in the state shall identify  
 32 each tract of agricultural land in the district which  
 33 has not been plowed nor used for growing row crops  
 34 at any time within fifteen years prior to that date,  
 35 and shall classify each such tract of land as  
 36 agricultural land under conservation cover. If any  
 37 tract of land so classified is thereafter plowed or  
 38 used for growing row crops, the commissioners shall  
 39 not approve use of state cost-sharing funds for  
 40 establishing permanent or temporary soil and water  
 41 conservation practices on that tract of land in an  
 42 amount greater than one-half the amount of cost-sharing  
 43 funds which would be available for that land if it  
 44 had not previously been classified as agricultural  
 45 land under conservation cover. The restriction imposed  
 46 by this section shall apply even if an administrative  
 47 order or court order has been issued requiring  
 48 establishment of soil and water conservation practices  
 49 on that land. The commissioners may waive the  
 50 restriction imposed by this section if they determine

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1 in advance that the purpose of plowing or row cropping  
 2 land classified as land under conservation cover is  
 3 to revitalize permanent pasture and that the land  
 4 will revert to permanent pasture within two years  
 5 after it is plowed."

Amendment H—5625 was adopted.

Perkins of Greene offered amendment H—5662 filed by him and  
 requested division as follows:

H—5662

1 Amend House File 2561 as follows:

H-5662A

- 2 1. Page 8, line 9, by inserting after the word
- 3 "to" the words "do one of the following".

H-5662B

- 4 2. Page 8, by striking lines 26 through 33.

On motion by Perkins of Greene, amendment H-5662A was adopted.

Perkins of Greene asked and received unanimous consent to withdraw amendment H-5662B.

Perkins of Greene offered the following amendment H-5660 filed by him:

H-5660

- 1 Amend House File 2561 as follows:
- 2 1. Page 6, by striking lines 9 through 35.
- 3 2. Page 7, by striking lines 1 through 19 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. . Section four hundred sixty-seven A
- 6 point forty-seven (467A.47), Code 1979, is amended
- 7 to read as follows:
- 8 467A.47 INSPECTION OF LAND ON COMPLAINT -
- 9 ACTIONS UPON CERTAIN FINDINGS.
- 10 1. The commissioners of any soil conservation
- 11 district shall inspect or cause to be inspected
- 12 any land within the district, either upon receipt
- 13 of a written and signed or verbal complaint, from
- 14 an owner or occupant of land being damaged by
- 15 sediment, or when the commissioners have reasonable
- 16 grounds to believe that soil erosion is occurring
- 17 thereon in excess of the limits established by the
- 18 district's soil erosion control regulations.
- 19 2. If they the commissioners find that sediment
- 20 damages are occurring to property owned or occupied
- 21 by the a person filing the complaint other than the
- 22 person who owns or occupies the land on which the
- 23 erosion causing the sedimentation is occurring, and
- 24 that such excess soil erosion is so occurring on the
- 25 land inspected, they shall issue an administrative
- 26 order to the landowner or landowners of record, and
- 27 to the occupant of the land if known to the
- 28 commissioners, describing ~~said~~ the land and stating
- 29 as nearly as possible the extent to which soil
- 30 erosion thereon exceeds the limits established by

31 the district's regulations. The order shall be  
32 delivered either by personal service or by  
33 restricted certified mail to each of the persons to  
34 whom it is directed, and shall:

35 1 a. In the case of erosion occurring on the  
36 site of any construction project or similar under-  
37 taking involving the removal of all or a major  
38 portion of the vegetation or other natural or man-  
39 made cover, exposing bare soil directly to water or  
40 wind, state a time not more than five days after  
41 service or mailing of the notice of the order when  
42 work necessary to establish or maintain erosion  
43 control practices must be commenced, and a time not  
44 more than thirty days after service or mailing of  
45 the notice of the order when the work is to be  
46 satisfactorily completed.

47 2 b. In all other cases, state a time not more  
48 than six months after service or mailing of the  
49 notice of the order, by which work needed to  
50 establish or maintain the necessary soil and water

Page 2

1 conservation practices or erosion control measures  
2 must be commenced, and a time not more than one  
3 year after the service or mailing of the notice of  
4 the order when the work is to be satisfactorily  
5 completed, unless the requirements of the order are  
6 superseded by the provisions of section 467A.48.

7 3. If the commissioners find that soil erosion  
8 is occurring on the inspected land in excess of the  
9 applicable soil loss limits established by the  
10 district's soil erosion control regulations, and  
11 that the excessive erosion is not causing sediment  
12 damage to property owned or occupied by any person  
13 other than the owner or occupant of the land on  
14 which the excessive soil erosion is occurring,  
15 they shall send notice of that finding to the  
16 landowner or landowners of record, and to the  
17 occupant of the land if known to the commissioners.  
18 The notice shall describe the land affected and  
19 shall state as nearly as possible the extent to  
20 which soil erosion from that land exceeds the  
21 applicable soil loss limits.

22 a. If the rate of the excessive erosion is  
23 less than twice the applicable soil loss limit, the  
24 notice required by this subsection shall include  
25 or be accompanied by information regarding  
26 financial or other assistance which the commissioners  
27 are able to make available to the owner or occupant  
28 of the land to aid in achieving compliance with the

29 applicable soil loss limits.

30 b. If the rate of the excessive erosion is  
 31 equal to or greater than twice the applicable soil  
 32 loss limit, the notice shall include or be  
 33 accompanied by the information required by paragraph  
 34 a of this subsection and shall be delivered by  
 35 personal service or by restricted certified mail  
 36 to each of the persons to whom service is directed.  
 37 A notice given under this paragraph shall also  
 38 include or be accompanied by information explaining  
 39 the provisions of section eight (8) of this Act."

40 3. Page 7, by striking line 20 and inserting in  
 41 lieu thereof the following:

42 "Sec. 8. Chapter four hundred sixty-seven A  
 43 (467A), Code 1979, is amended by adding the following  
 44 new section:

45 1. Beginning January 1, 1985, or five years  
 46 after the".

47 4. Page 7, by striking line 27 and inserting in  
 48 lieu thereof the following:

49 "sioners under section four hundred sixty-seven A  
 50 point forty-seven (467A.47), subsection three (3),

### Page 3

1 paragraph b".

Perkins of Greene offered the following amendment H—5683, to  
 amendment H—5660, filed by him from the floor:

H—5683

1 Amend amendment H—5660 to House File 2561 as  
 2 follows:

3 1. Page 1, by striking line 2 through page 3,  
 4 line 1, and inserting in lieu thereof the following:

5 "1. Page 6, by inserting after line 8 the  
 6 following:

7 "Sec. . Section four hundred sixty-seven A  
 8 point forty-seven (467A.47), unnumbered paragraph  
 9 one (1), Code 1979, is amended to read as follows:

10 467A.47 INSPECTION OF LAND ON COMPLAINT.

11 The commissioners of any soil conservation  
 12 district shall inspect or cause to be inspected  
 13 any land within the district, either upon receipt  
 14 of a written and signed complaint, from an owner or  
 15 occupant of land being damaged by sediment, or when  
 16 the commissioners have reasonable grounds to believe  
 17 that soil erosion is occurring thereon in excess of  
 18 the limits established by the district's soil  
 19 erosion control regulations. If they the commis-

20 sioners find that sediment damages are occurring  
21 to property owned or occupied by ~~the a person filing~~  
22 the complaint other than the person who owns or  
23 occupies the land on which the erosion causing the  
24 the sedimentation is occurring, and that such excess  
25 soil erosion is so occurring on the land inspected,  
26 they shall issue an administrative order to the  
27 landowner or landowners of record, and to the  
28 occupant of the land if known to the commissioners,  
29 describing said land and stating as nearly as  
30 possible the extent to which soil erosion thereon  
31 exceeds the limits established by the district's  
32 regulations. The order shall be delivered either by  
33 personal service or by restricted certified mail  
34 to each of the persons to whom it is directed, and  
35 shall:"

Speaker pro tempore Stromer of Hancock in the chair at 4:51 p.m.

Perkins of Greene moved the adoption of amendment H—5683, to amendment H—5660.

A non-record roll call was requested.

The ayes were 53, nays 33.

Amendment H—5683 was adopted.

Perkins of Greene moved the adoption of amendment H—5660, as amended.

A non-record roll call was requested.

The ayes were 26, nays 57.

Amendment H—5660, as amended, lost.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2561)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Ja'y
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneran	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Stromer)

The nays were, 1:

Corey

Absent or not voting, 7:

Connors	Groth	Hansen, I.	Krewson
Lorenzen	Patchett	Sherzan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2561)

Pellett of Cass asked and received unanimous consent that House File 2561 be immediately messaged to the Senate.

**House File 2540**, a bill for an act relating to the membership of the board of certification of waterworks and waste waterworks operators, was taken up for consideration.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2540)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renk	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, none.

Absent or not voting, 7:

Connors	Groth	Hansen, I.	Krewson
Lorenzen	Patchett	Sherzan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2518**, a bill for an act relating to the administration of the Iowa national guard, was taken up for consideration.

Crawford of Story asked and received unanimous consent to withdraw amendment H-5487 filed by him and Hoffmann of Muscatine on March 12, 1980.



Crawford of Story offered the following amendment H—5598 filed by him and Hoffmann of Muscatine and moved its adoption:

H—5598

- 1 Amend House File 2518 as follows:
- 2 Page 3, line 8, by striking the word
- 3 "discretion," and inserting in lieu thereof the word
- 4 "discretion,".
- 5 2. Page 3, line 13, by inserting after the word
- 6 "guard," the word "recruiting".
- 7 3. Page 5, line 26, by striking the word "or"
- 8 and inserting in lieu thereof the word "of".

Amendment H—5598 was adopted.

Dieleman of Marion asked and received unanimous consent to withdraw amendment H—5418 filed by him on March 10, 1980.

Dieleman of Marion offered the following amendment H—5539 filed by him:

H—5539

- 1 Amend House File 2518 as follows:
- 2 1. Page 10, by striking line 34 through page 11,
- 3 line 10 and inserting in lieu thereof the following:
- 4 "for military purposes, in the sum of five dollars
- 5 per capita, to be paid in semiannual installments
- 6 on the basis of two dollars and fifty cents per capita.
- 7 For the purpose of computing each semiannual
- 8 installment the per capita strength shall be the
- 9 average enlisted strength of the unit, for that
- 10 semiannual period, provided however, that in the event
- 11 the average attendance of any unit during any
- 12 semiannual period falls below fifty percent of the
- 13 average enlisted strength of such unit in that period,
- 14 such such allowance shall not be paid for that period.
- 15 The semi-annual periods herein referred to shall
- 16 begin January 1 and July 1. Such The allowance shall
- 17 be paid from the funds".
- 18 2. Page 13, line 28, by striking the words "from
- 19 an annual appropriation of funds".
- 20 3. Page 13, by striking lines 32 through 35 and
- 21 inserting in lieu thereof the words "The adjutant".

Halvorson of Clayton asked for unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

Objection was raised.

Halvorson of Clayton moved that House Rule 2 be suspended to continue session beyond 6:00 p.m.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 52, nays 38.

The motion prevailed and House Rule 2 was suspended.

Dieleman of Marion moved the adoption of amendment H—5539.

Roll call was requested by Bina of Scott and Walter of Pottawat-tamie.

On the question "Shall amendment H—5539 be adopted?"

The ayes were, 28:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Connolly	Dieleman
Hall	Halvorson, R.A.	Hanson, D.	Hinkhouse
Howell	Hullinger	Jay	Jesse
Jochum	Krewson	Lloyd-Jones	Miller
Norland	O'Kane	Oxley	Pavich
Rapp	Spear	Walter	Welsh

The nays were, 61:

Anderson, J.	Bennett	Branstad	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Diemer	Doyle	Egenes	Halvorson, R.N.
Harbor	Hibbs	Hoffmann	Horn
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lonergan	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Wells	West	Woods
Mr. Speaker (Stromer)			

Absent or not voting, 11:

Arnould	Connors	Cusack	Gettings
Groth	Hansen, I.	Holt	Lorenzen
Lura	Patchett	Sherzan	

Amendment H — 5539 lost.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2518)

The ayes were, 87:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Shimaneck
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Stromer)	

The nays were, none.

Absent or not voting, 13:

Arnould	Connors	Corey	Cusack
Gettings	Groth	Hansen, I.	Holt
Lorenzen	Lura	Millen	Patchett
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGES**  
(House File 2518)

Halvorson of Clayton asked and received unanimous consent that House File 2518 be immediately messaged to the Senate.

(Senate File 2200)

Halvorson of Clayton moved that the rules be suspended and that Senate File 2200 be immediately messaged to the Senate.

A non-record roll call was requested.

The ayes were 53, nays 29.

The motion prevailed.

**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 March, 1980: House Files 79, 673 and 715.

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-eight twelfth grade students from Clay Central Community School, Royal, accompanied by Luther Heller. By Groth of Buena Vista.

Fifty seventh grade students from John Adams Junior High, Mason City, accompanied by five chaperones. By Norland of Worth and Clark of Cerro Gordo.

Forty-five students from Midland Community School, Wyoming, accompanied by Gary Hyar. By McKean of Jones.

**COMMUNICATION RECEIVED**

A communication has been received and is on file in the office of the Chief Clerk from the legislative members of the Commission on the Aging commending the annual report of the Commission on the Aging for fiscal year 1979.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON COUNTY GOVERNMENT**

**Senate File 2103**, a bill for an act to increase the fees collected by the sheriff for service of warrants, original notices and subpoenas.

**Recommended Do Pass.**

Fiscal Note is not required.

**COMMITTEE ON COMMERCE**

**Senate File 2299**, a bill for an act permitting the establishment and use of common trust funds by banks having common ownership.

**Recommended Do Pass.**

**COMMITTEE ON EDUCATION**

**Senate File 108**, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy.

**Recommended Amend and Do Pass.**

H-5667

- 1 Amend Senate File 108, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 2, by inserting after the figure
- 4 "(297.5)," the words and figure "unnumbered paragraph
- 5 one (1)."
- 6 2. Page 1, by striking lines 9 through 35 and
- 7 inserting in lieu thereof the following: "school-

8 house fund and used only for the one or more of the  
 9 following purposes specified by the board of directors:

- 10 1. The purchase and improvement of sites in and  
 11 for said the school district.  
 12 2. Roof and boiler replacement or repair in school  
 13 buildings of the district.  
 14 3. Remodeling of school buildings for energy  
 15 conservation purposes.  
 16 4. Alterations to school buildings and grounds  
 17 to insure that school buildings are accessible to  
 18 and functional for physically handicapped persons  
 19 as specified by the directors."

20 3. Page 1, by inserting after line 35 the following  
 21 section:

22 "Sec. . Chapter two hundred ninety-seven (297),  
 23 Code 1979, is amended by adding the following new  
 24 section:

25 NEW SECTION. SECRETARY'S BALANCE. The board of  
 26 directors of a school district may expend funds from  
 27 the district's unexpended cash balance for the purposes  
 28 listed in section two hundred ninety-seven point five  
 29 (297.5), subsections two (2), three (3), and four  
 30 (4), of the Code. Funds used from the district's  
 31 unexpended cash balance are miscellaneous income for  
 32 the purpose of chapter four hundred forty-two (442)  
 33 of the Code."

34 4. Amend the title, lines 2 and 3, by striking  
 35 the words "increasing the maximum amount of the site  
 36 fund tax levy and".

37 5. Amend the title, line 4, by striking the word  
 38 "levy" and inserting in lieu thereof the words "tax  
 39 levied under section two hundred ninety-seven point  
 40 five (297.5) of the Code and allowing funds to be  
 41 spent from the unexpended cash balance of the school  
 42 district".

**Senate File 2109**, a bill for an act relating to the authority of school districts to levy the tax for public recreation purposes.

**Recommended Amend and Do Pass.**

H-5666

1 Amend Senate File 2109, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 35, by inserting after the word  
 4 "district" the words "and shall be used only for the  
 5 purposes specified in sections one (1) through four  
 6 (4) of this Act".

## COMMITTEE ON HUMAN RESOURCES

**Senate File 2099**, a bill for an act requiring the director of the division of adult corrections to provide habilitative services and treatment to imprisoned mentally retarded offenders.

**Recommended Amend and Do Pass.**

H-5663

1 Amend Senate File 2099 as follows:

2 1. Page 1, line 6, by striking the word "including"  
3 and inserting in lieu thereof the words "which, to  
4 the extent that resources are available, shall  
5 include".

6 2. Page 1, line 10, by striking the words "physical  
7 therapy".

8 3. Page 1, lines 10 and 11, by striking the word  
9 "financial".

10 4. Page 1, by striking lines 13 through 19 and  
11 inserting in lieu thereof the words "retarded if the  
12 person is diagnosed as mentally retarded, as defined  
13 in section two hundred twenty-two point two (222.2),  
14 subsection five (5) of the Code, by a qualified mental  
15 retardation professional. However, the director may  
16 also provide habilitative treatment and services to  
17 other persons who may require such services."

Fiscal Note is not required.

## COMMITTEE ON WAYS AND MEANS

**Senate File 2243**, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds.

**Recommended Amend and Do Pass** in accordance with amendment H-5578 filed on March 9, 1980, and found on pages 1018 through 1040 of the 1980 House Journal.

**House File 2512**, a bill for an act relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities.

**Recommended Amend and Do Pass.**

H-5670

1 Amend House File 2512 as follows:

2 1. Page 3, line 9, by striking the word "paid"  
3 and inserting in lieu thereof the word "repaid".

4 2. Page 5, by striking lines 26 through 34.

- 5 3. Page 6, lines 4 and 5, by striking the words  
 6 "conditions and limitations as contained in this".  
 7 4. Renumber sections and correct internal  
 8 references as are necessary in accordance with this  
 9 amendment.

**Study Bill 570**, relating to property tax exemptions for wetlands, forest cover, rivers and streams, river and stream banks and open prairies.

**Recommended Amend and Do Pass.**

### AMENDMENTS FILED

H-5664	S.F. 455	Spear of Lee
H-5665	S.F. 2243	Conlon of Muscatine
H-5669	H.F. 2550	Howell of Floyd
		Pelton of Clinton
H-5671	S.F. 2272	Menke of O'Brien
		Schneklath of Scott
H-5672	S.F. 2243	Maulsby of Calhoun
H-5674	S.F. 2103	Lloyd-Jones of Johnson
H-5675	H.F. 2514	Kirkenslager of Des Moines
		Groth of Buena Vista
		Maulsby of Calhoun
		Clark of Cerro Gordo
		Arnould of Scott
		Cochran of Webster
		Corey of Louisa
H-5676	H.F. 2538	Woods of Polk
H-5677	H.F. 2495	Spear of Lee
H-5678	H.F. 398	Spear of Lee
H-5679	H.F. 2538	Johnson of Howard
H-5681	H.F. 2557	Conlon of Muscatine
H-5682	H.F. 2495	Spear of Lee
H-5684	H.F. 2550	Chiodo of Polk
		Rapp of Black Hawk
		Jochum of Dubuque
H-5685	H.F. 2550	Chiodo of Polk
		Jochum of Dubuque
		Bruner of Story
		Rapp of Black Hawk
H-5686	H.F. 2550	Rapp of Black Hawk
		Jochum of Dubuque
		Bruner of Story
		Chiodo of Polk



H-5687	H.F. 2562	Conlon of Muscatine
H-5688	H.F. 2495	Welsh of Dubuque
H-5689	H.F. 2495	Spear of Lee
H-5690	H.F. 2514	Lind of Black Hawk
H-5691	H.F. 2550	Pope of Polk
		Schroeder of Pottawattamie
H-5692	S.F. 2090	West of Marshall
		Norland of Worth
		Miller of Buchanan
		Welden of Hardin
		Clark of Cerro Gordo
		Doyle of Woodbury
H-5693	H.F. 2562	Rapp of Black Hawk
		Conlon of Muscatine
		Bruner of Story

On motion by Halvorson of Clayton, the House adjourned at 6:20 p.m., until 9:00 a.m., Wednesday, March 26, 1980.

# JOURNAL OF THE HOUSE

Seventy-third Calendar Day—Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 26, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Chester L. Guinn, pastor of the Urban Mission Council of the United Methodist Church, Des Moines.

The Journal of Tuesday, March 25, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Anthony Romano, Council Bluffs.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion, for the morning session, on request of Howell of Floyd.

## PETITIONS FILED

The following petitions were received and placed on file:

By Anderson of Audubon, from seventy-one constituents of the 56th district favoring insurance equality legislation to provide programming for chiropractic health care services.

By Shimanek of Jones, from thirty-four constituents of the 22nd district favoring Senate File 367, relating to reimbursement or the payment for health care services and providing that it is a discriminatory practice to deny reimbursement or payment to certain persons and from two hundred forty constituents favoring indexing inheritance tax rates and increasing exemptions to compensate for inflation and the accompanying increase in agricultural land values.

**SENATE MESSAGES CONSIDERED**

**Senate File 2026**, by Holden, a bill for an act relating to deductible and coinsurance provisions of contracts with health maintenance organizations.

Read first time and referred to committee on **commerce**.

**Senate File 2303**, by committee on judiciary, a bill for an act to permit counties to use random computer selection of jurors.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2311**, by committee on county government, a bill for an act relating to the age of fire fighters.

Read first time and **passed on file**.

**Senate File 2315**, by committee on judiciary, a bill for an act relating to presentence investigation reports.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2316**, by committee on judiciary, a bill for an act relating to the disposition of property by counties.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2318**, by committee on judiciary, a bill for an act relating to the Iowa Probate Code.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2321**, by committee on judiciary, a bill for an act relating to the offense of assisting a prisoner to escape.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2325**, by committee on agriculture, a bill for an act relating to the state entomologist.

Read first time and referred to committee on **agriculture**.

**Senate File 2326**, by committee on agriculture, a bill for an act to repeal the requirement that assessors gather agricultural statistics from persons whose property is assessed.

Read first time and referred to committee on **agriculture**.

**Senate File 2328**, by committee on judiciary, a bill for an act requiring that upon reconsideration of a prisoner's sentence a certified copy of the court's order be sent to the institution to which the prisoner was confined.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2329**, by committee on judiciary, a bill for an act making technical amendments to the rules on hospitalization of the mentally ill.

Read first time and **passed on file**.

**Senate File 2339**, by committee on judiciary, a bill for an act relating to the discipline and removal of judicial magistrates.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2341**, by committee on judiciary, a bill for an act amending the uniform commercial code with respect to an internal cross-reference, perfection of security interests in leased property, certain notices and the effectiveness of certain filings.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2351**, by committee on state government, a bill for an act relating to the state fair board convention.

Read first time and referred to committee on **state government**.

**Senate File 2352**, by committee on state government, a bill for an act amending the Iowa credit union law as it relates to the composition of the credit union review board, the annual report of the department, the use of a credit union by the department's employees and the use of the term "credit union".

Read first time and **passed on file**.

**Senate File 2354**, by committee on state government, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

Read first time and referred to committee on **state government**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act providing that fines collected for weight, registration and embargo violations be credited to the road use tax fund and making an appropriation.

Also: That the Senate has on March 24, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2410, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time.

FRANK J. STORK, Secretary

#### SENATE AMENDMENT TO HOUSE FILE 2410

H-5694

- 1 Amend House File 2410 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section two hundred twenty point one
- 6 (220.1), subsection twenty (20), Code 1979, is amended
- 7 to read as follows:
- 8 20. "Housing sponsor" means any individual, joint
- 9 venture, partnership, limited partnership, trust,

10 corporation, housing co-operative, local public entity,  
 11 governmental unit, or other legal entity, or any  
 12 combination thereof, approved by the authority or  
 13 pursuant to standards adopted by the authority as  
 14 qualified to either own, construct, acquire,  
 15 rehabilitate, operate, manage or maintain a housing  
 16 program, whether for profit, nonprofit or limited  
 17 profit, subject to the regulatory powers of the  
 18 authority and other terms and conditions set forth  
 19 in this chapter. "Housing sponsor" does not include  
 20 a low or moderate income family which is eligible  
 21 to own or occupy a housing unit.

22 Sec. . Section two hundred twenty point two  
 23 (220.2), subsection three (3), Code 1979, is amended  
 24 to read as follows:

25 3. ~~Six~~ Five members of the authority constitute  
 26 a quorum and the affirmative vote of at least five  
 27 members is necessary for any substantive action taken  
 28 by the authority. The majority shall not include  
 29 any member who has a conflict of interest and a  
 30 statement by a member of a conflict of interest shall  
 31 be conclusive for this purpose. A vacancy in the  
 32 membership does not impair the right of a quorum to  
 33 exercise all rights and perform all duties of the  
 34 authority."

35 2: Page 1, by inserting after line 34 the  
 36 following:

37 "Sec. . Section two hundred twenty point thirty-  
 38 five (220.35), subsection one (1), Code 1979, is  
 39 amended by adding the following new unnumbered  
 40 paragraph:

41 NEW UNNUMBERED PARAGRAPH. A violation of a  
 42 provision of this subsection is misconduct in office  
 43 under section seven hundred twenty-one point two  
 44 (721.2) of the Code. However, a resolution of the  
 45 authority is not invalid because of a vote cast by  
 46 a member in violation of this subsection unless the  
 47 vote was decisive in the passage of the resolution.

48 NEW UNNUMBERED PARAGRAPH. For the purposes of  
 49 this subsection, "action of the authority with respect  
 50 to that contract or mortgage lender" means only an

## Page 2

1 action directly affecting a separate contract or  
 2 mortgage lender, and but does not include an action  
 3 which benefits the general public or which affects  
 4 all or a substantial portion of the contracts or  
 5 mortgage lenders included in a program of the  
 6 authority."

7 3. Page 2, by inserting after line 17 the  
 8 following:

9 "Sec. . This Act, being deemed of immediate  
10 importance, shall take effect from and after its  
11 publication in the Anita Tribune, a newspaper published  
12 in Anita, Iowa, and in the Pocahontas Record-Democrat,  
13 a newspaper published in Pocahontas, Iowa."

14 4. Amend the title, line 1, by inserting after  
15 the word "Act" the words "relating to the Iowa housing  
16 finance authority by amending the quorum provision,".

17 5. Amend the title, line 4, by adding after the  
18 word "systems" the words ", and relating to the  
19 authority's conflict of interest provision, including  
20 a penalty".

21 6. Renumber sections and internal references as  
22 necessary in accordance with this amendment.

**REREFERRED TO COMMITTEE ON WAYS AND MEANS**  
(Senate File 2109)

The Speaker announced that Senate File 2109, presently on the **regular calendar**, was rereferred to the committee on **ways and means**.

**REFERRED TO COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT**  
(Senate Concurrent Resolution 118)

The Speaker announced that Senate Concurrent Resolution 118, previously laid over under Rule 30, was referred to the committee on **judiciary and law enforcement**.

**QUORUM CALL**

Roll call was requested by Diemer of Black Hawk and Lageschulte of Bremer to determine that a quorum was present.

Present, 82:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Corey	Crabb
Cusack	Daggett	Danker	Davitt
De Groot	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.

Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Maulsby	McKean
Menke	Millen	Miller	Mullins
O'Kane	Oxley	Pavich	Pellet
Pelton	Pope	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Wells	West
Woods	Mr. Speaker		

Absent, 18:

Avenson	Byerly	Chiodo	Connors
Crawford	Dieleman	Egenes	Jesse
Lonergan	Lorenzen	Lura	Norland
Patchett	Perkins	Poffenberger	Rapp
Welden	Welsh		

### CONSIDERATION OF BILLS Regular Calendar

**House File 2550**, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies, was taken up for consideration.

Jochum of Dubuque offered the following amendment H—5684 filed by Chiodo, et al., and moved its adoption:

H—5684

- 1 Amend House File 2550 as follows:
- 2 1. Page 1, line 4 by striking the word "may"
- 3 and inserting in lieu thereof the word "shall".

Roll call was requested by Arnould of Scott and Jochum of Dubuque.

On the question "Shall amendment H—5684 be adopted?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Connolly	Crawford	Cusack
Davitt	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hanson, D.	Hibbs



Hinkhouse	Horn	Howell	Husak
Jay	Jochum	Lloyd-Jones	Loneragan
Miller	Norland	O'Kane	Oxley
Pavich	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hoffmann
Holt	Hullinger	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

Absent or not voting, 8:

Chiodo	Connors	Dieleman	Jesse
Lorenzen	Lura	Patchett	Perkins

Amendment H—5684 lost.

Howell of Floyd offered the following amendment H—5669 filed by him and Pelton of Clinton and moved its adoption:

H—5669

- 1 Amend House File 2550 as follows:
- 2 1. Page 1, line 20, by inserting after the
- 3 word "commission" the words "prior to the".
- 4 2. Page 1, by striking lines 23 through 25 and
- 5 inserting in lieu thereof the words "Code 1979, is
- 6 amended by adding the following new".

Amendment H—5669 was adopted.

Bruner of Story offered the following amendment H—5685 filed by Chiodo, et al. :

H—5685

- 1 Amend House File 2550 as follows:
- 2 1. Page 1, by inserting after line 21 the

3 following:

- 4 "5. Notwithstanding the provisions of section
- 5 four hundred seventy-six point six (476.6) of the Code,
- 6 the commission shall not approve a rate increase for
- 7 an electric utility which has not established peak
- 8 load management procedures authorized in this section."

The following amendment H-5698, to amendment H-5685, filed by Bruner of Story from the floor was adopted by unanimous consent:

H-5698

- 1 Amend amendment H-5685 to House File 2550,
- 2 page 1, line 8, by striking the word "authorized"
- 3 and inserting in lieu thereof the word "required".

Pelton of Clinton rose on a point of order that amendment H-5685 was not germane.

The Speaker ruled the point well taken and amendment H-5685 not germane.

Jochum of Dubuque moved that the rules governing germaneness be suspended to consider and adopt amendment H-5685, as amended.

A non-record roll call was requested.

The ayes were 32, nays 54.

The motion lost.

Pope of Polk asked and received unanimous consent to withdraw amendment H-5653 filed by him and Schroeder of Pottawattamie on March 24, 1980.

Pope of Polk offered the following amendment H-5691 filed by him and Schroeder of Pottawattamie and moved its adoption:

H-5691

- 1 Amend House File 2550 as follows:
- 2 1. Page 1, lines 29 and 30, by striking the word
- 3 "rate-regulated" and inserting in lieu thereof the
- 4 words "rate or service-regulated".
- 5 2. Page 2, line 6, by striking the word "rate-

6 regulated" and inserting in lieu thereof the words  
7 "rate or service-regulated".

A non-record roll call was requested.

The ayes were 59, nays 27.

Amendment H—5691 was adopted.

Rapp of Black Hawk offered the following amendment H—5686 filed by Rapp, et al. :

H—5686

1 Amend House File 2550 as follows:  
2 1. Page 2, line 6, by inserting after the word  
3 "utilities" the following: ", and of rate schedules  
4 which are on a time of day basis for those classes  
5 of electricity users for which the time of day basis  
6 is cost effective,".  
7 2. Page 2, line 9, by inserting after the word  
8 "program." the following: "For purposes of this  
9 paragraph, a time of day rate schedule is cost-  
10 effective if the long run benefits of the rate schedule  
11 to the utility are likely to exceed the metering costs  
12 and other costs associated with the implementation of  
13 the time of day rate schedule."

The following amendment H—5702, to amendment H—5686, filed by Rapp of Black Hawk from the floor was adopted by unanimous consent:

H—5702

1 Amend amendment H—5686 to House File 2550 as  
2 follows:  
3 1. Page 1, line 3, by striking the words "and of"  
4 and inserting in lieu thereof the word "including".

Pelton of Clinton rose on a point of order that amendment H—5686 was not germane.

The Speaker ruled the point well taken and amendment H—5686 not germane.

Rapp of Black Hawk moved that the rules governing germaneness be suspended for the consideration of amendment H—5686, as amended.

Roll call was requested by Bruner of Story and Avenson of Fayette.

On the question "Shall the rules be suspended to consider amendment H—5686?"

The ayes were, 37:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Connolly	Cusack	Davitt	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schneklloth	Shimanek	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker			

Absent or not voting, 10:

Chiodo	Cochran	Connors	Dieleman
Jesse	Lorenzen	Lura	Patchett
Perkins	Schroeder		

The motion lost.

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. 2550)

## The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Connolly	Crabb
Crawford	Cusack	Davitt	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Weiden
Wells	Welsh	West	Woods
Mr. Speaker			

## The nays were, 7:

Corey	Daggett	Danker	De Groot
Hummel	Millen	Renken	

## Absent or not voting, 8:

Chiodo	Cochran	Connors	Dieleman
Jesse	Lorenzen	Lura	Patchett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Anderson of Jasper asked and received unanimous consent to be recorded as voting "aye" on House File 2550 and the vote was so recorded.

**IMMEDIATE MESSAGE**  
(House File 2550)

Halvorson of Clayton asked and received unanimous consent that House File 2550 be immediately messaged to the Senate.

## HOUSE FILE 2238 WITHDRAWN

Walter of Pottawattamie asked and received unanimous consent to withdraw House File 2238 from further consideration by the House.

REREFERRED TO COMMITTEE ON AGRICULTURE  
(House File 2485)

Pellett of Cass asked and received unanimous consent that House File 2485, presently on the **regular calendar**, be rereferred to the committee on **agriculture**.

On motion by Halvorson of Clayton, the House was recessed at 10:37 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

HOUSE CONCURRENT RESOLUTION 121

By West

- 1     *Whereas*, due to the United States Environmental
- 2     Protection Agency's air quality requirements and to
- 3     the low sulphur content of western coal, electric
- 4     utilities in Iowa must depend heavily upon western
- 5     coal as a fuel for the generation of electricity; and
- 6     *Whereas*, the states of Montana and Wyoming currently
- 7     charge a coal severance tax of 30 percent and 17 percent
- 8     respectively - a tax not at all related to the costs
- 9     of extracting this coal; and
- 10    *Whereas*, the electric utility companies in Iowa
- 11    and ultimately their customers pay these high taxes,
- 12    estimated at 50 million dollars over the next five
- 13    years; and
- 14    *Whereas*, this severance tax amounts to a windfall
- 15    profit for those states mentioned, *Now Therefore*,
- 16    *Be It Resolved by the House of Representatives, the*
- 17    *Senate Concurring*, That the Congress of the United States
- 18    is urged to act favorably upon legislation calling for
- 19    a 12.5 percent ceiling on coal severance taxes.
- 20    *Be It Further Resolved*, That a copy of this resolution
- 21    be forwarded to each of the members of Iowa's congressional
- 22    delegation.

Laid over under Rule 30.

## SENATE FILE 2352 SUBSTITUTED FOR HOUSE FILE 2499

Hibbs of Johnson asked and received unanimous consent to substitute Senate File 2352 for House File 2499.

**Senate File 2352**, a bill for an act amending the Iowa credit union law as it relates to the composition of the credit union review board, the annual report of the department, the use of a credit union by the department's employees and the use of the term "credit union", was taken up for consideration.

Hibbs 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. 2352)

The ayes were, 89:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Wells	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Arnould  
Hinkhouse  
Walter

Branstad  
Jesse  
Welden

Chiodo  
Lorenzen  
Welsh

Connors  
Patchett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2499 WITHDRAWN

Crawford of Story asked and received unanimous consent to withdraw House File 2499 from further consideration by the House.

### Regular Calendar

**House File 2562**, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty, was taken up for consideration.

Conlon of Muscatine asked and received unanimous consent to temporarily defer action on amendment H—5687.

Rapp of Black Hawk offered the following amendment H—5693 filed by Rapp, et al., and moved its adoption:

H—5693

- 1 Amend House File 2562 as follows:
- 2 1. Page 5, by inserting after line 4 the following
- 3 new subsection:
- 4 "8. In an order for support payments made pursuant
- 5 to this section the court may provide that the amount
- 6 awarded shall be adjusted each subsequent year on the
- 7 first day of the month after the anniversary of the
- 8 decree based upon the annual inflation factor as
- 9 established by the supreme court administrator pursuant
- 10 to this subsection.
- 11 On or before the first day of each month the supreme
- 12 court administrator shall calculate and distribute to
- 13 each district court an annual inflation factor for the
- 14 twelve month period ending on the day before the
- 15 first day of the previous month by using the annual
- 16 percentage change in the consumer price index published
- 17 by the bureau of labor statistics of the United States
- 18 department of labor."



Roll call was requested by Hibbs of Johnson and Pope of Polk.

On the question "Shall amendment H — 5693 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Chiodo
Clark, B.J.	Conlon	Connolly	Corey
Crawford	Cusack	Daggett	Doyle
Gettings	Groth	Hansen, I.	Hibbs
Horn	Howell	Jochum	Johnson, J.
Johnson, R.	Lageschulte	Lloyd-Jones	Miller
Norland	O'Kane	Pavich	Poffenberger
Pope	Rapp	Schneklath	Sherzan
Shull	Smalley	Tofte	Van Maanen
Wells	West		

The nays were, 52:

Anderson, J.	Bennett	Branstad	Byerly
Clark, J.H.	Cochran	Crabb	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Hinkhouse	Hoffmann	Holt
Hullinger	Hummel	Husak	Jay
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	Lonergan	Lura	Maulsby
McKean	Menke	Millen	Mullins
Oxley	Pellett	Pelton	Perkins
Renken	Ritsema	Schroeder	Shimanek
Spear	Stromer	Swearingen	Thompson
Tyrrell	Walter	Woods	Mr. Speaker

Absent or not voting, 6:

Connors	Jesse	Lorenzen	Patchett
Welden	Welsh		

Amendment H — 5693 lost.

Conlon of Muscatine offered amendment H — 5687 filed by him and requested division as follows:

H — 5687

1 Amend House File 2562 as follows:

H-5687A

- 2 1. Page 1, by striking lines 14 through 16 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 2. Section five hundred ninety-eight point
- 5 seventeen (598.17), unnumbered paragraph three (3),
- 6 Code 1979, is amended by striking the unnumbered paragraph
- 7 and inserting in lieu thereof the following:
- 8 The court may dispense with a formal trial hearing
- 9 if it finds that the rights of the parties will not be
- 10 adversely affected."

H-5687B

- 11 2. Page 4, by inserting after line 15 the following:
- 12 "The court may provide for periodic automatic
- 13 reversion of support orders under this section to
- 14 reflect changes in the cost of living."

Bruner of Story offered the following amendment H-5704, to amendment H-5687A, filed from the floor by him and Conlon of Muscatine and moved its adoption:

H-5704

- 1 Amend amendment H-5687A to House File 2562 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "hearing" the words ", with the consent of all
- 5 parties who have appeared before the court,".

Amendment H-5704 was adopted.

Conlon of Muscatine moved the adoption of amendment H-5687A, as amended.

A non-record roll call was requested.

The ayes were 36, nays 55.

Amendment H-5687A, as amended, lost.

The following amendment H-5707, to amendment H-5687B, filed by Conlon of Muscatine from the floor, was adopted by unanimous consent:

H-5707

- 1 Amend amendment H-5687B to House File 2562 as
- 2 follows:
- 3 1. Page 1, line 13, by striking the word
- 4 "reversion" and inserting in lieu thereof the word
- 5 "revision".

Conlon of Muscatine moved the adoption of amendment H-5687B, as amended.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 51, nays 42.

Amendment H-5687B, as amended, was adopted.

Clark of Lee in the chair at 2:17 p.m.

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. 2562)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Chiodo	Clark, B.J.	Cochran
Conlon	Connolly	Corey	Crawford
Cusack	Daggett	De Groot	Diemer
Doyle	Egenes	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Hummel	Husak
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lloyd-Jones	Loneragan	Lura
McKean	Menke	Millen	Miller
Mullins	Norland	Oxley	Patchett
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shull

Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Van Maanen	Walter
Welden	Wells	Welsh	West
Mr. Speaker (Clark of Lee)			

The nays were, 15:

Branstad	Byerly	Crabb	Danker
Davitt	Dieleman	Gettings	Howell
Hullinger	Jay	Lind	Maulsby
O'Kane	Tyrrell	Woods	

Absent or not voting, 4:

Connors	Lorenzen	Pavich	Shimanek
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Hansen of O'Brien and Connolly of Dubuque asked and received unanimous consent to be recorded as voting "aye" on House File 2562 and the votes were so recorded.

**Senate File 460**, a bill for an act relating to workers' compensation insurance proceedings and rates, with report of committee recommending amendment and passage was taken up for consideration.

Pope of Polk asked and received unanimous consent to defer action on amendment H—5357.

Pope of Polk offered the following amendment H—5639 filed by him and Byerly of Polk:

H—5639

- 1 Amend Senate File 460 as follows:
- 2 1. Page 1, by striking lines 4 through 29 and in-
- 3 serting in lieu thereof the following:
- 4 "**NEW SUBSECTION**. Notwithstanding any other provision
- 5 of the Code, the commissioner of insurance shall provide
- 6 for a hearing in a proceeding involving a workers'
- 7 compensation insurance rate filing by a licensed rating
- 8 organization in accordance with the provisions of this
- 9 subsection and rules promulgated by the commissioner of
- 10 insurance pursuant to chapter seventeen A (17A) of the
- 11 Code. Except as otherwise provided herein, the provisions

12 of this subsection shall not be subject to the requirements  
13 of chapter seventeen A (17A) of the Code. The procedures  
14 for such hearing shall be as follows:

15 a. The commissioner shall provide notice of the filing  
16 of the proposed rates at least thirty days before the  
17 effective date of the proposed rates by publishing a notice  
18 in the Iowa administrative bulletin.

19 b. A public hearing shall be held on the proposed rates by  
20 the commissioner of insurance if within fifteen days of the  
21 date of publication a workers' compensation policyholder  
22 or an established organization with one or more workers'  
23 compensation policyholders among its members files  
24 a written demand with the commissioner of insurance for a  
25 hearing on the proposed rates.

26 c. The commissioner of insurance shall hold the  
27 hearing within twenty days after receipt of the written  
28 demand for a hearing and shall give not less than ten days  
29 written notice of the time and place of the hearing to the  
30 person or association filing the demand, to the rating  
31 organization, and to any other person requesting such  
32 notice.

33 d. At any such hearing, the rating organization shall  
34 bear the burden of proof to support the proposed rates by  
35 a preponderance of the evidence. The person or association  
36 requesting the hearing, and any other person admitted as a  
37 party to the proceeding, shall be given the opportunity  
38 to respond and introduce evidence and arguments on all the  
39 issues involved.

40 e. Within fifteen days after the start of the hearing,  
41 the commissioner of insurance will approve or disapprove the  
42 proposed rates and specify the reasons therefor. The  
43 commissioner of insurance may suspend or postpone the effect-  
44 ive date of the proposed rates pending the hearing and written  
45 decision thereon.

46 f. Judicial review of the decision of the commissioner  
47 of insurance on such rates may be sought in accordance with  
48 the provisions of chapter seventeen A (17A) of the Code."

**Connolly of Dubuque offered the following amendment H—5697,  
to amendment H—5639, filed by him from the floor and moved its  
adoption:**

**H—5697**

1 Amend amendment H—5639 to Senate File 460 as  
2 follows:

3 1. Page 1, by striking lines 4 through 48 and  
4 inserting in lieu thereof the following:

5 "Section 1. Section seventeen A point two  
6 (17A.2), subsection two (2), Code 1979, is amended  
7 to read as follows:

8 2. "Contested case" means a proceeding including  
9 but not restricted to ratemaking, price fixing, and  
10 licensing in which the legal rights, duties or  
11 privileges of a party are required by Constitution  
12 or statute to be determined by an agency after an  
13 opportunity for an evidentiary hearing. A ratemaking  
14 proceeding involving rates for workers' compensation  
15 insurance is deemed to be a contested case if a  
16 written demand for a public hearing in accordance  
17 with section two (2) of this Act is filed.

18 Sec. 2. Section seventeen A point twelve  
19 (17A.12), Code 1979, is amended by adding the  
20 following new subsection:

21 **NEW SUBSECTION.** In a proceeding involving  
22 workers' compensation insurance ratemaking under  
23 chapter five hundred fifteen A (515A) of the Code,  
24 the insurance commissioner shall provide notice of  
25 the filing of proposed rates by publishing a notice  
26 in the Iowa administrative bulletin. A hearing shall  
27 be held on the proposed rates if within fifteen days  
28 of the date of such publication, a workers' compen-  
29 sation policyholder or an established association  
30 with one or more workers' compensation policyholders  
31 among its members, files a written demand with the  
32 insurance commissioner for a hearing on the proposed  
33 rates. Such person or association shall be treated  
34 as a party to the proceeding. At the hearing, the  
35 insurer or rating organization shall bear the burden  
36 of proof to support the proposed rates.

37 Sec. 3. Section five hundred fifteen A point four (515A.4),  
38 subsection four (4), Code 1979, is amended to read as follows:

39 4. Subject to the exception specified in subsection  
40 5 of this section and the exception for workers'  
41 compensation insurance rates under section five  
42 hundred fifteen A point five (515A.5) of the Code,  
43 each filing shall be on file for a waiting period of  
44 fifteen days before it becomes effective, which period  
45 may be extended by the commissioner for an additional  
46 period not to exceed fifteen days if he or she gives  
47 written notice within such waiting period to the  
48 insurer or rating organization which made the filing  
49 that he or she needs such additional time for the  
50 consideration of such filing. Upon written application

Page 2

1 by such insurer or rating organization, the  
2 commissioner may authorize a filing which he or  
3 she has reviewed to become effective before the  
4 expiration of the waiting period or any extension  
5 thereof. A filing shall be deemed to meet the

6 requirements of this chapter unless disapproved  
7 by the commissioner within thirty days of receipt  
8 thereof by the commissioner.

9 Sec. 4. Section five hundred fifteen A point  
10 five (515A.5), Code 1979, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. Workers' compensation insurance  
13 rates shall be on file in all cases for an initial  
14 waiting period of forty-five days, prior to their  
15 becoming effective. Such filings are subject to  
16 the applicable provisions of chapter seventeen A  
17 (17A) of the Code."

Amendment H—5697 lost.

On motion by Pope of Polk, amendment H—5639 was adopted, placing out of order amendment H—5357 filed by the committee on labor and industrial relations on March 5, 1980 and found on page 771 of the House Journal.

Pope 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. 460)

The ayes were, 93:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Pope
Rapp	Renken	Ritsema	Schneklath
Sherzan	Shimanek	Shull	Smalley

Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Clark of Lee)			

The nays were, none.

Absent or not voting, 7:

Anderson, R. Poffenberger	Connors Schroeder	Dieleman Stromer	Lorenzen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Cochran of Webster and Woods of Polk asked and received unanimous consent to be recorded as voting "aye" on Senate File 460 and the votes were so recorded.

**House File 2557**, a bill for an act relating to the payment of costs in certain civil actions to which the state is a party, was taken up for consideration.

Conlon of Muscatine offered the following amendment H—5681 filed by him and moved its adoption:

H—5681

- 1 Amend House File 2557 as follows:
- 2 1. Page 2, line 22, by inserting after the
- 3 words "to the" the words "chairs and ranking members
- 4 of the appropriate appropriations subcommittees
- 5 of the".

Amendment H—5681 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. 2557)

The ayes were, 95:

Anderson, J. Bina	Arnould Binneboese	Avenson Brandt	Bennett Branstad
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Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Clark of Lee)	

The nays were, none.

Absent or not voting, 5:

Anderson, R.	Connors	Lorenzen	Poffenberger
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Groth of Buena Vista and Dieleman of Marion asked and received unanimous consent to be recorded as voting "aye" on House File 2557 and the votes were so recorded.

**IMMEDIATE MESSAGE**  
(House File 2557)

Millen of Van Buren asked and received unanimous consent that House File 2557 be immediately messaged to the Senate.

**SENATE FILE 108 SUBSTITUTED FOR HOUSE FILE 2523**

Crawford of Story asked and received unanimous consent to substitute Senate File 108 for House File 2523.

**Senate File 108**, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, was taken up for consideration.

Crawford of Story offered amendment H—5667 filed by the committee on education on March 25, 1980 and found on pages 1155 and 1156 of the House Journal. Division was requested as follows:

H—5667A, lines 3 through 19 and lines 34 through 36.

H—5667B, lines 20 through 33.

H—5667C, lines 37 through 42.

On motion by Crawford of Story, the committee amendment H—5667A was adopted.

Perkins of Greene rose on a point of order that the committee amendment H—5667B was not germane.

The Speaker ruled the point not well taken and amendment H—5667B germane.

Johnson of Woodbury moved the adoption of the committee amendment H—5667B.

Roll call was requested by Norland of Worth and Groth of Buena Vista.

On the question "Shall the committee amendment H—5667B be adopted?"

The ayes were, 57:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Diemer	Gettings	Groth	Halvorson, R.A.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hoffmann	Holt	Horn	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Pellett	Pelton
Poffenberger	Pope	Ritsema	Schroeder
Shimanek	Shull	Spear	Stromer

Swearingin	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Woods
Mr. Speaker (Clark of Lee)			

The nays were, 38:

Avenson	Bina	Binneboese	Brandt
Bruner	Chiodo	Cochran	Conlon
Connolly	Dieleman	Doyle	Egenes
Hall	Halvorson, R.N.	Hinkhouse	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Johnson, J.	Lloyd-Jones	Lonergan
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Rapp	Renken
Schneklath	Sherzan	Smalley	Walter
Wells	Welsh		

Absent or not voting, 5:

Anderson, R.	Arnould	Connors	Cusack
Lorenzen			

The committee amendment H—5667B was adopted.

On motion by Crawford of Story, the committee amendment H—5667C was adopted.

Norland of Worth moved to reconsider the vote by which the committee amendment H—5667A was adopted by the House.

Roll call was requested by Stromer of Hancock and Johnson of Woodbury.

Rule 80 was invoked.

On the question "Shall the vote by which amendment H—5667A was adopted be reconsidered?"

The ayes were, 45:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Cusack	Davitt
Doyle	Egenes	Groth	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Krewson	Lloyd-Jones

Lonergan	Maulsby	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Pope	Rapp	Schnekloth
Sherzan	Walter	Wells	Welsh
Woods			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Dieleman
Diemer	Gettings	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lura	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Renken	Ritsema	Schroeder	Shimaneck
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Clark of Lee)

Absent or not voting, 3:

Arnould	Connors	Lorenzen
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The motion lost.

Connolly of Dubuque rose on a point of order and invoked Rule 37 to refer Senate File 108 to the committee on ways and means.

The Speaker ruled the point not well taken.

Connolly of Dubuque moved that Senate File 108 be rereferred to the committee on ways and means.

Roll call was requested by Stromer of Hancock and Pelton of Clinton.

On the question "Shall Senate File 108 be rereferred to the committee on ways and means?"

The ayes were, 40:

Avenson	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Cochran
Connolly	Cusack	Davitt	Dieleman
Doyle	Groth	Hall	Halvorson, R.N.

Hinkhouse	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Lonerган	Maulsby	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Pope	Rapp	Schneklath
Sherzan	Smalley	Walter	Welsh

The nays were, 55:

Anderson, J.	Bennett	Clark, B.J.	Conlon
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gettings	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Holt
Horn	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lura	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Renken	Ritsema
Schroeder	Shimanek	Shull	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
West	Woods	Mr. Speaker (Clark of Lee)	

Absent or not voting, 5:

Anderson, R.	Arnould	Branstad	Connors
Lorenzen			

The motion lost.

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. 108)

The ayes were, 74:

Anderson, J.	Avenson	Bennett	Bina
Brandt	Branstad	Bruner	Byerly
Clark, B.J.	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Horn
Hullinger	Hummel	Jay	Jesse
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones

McKean	Menke	Millen	Miller
Mullins	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Rapp	Ritsema	Schroeder	Shimanek
Shull	Spears	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	West
Woods	Mr. Speaker (Clark of Lee)		

The nays were, 22:

Binneboese	Chiodo	Cochran	Conlon
Connolly	Doyle	Hinkhouse	Howell
Husak	Jochum	Johnson, J.	Loneragan
Lura	Maulsby	Norland	O'Kane
Pope	Renken	Schnekloth	Sherzan
Smalley	Welsh		

Absent or not voting, 4:

Anderson, R.	Arnould	Connors	Lorenzen
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### HOUSE FILE 2523 WITHDRAWN

Crawford of Story asked and received unanimous consent to withdraw House File 2523 from further consideration by the House.

#### HOUSE CONCURRENT RESOLUTION 4

Smalley of Polk asked for unanimous consent that the Chief Clerk be directed to notify the commission on aging of House Concurrent Resolution 4, duly adopted by the General Assembly in 1979.

Objection was raised.

Smalley of Polk moved that the Chief Clerk be directed to notify the commission on aging of House Concurrent Resolution 4, which relates to examining rules regarding printing of introgovernmental reports by departments of state government, duly adopted by the General Assembly in 1979.

Smalley of Polk asked and received unanimous consent to defer action on the motion.

**MOTIONS TO RECONSIDER**  
(Senate File 108)

I move to reconsider the vote by which Senate File 108 passed the House on March 26, 1980.

CRAWFORD of Story.

(Senate File 108)

I move to reconsider the vote by which Senate File 108 passed the House on March 26, 1980.

GROTH of Buena Vista

(Amendment H—5667B to Senate File 108)

I move to reconsider the vote by which amendment H—5667B to Senate File 108 was adopted by the House on March 26, 1980.

GROTH of Buena Vista

**REREFERRED TO COMMITTEE ON WAYS AND MEANS**  
(Senate File 2327)

The Speaker announced that Senate File 2327, previously referred to the committee on **judiciary and law enforcement**, was rereferred to the committee on **ways and means**.

**HOUSE CONCURRENT RESOLUTION 122**  
By Larsen, Bina, Krewson, Hall, Wells, O'Kane  
Gettings, Binneboese, Pavich, Arnould, Cusack  
and Lind

- 1 *Whereas*, Iowa municipalities are faced with signifi-
- 2 cantly increased demands on their revenue resources; and
- 3 *Whereas*, energy costs have escalated dramatically
- 4 causing expanded need for alternative methods of
- 5 transportation; and
- 6 *Whereas*, municipal airport commissions have been
- 7 limited financially from expanding to meet increased
- 8 consumer needs for air transportation in Iowa's medium
- 9 and smaller communities; and

10     *Whereas*, the demand for expanded energy efficient  
 11 mass transportation will require new priority approaches  
 12 to funding for these facilities; *Now Therefore*,  
 13     *Be It Resolved by the House of Representatives, the*  
 14 *Senate Concurring*, That a joint house and senate  
 15 cities interim committee consisting of five members of  
 16 the house of representatives and five members of the  
 17 senate, including representation of majority and  
 18 minority parties, be authorized to meet during the  
 19 interim to develop legislative recommendations for  
 20 local tax raising authority to assist in the operational  
 21 and expansion costs of municipally owned airports.

Laid over under Rule 30.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2071, a bill for an act to provide that declarations of value shall be public information.

Also: That the Senate has on March 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2161, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences.

Also: That the Senate has on March 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2232, a bill for an act to provide for a closed session for governmental bodies in matters relating to certain teacher and administrators' contracts.

FRANK J. STORK, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 2232**, by Taylor, a bill for an act to provide for a closed session for governmental bodies to discuss strategy in matters relating to certain school employees' contracts.

Read first time and referred to committee on **education**.



**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 25, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 2275, an act to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year.

House File 2470, an act updating references to the Internal Revenue Code for purposes of computing individual and corporate income taxes and franchise taxes and making the act retroactive.

**COMMUNICATION FROM SECRETARY OF STATE**

March 25, 1980

David L. Wray  
Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2311, was published in The Daily Reporter, Spencer, Iowa on March 17, 1980, and in the Peterson Patriot, Peterson, Iowa on March 13, 1980.

Respectfully submitted,

MELVIN D. SYNHORST  
Secretary of State

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Members of the government class from Winterset High School, Winterset, accompanied by Mr. John Safford. By Davitt of Warren.

Thirty eleventh grade students from Danville Junior-Senior High School, Danville, accompanied by Robert Heffelfinger. By Spear of Lee.

Thirty-eight juniors and seniors from Fort Dodge Community School District, Fort Dodge, accompanied by Ron Hageman. By Halvorson of Webster and Cochran of Webster.

Fifty sixth grade students from Britt Elementary School, Britt, accompanied by Reta Klipping and Vi Sankey. By Stromer of Hancock.

Members of 4-H Clubs from Des Moines and Henry counties. By Corey of Louisa and Kirkenlager of Des Moines.

Twelfth grade students from Nevada High School, Nevada, accompanied by William Miller. By Crawford of Story and Bruner of Story.

Six students from St. John School, Bancroft, accompanied by Jerry Haas and Sister Nancy Frommel. By Mullins of Kossuth.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday afternoon, March 25, 1980. Had I been present, I would have voted "aye" on House Files 2561, 2540, and 2518, and "aye" on Senate File 2301.

GROTH of Buena Vista

I was necessarily absent from the House chamber on March 24 and 25, 1980. Had I been present, I would have voted "nay" on Senate File 500 and "aye" on House File 2518.

GETTINGS of Wapello

### COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

#### STATE OF INDIANA

House Concurrent Resolution No. 44, urging Congress to enact legislation giving married persons the option of filing federal income tax returns jointly as a married couple or individually as single persons.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 2148, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act.

Recommended Amend and Do Pass.

H-5695

1 Amend Senate File 2148 as follows:

2 1. Page 1, line 8, by striking the words "five  
3 hundred" and inserting in lieu thereof the words "two  
4 hundred fifty".

5 2. Page 1, line 13, by striking the words "five  
6 hundred" and inserting in lieu thereof the words "two  
7 hundred fifty".

8 3. Page 1, by inserting after line 14 the  
9 following:

10 "Sec. . Section fifty-six point two (56.2),  
11 Code 1979, is amended by adding the following new  
12 subsections:

13 NEW SUBSECTION. "Ballot issue" means a question,  
14 other than the nomination or election of a candidate  
15 to a public office, which is placed before the voters  
16 of a political subdivision by a county commissioner  
17 of elections, or which is placed before the voters  
18 of the entire state by the state commissioner of  
19 elections.

20 NEW SUBSECTION. "National political party" means  
21 a party which meets the definition of a political  
22 party established for this state by section forty-  
23 three point two (43.2) of the Code, and which also  
24 meets the statutory definition of the term "political  
25 party" or a term of like import in at least twenty-  
26 five other states of the United States."

27 4. Page 1, line 18, by striking the words "five  
28 hundred" and inserting in lieu thereof the words "two  
29 hundred fifty".

30 5. Page 3, by striking line 11 and inserting in  
31 lieu thereof the following:

32 "(7) For any committee of a  
33 national political party . . . . . \$200"

34 6. Page 3, by striking line 16 and inserting in  
35 lieu thereof the following:

36 "(10) For any other political  
37 committee . . . . . \$ 50"

Fiscal Note is not required.

**Senate File 2235**, a bill for an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

Recommended **Do Pass**.

Fiscal Note is required.

### AMENDMENTS FILED

H—5696	H.F. 2538	Van Maanen of Mahaska
Hanson of Delaware		De Groot of Lyon
Danker of Pottawattamie		Anderson of Audubon
Swearingen of Keokuk		Pellett of Cass
Maulsby of Calhoun		Clark of Cerro Gordo
Corey of Louisa		McKean of Jones
Welden of Hardin		Daggett of Taylor
Bennett of Ida		Tyrrell of Iowa
Johnson of Linn		Tofte of Winneshiek
Holt of Clay		Lageschulte of Bremer
Miller of Buchanan		Hansen of O'Brien
H—5699	H.F. 2495	Johnson of Linn
H—5700	H.F. 2545	Conlon of Muscatine
H—5701	H.F. 2573	Spear of Lee
H—5703	H.F. 2538	Van Maanen of Mahaska
H—5705	H.F. 2547	Spear of Lee
H—5706	H.F. 2558	Cochran of Webster
H—5708	H.F. 2514	Kirkenslager of Des Moines
		Arnould of Scott
H—5709	S.F. 404	Doyle of Woodbury
H—5710	S.F. 2148	Lura of Marshall
		Hanson of Delaware
		Swearingen of Keokuk
		Halvorson of Webster
		Jay of Appanoose
		Tyrrell of Iowa
		Ritsema of Sioux
		Renken of Grundy
H—5711	S.F. 2148	Lura of Marshall
H—5712	H.F. 2495	Conlon of Muscatine
H—5713	S.F. 2243	Cochran of Webster

H-5714	S.F. 2243	Krewson of Polk
H-5715	H.F. 2527	Jesse of Polk
H-5716	S.F. 2243	Egenes of Story
H-5717	S.F. 2243	Miller of Buchanan
H-5718	S.F. 2243	Krewson of Polk
H-5719	S.F. 2243	Davitt of Warren

On motion by Halvorson of Clayton, the House adjourned at 6:01 p.m., until 9:00 a.m., Thursday, March 27, 1980.

# JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day — Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 27, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by Bishop Lance Webb, Iowa Area United Methodist Churches, Des Moines.

The Journal of Wednesday, March 26, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy Turner, Armstrong.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk and Chiodo of Polk on request of Woods of Polk; Millen of Van Buren on request of Danker of Pottawattamie; Arnould of Scott, for the morning session, on request of Cusack of Scott.

## PETITIONS FILED

The following petitions were received and placed on file:

By Menke of O'Brien, from forty-four constituents of the 5th district favoring the indexing of state inheritance tax rates and the exemptions increased to compensate for inflation and the accompanying increase in agricultural land values.

By Wells of Linn, from four hundred forty-four Iowa citizens favoring House Joint Resolution 2011, relating to the displaying of traditional religious symbols.

## INTRODUCTION OF BILL

**House File 2576**, by committee on ways and means, a bill for an act relating to property tax exemptions for wetlands, forest cover, rivers and streams, river and stream banks and open prairies.

Read first time and placed on the ways and means calendar.

### SENATE MESSAGES CONSIDERED

**Senate File 2071**, by Waldstein and Rodgers, a bill for an act to provide that declarations of value shall be public information.

Read first time and referred to committee on **county government**.

**Senate File 2161**, by Hutchins, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 2296**, by committee on transportation, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a loss of miscellaneous income, and making an appropriation.

Read first time and referred to committee on **transportation**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 202, a bill for an act authorizing merged areas to acquire and operate student residence halls.

Also: That the Senate has on March 27, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 500, a bill for an act relating to the franchise tax on financial institutions, increasing the interest rates on special assessment bonds and making certain provisions of the Act retroactive.

Also: That the Senate has on March 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2189, a bill for an act amending chapter five hundred thirty-three B of the Code relating to the sale of traveler's checks and similar instruments.

Also: That the Senate has on March 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2333, a bill for an act relating to the designation of handicapped parking spaces and providing a penalty.

Also: That the Senate has on March 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2356, a bill for an act to protect state employees from personnel actions as reprisals for disclosing waste, mismanagement, or violations of law and subjecting violators to a penalty.

FRANK J. STORK, Secretary

### IMMEDIATE MESSAGES (Senate File 460)

Halvorson of Clayton asked and received unanimous consent that Senate File 460 be immediately messaged to the Senate.

(House File 2562)

Halvorson of Clayton asked and received unanimous consent that House File 2562 be immediately messaged to the Senate.

### Regular Calendar

**House File 2495**, a bill for an act relating to strip searches subsequent to arrest, was taken up for consideration.

Brandt of Black Hawk offered the following amendment H-5406 filed by her:

H-5406

- 1 Amend House File 2495 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 new sections:
- 4 "Sec. Chapter two hundred eighteen (218),
- 5 Code 1979, is amended by adding the following new



6 section:

7 **NEW SECTION. SEARCHES OF INSTITUTION'S VISITORS.**

8 Visitors of a penal or correctional institution under  
9 jurisdiction of the department shall not be stripped  
10 and searched except if there is probable cause to  
11 believe a visitor is bringing in or attempting to  
12 bring in contraband. If there is probable cause to  
13 believe a visitor is bringing in or attempting to  
14 bring in contraband, the visitor may submit to be  
15 stripped and searched, and if no contraband is found,  
16 the visitor may be allowed visiting privileges. If  
17 the visitor refuses to be stripped and searched, the  
18 visitor may be denied visiting privileges. For the  
19 purposes of this section, community based correctional  
20 facilities under chapter nine hundred five (905) of  
21 the Code are penal or correctional institutions under  
22 jurisdiction of the department.

23 Sec. Chapter three hundred fifty-six (356),  
24 Code 1979, is amended by adding the following new  
25 section:

26 **NEW SECTION. SEARCHES OF JAIL VISITORS.** Visitors

27 of a jail shall not be stripped and searched except  
28 if there is probable cause to believe the visitor  
29 is bringing in or attempting to bring in contraband.  
30 If there is probable cause to believe a visitor is  
31 bringing in or attempting to bring in contraband,  
32 the visitor may submit to be stripped and searched,  
33 and if no contraband is found, the visitor may be  
34 allowed visiting privileges. If the visitor refuses  
35 to be stripped and searched the visitor may be denied  
36 visiting privileges.

37 Sec. Chapter three hundred fifty-six A (356A),  
38 Code 1979, is amended by adding the following new  
39 section:

40 **NEW SECTION. SEARCHES OF VISITORS.** Visitors of

41 a facility established and maintained pursuant to  
42 section three hundred fifty-six A point one (356A.1)  
43 or three hundred fifty-six A point two (356A.2) of  
44 the Code shall not be stripped and searched, except  
45 if there is probable cause to believe the visitor  
46 is bringing in or attempting to bring in contraband.  
47 If there is probable cause to believe a visitor is  
48 bringing in or attempting to bring in contraband,  
49 the visitor may submit to be stripped and searched,  
50 and if no contraband is found, the visitor may be

Page 2

1 allowed visiting privileges. If the visitor then  
2 refuses to be stripped and searched, the visitor may  
3 be denied visiting privileges."

- 4 2. By amending section numbers as made necessary
- 5 by this amendment.

Johnson of Linn rose on a point of order that amendment H—5406 was not germane.

The Speaker ruled the point well taken and amendment H—5406 not germane.

Brandt of Black Hawk moved that the rules governing germaneness be suspended to consider and adopt amendment H—5406.

A non-record roll call was requested.

The ayes were 28, nays 51.

The motion lost, which places out of order amendment H—5689, to amendment H—5406, filed by Spear of Lee on March 25, 1980.

Spear of Lee offered amendment H—5682 filed by him and requested division as follows:

H—5682

- 1 Amend House File 2495 as follows:

H—5682A

- 2 1. Page 1, line 11, by inserting after the word
- 3 "unless" the words "the person is to be confined or".

H—5682B

- 4 2. Page 1, line 20, by inserting after the word
- 5 "mouth." the words "However, a search warrant is not
- 6 required if the person is to be confined."

H—5682C

- 7 3. Page 1, by striking lines 23 through 25 and
- 8 inserting in lieu thereof the words "A physical".

Hansen of O'Brien in the chair at 9:35 a.m.

Spear of Lee moved the adoption of amendment H—5682A.

Roll call was requested by Pope of Polk and Hibbs of Johnson.

## On the question "Shall amendment H—5682A be adopted?"

The ayes were, 13:

Bennett	Danker	Davitt	De Groot
Doyle	Howell	Johnson, J.	Johnson, W.
Menke	Renken	Spear	Tofte
Van Maanen			

The nays were, 73:

Anderson, J.	Anderson, R.	Avenson	Bina
Binneboese	Brandt	Branstad	Bruner
Clark, B.J.	Conlon	Connelly	Corey
Crabb	Crawford	Cusack	Daggett
Dieleman	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, R.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Poffenberger	Pope	Rapp
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Thompson
Tyrrell	Walter	Wells	Welsh
Mr. Speaker (Hansen of O'Brien)			

Absent or not voting, 14:

Arnould	Byerly	Chiodo	Clark, J.H.
Cochran	Connors	Millen	Patchett
Perkins	Stromer	Swearingen	Welden
West	Woods		

Amendment H—5682A lost.

Welsh of Dubuque offered amendment H—5688 filed by him and requested division as follows:

H—5688

1 Amend House File 2495 as follows:

H—5688A

- 2 1. Page 1, by striking lines 13 and 14 and  
3 inserting in lieu thereof the following: "A strip".

H—5688B

- 4 2. Page 1, lines 19 and 20, by striking the  
5 words "visual search or".

H—5688C

- 6 3. Page 1, line 27, by inserting after the  
7 word "physician" the words "or his or her designee".

H—5688D

- 8 4. Page 2, by inserting after line 4 the  
9 following paragraph:  
10 "All detention facilities incarcerating persons  
11 arrested for scheduled violations or simple misdemean-  
12 ors shall be equipped with a separate area sufficient  
13 to accomodate persons not subject to strip search  
14 pursuant to this section. All persons not subject to  
15 strip search pursuant to this section shall be detain-  
16 ed in that area."

Welsh of Dubuque moved the adoption of amendment  
H—5688A.

A non-record roll call was requested.

The ayes were 36, nays 50.

Amendment H—5688A lost.

Welsh of Dubuque moved the adoption of amendment H—5688B.

A non-record roll call was requested.

The ayes were 20, nays 63.

Amendment H—5688B lost.

The House resumed consideration of amendment H—5682B.

Spear of Lee moved the adoption of amendment H—5682B.

A non-record roll call was requested.

The ayes were 21, nays 58.

Amendment H—5682B lost.

Spear of Lee offered the following amendment H—5677 filed by him and moved its adoption:

H—5677

- 1 Amend House File 2495 as follows:
- 2 1. Page 1, lines 21 and 22, by striking the
- 3 words "other than the mouth".

Amendment H—5677 was adopted.

The House resumed consideration of amendment H—5682C.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5682C.

The House resumed consideration of amendment H—5688C.

Welsh of Dubuque asked and received unanimous consent to withdraw amendment H—5688C.

Corey of Louisa offered the following amendment H—5347 filed by him:

H—5347

- 1 Amend House File 2495 as follows:
- 2 1. Page 1, line 29, by adding after the word
- 3 "search" the following: "except as provided in paragraph
- 4 six (6)".
- 5 2. Page 1, by adding after line 31, the following:
- 6 "6. No search may be conducted without the presence
- 7 of a person of the same sex as the person being searched,
- 8 in addition to the person performing the search."

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—5712, to amendment H—5347, filed by him on March 26, 1980.

Corey of Louisa moved the adoption of amendment H—5347.

A non-record roll call was requested.

The ayes were 45, nays 37.

Amendment H—5347 was adopted.

Speaker Harbor in the chair at 10:55 a.m.

The House resumed consideration of amendment H—5688D.

Johnson of Linn offered the following amendment H—5699, to amendment H—5688D, filed by him. Division was requested as follows:

H—5699

- 1 Amend House amendment H—5688 to House File 2495
- 2 as follows:

H—5699A

- 3 1. Page 1, by striking line 10 and inserting in
- 4 lieu thereof the following:
- 5 "All newly constructed detention facilities designed
- 6 for the incarceration of persons".

H—5699B

- 7 2. Page 1, lines 11 and 12, by striking the words "for
- 8 scheduled violations or simple misdemeanors".

Johnson of Linn moved the adoption of amendment H—5699A, to amendment H—5688D.

Amendment H—5699A was adopted.

Spear of Lee rose on a point of order that amendment H—5699B was not germane.

The Speaker ruled the point not well taken and amendment H—5699B germane.

Johnson of Linn moved the adoption of amendment H—5699B, to amendment H—5688D.

Amendment H—5699B was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for the remainder of the morning, on request of Mullins of Kossuth.

Welsh of Dubuque moved the adoption of amendment H—5688D, as amended.

Amendment H—5688D, as amended, lost.

Johnson 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. 2495)

The ayes were, 84:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, J.H.	Cochran
Conlon	Connolly	Corey	Crabb
Crawford	Cusack	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Mausby	McKean
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Thompson	Tofte
Tyrrell	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 8:

Danker	Davitt	De Groot	Hansen, I.
Johnson, J.	Menke	Renken	Van Maanen

Absent or not voting, 8:

Arnould  
Daggett

Chiodo  
Krewson

Clark, B.J.  
Millen

Connors  
Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2495)

Johnson of Linn asked and received unanimous consent that House File 2495 be immediately messaged to the Senate.

**HOUSE FILE 2284 WITHDRAWN**

Johnson of Linn asked and received unanimous consent to withdraw House File 2284 from further consideration by the House.

**House File 2573**, a bill for an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility, was taken up for consideration.

Spear of Lee offered the following amendment H—5701 filed by him and moved its adoption:

H—5701

- 1 Amend House File 2573 as follows:
- 2 1. Page 1, by striking lines 23 and 24.

Amendment H—5701 was adopted.

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2573)

The ayes were, 91:

Anderson, J.  
Bina  
Bruner  
Conlon  
Cusack

Anderson, R.  
Binneboese  
Byerly  
Connolly  
Danker

Avenson  
Brandt  
Clark, J.H.  
Corey  
Davitt

Bennett  
Branstad  
Cochran  
Crawford  
De Groot



Dieleman	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Arnould	Chiodo	Clark, B.J.	Connors
Crabb	Daggett	Egenes	Millen
Swearingen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2570**, a bill for an act relating to the method of transmission of funds to be deposited in the county mental health and institutions fund, was taken up for consideration.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2570)

The ayes were, 92:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, J.H.	Cochran
Conlon	Connolly	Corey	Crabb
Crawford	Cusack	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.A.

Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Arnould	Chiodo	Clark, B.J.	Connors
Daggett	Egenes	Millen	Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2243**, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, with report of committee recommending amendment and passage was taken up for consideration.

Anderson of Audubon and Bennett of Ida offered amendment H-5578 filed by the committee on agriculture on March 19, 1980 and found on pages 1018 through 1040 of the House Journal.

(Senate File 2243 and the committee amendment H-5578 pending at recess.)

On motion by Halvorson of Clayton, the House was recessed at 12:22 p.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2293, a bill for an act authorizing the use of railroad assistance funds for the restoration and improvement of railroad main lines.

FRANK J. STORK, Secretary

### REREFERRED TO COMMITTEE ON APPROPRIATIONS (Senate File 2229)

The Speaker announced that Senate File 2229, recommended amend and do pass by the committee on judiciary and law enforcement on March 26, 1980, was rereferred to the committee on appropriations.

### IMMEDIATE MESSAGES (House File 2573 and 2570)

Halvorson of Clayton asked and received unanimous consent that House Files 2573 and 2570 be immediately messaged to the Senate.

### QUORUM CALL

Roll call was requested by Schnekloth of Scott and Johnson of Woodbury to determine that a quorum was present.

Present, 79:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lonergan

Lorenzen	Lura	Maulsby	Menke
Miller	Norland	O'Kane	Patchett
Pavich	Pellett	Pelton	Perkins
Pope	Renken	Ritsema	Schnekloth
Sherzan	Shull	Smalley	Spear
Stromer	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Mr. Speaker	

## Absent, 21:

Arnould	Byerly	Chiodo	Connors
Egenes	Gettings	Hanson, D.	Jesse
Jochum	Larsen	Lloyd-Jones	McKean
Millen	Mullins	Oxley	Poffenberger
Rapp	Schroeder	Shimanek	Swearingen
Woods			

## BUSINESS PENDING AT RECESS

The House resumed consideration **Senate File 2243**, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, and amendment H—5578 filed by the committee on agriculture on March 19, 1980 and found on pages 1018 through 1040 of the House Journal.

Miller of Buchanan offered amendment H—5717, to the committee amendment H—5578, filed by him and requested division as follows:

H—5717

- 1 Amend the Committee amendment H-5578 to Senate
- 2 File 2243 as amended, passed and reprinted by the
- 3 Senate as follows:

H—5717A

- 4 1. Page 1, line 6, by striking the word "Family".
- 5 2. Page 1, line 38, by striking the word "family".
- 6 3. Page 2, line 15, by inserting after the word
- 7 "dollars" the words "as appraised by the board or
- 8 the board's designee".
- 9 4. Page 2, line 42, by striking the word "family".
- 10 5. Page 3, line 12, by striking the word "family".
- 11 6. Page 3, line 28, by striking the word "family".
- 12 7. Page 4, by striking lines 30 through page 5,

13 line 41.

14 8. Page 5, line 49, by inserting after the word  
15 "basis" the words "for not more than two years".

16 9. Page 8, line 18, by striking the word "FAMILY".

17 10. Page 8, line 20, by striking the word "family".

18 11. Page 9, by inserting after line 13 the  
19 following:

20 " . The beginning farmer has not previously  
21 received financing under the program for the  
22 acquisition of property similar in nature to the  
23 property for which the loan is sought."

24 12. Page 10, by inserting after line 1 the  
25 following:

26 " . The beginning businessperson has not  
27 previously received financing under the program for  
28 the acquisition of property similar in nature to the  
29 property for which the loan is sought."

H-5717B

30 13. Page 10, line 16, by inserting after the  
31 period the words "However, the board shall provide  
32 and state in a mortgage or secured loan that the board  
33 has the power to raise the interest rate of the loan  
34 to the prevailing market rate if the mortgage or  
35 secured loan is assumed by a farmer or businessperson  
36 who is already established in that field at the time  
37 of the assumption of the loan."

H-5717A

38 14. Page 10, by inserting after line 39 the  
39 following:

40 "3. The beginning farmer or businessperson shall  
41 provide the board with a financial statement which  
42 shall be considered complete only if it sets forth  
43 the financial liabilities of the beginning farmer  
44 or businessperson, including liabilities to any member  
45 of the immediate family or to a parent of the beginning  
46 farmer or businessperson, or his or her spouse."

47 15. Page 22, line 44, by striking the word  
48 "family".

H-5717B

49 16. Number and renumber as required by this  
50 amendment.

Miller of Buchanan asked and received unanimous consent to  
withdraw amendment H-5717A.

On motion by Miller of Buchanan, amendment H—5717B was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H—5718, to the committee amendment H—5578, filed by him on March 26, 1980.

Cochran of Webster offered the following amendment H—5722, to the committee amendment H—5578, filed by him from the floor and moved its adoption:

H—5722

1 Amend the committee amendment, H-5578, to Senate  
2 File 2243 as amended, passed and reprinted by the  
3 Senate as follows:

4 1. Page 1, by inserting after line 19 the  
5 following:

6 " "Bankhead-Jones Farm Tenant Act" means the  
7 Act cited as 50 Stat. 522 (1937), formerly codified  
8 as 7 U.S.C. s. 1000 et seq., repealed by Pub. L. No.  
9 87-128 (1961)."

10 2. Page 22, by inserting after line 42 the  
11 following:

12 "Sec. 25. NEW SECTION. AGENCY. The board shall  
13 make application to and receive from the secretary  
14 of agriculture of the United States, or any other  
15 proper federal official, pursuant and subject to the  
16 provisions of Pub. L. No. 499, 64 Stat. 152 (1950),  
17 (formerly codified 40 U.S.C. s.440 et seq. (1976))  
18 all of the trust assets held by the United States  
19 in trust for the Iowa rural rehabilitation corporation  
20 now dissolved.

21 Sec. 26. NEW SECTION. AGREEMENTS. The board  
22 may enter into agreements with the secretary of  
23 agriculture of the United States pursuant to Pub.  
24 L. No. 499 s. 2(f) (1950) upon terms and conditions  
25 and for periods of time as mutually agreeable,  
26 authorizing the board to accept, administer, expend  
27 and use in the state of Iowa all or any part of the  
28 trust assets or other funds in the state of Iowa which  
29 have been appropriated for use in carrying out the  
30 purposes of the Bankhead-Jones Farm Tenant Act and  
31 to do any and all things necessary to effectuate and  
32 carry out the purposes of said agreements.

33 Sec. 27. NEW SECTION. ASSETS—ACCOUNT. The trust  
34 assets received under the application made pursuant  
35 to section twenty-five (25) of this Act other than  
36 cash shall be taken on proper transfer or assignment  
37 from the department of social services to the board

38 and administered as provided in this Act. These funds  
39 may be used for any of the purposes of this Act,  
40 including but not limited to costs of administration  
41 and insuring or guaranteeing payment of all or a  
42 portion of loans made pursuant to this Act.

43 **Sec. 28. NEW SECTION. PROGRAMS IN PROGRESS.**

44 The board shall complete the administration of programs  
45 in progress on the effective date of this Act to the  
46 extent that funds were committed, obligations incurred  
47 or rights accrued prior to the effective date of this  
48 Act under the programs authorized under sections two  
49 hundred thirty-four point fifteen (234.15) through  
50 two hundred thirty-four point twenty (234.20) of the

**Page 2**

1 Code prior to the repeal of those sections by this  
2 Act. Moneys received under this section shall be  
3 deposited to the board.

4 **Sec. 29. NEW SECTION. LIABILITY.** The United  
5 States, the board and the secretary of agriculture  
6 of the United States shall be held free from liability  
7 by virtue of the transfer of the assets to the board.  
8 The board and persons acting in its behalf, while  
9 acting within the scope of their employment or agency,  
10 are not subject to personal liability resulting from  
11 carrying out their powers and duties under this Act.

12 **Sec. 30. NEW SECTION. TRANSFER OF EXISTING ASSETS  
13 AND LIABILITIES.** The trust assets and liabilities  
14 of the former Iowa rural rehabilitation corporation  
15 under the jurisdiction of the department of social  
16 services shall be transferred to the jurisdiction  
17 of the board on the effective date of this Act. The  
18 board shall be the successor in interest to the  
19 agreements in effect between the United States  
20 government and the department of social services on  
21 behalf of the state of Iowa on the effective date  
22 of this Act.

23 **Sec. 31.** Sections two hundred thirty-four point  
24 fifteen (234.15), through two hundred thirty-four  
25 point twenty (234.20), Code 1979, are repealed."

26 3. Page 22, line 46, by inserting after the word  
27 "duties" the words "and providing for its  
28 administration of the Bankhead-Jones Farm Tenant Act  
29 funds".

30 4. By numbering, renumbering and correcting  
31 internal references as necessary.

Roll call was requested by Cochran of Webster and Davitt of  
Warren.

On the question "Shall amendment H—5722, to amendment H—5578, be adopted?"

The ayes were, 42:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Cochran	Connolly
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Jay	Jochum	Lageschulte	Larsen
Lloyd-Jones	Lonergan	Lura	McKean
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Renken	Ritsema
Sherzan	Smalley	Spear	Walter
Wells	Welsh		

The nays were, 47:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lind	Lorenzen
Maulsby	Menke	Miller	Mullins
Pellett	Pelton	Poffenberger	Pope
Schneklath	Schroeder	Shimanek	Shull
Stromer	Thompson	Tyrrell	Van Maanen
Welden	West	Mr. Speaker	

Absent or not voting, 11:

Arnould	Byerly	Chiodo	Connors
Jesse	Kirkenslager	Millen	Rapp
Swearingen	Tofte	Woods	

Amendment H—5722 lost.

Tofte of Winneshiek asked for unanimous consent to be recorded as voting on amendment H—5722.

Objection was raised and Rule 79 invoked which states in part "only those members at their desks and voting shall be counted."

Krewson of Polk offered the following amendment H—5714, to the committee amendment H—5578, filed by him and moved its adoption:



H-5714

- 1 Amend the committee amendment, H-5578, to Senate
- 2 File 2243 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 2, by striking lines 2 through 8.
- 5 2. Page 2, line 48, by striking the words
- 6 "depreciable agricultural property or".
- 7 3. Page 4, lines 42 and 43, by striking the words
- 8 "and depreciable agricultural property".
- 9 4. Page 5, lines 47 and 48, by striking the words
- 10 "real or depreciable agricultural" and inserting in
- 11 lieu thereof the words "agricultural real".
- 12 5. Page 6, lines 2 and 8, by striking the words
- 13 "or depreciable agricultural".
- 14 6. Page 8, line 1, by striking the words "and
- 15 depreciable agricultural property".
- 16 7. Page 8, line 23, by striking the words "and
- 17 depreciable agricultural property".
- 18 8. Page 8, line 29, by striking the words "and
- 19 depreciable agricultural property".
- 20 9. Page 8, lines 42 and 43, by striking the words
- 21 "or the depreciable agricultural property".
- 22 10. Page 8, by striking line 50 and inserting
- 23 in lieu thereof the words "and agricultural
- 24 improvements".
- 25 11. Page 9, line 1, by striking the word
- 26 "property".
- 27 12. Page 9, line 6, by striking the words "If
- 28 the loan is".
- 29 13. Page 9, by striking lines 7 through 9.
- 30 14. Page 9, lines 14 and 15, by striking the words
- 31 "or depreciable agricultural property".
- 32 15. Page 10, lines 29 and 30, by striking the
- 33 words "or depreciable agricultural property".
- 34 16. By numbering, renumbering and correcting
- 35 internal references as are necessary.

Roll call was requested by Binneboese of Plymouth and Hinkhouse of Cedar.

Rule 80 was invoked.

Under the provisions of Rule 81, Clark of Lee refrained from voting.

On the question "Shall amendment H-5714, to amendment H-5578, be adopted?"

## The ayes were, 42:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Cochran	Connolly
Crabb	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hinkhouse	Horn	Howell
Hullinger	Jay	Jochum	Kirkenslager
Krewson	Larsen	Lloyd-Jones	Lonerган
Lura	O'Kane	Oxley	Patchett
Pavich	Perkins	Rapp	Sherzan
Smalley	Spear	Walter	Welden
Wells	Welsh		

## The nays were, 48:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Hummel	Husak
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Lorenzen	Maulsby	McKean
Menke	Miller	Mullins	Norland
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Thompson	Tofte
Tyrrell	Van Maanen	West	Mr. Speaker

## Absent or not voting, 10:

Arnould	Byerly	Chiodo	Clark, J.H.
Connors	Jesse	Millen	Stromer
Swearingen	Woods		

Amendment H — 5714 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnould of Scott, for the afternoon session and March 28, 1980, on request of Cusack of Scott.

Davitt of Warren offered the following amendment H — 5719, to the committee amendment H — 5578, filed by him and moved its adoption:

H-5719

- 1 Amend the Committee amendment, H-5578, to Senate
- 2 File 2243 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 3, by striking lines 3 and 4, and inserting
- 5 in lieu thereof the following:
- 6 "19. "Executive director" means the executive
- 7 director of the Iowa housing finance authority."
- 8 2. Page 3, line 17, by striking the words "seven
- 9 members".
- 10 3. Page 3, by striking lines 19 and 20 and
- 11 inserting in lieu thereof the following: ". No".
- 12 4. Page 3, line 30, by striking the word
- 13 "appointed".
- 14 5. Page 3, line 32, by striking the word "two"
- 15 and inserting in lieu thereof the word "three".
- 16 6. Page 3, line 33, by striking the words "and two"
- 17 and inserting in lieu thereof the words "and three".
- 18 7. Page 3, line 37, by striking the words "An
- 19 appointed" and inserting in lieu thereof the word
- 20 "A".
- 21 8. Page 4, line 2, by striking the words "Appointed
- 22 members" and inserting in lieu thereof the word
- 23 "Members".
- 24 9. Page 4, line 12, by striking the words
- 25 "treasurer of state" and inserting in lieu thereof
- 26 the words "executive director".
- 27 10. Page 4, line 15, by striking the word
- 28 "appointed".
- 29 11. Page 4, line 15, by inserting after the word
- 30 "board" the words "and the executive director".
- 31 12. Page 4, by striking line 17 and inserting
- 32 in lieu thereof the words and figure:
- 33 "8. The executive director and staff of the Iowa
- 34 housing finance authority".
- 35 13. Page 4, line 18, by striking the word "office".
- 36 14. Page 4, line 19, by striking the word
- 37 "treasurer" and inserting in lieu thereof the words
- 38 "executive director".
- 39 15. Page 11, line 19, by striking the word
- 40 "treasurer" and inserting in lieu thereof the word
- 41 "board".
- 42 16. Page 15, line 3, by striking the word
- 43 "treasurer" and inserting in lieu thereof the words
- 44 "executive director".
- 45 17. Page 21, line 49, by striking the word
- 46 "treasurer" and inserting in lieu thereof the words
- 47 "executive director".
- 48 18. Page 22, line 11, by striking the word
- 49 "treasurer" and inserting in lieu thereof the words
- 50 "executive director".

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- 1 19. Page 22, line 16, by striking the word
- 2 "treasurer" and inserting in lieu thereof the words
- 3 "executive director".
- 4 20. Page 22, line 20, by striking the word
- 5 "treasurer" and inserting in lieu thereof the words
- 6 "executive director".
- 7 21. Page 22, line 27, by striking the word
- 8 "treasurer" and inserting in lieu thereof the words
- 9 "executive director".
- 10 22. By numbering and renumbering as necessary.

A non-record roll call was requested.

The ayes were 22, nays 63.

Amendment H—5719 lost.

Conlon of Muscatine offered the following amendment H—5665, to the committee amendment H—5578, filed by him and moved its adoption:

H—5665

- 1 Amend the amendment, H—5578, to Senate File 2243
- 2 as follows:
- 3 1. Page 7, by striking lines 23 and 24, and
- 4 inserting in lieu thereof the following: "to such
- 5 members of the general assembly as request it, not
- 6 later than January fifteenth of each year, a complete
- 7 and economically designed and reproduced report
- 8 relating".
- 9 2. Page 8, line 5, by striking the words "or
- 10 mental".

Amendment H—5665 was adopted.

Cochran of Webster offered the following amendment H—5713, to the committee amendment H—5578, filed by him and moved its adoption:

H—5713

- 1 Amend amendment H—5578 to Senate File 2243, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 9, line 1, by striking the word "four"
- 5 and inserting in lieu thereof the word "six".

A non-record roll call was requested.

The ayes were 28, nays 55.

Amendment H—5713 lost.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—5672, to the committee amendment H—5578, filed by him on March 25, 1980.

Maulsby of Calhoun offered the following amendment H—5720, to the committee amendment H—5578, filed by him from the floor:

H—5720

- 1 Amend the Committee amendment, H—5578, to Senate
- 2 File 2243 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 9, by striking lines 10 through 13.
- 5 2. Page 9, by inserting after line 22 the
- 6 following:
- 7 " . If the beginning farmer is able to secure
- 8 a loan from conventional sources, the beginning farmer
- 9 shall only be eligible to receive up to fifty percent
- 10 of the total requested loan under this program."
- 11 3. Page 9, by striking lines 47 through page 10,
- 12 line 1.
- 13 4. Page 10, by inserting after line 9 the
- 14 following:
- 15 " . If the beginning businessperson is able
- 16 to secure a loan from conventional sources, the
- 17 beginning businessperson shall only be eligible to
- 18 receive up to fifty percent of the total requested
- 19 loan under this program."
- 20 5. By numbering and renumbering as required by
- 21 this amendment.

Thompson of Polk in the chair at 3:25 p.m.

Maulsby of Calhoun moved the adoption of amendment H—5720, to the committee amendment H—5578.

Roll call was requested by Smalley of Polk and Lura of Marshall.

On the question "Shall amendment H—5720, to amendment H—5578, be adopted?"

## The ayes were, 24:

Binneboese	Conlon	Holt	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Lura	Maulsby	Menke
Miller	Pope	Renken	Ritsema
Sherzan	Smalley	Spear	Tofte
Tyrrell	Welden	Wells	Woods

## The nays were, 63:

Anderson, J.	Anderson, R.	Bennett	Bina
Brandt	Branstad	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Horn	Howell
Hummel	Husak	Jay	Jochum
Lageschulte	Larsen	Lloyd-Jones	Lonergan
Lorenzen	McKean	Mullins	Norland
O'Kane	Pavich	Pellett	Perkins
Poffenberger	Rapp	Schneklath	Schroeder
Shimanek	Shull	Stromer	Walter
Welsh	West	Madam Speaker (Thompson)	

## Absent or not voting, 13:

Arnould	Avenson	Chiodo	Connors
Davitt	Hullinger	Jesse	Millen
Oxley	Patchett	Pelton	Swearingen
Van Maanen			

## Amendment H—5720 lost.

Miller of Buchanan offered the following amendment H—5733, to the committee amendment H—5578, filed by him from the floor and moved its adoption:

## H—5733

- 1 Amend the Committee amendment H—5578 to Senate
- 2 File 2243 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 9, by inserting after line 13 the
- 5 following:
- 6 " The beginning farmer has not previously
- 7 received financing under the program for the
- 8 acquisition of property similar in nature to the

9. property for which the loan is sought. However, this  
10 restriction shall not apply if the amount previously  
11 received plus the amount of the loan sought does not  
12 exceed four hundred thousand dollars."

13 2. Page 10, by inserting after line 1 the  
14 following:

15 " . The beginning businessperson has not  
16 previously received financing under the program for  
17 the acquisition of property similar in nature to the  
18 property for which the loan is sought. However, this  
19 restriction shall not apply if the amount previously  
20 received plus the amount of the loan sought does not  
21 exceed four hundred thousand dollars."

22 3. Number and renumber as required by this  
23 amendment.

Amendment H—5733 was adopted.

Egenes of Story offered the following amendment H—5716, to  
the committee amendment H—5578, filed by her and moved its  
adoption:

H—5716

1 Amend the Committee amendment, H—5578, to Senate  
2 File 2243, as amended, passed and reprinted by the  
3 Senate, as follows:

4 1. Page 10, by inserting after line 20 the  
5 following:

6 "5. The board shall establish by rule the  
7 procedures, which may include a lottery system, which  
8 the board itself or the individual mortgage lenders  
9 may use to aid them in determining which applicants  
10 for loans will be financed under the program whenever  
11 the total amount of financing sought from the board  
12 or individual mortgage lender, as the case may be,  
13 by eligible applicants of equal merit exceeds the  
14 amount of funds which are then available to the board  
15 or that mortgage lender to satisfy those applicants."

A non-record roll call was requested.

The ayes were 11, nays 69.

Amendment H—5716 lost.

Anderson of Audubon offered the following amendment  
H—5721, to the committee amendment H—5578, filed from the floor  
by Anderson of Audubon, Bennett, De Groot, Hinkhouse and Husak  
and moved its adoption:

H—5721

- 1 Amend the Committee amendment, H—5578, to Senate
- 2 File 2243 as amended, passed and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 22, by inserting after line 42 the
- 5 following:
- 6 "Sec. . Section five hundred two point two
- 7 hundred two (502.202), Code 1979, as amended by Acts
- 8 of the Sixty-eighth General Assembly, 1979 Session,
- 9 chapter one hundred twenty (120), sections five (5)
- 10 and six (6), is amended by adding the following new
- 11 subsection:
- 12 NEW SUBSECTION. Any security issued by the Iowa
- 13 family enterprise development board under sections
- 14 one (1) through twenty-four (24) of this Act."
- 15 2. Page 22, line 46, by inserting after the word
- 16 "duties" the words "and exempting its securities from
- 17 the state uniform securities law".

Amendment H—5721 was adopted.

Halvorson of Webster offered the following amendment H—5734, to the committee amendment H—5578, filed by him from the floor and moved its adoption:

H—5734

- 1 Amend the Committee amendment H—5578 to Senate
- 2 File 2243 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking line 34.

A non-record roll call was requested.

The ayes were 65, nays 18.

Amendment H—5734 was adopted.

Miller of Buchanan moved to reconsider the vote by which amendment H—5722 failed to be adopted by the House on March 27, 1980.

A non-record roll call was requested.

The ayes were 40, nays 53.

The motion lost.



Speaker Harbor in the chair at 4:51 p.m.

Anderson of Audubon moved the adoption of the committee amendment H—5578, as amended.

Roll call was requested by Lageschulte of Bremer and Pellett of Cass.

On the question "Shall the committee amendment H—5578, as amended, be adopted?"

The ayes were, 80:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Poffenberger	Pope	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Spear	Stromer	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 13:

Brandt	Bruner	Howell	Larsen
Lloyd-Jones	Lonergan	Lorenzen	Lura
Perkins	Rapp	Renken	Sherzan
Smalley			

Absent or not voting, 7:

Arnould	Chiodo	Connors	Jesse
Millen	Swearingen	Welden	

The committee amendment H—5578, as amended, was adopted.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2243)

The ayes were, 85:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenlager	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Spear	Stromer
Thompson	Tofte	Tyrrell	Van Maanen
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 9:

Krewson	Lorenzen	Lura	Pavich
Renken	Sherzan	Smalley	Walter
Welden			

Absent or not voting, 6:

Arnould	Chiodo	Connors	Jesse
Millen	Swearingen		

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 2243)

Halvorson of Clayton asked and received unanimous consent that Senate File 2243 be immediately messaged to the Senate.

## HOUSE FILE 2547 DEFERRED

Halvorson of Clayton asked and received unanimous consent that House File 2547 be deferred and that the bill retain its place on the calendar.

## Ways and Means Calendar

**House File 2554**, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child, was taken up for consideration.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2554)

The ayes were, 94:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Arnould	Chiodo	Connors	Jesse
Millen	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Regular Calendar

**House File 2572**, a bill for an act relating to the lending and investment powers of savings and loan associations under section five hundred thirty-four point nineteen (534.19) of the Code, was taken up for consideration.

Johnson 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. 2572)

The ayes were, 94:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneran	Lorenzen
Lura	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Arnould  
Millen

Chiodo  
Swearingen

Connors

Jesse

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Avenson of Fayette asked and received unanimous consent to be recorded as voting "aye" on House File 2572, and the vote was so recorded.

### IMMEDIATE MESSAGES (House Files 2554 and 2572)

Halvorson of Clayton asked and received unanimous consent that House Files 2554 and 2572 be immediately messaged to the Senate.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2337, a bill for an act relating to financial responsibility requirements for liability insurance policies relating to operation of motor vehicles.

FRANK J. STORK, Secretary

### SPONSOR WITHDRAWN

Clark of Cerro Gordo requested to be withdrawn as a sponsor of amendment H-5696 to House File 2538.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 26, 1980. Had I been present, I would have voted "aye" on House File 2550, amendment H-5684 to House File 2550, shall the rules be suspended to consider amendment H-5686 to House File 2550 and Senate File 460.

DIELEMAN of Marion

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-nine students from Le Mars Gehlen High School, Le Mars, accompanied by Father Thomas Geelen and Dick Severt. By Ritsema of Sioux.

Seven sixth, seventh and eighth grade students from Newton Christian Day School, Newton, accompanied by Mr. Steve Frieswick and Mrs. Helen Stevens. By Dieleman of Marion.

Thirty students from Newell-Providence Junior-Senior High School, Newell, accompanied by Bill Jones. By Groth of Buena Vista.

Thirty-nine students from Marshalltown High School, Marshalltown, accompanied by Francis Burnham and Julie Burnham. By Lura of Marshall.

Foreign exchange student Gabriela Vargas, from Yucatan, Mexico presently attending Columbus High School, Waterloo, accompanied by Jane and Vicky Gross. By Lind of Black Hawk.

Twenty-five sixth grade students from Lawn Hill Elementary School, Webster City, accompanied by Joe Maleck. By Egenes of Story.

Fifty twelfth grade students from Hempstead High School, Dubuque, accompanied by Duane Nilles. By Jochum, Connolly and Welsh of Dubuque.

Thirty-one eleventh and twelfth grade students from Carroll High School, Carroll, accompanied by Sandy Hood. By Perkins of Greene.

Thirteen international students from Cornell College, Mt. Vernon, accompanied by Professor Richard Thomas. By Patchett of Johnson.

Thirty twelfth grade students from Exira Junior-Senior High School, Exira, accompanied by Marshall Mullnix. By Anderson of Audubon.

Twenty-seven eighth grade students from Schleswig Middle School, Schleswig. By Bennett of Ida.

### STUDY BILL COMMITTEE ASSIGNMENT

#### **S.B. 752 Ways and Means**

To legalize the proceedings of the board of directors of the Kirkwood community college (merged area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

### REPORT OF COMMITTEE MEETING

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:30 a.m., March 25, 1980

Convened: 10:45 a.m.

Adjourned: 12:10 p.m.

Present: Shimanek, Chair; Ritsema, Vice-Chair; Anderson of Audubon, Arnould, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Johnson of Howard, Lloyd-Jones, Lonergan, Maulsby, Smalley, Walter and Welsh.

Absent: Patchett, Ranking member; Jesse and Pelton (arrived at 11:30 a.m.).

Excused: Rapp.

### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

COMMITTEE ON CITIES

**Senate File 386**, a bill for an act authorizing certain cities to contract with elected city officers.

**Recommended Do Pass.**

COMMITTEE ON EDUCATION

**Senate File 2112**, a bill for an act relating to the number of members for merged area boards and their corresponding area education agency boards.

**Recommended Amend and Do Pass.**

H—5739

1 Amend Senate File 2112, as passed by the Senate,  
2 as follows:

3 1. Page 1, by striking lines 5 through 11 and  
4 inserting in lieu thereof the following:

5 "NEW SUBSECTION. Be authorized by joint action  
6 with the board of directors of the merged area to  
7 change the number of directors serving on the board  
8 and to change the boundary lines of director districts  
9 in the merged area after each federal decennial census,  
10 change in the boundaries of the merged area, or change  
11 in the number of director districts. An area".

12 2. Page 1, lines 12 and 13, by striking the words  
13 "not less than five nor more than" and inserting in  
14 lieu thereof the words "five, seven, or".

15 3. Page 1, by inserting after line 13 the following  
16 sections:

17 "Sec. . Section two hundred seventy-three point  
18 eight (273.8), subsection one (1), unnumbered paragraph  
19 two (2), Code 1979, is amended by striking the  
20 unnumbered paragraph.

21 Sec. . Section two hundred eighty A point  
22 twelve (280A.12), unnumbered paragraph two (2), Code  
23 1979, is amended by striking the unnumbered paragraph."

24 4. Page 1, by striking lines 17 through 23 and  
25 inserting in lieu thereof the following:

26 "NEW SUBSECTION. Be authorized by joint action  
27 with the board of directors of the coterminous area  
28 education agency to change the number of directors  
29 serving on the board and to change the boundary lines  
30 of director districts in the merged area after each



31 federal decennial census, change in the boundaries  
 32 of the merged area, or change in the number of director  
 33 districts. The president of the board of the merged  
 34 area shall call joint meetings for the purpose of  
 35 redrawing director district boundary lines or changing  
 36 the number of directors on the board."

37 5. Page 1, lines 24 and 25, by striking the words  
 38 "not less than five nor more than" and inserting in  
 39 lieu thereof the words "five, seven, or".

40 6. Page 1, by striking lines 28 through 35 and  
 41 inserting in lieu thereof the words "by striking the  
 42 unnumbered paragraph".

43 7. Page 2, by striking lines 1 through 15.

44 8. Page 2, by striking lines 23 through 26 and  
 45 inserting in lieu thereof the words "area board.

46 The boards shall use the".

**Senate File 2232**, a bill for an act to provide for a closed session for governmental bodies to discuss strategy in matters relating to certain school employees' contracts.

**Recommended Do Pass.**

#### JUDICIARY AND LAW ENFORCEMENT

**Senate File 230**, a bill for an act relating to the appointment of interpreters for persons with speech or hearing impairments.

**Recommended Amend and Do Pass.**

H-5724

1 Amend Senate File 230 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION.

5 1. As used in this Act, unless the context  
 6 otherwise requires:

7 a. "Hearing impaired person" means a person whose  
 8 hearing is impaired so that the person cannot  
 9 understand oral communication when spoken in a normal  
 10 conversational tone and also includes a person who,  
 11 because of a speech or other physical impairment,  
 12 is unable to orally communicate with other persons  
 13 and therefore relies primarily on sign language to  
 14 communicate.

15 b. "Interpreter" means an interpreter who is  
 16 fluent in sign language pursuant to rules on  
 17 qualifications of interpreters applying to the  
 18 proceeding.

19 c. "Administrative agency" means any department,  
 20 board, commission or agency of the state or any

21 political subdivision of the state.

22 2. The supreme court, after consultation with  
23 the department of health, shall adopt rules governing  
24 the qualifications and compensation of interpreters  
25 appearing in a proceeding before a court, grand jury  
26 or administrative agency under this Act. However,  
27 an administrative agency which is subject to chapter  
28 seventeen A (17A) of the Code may adopt rules differing  
29 from those of the supreme court governing the  
30 qualifications and compensation of interpreters  
31 appearing in proceedings before that agency.

32 Sec. 2. NEW SECTION. If a hearing impaired person  
33 is a party to, or a witness at, a proceeding before  
34 a grand jury, court or administrative agency of this  
35 state, the court or administrative agency shall appoint  
36 an interpreter without expense to the hearing impaired  
37 person to interpret or translate the proceedings to  
38 the hearing impaired person and to interpret or  
39 translate his or her testimony unless the hearing  
40 impaired person waives the right to an interpreter.

41 Sec. 3. NEW SECTION. When a hearing impaired  
42 person is entitled to an interpreter the hearing  
43 impaired person shall notify the presiding official  
44 at least five days prior to the appearance stating  
45 the disability and requesting the services of an  
46 interpreter. If the hearing impaired person receives  
47 notification of an appearance less than five days  
48 prior to the proceeding, that person shall notify  
49 the presiding official requesting an interpreter as  
50 soon as practicable.

**Page 2**

1 Sec. 4. NEW SECTION. The service program for  
2 the deaf of the state department of health shall  
3 prepare and continually update a listing of qualified  
4 and available interpreters. The courts and  
5 administrative agencies shall maintain a directory  
6 of qualified interpreters for hearing impaired persons  
7 as furnished by the state department of health. The  
8 service program for the deaf shall maintain information  
9 on the qualifications of interpreters which is  
10 confidential except to a court, administrative agency  
11 or interested parties to an action using the services  
12 of such interpreter.

13 Sec. 5. NEW SECTION. Before participating in  
14 a proceeding, an interpreter shall take an oath that  
15 the interpreter will make a true interpretation in  
16 an understandable manner to the person for whom the  
17 interpreter is appointed and that the interpreter  
18 will interpret or translate the statements of the  
19 hearing impaired person to the best of the

20 interpreter's skills and judgment.

21 Sec. 6. **NEW SECTION.** Communication between a  
22 hearing impaired person and a third party which is  
23 privileged under chapter six hundred twenty-two (622)  
24 of the Code in which the interpreter participates  
25 as an interpreter shall be privileged to the  
26 interpreter.

27 Sec. 7. **NEW SECTION.** An interpreter appointed  
28 under this Act is entitled to a reasonable fee and  
29 expenses as determined by the rules applying to that  
30 proceeding. This schedule shall be furnished to all  
31 courts and administrative agencies and maintained  
32 by them. If the interpreter is appointed by the  
33 court, the fee and expenses shall be paid out of the  
34 court expense fund and if the interpreter is appointed  
35 by an administrative agency, the fee and expenses  
36 shall be paid out of funds available to the  
37 administrative agency. If a hearing impaired person  
38 is not a party to the action, the fees and expenses  
39 of an interpreter shall be charged to costs.

40 Sec. 8. **NEW SECTION.** On motion of a party or  
41 on its own motion, a court or administrative agency  
42 shall inquire into the qualifications and integrity  
43 of an interpreter. A court or administrative agency  
44 may disqualify for good reason any person from serving  
45 as an interpreter in that proceeding. If an  
46 interpreter is disqualified, the court or  
47 administrative agency shall appoint another  
48 interpreter.

49 Sec. 9. Section six hundred twenty-two A point  
50 two (622A.2), Code 1979, is amended to read as follows:

**Page 3**

1 622A.2 WHO ENTITLED TO INTERPRETER. Every person  
2 who cannot speak or understand the English language,  
3 or every person who because of hearing, speaking or  
4 other impairment has difficulty in communicating with  
5 other persons, and who is a party to any legal  
6 proceeding or a witness therein, shall be entitled  
7 to an interpreter to assist such person throughout  
8 the proceeding.

9 Sec. 10. This Act becomes effective January first  
10 following its enactment."

**Senate File 404**, a bill for an act providing that the court may sentence a defendant who is convicted of a crime other than a forcible felony to perform community service.

**Recommended Amend and Do Pass.**

H—5730

- 1 Amend Senate File 404 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 3, by striking the words "not
- 4 convicted of" and inserting in lieu thereof the words
- 5 "convicted of an offense other than".

Senate File 2194, a bill for an act to allow the recording of a memorandum of lease of agricultural lands in lieu of the complete lease.

**Recommended Amend and Do Pass.**

H—5731

- 1 Amend Senate File 2194 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "and" the words "types of".
- 5 2. Page 1, line 25, by striking the figures "~~1979~~
- 6 1980" and inserting in lieu thereof the figure "1979".
- 7 3. Page 1, lines 26 and 27, by striking the figures
- 8 "~~1979~~ 1980" and inserting in lieu thereof the figure
- 9 "1979".

Senate File 2199, a bill for an act relating to the wearing of a uniform likely to be mistaken for the official uniform of the Iowa Safety Patrol.

**Recommended Amend and Do Pass.**

H—5729

- 1 Amend Senate File 2199 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the words
- 3 "or other officer or employee of the department,"
- 4 and inserting in lieu thereof the words "or other
- 5 officer or employee of the department,".
- 6 2. Page 1, line 8, by striking the words "any
- 7 such officer" and inserting in lieu thereof the words
- 8 "any such officer the Iowa safety patrol".
- 9 3. Page 1, line 9, by striking the words "peace
- 10 officer" and inserting in lieu thereof the words
- 11 "member of the Iowa safety patrol".

Senate File 2229, a bill for an act establishing the office of state appellate defender.

**Recommended Amend and Do Pass.**

H-5728

- 1 Amend Senate File 2229 as follows:
- 2 1. Page 1, by striking lines 4 and 5.
- 3 2. Page 1, line 12, by inserting after the word
- 4 "state." the words "The state appellate defender shall
- 5 be appointed by the governor for a three-year term
- 6 subject to confirmation by the senate."
- 7 3. Page 1, by striking line 13 through page 2,
- 8 line 12.
- 9 4. By correcting section numbers and correcting
- 10 internal references as made necessary by this
- 11 amendment.

**Senate File 2314**, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

**Recommended Do Pass.**

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 359**, a bill for an act relating to worker's compensation for occupational hearing loss.

**Recommended Do Pass.**

#### COMMITTEE ON TRANSPORTATION

**Senate File 2272**, a bill for an act relating to the movement of vehicles of excessive size and weight.

**Recommended Amend and Do Pass.**

H-5723

- 1 Amend Senate File 2272 as passed by the Senate,
- 2 as follows:
- 3 1. Page 5, by striking lines 33 through 35, and
- 4 inserting in lieu thereof the following: "However,
- 5 movement Permits may be issued for vehicles with
- 6 divisible loads of hay, straw or stover may be allowed
- 7 in the absence of without a finding of special or
- 8 emergency situations, however such".

**Senate File 2280**, a bill for an act granting the state the power of eminent domain to acquire railroad right-of-way.

**Recommended Do Pass.**

## AMENDMENTS FILED

H-5725	H.F. 2512	Schnekloth of Scott
H-5726	H.F. 2560	Shimanek of Jones
H-5727	H.F. 2543	Conlon of Muscatine
H-5732	S.F. 455	Johnson of Woodbury
H-5735	H.F. 2549	Spear of Lee
H-5736	H.J.R. 2016	Ritsema of Sioux
		Lura of Marshall
H-5737	S.F. 2148	Lura of Marshall
H-5738	H.F. 2543	Spear of Lee
H-5740	H.F. 2553	Spear of Lee
H-5741	H.F. 2545	Schroeder of Pottawattamie
H-5742	H.F. 2543	Crawford of Story
H-5743	H.F. 2541	Spear of Lee
H-5744	H.F. 2558	Hall of Linn
		McKean of Jones
		Lloyd-Jones of Johnson
		Larsen of Wapello
		Cochran of Webster
		Pellett of Cass
H-5745	H.F. 2538	Shimanek of Jones
		Clark of Cerro Gordo
H-5746	S.F. 2112	Horn of Linn
H-5747	H.F. 2543	Rapp of Black Hawk
		Bruner of Story
		Jochum of Dubuque
H-5748	H.F. 2543	Pelton of Clinton

On motion by Halvorson of Clayton, the House adjourned at 5:35 p.m., until 9:00 a.m., Friday, March 28, 1980.

# JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day — Fifty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 28, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Carroll Johnson, pastor of the Exira Christian Church, Exira.

The Journal of Thursday, March 27, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton and Welden of Hardin on request of Thompson of Polk.

## SENATE MESSAGES CONSIDERED

**Senate File 202**, by Hutchins, a bill for an act authorizing merged areas to acquire and operate student residence halls and dormitories, including dining facilities, and to finance the cost with revenue bonds.

Read first time and referred to committee on **education**.

**Senate File 2189**, by committee on commerce, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

Read first time and referred to committee on **commerce**.

**Senate File 2293**, by committee on transportation, a bill for an act authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, and switching yards and sidings.

Read first time and referred to committee on **appropriations**.

**Senate File 2333**, by committee on transportation, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty.

Read first time and referred to committee on **transportation**.

**Senate File 2337**, by committee on commerce, a bill for an act relating to the increase in financial requirements for auto liability insurance policies.

Read first time and referred to committee on **transportation**.

**Senate File 2356**, by committee on state government, a bill for an act to protect state employees from personnel actions as reprisals for disclosing waste, mismanagement, or violations of law, providing for investigations of complaints by the citizens' aide, and subjecting violators to a penalty.

Read first time and referred to committee on **state government**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2181, a bill for an act to legalize proceedings taken by the board of directors of the Shellsburg community school district relating to the sale of certain properties.

Also: That the Senate has on March 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2355, a bill for an act to legalize and validate the proceedings of the board of directors of the area education agency 14 in connection with an election with an election authorizing a lease-purchase agreement.

Also: That the Senate has on March 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2357, a bill for an act to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties.

Also: That the Senate has on March 26, 1980, passed the following bill in which the concurrence of the Senate was asked:



House File 2365, a bill for an act to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties.

Also: That the Senate has on March 26, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 110, urging Congress to amend the Internal Revenue Code to provide for unlimited exemptions on obligations issued to finance railroad projects.

Also: That the Senate has on March 26, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2319, a bill for an act to authorize the director of adult corrections to implement an inmate employment program.

Also: That the Senate has on March 26, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2320, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

Also: That the Senate has on March 26, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2350, a bill for an act relating to retainage withheld from payments to contractors under contracts for public improvements.

Also: That the Senate has on March 26, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 111, establishing a task force to study the requirements for conducting the school census.

#### SENATE CONCURRENT RESOLUTION 111

By Holden

1     *Whereas*, section 291.9 of the Code requires the  
2 secretary of each school district in every even-  
3 numbered year to inform the superintendent of public  
4 instruction of the names, sex, and ages of all children  
5 residing in the school district; and

6     *Whereas*, it is difficult to obtain the necessary  
7 census information about the children residing in the  
8 district in an accurate, timely and efficient basis;  
9 and

10    *Whereas*, it appears that other public agencies may  
11 also be compiling census information and the secretary  
12 of the school district may be able to obtain informa-  
13 tion about the children residing in the district from  
14 other public agencies; *Now Therefore*,

15 *Be It Resolved by the Senate, the House Concurring,*  
 16 That the superintendent of public instruction is directed  
 17 to appoint a task force composed of employees of the  
 18 department of public instruction, superintendents of  
 19 school districts, and members of boards of directors of  
 20 school districts to study the requirements for conducting  
 21 the school census, uses to which the school census  
 22 information is put, and the feasibility of obtaining  
 23 school census information from other public agencies and  
 24 to make a report of the results of the study. A copy of  
 25 the report shall be transmitted to the General Assembly  
 26 prior to the convening of the General Assembly in  
 27 January, 1981.

Laid over under Rule 30.

### CONSIDERATION OF BILLS Regular Calendar

**House File 2545**, a bill for an act relating to bankruptcy exemptions and garnishment by providing that where there are joint bankruptcy debtors and one debtor elects to claim state exemptions, the other may not claim the federal exemptions, and permitting garnishments to the extent that the debtor's weekly disposable earnings exceed the greater of forty times the minimum wage or seventy-five percent of the debtor's weekly disposable earnings with a yearly limit of one thousand dollars, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-5741 filed by him and moved its adoption:

H-5741

- 1 Amend House File 2545 as follows:
- 2 1. Page 1, by striking lines 9 through 14 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. A debtor who is a resident of this
- 5 state and who becomes the subject of bankruptcy
- 6 proceedings under the laws of the United States may
- 7 claim the property exemption authorized under this
- 8 chapter and may not claim the federal exemptions
- 9 allowed under 11 U.S.C. s. 522(d)."

Amendment H-5741 was adopted.

Conlon of Muscatine offered the following amendment H-5700 filed by him and moved its adoption:

H-5700

- 1 Amend House File 2545 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "dollars" the words "for each judgment creditor".

Amendment H-5700 was adopted.

Speaker pro tempore Stromer of Hancock in the chair at 9:35 a.m.

Rapp of Black Hawk moved to reconsider the vote by which amendment H-5741 was adopted by the House on March 28, 1980.

Roll call was requested by Schroeder of Pottawattamie and Johnson of Howard.

Rule 80 was invoked.

On the question "Shall the vote by which amendment H-5741 was adopted be reconsidered?"

The ayes were, 44:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Cochran
Connolly	Crawford	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Holt	Horn	Howell	Hullinger
Husak	Jay	Krewson	Lloyd-Jones
Lonergan	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Poffenberger
Pope	Rapp	Ritsema	Sherzan
Spear	Walter	Wells	Woods

The nays were, 42:

Bennett	Clark, B.J.	Clark, J.H.	Conlon
Corey	Crabb	Daggett	Danker
Diemer	Egenes	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lorenzen	Lura
McKean	Menke	Millen	Pellett
Pelton	Perkins	Schneklath	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
West	Mr. Speaker (Stromer)		

Absent or not voting, 14:

Anderson, J.	Arnould	Branstad	Chiodo
Connors	De Groot	Halvorson, R.A.	Jesse
Jochum	Maulsby	Patchett	Renken
Welden	Welsh		

The motion prevailed and the House reconsidered amendment H—5741.

Bruner of Story rose on a point of order that amendment H—5741 was not germane.

The Speaker ruled the point not well taken and amendment H—5741 germane.

Schroeder of Pottawattamie moved the adoption of amendment H—5741.

Roll call was requested by Schroeder of Pottawattamie and Johnson of Howard.

Rule 80 was invoked.

On the question "Shall amendment H—5741 be adopted?"

The ayes were, 45:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Hansen, I.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	Menke	Millen
Miller	Mullins	Pellett	Perkins
Pope	Renken	Schneklath	Schroeder
Shull	Smalley	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	West
Mr. Speaker (Stromer)			

The nays were, 48:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Connolly	Crawford
Cusack	Davitt	Dieleman	Doyle

Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Kirkenslager	Krewson	Lloyd-Jones
Lonergan	McKean	Norland	O'Kane
Oxley	Pavich	Pelton	Poffenberger
Rapp	Ritsema	Sherzan	Shimanek
Spear	Walter	Wells	Woods

Absent or not voting, 7:

Arnould	Connors	Halvorson, R.A.	Jochum
Patchett	Welden	Welsh	

Amendment H—5741 lost.

Doyle of Woodbury moved to reconsider the vote by which amendment H—5700 was adopted by the House on March 28, 1980.

Thompson of Polk asked and received unanimous consent that House File 2545 be deferred and that the bill retain its place on the calendar.

(The motion to reconsider amendment H—5700 by Doyle of Woodbury pending.)

**House File 2543**, a bill for an act relating to the operations of the citizens' aide office, was taken up for consideration.

Pelton of Clinton offered the following amendment H—5748 filed by him:

H—5748

1 Amend House File 2543 as follows:  
 2 1. Page 1, by inserting before line 1 the following  
 3 new sections:  
 4 "Section 1. **NEW SECTION. RESIDENTIAL ENERGY**  
 5 **CONSUMER COUNSEL.**  
 6 1. There is created the office of the residential  
 7 energy consumer counsel. The administrative head  
 8 of the office shall be the residential energy consumer  
 9 counsel. The counsel shall be appointed by and serve  
 10 at the pleasure of the legislative council. The  
 11 counsel shall employ and supervise the employees of  
 12 the office in the positions and at the salaries  
 13 authorized by the legislative council. The counsel  
 14 shall establish the policies for the operation of

15 the office subject to the approval of the legislative  
16 council. The office of the residential energy consumer  
17 counsel is attached administratively to the office  
18 of the citizens' aide.

19 2. The counsel shall not engage in a business  
20 or have other interests inconsistent with the  
21 responsibilities of the office. The counsel shall  
22 not seek or accept employment from or provide services  
23 for compensation for a public utility providing  
24 residential gas or electric services or the Iowa state  
25 commerce commission while serving as counsel or for  
26 two years afterwards. The counsel shall not seek  
27 or accept election or appointment to a political  
28 office while serving as counsel. The employees of  
29 the office shall not engage in a business or render  
30 services that may conflict with the responsibilities  
31 of the office.

32 3. The counsel shall serve as an advocate for  
33 consumers of residential gas and electric utility  
34 services in proceedings before the Iowa state commerce  
35 commission as provided in section two (2) of this  
36 Act.

37 4. The office of the residential energy consumer  
38 counsel shall be funded only with federal funds.  
39 Funds received by this office shall not be used for  
40 grants to any nongovernmental agency of  
41 instrumentality.

42 Sec. 2. Chapter four hundred seventy-six (476).  
43 Code 1979, is amended by adding the following new  
44 section:

45 NEW SECTION. RESIDENTIAL ENERGY CONSUMER COUNSEL.

46 The residential energy consumer counsel appointed  
47 under section one (1) of this Act is a proper party,  
48 on behalf of consumers of residential gas and electric  
49 utility services, to any proceeding before the  
50 commission which actually or potentially involves

**Page 2**

1 or affects rates and charges for residential gas and  
2 electric utility services, including but not limited  
3 to proceedings under this chapter and chapters four  
4 hundred seventy-six A (476A), four hundred seventy-  
5 eight (478) and four hundred seventy-nine (479) of  
6 the Code. The commission shall provide by rule for  
7 the service of written notice to the residential  
8 energy consumer counsel when any of these proceedings  
9 are initiated. Upon entering an appearance in a  
10 proceeding, the residential energy consumer counsel  
11 shall have the same rights and privileges as a public  
12 utility which is a party to the proceeding. The

13 residential energy consumer counsel is a proper party  
14 to seek judicial review of a proceeding in which the  
15 counsel has appeared.

16 Sec. 3. Section four hundred seventy-six point  
17 twelve (476.12), Code 1979, is amended to read as  
18 follows:

19 476.12 REHEARINGS BEFORE COMMISSION. Any party,  
20 as defined in section two (2) of this Act or the rules  
21 and regulations promulgated by the commission as  
22 provided in section 476.2 hereof, to a proceeding  
23 before the commission may within twenty days after  
24 the entry of the order apply for a rehearing. The  
25 commission shall either grant or refuse an application  
26 for rehearing within twenty days after the filing  
27 of the application, or may after giving the interested  
28 parties notice and opportunity to be heard and after  
29 consideration of all the facts, including those arising  
30 since the making of the order, abrogate or modify  
31 its order. A failure by the commission to act upon  
32 such application for rehearing within the above period  
33 shall be deemed a refusal thereof. Neither the filing  
34 of an application for rehearing nor the granting  
35 thereof shall stay the effectiveness of an order  
36 unless the commission so directs."

37 2. Page 2, by inserting after line 31 the following  
38 new section:

39 "Sec. . Sections one (1) through three (3)  
40 of this Act are repealed January 1, 1983."

41 3. By correcting section numbers and internal  
42 references as required by this amendment.

Bruner of Story offered amendment H-5749, to amendment H-5748, filed by him from the floor and asked and received unanimous consent to withdraw amendment H-5749.

Branstad of Winnebago rose on a point of order that amendment H-5748 was not germane.

The Speaker ruled the point well taken and amendment H-5748 not germane.

Rapp of Black Hawk asked for unanimous consent to suspend the rules to consider amendment H-5748.

Objection was raised.

Rapp of Black Hawk moved that the rules governing germaneness be suspended to consider amendment H-5748.

Roll call was requested by Jesse of Polk and Rapp of Black Hawk.

On the question "Shall the rules be suspended to consider amendment H—5748?"

The ayes were, 36:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruener	Byerly	Chiodo
Cochran	Connolly	Cusack	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Jay	Jesse	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Oxley
Pavich	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Mr. Speaker (Stromer)			

Absent or not voting, 11:

Arnould	Connors	Davitt	Halvorson, R.A.
Hullinger	Husak	Jochum	Patchett
Perkins	Welden	West	

The motion lost.

Crawford of Story offered the following amendment H—5742 filed by him and moved its adoption:



H-5742

1 Amend House File 2543 as follows:

2 1. Page 1, line 21, by inserting after the word  
3 "agencies" the following: "unless such examination  
4 would violate provisions of federal law or cause a  
5 denial of federal funds to an agency as a result of  
6 such examination".

Amendment H-5742 was adopted.

Rapp of Black Hawk offered the following amendment H-5747  
filed by Rapp, et al. :

H-5747

1 Amend House File 2543 as follows:

2 1. Page 2, by inserting after line 3 the  
3 following new subsection:  
4 "5. To represent residential electric  
5 utility consumers in proceedings before the Iowa  
6 state commerce commission."

7 2. Page 2, by inserting after line 3 the  
8 following new subsection:

9 "6. Conditioned upon the receipt of  
10 federal funds, a division of consumer advocacy is  
11 created within the office of citizens' aide to  
12 fulfill the purposes of subsection five (5) of  
13 this section. For purposes of 42 U.S.C. s. 6805  
14 (1979) the division of consumer advocacy is the  
15 office in the state responsible for assisting  
16 consumers in presentations before the Iowa state  
17 commerce commission and shall be the recipient of  
18 any federal funds available to the state to  
19 implement that section."

Johnson of Woodbury rose on a point of order that amendment  
H-5747 was not germane.

The Speaker ruled the point well taken and amendment  
H-5747 not germane.

Rapp of Black Hawk moved that the rules governing  
germaneness be suspended to consider and adopt amendment  
H-5747.

Roll call was requested by Jesse of Polk and Welsh of Dubuque.

On the question "Shall the rules be suspended to consider and  
adopt amendment H-5747?"

## The ayes were, 40:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Horn	Howell	Husak	Jay
Jesse	Kirkenslager	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Rapp	Ritsema	Sherzan	Spear
Walter	Wells	Welsh	Woods

## The nays were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Larsen	Lind	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Mr. Speaker (Stromer)			

## Absent or not voting, 11:

Arnould	Connors	Halvorson, R.A.	Hullinger
Jochum	Lloyd-Jones	Lorenzen	Patchett
Perkins	Welden	West	

## The motion lost.

Conlon of Muscatine offered the following amendment H—5727 filed by him and moved its adoption:

## H—5727

- 1 Amend House File 2543 as follows:
- 2 1. Page 2, line 24, by inserting after the
- 3 word "year." the following: "The report shall be
- 4 economically designed and reproduced, and shall
- 5 only be distributed to such members of the general
- 6 assembly as request it."

Amendment H—5727 was adopted.

Spear of Lee offered the following amendment H—5738 filed by him and moved its adoption:

H—5738

- 1 Amend House File 2543 as follows:
- 2 1. Page 2, line 26, by striking the word
- 3 "need" and inserting in lieu thereof the word "shall".

Amendment H—5738 was adopted.

Johnson 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. 2543)

The ayes were, 87:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crawford	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jay	Jesse	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenlager	Krewson
Lageschulte	Larsen	Loneragan	Lorenzen
Lura	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Wells
Welsh	Woods	Mr. Speaker	
		(Stromer)	

The nays were, 3:

Hullinger	Lind	Maulsby
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Absent or not voting, 10:

Arnould	Connors	Crabb	Davitt
Halvorson, R.A.	Jochum	Lloyd-Jones	Patchett
Welden	West		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2541**, a bill for an act relating to hunter safety programs and subjecting violators to a penalty, was taken up for consideration.

Spear of Lee offered the following amendment H—5743 filed by him and moved its adoption:

H—5743

- 1 Amend House File 2541 as follows:
- 2 1. Page 1, line 17, by inserting after the word
- 3 "age" the following: "or the written consent of the
- 4 spouse of a person under eighteen years of age if
- 5 the spouse is eighteen years of age or older".

Amendment H—5743 was adopted.

Johnson of Howard moved that 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 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2541)

The ayes were, 51:

Anderson, R.	Avenson	Bennett	Brandt
Branstad	Bruner	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Davitt
Diemer	Egenes	Hall	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hoffmann
Holt	Howell	Hummel	Husak
Jesse	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Larsen	Lloyd-Jones
Lonergan	Lorenzen	Maulsby	Menke
Pellett	Perkins	Pope	Rapp

Schneklloth	Schroeder	Sherzan	Smalley
Spear	Swearingen	Thompson	Tofte
Walter	Welsh	Mr. Speaker (Stromer)	

The nays were, 42:

Anderson, J.	Bina	Binneboese	Byerly
Chiodo	Clark, B.J.	Cochran	Connolly
Corey	Daggett	Danker	De Groot
Dieleman	Doyle	Gettings	Groth
Halvorson, R.N.	Hinkhouse	Horn	Hullinger
Jay	Lageschulte	Lind	Lura
McKean	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pelton	Poffenberger	Renken	Ritsema
Shimaneck	Shull	Tyrrell	Van Maanen
Wells	Woods		

Absent or not voting, 7:

Arnould	Connors	Halvorson, R.A.	Jochum
Patchett	Weiden	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2545**, a bill for an act relating to bankruptcy exemptions and garnishment by providing that where there are joint bankruptcy debtors and one debtor elects to claim state exemptions, the other may not claim the federal exemptions, and permitting garnishments to the extent that the debtor's weekly disposable earnings exceed the greater of forty times the minimum wage or seventy-five percent of the debtor's weekly disposable earnings with a yearly limit of one thousand dollars, and the motion to reconsider amendment H—5700 by Doyle of Woodbury previously deferred.

Conlon of Muscatine asked and received unanimous consent to reconsider the vote by which amendment H—5700 was adopted by the House.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—5700.

Conlon of Muscatine asked and received unanimous consent to suspend the rules for the consideration of amendment H—5758.

Pope of Polk offered the following amendment H—5758 filed from the floor by Pope, Conlon, Rapp, Shimanek, Bruner and Smalley and moved its adoption:

H—5758

- 1 Amend House File 2545 as follows:
- 2 1. Page 1, by striking line 28, and by inserting
- 3 in lieu thereof the words: "during any one calendar
- 4 year is six hundred dollars for each judgment creditor,
- 5 except as provided in section six hundred twenty-seven
- 6 point twelve (627.12) of the Code."

A non-record roll call was requested.

The ayes were 65, nays 23.

Amendment H—5758 was adopted.

The following amendment H—5762 filed by Doyle of Woodbury from the floor was adopted by unanimous consent:

H—5762

- 1 Amend House File 2545, as follows:
- 2 1. Title page, by striking lines 2 through 9
- 3 and inserting in lieu thereof the following:
- 4 "amending sections 627.6 and 642.21 of the Code,
- 5 inserting a new section in Chapter 627 of the Code,
- 6 relating to joint debtors who are the subject of
- 7 bankruptcy proceedings, and repealing section
- 8 627.14 of the Code".

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2545)

The ayes were, 83:

Anderson, J.	Anderson, R.	Avenson	Bennett
Brandt	Branstad	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Groth	Hall	Halvorson, R.N.	Hansen, I.

Hanson, D.	Harbor	Hibbs	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker (Stromer)	

The nays were, 10:

Bina	Binneboese	Cusack	Doyle
Gettings	Hinkhouse	Jay	Miller
O'Kane	Wells		

Absent or not voting, 7:

Arnould	Connors	Halvorson, R.A.	Patchett
Walter	Welden	West	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### RULE 61 SUSPENDED

Cochran of Webster rose on a point of order and invoked House Rule 61, requiring prior committee notice and agenda, for the committee on agriculture meeting.

Thompson of Polk asked and received unanimous consent to suspend House Rule 61 for the committee on agriculture meeting on adjournment.

### IMMEDIATE MESSAGES (House File 2543 and 2545)

Thompson of Polk asked and received unanimous consent that House Files 2543 and 2545 be immediately messaged to the Senate.

## UNANIMOUS CONSENT

Thompson of Polk asked and received unanimous consent to place the following bills on the Weekly Debate Calendar and at the top of the Monday, March 31, 1980 Daily Debate Calendar: Senate File 2118 and House Files 2538, 2553, 2566 and 2508.

MOTION TO RECONSIDER  
(House File 2541)

I move to reconsider the vote by which House File 2541 passed the House on March 28, 1980.

JOHNSON of Howard

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2458, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax.

Also: That the Senate has on March 28, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 2458

H-5757

- 1 Amend House File 2458, as passed by the House,
- 2 as follows:
- 3 1. Page 2, by striking lines 23 through 25 and
- 4 inserting in lieu thereof: "district for the least
- 5 amount and the shortest time for which it is in effect
- 6 in any of the districts. Authorized levies for the
- 7 period".



## SENATE MESSAGES CONSIDERED

**Senate File 2230**, by Taylor, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

Read first time and referred to committee on **agriculture**.

**Senate File 2319**, by committee on human resources, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Read first time and referred to committee on **human resources**.

**Senate File 2320**, by committee on judiciary, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

Read first time and **passed on file**.

**Senate File 2350**, by committee on state government, a bill for an act relating to retainage withheld from payments to contractors under contracts for public improvements.

Read first time and referred to committee on **commerce**.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 28, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 79, an act to allow members of the Office of Citizens' Aide to become notary publics.

House File 673, an act increasing the amount of interest on money due on judgments and decrees of courts from seven to ten percent.

House File 715, an act relating to the information to be furnished a jury commission for use in drawing jury lists.

Senate File 477, an act relating to the control, abatement and prevention of air pollution by the Department of Environmental Quality, and providing a civil penalty.

## COMMUNICATION FROM SECRETARY OF STATE

March 27, 1980

David L. Wray  
Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2240, was published in The Waterloo Courier, Waterloo, Iowa on March 26, 1980, and in the Atlantic News-Telegraph, Atlantic, Iowa on March 25, 1980.

Respectfully submitted,

MELVIN D. SYNHORST  
Secretary of State

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-five eighth grade students from Mar-Mac High School, McGregor, accompanied by James Elliott and Ron Vick. By Halvorson of Clayton.

Eight Webelo scouts from Paek 241, Des Moines, accompanied by Jim Nelson and Denny Reynolds. By Chiodo and Woods of Polk.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 340**

State Government: Lageschulte, Chair; Swearingen and Halvorson of Webster.

**Senate File 360**

Judiciary and Law Enforcement: Shimanek, Chair; Pelton, Hibbs, Jesse and Walter.

**Senate File 404**

Judiciary and Law Enforcement: Ritsema, Chair; Pelton and Arnould.

**Senate File 2050**

Commerce: Pope, Chair; Walter and Johnson of Linn.

**Senate File 2110**

Commerce: Shull, Chair; Swearingen and Walter.

**Senate File 2140**

County Government: Schnekloth, Chair; Dieleman and Hanson of Delaware.

**Senate File 2168**

County Government: Branstad, Chair; Tofte and Hullinger.

**Senate File 2194**

Judiciary and Law Enforcement: Corey, Chair; Welsh and Ritsema.

**Senate File 2199**

Judiciary and Law Enforcement: Holt, Chair; Lloyd-Jones and Smalley.

**Senate File 2202**

County Government: Lageschulte, Chair; Dieleman and Branstad.

**Senate File 2204**

County Government: Johnson of Howard, Chair; Clark of Lee and Connolly.

**Senate File 2278**

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Walter.

**Senate File 2282**

Commerce: Conlon, Chair; Johnson of Linn and Bina.

**Senate File 2287**

State Government: Hoffmann, Chair; Lura, Branstad, Dieleman and Bina.

**Senate File 2292**

Commerce: Johnson of Linn, Chair; Chiodo and Pope.

**Senate File 2296**

Transportation: Schnekloth, Chair; Davitt, Bennett, Schroeder and Binneboese.

**Senate File 2303**

Judiciary and Law Enforcement: Pelton, Chair; Welsh and Anderson of Audubon.

**Senate File 2310**

Judiciary and Law Enforcement: Ritsema, Chair; Patchett and Pelton.

**Senate File 2314**

Judiciary and Law Enforcement: Holt, Chair; Ritsema and Arnould.

**Senate File 2315**

Judiciary and Law Enforcement: Hibbs, Chair; Jesse and Arnould.

**Senate File 2316**

Judiciary and Law Enforcement: Ritsema, Chair; Lloyd-Jones and Anderson of Audubon.

**Senate File 2318**

Judiciary and Law Enforcement: Shimanek, Chair; Pelton and Rapp.

**Senate File 2321**

Judiciary and Law Enforcement: Pelton, Chair; Jesse, Ritsema, Corey and Lloyd-Jones.

**Senate File 2327**

Judiciary and Law Enforcement: Conlon, Chair; Anderson of Audubon and Jesse.

**Senate File 2328**

Judiciary and Law Enforcement: Pelton, Chair; Jesse, Ritsema, Corey and Lloyd-Jones.

**Senate File 2331**

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Walter.

**Senate File 2339**

Judiciary and Law Enforcement: Patchett, Chair; Clark of Cerro Gordo and Smalley.

**Senate File 2341**

Judiciary and Law Enforcement: Smalley, Chair; Patchett and Ritsema.

**Senate File 2345**

Commerce: Renken, Chair; Swearingen and Chiodo.

**Senate File 2346**

Commerce: Egenes, Chair; Dieleman and Pope.

**Senate File 2351**

State Government: Stromer, Chair; Branstad and Hinkhouse.

**Senate File 2354**

State Government: Hansen of O'Brien, Chair; Hoffmann and Brandt.

**PROOF OF PUBLICATION**  
(Senate File 2317)

Published copy of Senate File 2317 and verified proof of publication of said bill in the Council Bluffs Nonpareil, a daily newspaper printed and published in Council Bluffs, Pottawattamie County, Iowa on February 5, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Senate File 2230**, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

**Recommended Do Pass.**

**COMMITTEE ON COUNTY GOVERNMENT**

**Senate File 2140**, a bill for an act relating to travel expenses limitations for members of the board of supervisors.

**Recommended Amend and Do Pass.**

H-5767

- 1 Amend Senate File 2140, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 14 through 22 and
- 4 inserting in lieu thereof the following: "payable
- 5 to each of the members, but in any event the aggregate
- 6 amount of mileage expense for all members shall not

- 7 exceed the product of one thousand five hundred dollars  
 8 multiplied by the total number of members of the board  
 9 of supervisors unless the resolution includes an  
 10 increase in the aggregate amount of mileage expense  
 11 for the members.  
 12 Sec. 2. This Act is retroactive to January 1,  
 13 1980."

Fiscal Note is not required.

**Senate File 2168**, a bill for an act relating to the duties of the county compensation board.

Recommended **Do Pass**.

Fiscal Note is not required.

#### AMENDMENTS FILED

H - 5750	H.F. 2538	Woods of Polk
H - 5759	S.F. 2112	Daggett of Taylor
H - 5760	S.F. 230	Doyle of Woodbury
		Lonergan of Boone
H - 5761	H.F. 2494	Hoffmann of Muscatine
		Crawford of Story
H - 5763	H.F. 2566	Perkins of Greene
H - 5764	H.F. 2512	Mullins of Kossuth
		Pelton of Clinton
		Cusack of Scott
H - 5765	S.F. 2274	Howell of Floyd
H - 5766	S.F. 2320	Danker of Pottawattamie
		Anderson of Audubon
		Shimanek of Jones
H - 5768	H.F. 2556	Spear of Lee
H - 5769	H.F. 2566	Spear of Lee
H - 5770	H.F. 2555	Spear of Lee
H - 5771	H.F. 2559	Lorenzen of Scott
H - 5772	S.F. 2232	Spear of Lee
H - 5773	H.F. 2559	Howell of Floyd
H - 5774	H.F. 2559	Howell of Floyd
H - 5775	H.F. 2549	Howell of Floyd

On motion by Thompson of Polk, the House adjourned at 11:37 a.m.; until 10:00 a.m., Monday, March 31, 1980.

# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day—Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 31, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Curtis R. Moermond, pastor of the Zion Lutheran Church, Wilton.

The Journal of Friday, March 28, 1980 was approved. ]

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Jasper on request of Davitt of Warren.

## PETITION FILED

The following petition was received and placed on file:

By Davitt of Warren, from ninety constituents of the 58th district opposing House File 2514, an act to amend chapter one hundred forty-seven of the Code so as to establish packaging, labeling and record keeping requirements for physicians, dentists and podiatrists who dispense prescription drugs.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 357, a bill for an act relating to the acceptance of checks by vendors of state liquor stores.

Also: That the Senate has on March 27, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 700, a bill for an act relating to the use of a license for the taking of fish and animals and providing penalties.

Also: That the Senate has on March 27, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2245, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory.

Also: That the Senate has on March 27, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2461, a bill for an act relating to tort liability of regional boards of library trustees, soil conservation districts and their officers.

Also: That the Senate has on March 27, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2279, a bill for an act relating to the records of the plans and costs of the construction of county bridges or culverts.

Also: That the Senate has on March 27, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2429, a bill for an act requiring presentence investigators to inquire into mental disabilities of the defendant.

Also: That the Senate has on March 27, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2453, a bill for an act relating to the penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

Also: That the Senate has on March 27, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2102, a bill for an act relating to the hospitalization of mentally ill persons.

Also: That the Senate has on March 27, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2122, a bill for an act relating to the compensation of deputy sheriffs.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 357

H-5779

- 1 Amend House File 357 as amended, passed and
- 2 reprinted by the House as follows:



- 3 1. Page 1, by striking line 17 and inserting in  
 4 lieu thereof the following: "licensee, a cashier's  
 5 check which shows the licensee is the remitter or  
 6 a check issued by the licensee."  
 7 2. Page 1, line 32; by inserting after the word  
 8 "Code" the words "and pursuant to the provisions of  
 9 chapter seventeen A (17A) concerning a contested case  
 10 hearing".  
 11 3. Page 2, by striking line 2 and inserting in  
 12 lieu thereof the following: "control license for  
 13 not less than three days but not more than thirty  
 14 days."

SENATE AMENDMENT TO  
 HOUSE FILE 700

H-5777

- 1 Amend House File 700 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by inserting after line 7 the following:  
 4 "Sec. 2. Section one hundred ten point six (110.6),  
 5 Code 1979, is amended to read as follows:  
 6 110.6 TROUT LICENSE STAMP. Any person required  
 7 to have a fishing license shall not possess trout  
 8 unless that person has at that time on his or her  
 9 person an unexpired special trout license stamp  
 10 validated by that person's signature written across  
 11 the face of the stamp in ink, a receipt, or other  
 12 evidence showing that such trout was lawfully acquired.  
 13 A person who is not required to have a fishing license  
 14 may fish for trout only when accompanied by a person  
 15 having a license and stamp and any trout taken or  
 16 possessed by the unlicensed person shall be considered  
 17 to be taken or possessed by the licensed person for  
 18 the purpose of daily catch or possession limits.  
 19 The proceeds from the sale of this stamp shall be  
 20 used exclusively to restock trout waters designated  
 21 by the state conservation commission."  
 22 2. Page 1, by striking lines 8 through 18.  
 23 3. Renumbering the sections to conform with this  
 24 amendment.

SENATE AMENDMENT TO  
 HOUSE FILE 2245

H-5780

- 1 Amend House File 2245 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by striking lines 1 through 14, and  
 4 inserting in lieu thereof the following:

5 "Section 1. Section two hundred eighteen point  
6 fourteen (218.14), Code 1979, is amended to read as  
7 follows:

8 **218.14 DWELLING HOUSE AND PROVISIONS.** The division  
9 director having control over any state institution  
10 shall may, with consent of the commissioner of social  
11 services, furnish the executive head of each of said  
12 the institutions, in addition to salary, with a  
13 dwelling house or with appropriate quarters in lieu  
14 thereof, and, from supplies purchased for the  
15 institution, the necessary household provisions for  
16 the executive head, spouse and minor children or the  
17 particular division director may compensate the  
18 executive head of each of said the institutions in  
19 lieu of furnishing all of the above items a house  
20 or quarters. If an executive head of the institution  
21 is furnished with a dwelling house or quarters, either  
22 of which is owned by the state, the executive head  
23 may also be furnished with water, heat and electricity.

24 The division director having control over any state  
25 institution may furnish assistant executive heads  
26 or other employees, or both, with dwelling houses  
27 or with appropriate quarters, owned by the state.  
28 The assistant executive head or employee, who is so  
29 furnished shall pay rent for the dwelling house or  
30 quarters in an amount to be determined by the executive  
31 head of the institution, which shall be the fair  
32 market rental value of the house or quarters. If  
33 an assistant executive head or employee is furnished  
34 with a dwelling house or quarters either of which  
35 is owned by the state, the assistant executive head  
36 or employee may also be furnished with water, heat  
37 and electricity. However, the furnishing of these  
38 utilities shall be considered in determining the fair  
39 market rental value of the house or quarters.

40 Sec. 2. Section two hundred nineteen point nine  
41 (219.9), Code 1979, is amended to read as follows:

42 **219.9 SALARY.** The commandant shall receive such  
43 annual salary as the director may determine. In  
44 addition to said salary, the director shall may furnish  
45 said the commandant with a dwelling house or with  
46 appropriate quarters in lieu thereof and such  
47 additional allowances, as are provided in section  
48 218.14 for executive heads of state institutions.

49 Sec. 3. Sections two hundred forty-six point six  
50 (246.6) and two hundred forty-six point seven (246.7),

Page 2

1 Code 1979, are repealed."

2 2. Title page, by striking lines 1 through 3 and  
3 inserting in lieu thereof the following: "An Act

- 4 relating to the supplying of dwelling houses, quarters,  
 5 utilities, provisions and other goods and services  
 6 for executive heads, assistant executive heads and  
 7 employees of institutions under the department of  
 8 social services."

SENATE AMENDMENT TO  
 HOUSE FILE 2461

H-5778

- 1 Amend House File 2461 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 22 and 23.

SENATE AMENDMENT TO  
 HOUSE AMENDMENT TO  
 SENATE FILE 2102

H-5776

- 1 Amend the House amendment, S-5345, to Senate File  
 2 2102 as follows:  
 3 1. Page 1, by striking lines 44 through 50 and  
 4 inserting in lieu thereof the following:  
 5 "6. Page 2, by striking lines 33 through 35.  
 6 7. Page 3, by striking lines 1 through 16."  
 7 2. Page 2, by striking lines 1 through 20.  
 8 3. Page 2, by inserting before line 21, the  
 9 following:  
 10 " . Page 7, by striking lines 27 through 31  
 11 and inserting in lieu thereof the following:  
 12 "Sec. 10. Section two hundred twenty-nine point  
 13 twenty-one (229.21), subsection one (1), Code 1979,  
 14 as amended by section thirty (30) of House File 687,  
 15 Sixty-eighth General Assembly, 1980 Session, is amended  
 16 to read as follows:  
 17 1. As soon as practicable after the adoption of  
 18 this Act the The judges in each judicial district  
 19 shall".  
 20 4. Page 2, by striking lines 24 through 39 and  
 21 inserting in lieu thereof the following:  
 22 " . By striking page 12, line 26 through page  
 23 13, line 15."  
 24 5. Renumbering section numbers as necessary.

CONSIDERATION OF BILLS  
 Regular Calendar

**Senate File 2118**, a bill for an act relating to the use and rever-  
 sion of the unencumbered or unobligated funds remaining in the

farm accounts of the department of social services, with report of committee recommending amendment and passage was taken up for consideration.

De Groot of Lyon offered amendment H—5287 filed by the committee on human resources on February 25, 1980 and found on page 647 of the House Journal and moved its adoption.

The committee amendment H—5287 was adopted.

Conlon of Muscatine offered the following amendment H—5455 filed by him and moved its adoption:

H—5455

- 1 Amend Senate File 2118 as follows:
- 2 1. Page 1, line 8, by striking the word
- 3 "Said", and by inserting in lieu thereof the word
- 4 "These".

Amendment H—5455 was adopted.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2118)

The ayes were, 85:

Anderson, J.	Arnould	Bennett	Bina
Binneboese	Branstad	Bruner	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder

Sherzan	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Anderson, R.	Avenson	Brandt	Byerly
Chiodo	Connors	Cusack	Egenes
Jesse	Krewson	Loneragan	Miller
Patchett	Perkins	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2538**, a bill for an act relating to the types and form of administrative rules to be promulgated, the rights of the public to participate in the rule-making process, and the powers of the governor, the administrative rules review committee and the attorney general in reviewing that process, was taken up for consideration.

Woods of Polk offered the following amendment H—5676 filed by him:

H—5676

- 1 Amend House File 2538 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Sec. . Section seventeen A point four (17A.4),
- 5 Code 1979, is amended by adding the following new
- 6 subsection:
- 7 **NEW SUBSECTION.** An agency shall not adopt a rule
- 8 which implements a proposal which was presented to
- 9 either the house of representatives or the senate
- 10 during the last or current general assembly and, when
- 11 acted upon by that house, was not adopted in a vote
- 12 on the proposal's merits."
- 13 2. By renumbering the sections to conform with
- 14 this amendment.

Woods of Polk offered the following amendment H—5750, to amendment H—5676, filed by him and moved its adoption:

H—5750

- 1 Amend amendment H—5676 to House File 2538 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "proposal" the words "not required by law".

**Amendment H—5750 was adopted**

Woods of Polk moved the adoption of amendment H—5676, as amended.

A non-record roll call was requested.

The ayes were 42, nays 46.

Amendment H—5676, as amended; lost.

Johnson of Howard offered the following amendment H—5679 filed by him and moved its adoption:

H—5679

- 1 Amend House File 2538 as follows:
- 2 1. Page 1, by striking lines 28 through 31, and
- 3 inserting in lieu thereof the following: "the notice
- 4 of proposed rule adoption shall be mailed to the chair-
- 5 person and ranking minority member of each committee
- 6 of the Iowa senate and house of representatives
- 7 having jurisdiction over the subject matter, at their
- 8 state capitol addresses during a legislative session and
- 9 at their residence addresses between legislative sessions,
- 10 and to each person who has made a timely written request
- 11 to the agency for a mailed copy of such notices. An
- 12 agency may charge persons other than members of the
- 13 general assembly for the actual cost of providing them
- 14 individual".

A non-record roll call was requested.

The ayes were 51, nays 41.

**Amendment H—5679 was adopted.**

Shimanek of Jones offered the following amendment H—5745 filed by her and Clark of Cerro Gordo and moved its adoption:

H—5745

- 1 Amend House File 2538 as follows:  
 2 1. Page 3, by striking line 25 and inserting  
 3 in lieu thereof the following: "6. The governor may".  
 4 2. Page 3, line 33, by inserting after the word  
 5 "bulletin." the words "The executive order shall be  
 6 effective on the date of its filing."  
 7 3. Page 3, by striking lines 34 and 35.

Amendment H—5745 was adopted.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—5696 filed by Van Maanen, et al., on March 26, 1980, placing out of order amendment H—5703, to amendment H—5696, filed by Van Maanen of Mahaska on March 26, 1980.

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. 2538)

The ayes were, 98:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Anderson, R.                      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**  
(House File 2541)

Johnson of Howard asked and received unanimous consent to withdraw the motion to reconsider House File 2541, a bill for an act relating to hunter safety programs and subjecting violators to a penalty, filed by him on March 28, 1980.

**HOUSE FILE 2261 WITHDRAWN**

Lonergan of Boone asked and received unanimous consent to withdraw House File 2261 from further consideration by the House.

**House File 2553**, a bill for an act relating to the exemption of temporary food service establishments from inspections, was taken up for consideration.

De Groot of Lyon offered the following amendment H-5558 filed by De Groot, et al. :

H-5558

- 1 Amend House File 2553 as follows:
- 2 ↓. Page 1, by striking line 6 and inserting in
- 3 lieu thereof the following: "ments, which are annual
- 4 events of two days or less, from strict compliance
- 5 with the requirements of the".

Spear of Lee offered the following amendment H-5740, to amendment H-5558, filed by him and moved its adoption:

H-5740

- 1 Amend amendment H-5558 to House File 2553 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 "which are annual events of two days or less," and
- 4 inserting in lieu thereof the following: "which are



5 events of two days or less and are held not more often  
6 than once in a calendar year."

Amendment H—5740 was adopted.

Spear of Lee asked and received unanimous consent to reconsider the vote by which amendment H—5740 was adopted by the House and to defer action on amendments H—5740 and H—5558.

Johnson of Howard offered the following amendment H—5557 filed by Johnson, et al., and moved its adoption:

H—5557

1 Amend House File 2553 as follows:  
2 1. By inserting after line 12 the following new  
3 section:  
4 "Sec. . This Act, being deemed of immediate  
5 importance, shall take effect and be in force from and  
6 after its publication in the Charles City Press, a  
7 newspaper published in Charles City, Iowa, and in The  
8 Lyon County Reporter, a newspaper published in Rock  
9 Rapids, Iowa."

Amendment H—5557 was adopted.

Conlon of Muscatine offered the following amendment H—5785, to amendment H—5558, filed by him from the floor and moved its adoption:

H—5785

1 Amend amendment H—5558 to House File 2553 as  
2 follows:  
3 1. Page 1, line 3 and 4, by striking the words  
4 "which are annual events of two days or less," and  
5 inserting in lieu thereof the following: "which are  
6 events of three days or less and are held not more  
7 often than once in a calendar year,".

A non-record roll call was requested.

The ayes were 39, nays 51.

Amendment H—5785 lost.

The House resumed consideration of amendment H—5740, to amendment H—5558.

Spear of Lee moved the adoption of amendment H—5740, to amendment H—5558.

Amendment H—5740 was adopted.

De Groot of Lyon moved the adoption of amendment H—5558, as amended.

A non-record roll call was requested.

The ayes were 61, nays 28.

Amendment H—5558, as amended, was adopted.

Husak of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2553)

The ayes were, 94:

Anderson, J.	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Doyle                      Johnson, R.

Absent or not voting, 4:

Anderson, R.              Arnould                      Stromer                      West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

(Senate File 2118, and House Files 2538 and 2553)

Halvorson of Clayton asked and received unanimous consent that Senate File 2118, and House Files 2538 and 2553 be immediately messaged to the Senate.

On motion by Halvorson of Clayton, the House was recessed at 12:52 p.m., until 3:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee, for the afternoon session, on request of Crawford of Story.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2566**, a bill for an act relating to the receipt of livestock at a public livestock market for sale by auction upon delivery, was taken up for consideration.

Perkins of Greene asked and received unanimous consent to withdraw amendment H—5763 filed by him on March 28, 1980.

The following amendment H—5790 filed by Hinkhouse of Cedar from the floor was adopted by unanimous consent:

H—5790

- 1 Amend House File 2566 as follows:  
 2 1. Page 1, line 3, by striking the words "upon  
 3 delivery," and inserting in lieu thereof the words  
 4 ", upon delivery".

Spear of Lee offered the following amendment H—5769 filed by him and moved its adoption:

H—5769

- 1 Amend House File 2566 as follows:  
 2 1. Page 1, line 8, by striking the words "for  
 3 profit".

Amendment H—5769 was adopted.

Hinkhouse of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2566)

The ayes were, 89:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Clark, B.J.	Cochran	Conlon
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Weish	Woods
Mr. Speaker			

The nays were, 1:

Perkins

Absent or not voting, 10:

Anderson, R.	Byerly	Chiodo	Clark, J.H.
Connolly	Jesse	Rapp	Sherzan
Smalley	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:

Crawford of Story, for the remainder of the day, on request of Stromer of Hancock; Chiodo of Polk, for the remainder of the day, on request of Woods of Polk.

**House File 2508**, a bill for an act relating to the powers and duties of the director of the division of corrections, was taken up for consideration.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—5511 filed by him and Johnson of Howard on March 13, 1980.

Maulsby 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. 2508)

The ayes were, 93:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager

Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Anderson, R.	Chiodo	Clark, J.H.	Crawford
Jesse	Sherzan	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2501**, a bill for an act relating to the use of computers for the storage of court records, 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. 2501)

The ayes were, 86:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, B.J.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Menke	Millen
Miller	Mullins	Norland	O'Kane

Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Spear	Stromer
Swearingen	Thompson	Tofte	Van Maanen
Walter	Welden	Wells	Welsh
Woods	Mr. Speaker		

The nays were, 6:

Branstad	Johnson, J.	Maulsby	McKean
Renken	Smalley		

Absent or not voting, 8:

Anderson, R.	Chiodo	Clark, J.H.	Crawford
Jesse	Sherzan	Tyrrell	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2549**, a bill for an act allowing the executive council to purchase or condemn and lease land to be used as a site for a hazardous waste treatment or disposal facility, was taken up for consideration.

Howell of Floyd offered the following amendment H-5775 filed by him:

H-5775

- 1 Amend House File 2549 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 "Sec. 2. Acts of the Sixty-eighth General
- 5 Assembly, 1979 Session, chapter one hundred eleven (111),
- 6 section two (2), subsection three (3), is amended by
- 7 adding the following new lettered paragraph:
- 8 NEW LETTERED PARAGRAPH. "Hazardous waste" includes
- 9 materials the use of which has been prohibited by the
- 10 federal government or for which federal registration
- 11 has been suspended or canceled and containers for such
- 12 materials.
- 13 Sec. 3. Acts of the Sixty-eighth General Assembly,
- 14 1979 Session, chapter one hundred eleven (111), section
- 15 ten (10), is amended to read as follows:
- 16 Sec. 10. NEW SECTION. AGRICULTURAL CHEMICALS. A
- 17 person using or disposing of federally ~~approved~~ registered
- 18 agricultural chemicals or the empty containers ~~thereof~~ shall

19 from federally registered agricultural chemicals is not be  
 20 in violation of this Act by reason of such use or disposal  
 21 provided that if the person:

22 1. Applies or disposes of the chemicals in accordance  
 23 with the manufacturer's instructions, and  
 24 2. Triple rinses each chemical container after it has  
 25 been emptied and uses the rinsate rinsing as makeup water  
 26 in a tank-mix and applies the mix to cropland at an application  
 27 rate that does not exceed the manufacturer's instructions.

28 The department shall act as a coordinating agency for  
 29 plans relating to the disposal of federally registered  
 30 agricultural chemicals the use or sale of which is prohibited  
 31 by the federal government or for which federal registration  
 32 is suspended or canceled and shall assist persons in the  
 33 location of hazardous waste disposal sites for the disposal  
 34 of the chemicals and their containers."

35 2. By renumbering sections as necessary.

Poffenberger of Dallas rose on a point of order that amendment H-5775 was not germane.

The Speaker ruled the point well taken and amendment H-5775 not germane.

Howell of Floyd moved that the rules governing germaneness be suspended to consider and adopt amendment H-5775.

A non-record roll call was requested.

The ayes were 39, nays 51.

The motion lost.

Spear of Lee offered the following amendment H-5735 filed by him and moved its adoption:

H-5735

- 1 Amend House File 2549 as follows:
- 2 1. Page 1, by striking lines 34 and 35.

Amendment H-5735 was adopted.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2549)



## The ayes were, 84:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, B.J.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Cusack	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Ritsema
Schneklloth	Schroeder	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker

## The nays were, 9:

Branstad	Daggett	Johnson, R.	Lura
Maulsby	McKean	Renken	Tyrrell
Van Maanen			

## Absent or not voting, 7:

Anderson, R.	Chiodo	Clark, J.H.	Crawford
Jesse	Sherzan	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## SENATE FILE 2317 SUBSTITUTED FOR HOUSE FILE 2526

Pelton of Clinton asked and received unanimous consent to substitute Senate File 2317 for House File 2526.

**Senate File 2317**, a bill for an act to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties, was taken up for consideration.

Pelton of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2317)

The ayes were, 88:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Pope	Rapp
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker

The nays were, 3:

Cusack	Kirkenslager	Maulsby
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Absent or not voting, 9:

Anderson, R.	Chiodo	Clark, J.H.	Crawford
Hall	Jesse	Poffenberger	Sherzan
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2542**, a bill for an act providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification, was taken up for consideration.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 2542)

The ayes were, 91:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	Woods	Mr. Speaker	

The nays were, 2:

Cusack                      Husak

Absent or not voting, 7:

Anderson, R.	Chiodo	Clark, J.H.	Crawford
Jesse	Sherzan	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 2526 WITHDRAWN

Pelton of Clinton asked and received unanimous consent to withdraw House File 2526 from further consideration by the House.

## Unfinished Business Calendar

**House File 2514**, a bill for an act to amend chapter one hundred forty-seven (147) of the Code so as to establish packaging, labeling

and record keeping requirements for physicians, dentists and podiatrists who dispense prescription drugs, was taken up for consideration.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—5632 filed by him on March 20, 1980.

Kirkenslager of Des Moines asked and received unanimous consent to withdraw amendment H—5634 filed by him on March 20, 1980.

Kirkenslager of Des Moines offered the following amendment H—5675 filed by Kirkenslager, et al. :

H—5675

1 Amend House File 2514 as follows:  
 2 1. Page 1, by striking lines 4 through 8 and  
 3 inserting in lieu thereof the following:  
 4 "Sec. 2. NEW SECTION. As used in this title,  
 5 "dispense" means the preparation, delivery, and distri-  
 6 bution of a prescription drug pursuant to a lawful order  
 7 of a practitioner in a suitable container appropriately  
 8 labeled for subsequent administration to or use by a  
 9 patient or other individual entitled to receive the  
 10 prescription drug. Nothing contained in this definition  
 11 shall be construed to prevent practitioners or pharmacists  
 12 from delegating non-judgmental or mechanical functions  
 13 to agents of the practitioner or pharmacist under his or  
 14 her direction and supervision, including dispensing  
 15 controlled substances under Chapter 204 of the Code, in  
 16 accordance with the rules adopted by the examining board  
 17 licensing the practitioner or pharmacist, any other  
 18 provisions of the law to the contrary notwithstanding."

Kirkenslager of Des Moines offered amendment H—5708, to amendment H—5675, filed by him and Arnould of Scott. Division was requested as follows:

H—5708

1 Amend amendment H—5675 to House File 2514 as  
 2 follows:

H—5708A

3 1. Page 1, line 11, by inserting after the word  
 4 "construed" the words "to affect the delivery,  
 5 distribution or administration of drugs in hospitals

6 licensed pursuant to Chapter one hundred thirty-five  
7 B (135B) and health care facilities licensed pursuant  
8 to Chapter one hundred thirty-five C (135C) of the  
9 Code or”.

H—5708B

10 2. Page 1, line 12, by inserting after the word  
11 “functions” the words “to qualified hospital person-  
12 nel, or”.

Kirkenslager of Des Moines moved the adoption of amendment  
H—5708A, to amendment H—5675.

A non-record roll call was requested.

The ayes were 52, nays 31.

Amendment H—5708A was adopted.

Kirkenslager of Des Moines moved the adoption of amendment  
H—5708B, to amendment H—5675.

Amendment H—5708B was adopted.

Kirkenslager of Des Moines moved the adoption of amendment  
H—5675, as amended.

Amendment H—5675, as amended, was adopted.

Lind of Black Hawk asked and received unanimous consent to  
withdraw amendment H—5690 filed by him on March 25, 1980.

Miller of Buchanan offered the following amendment H—5414  
filed by him and moved its adoption:

H—5414

1 Amend House File 2514 as follows:  
2 1. Page 2, by inserting after line 4 the following:  
3 “6. If the United States food and drug  
4 administration has classified the drug being dispensed  
5 as ineffective, either in general or with respect  
6 to the purpose for which the practitioner is dispensing  
7 that drug, the label shall contain a statement to  
8 that effect.”

Amendment H—5414 was adopted.

Cochran of Webster asked and received unanimous consent to withdraw amendment H—5606 filed by him on March 19, 1980.

Cochran of Webster offered the following amendment H—5605 filed by him and moved its adoption:

H—5605

1 Amend House File 2514 as follows:

2 1. Page 2, by inserting after line 28 the  
3 following:

4 "Sec. . NEW SECTION. The board of pharmacy  
5 examiners shall be designated by the appropriate  
6 examining board, through an interagency agreement,  
7 to inspect each dispensing practitioner's office for  
8 compliance with the provisions of this Act.

9 1. Upon properly identifying himself or herself,  
10 an authorized agent or employee of the board of  
11 pharmacy examiners shall be permitted to enter and  
12 inspect a dispensing practitioner's pharmaceutical  
13 service at any reasonable hour when the agent or  
14 employee deems the inspection necessary under this  
15 section.

16 2. Following any inspection made under this  
17 section, if the board of pharmacy examiners concludes  
18 that there are deficiencies in a dispensing  
19 practitioner's compliance with the provisions of this  
20 Act, it shall consult with and furnish a written  
21 report of its findings and recommendations to the  
22 appropriate examining board. The examining board  
23 shall take such action as it deems necessary with  
24 respect to the findings and recommendations of the  
25 board of pharmacy examiners."

Amendment H—5605 lost.

Diemer of Black Hawk offered the following amendment H—5531 filed by him and moved its adoption:

H—5531

1 Amend House File 2514 as follows:

2 1. Page 2, by striking lines 29 and 30.

Amendment H—5531 was adopted.

Kirkenslager 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. 2514)

The ayes were, 88:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonerger	Lorenzen	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	Woods	Mr. Speaker

The nays were, 4:

Hansen, I.	Lura	Pelton	Smalley
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Absent or not voting, 8:

Anderson, R.	Chiodo	Clark, J.H.	Crawford
Sherzan	Welden	Welsh	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Halvorson of Clayton asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 2566, 2508, 2501, 2549, 2542, 2514 and Senate File 2317.

## HOUSE CONCURRENT RESOLUTION 123

By Maulsby

- 1 *Be It Resolved by the House of Representatives, the*  
 2 *Senate Concurring,* That all state executive, judicial  
 3 and legislative departments and independent and autonomous  
 4 agencies are requested to institute an immediate freeze  
 5 on new hiring, salary increases, expansion of existing  
 6 programs and institution or new programs, beyond those  
 7 mandated by law, until specific action is taken by this  
 8 or a subsequent General Assembly to authorize further  
 9 hiring, salary increases and program expansion and  
 10 institution.

Laid over under Rule 30.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five students from Zion Lutheran School, Wilton, accompanied by Robert J. Haag and Willis H. Clausen. By Conlon of Muscatine.

Eight twelfth grade students from Keota Community School, Keota, accompanied by Don Homan. By Swearingen of Keokuk.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

- |         |   |
|---------|---|
| 1980-35 | Assumption Knights Boys Basketball Team           |
| 1980-36 | University of Iowa Basketball Team                |
| 1980-37 | Dike High School Boys Basketball Team             |
| 1980-38 | Dubuque Wahlert Boys Basketball Team              |
| 1980-39 | Waterloo Central High School Boys Basketball Team |

DAVID L. WRAY  
 Chief Clerk of the House



**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 28, 1980 he approved and transmitted to the Secretary of State the following bill:

Senate File 500, an act relating to the franchise tax on financial institutions, its imposition and rates, the definition of net income, providing a corresponding adjustment in interest rates for government bonds and making certain provisions of the Act retroactive.

**GOVERNOR'S ITEM VETO MESSAGE**  
(Senate File 2241)

March 28, 1980

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2241, an act relating to appropriations for the fiscal years beginning July 1, 1979 and 1980, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

Senate File 2241 is approved March 28, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 19 which reads as follows:

Sec. 19. The appropriation from the general fund of the state to the department of social services made for the fiscal year beginning July 1, 1979 and ending June 30, 1980 by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), is reduced by six hundred ten thousand (610,000) dollars.

I am unable to approve the item designated as Section 30 which reads as follows:

Sec. 30. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under sections eighteen (18) and twenty (20) of this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under sections eighteen (18) or twenty (20) of this Act which exists on June 30, 1980 shall revert to the fund from which it was appropriated.

As reasons for this disapproval I submit the following:

The purpose of Section 19 of this bill is to reduce the FY 1980 medical assistance (Title XIX) appropriation by \$610,000. The Department of Social Services believes that such a reduction can be made without adversely affecting this medical assistance program.

On the other hand, this bill does not appropriate sufficient funds to cover the anticipated increase in the Aid to Dependent Children caseload. This deficiency can be partially met by retaining the \$610,000 in this bill and making a fund transfer under Section 8.39 of the Iowa Code. The Chairmen of the Social Services Appropriations Subcommittees concur in this course of action.

While as Governor I have used this transfer authority sparingly and have not used it at all during this fiscal year, I do believe it should be employed on occasion when a mandated program must be funded and the appropriation is insufficient. This option needs to be available in this case.

It is difficult to estimate accurately the costs of the medical assistance and the Aid to Dependent Children programs. The legislature has tended to regard these two appropriations as though they were standing unlimited appropriations due to the difficulty in estimating their final costs. While it is always hoped that adjustments at the end of the year will not be necessary for the ADC and medical assistance programs, it seldom happens.

Since the time I submitted our budget recommendations to the General Assembly and the Social Services Appropriations Subcommittees acted upon the requests, the Department of Social Services has reported that the current caseload is 102,300, which is 4,000 persons more on a per-month average than was estimated in January. In addition to the \$4,570,000 contained in this bill, the Department of Social Services estimates that slightly more than \$1,000,000 will be necessary to maintain current benefit levels for the remainder of this fiscal year.

The under-funding in ADC and the surplus in medical assistance just discussed underscores the need for flexibility in the executive branch once legislative appropriations have been made. Section 30 of this bill restricts the Governor and State Comptroller's authority to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The transfer authority provides flexibility to make necessary adjustments when unforeseen or changing circumstances arise.

Previously, I have vetoed limitations on the transfer authority. The law contains safeguards giving the legislature an opportunity to review and comment on any proposed transfer. We have accepted and respected such comments, and, indeed, several transfers have been modified or eliminated following receipt of recommendations from legislators.

In 1969 the people of this State voted to amend the Constitution of the State of Iowa to allow the Governor to "disapprove any item" of an appropriation bill. Since then there have been several court cases and a number of Attorney General opinions which have attempted to demarcate this gubernatorial authority. Throughout those discussions runs the thread of separability, that is, will the vetoed item alter positively or negatively the function of the appropriation to which it is purportably attached? If there remains no "scar tissue" from excising such a provision, then assuredly it is an item within the meaning of the Iowa Constitution.

In this bill, Section 30 is totally unrelated to Sections 18 and 20. Its deletion will not in any manner effect the purposes of those appropriations. While we do not anticipate making transfers from the appropriations affected by Section 30, nonetheless, the restriction violates the transfer authority established by law and sets a bad precedent. I would hope that the legislative branch would want to work with the executive branch in determining budget policy without circumventing a statutory authority allowing limited flexibility which is indeed desirable to implement the budget effectively.

For these 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 Senate File 2241 are hereby approved this date.

Sincerely,

Robert D. Ray  
Governor

**PROOF OF PUBLICATION**  
(Senate File 2219)

Published copy of Senate File 2219 and verified proof of publication of said bill in the Waterloo Courier, a daily newspaper printed and published in Waterloo, Black Hawk County, Iowa on February 13, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**AMENDMENTS FILED**

H-5781	S.F. 2293	Lloyd-Jones of Johnson Davitt of Warren
H-5782	S.F. 2320	Tyrrell of Iowa Renken of Grundy De Groot of Lyon Maulsby of Calhoun
H-5783	S.F. 2320	Tyrrell of Iowa Johnson of Howard Branstad of Winnebago Crabb of Crawford Renken of Grundy De Groot of Lyon Maulsby of Calhoun
H-5784	S.F. 2232	Pellett of Cass Crabb of Crawford
H-5786	H.F. 2576	Schnekloth of Scott
H-5787	S.F. 431	Miller of Buchanan Clark of Cerro Gordo

H-5788	H.F. 2559	Lorenzen of Scott
H-5789	S.F. 333	De Groot of Lyon
H-5791	H.F. 2559	Schroeder of Pottawattamie
		Hoffmann of Muscatine
H-5792	S.F. 2291	Krewson of Polk
H-5793	S.F. 358	Stromer of Hancock
H-5794	S.F. 2273	Welden of Hardin
		Cusack of Scott
H-5795	H.F. 2551	Lind of Black Hawk
		Brandt of Black Hawk
		Diemer of Black Hawk
H-5796	H.F. 2559	Halvorson of Webster
H-5797	H.F. 2556	Tyrrell of Iowa

On motion by Halvorson of Clayton, the House adjourned at 5:49 p.m., until 9:00 a.m., Tuesday, April 1, 1980.

# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day — Fifty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 1, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Orrin T. Potter, pastor of the United Methodist Church, De Witt.

The Journal of Monday, March 31, 1980 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Davitt of Warren, from ninety constituents of the 58th district favoring House File 2514, an act to amend chapter one hundred forty-seven of the Code so as to establish packaging, labeling and record keeping requirements for physicians, dentists and podiatrists who dispense prescription drugs.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2277, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services.

FRANK J. STORK, Secretary

## SENATE AMENDMENT TO HOUSE FILE 2277

H-5798

- 1 Amend House File 2277 as follows:
- 2 1. Page 1, by striking lines 7 and 8 and inserting
- 3 in lieu thereof the following: "under the jurisdiction

4 of the department of social services may be temporarily  
 5 released. However, a class "A" felon shall not be  
 6 eligible for furlough unless his or her sentence has  
 7 been commuted to a term of years and unless the parole  
 8 board recommends the commencement of gradual release."

On motion by Halvorson of Clayton, the House was recessed at 9:12 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

#### HOUSE CONCURRENT RESOLUTION 124

By Branstad, Bennett, Tyrrell, De Groot, Van Maanen, Mautsby, Anderson of Audubon, Schnekloth, Lorenzen, Hansen of O'Brien, Pellett, Menke, Danker, McKean, Lageschulte, Johnson of Woodbury, Corey, Renken, Johnson of Howard, Hanson of Delaware, Swearingen, Shull, Diemer, Lura, Smalley, Lind, Holt, Johnson of Linn, Thompson, Millen, Crabb, Halvorson of Clayton, Conlon, Pope, Schroeder, Clark of Cerro Gordo, Tofte, Mullins, Pelton, Shimanek, Krewson, Ritsema, Stromer, Poffenberger, Egenes, Welden, Daggett, Larsen, Kirkenslager, Harbor and West

1 *Whereas*, the President of the United States has imposed  
 2 a grain embargo that has had severe repercussions on the  
 3 economy of the nation; and

4 *Whereas*, this policy has had a disastrous effect on  
 5 the economy of rural Iowa and has resulted in a declining  
 6 market for farm commodities; and

7 *Whereas*, extreme inflationary pressure, coupled with  
 8 rapidly rising fuel and fertilizer prices, record high  
 9 interest rates and an apparent cheap food policy, have  
 10 forced the liquidation of cow herds and other breeding  
 11 stock and have brought many farmers to the brink of bank-  
 12 ruptcy; and

13 *Whereas*, assurances that necessary steps have been  
 14 taken to lessen the economic effect of the embargo have not  
 15 been accompanied by timely and effective action by the  
 16 Department of Agriculture; and

17 *Whereas*, the Department of Agriculture has refused to  
 18 provide for the set-aside of crop acres for the coming crop  
 19 year and has even started to sell back grain contracts acquired  
 20 to protect the large grain companies at the time of the  
 21 embargo, in spite of present severely depressed market conditions  
 22 resulting in even greater losses for farmers; *Now Therefore*,

23 *Be It Resolved by the House of Representatives; the*  
 24 *Senate Concurring*, That the general assembly requests that

25 the embargo of the sale of agricultural products to the Soviet  
26 Union be lifted;

**Page 2**

1 *Be It Further Resolved*, That the chief clerk of the  
2 house of representatives and the secretary of the senate  
3 provide copies of this resolution to the President of the  
4 United States, the Secretary of Agriculture and members  
5 of the Iowa congressional delegation.

Laid over under Rule 30.

**UNANIMOUS CONSENT**

Halvorson of Clayton asked and received unanimous consent to take up out of order House File 2551.

The House stood at ease at 1:38 p.m., until the fall of the gavel.

The House resumed session at 2:57 p.m., Speaker Harbor in the chair.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 2551**, a bill for an act relating to the calculation of the state percent of growth for school foundation aid purposes, was taken up for consideration.

Lind of Black Hawk offered the following amendment H—5795 filed by Lind, et al., and moved its adoption:

H—5795

1 Amend House File 2551 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section four hundred forty-two point  
5 seven (442.7), subsection five (5), paragraph a, Code  
6 1979, as amended by Acts of the Sixty-eighth General  
7 Assembly, 1979 Session, chapter one hundred six (106),  
8 section ten (10), and as the section is amended by  
9 Acts of the Sixty-eighth General Assembly, 1979  
10 Session, chapter one hundred six (106), sections six  
11 (6) through nine (9), is amended by striking the  
12 paragraph and inserting in lieu thereof the following:  
13 a. If the state cost per pupil for the budget

14 year exceeds the district cost per pupil for the  
 15 budget year, the basic allowable growth per pupil  
 16 for the budget year is modified to equal one hundred  
 17 ten percent of the product of the state cost per pupil  
 18 for the base year times the state percent of growth  
 19 for the budget year. However, the basic allowable  
 20 growth per pupil for the budget year under this  
 21 paragraph shall not exceed the difference between  
 22 the state cost per pupil for the budget year and the  
 23 district cost per pupil for the budget year. For  
 24 purposes of this paragraph the state cost per pupil  
 25 and the district cost per pupil shall not include  
 26 special education support service costs, and the  
 27 district cost per pupil for the budget year shall  
 28 not include that portion of the district cost per  
 29 pupil created by additions or subtractions to the  
 30 allowable growth per pupil for the budget year and  
 31 for prior school years beginning with the school year  
 32 commencing July 1, 1977, as provided under paragraph  
 33 b of this subsection."

34 2. Page 2, by inserting after line 3 the following  
 35 section:

36 "Sec . Section four hundred forty-two point  
 37 nine (442.9); subsection one (1), paragraph a, Code  
 38 1979, is amended by adding the following new unlettered  
 39 paragraph:

40 NEW UNLETTERED PARAGRAPH. However, district cost  
 41 per pupil does not include additional allowable growth  
 42 added for programs for gifted and talented children  
 43 under this chapter and does not include additional  
 44 allowable growth established by the school budget  
 45 review committee for a single school year only."

46 3. Title, line 2, by inserting after the word  
 47 "growth" the words "and basic allowable growth per  
 48 pupil".

49 4. By renumbering sections and internal references  
 50 as necessary.

**Amendment H—5795 was adopted.**

Stromer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2551)

The ayes were, 97:

Anderson, J.  
Bennett

Anderson, R.  
Bina

Arnould  
Binneboese

Avenson  
Branstad



Bruner	Byerly	Chiодо	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Conhors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	ShimaneK	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Brandt                      Diemer                      West

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:

Brandt of Black Hawk, for a portion of the afternoon, on request of Perkins of Greene.

**House File 2559**, a bill for an act relating to the purchase of energy efficient products by the state, was taken up for consideration.

Howell of Floyd offered the following amendment H — 5774 filed by him:

H—5774

- 1 Amend House File 2559 as follows:
- 2 1. Page 1, by inserting after line 15 the
- 3 following:
- 4 "Sec. 2. Section eighteen point eight (18.8),
- 5 Code 1979, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. All new or replacement
- 8 lighting provided by the director after January 1, 1981,
- 9 shall be of the full-spectrum type. For purposes of
- 10 this chapter, "full-spectrum" means lighting which
- 11 simulates at least 91 percent of the spectrum of
- 12 natural daylight."
- 13 2. By renumbering sections as necessary.

Pelton of Clinton rose on a point of order that amendment H—5774 was not germane.

The Speaker ruled the point well taken and amendment H—5774 not germane.

Howell of Floyd moved that the rules governing germaneness be suspended to consider and adopt amendment H—5774.

A non-record roll call was requested.

The ayes were 34, nays 50.

The motion lost.

Lorenzen of Scott offered the following amendment H—5771 filed by him:

H—5771

- 1 Amend House File 2559 as follows:
- 2 1. Page 1, line 19, by inserting before the word
- 3 "The" the letter "a."
- 4 2. Page 1, by striking lines 28 through 33 and
- 5 inserting in lieu thereof the following: "price
- 6 approved by the executive council.
- 7 b. Commencing in 1981, the average combined city
- 8 and highway estimated miles per gallon for all new
- 9 motor vehicles purchased by the state vehicle
- 10 dispatcher, the state department of transportation,
- 11 institutions under the state board of regents, the

12 commission for the blind and other state agencies  
13 that purchase motor vehicles for their own use during  
14 the calendar year shall be at least twenty-five.  
15 The estimated miles per gallon as computed by the  
16 United States environmental protection agency shall  
17 be used in determining the miles per gallon rating  
18 for a particular motor vehicle.

19 c. The state vehicle dispatcher and purchasing  
20 agents for the state department of transportation,  
21 institutions under the state board of regents, the  
22 commission for the blind and other state agencies  
23 that purchase their own motor vehicles shall report  
24 the number of gallons of fuel purchased and the miles  
25 driven annually in January to the general assembly.

26 d. The general assembly shall consider each session  
27 whether the average combined city and highway estimated  
28 miles per gallon should be increased.

29 e. Vehicles purchased for use by the department  
30 of public defense and the department of public safety  
31 may be excluded in computing the average miles per  
32 gallon rating for the state motor vehicle fleet."

Lorenzen of Scott offered the following amendment H—5788, to amendment H—5771 filed by him and moved its adoption:

H—5788

1 Amend the amendment, H—5771, to House File 2559

2 as follows:

3 1. Page 1, line 9, by striking the words "motor  
4 vehicles" and inserting in lieu thereof the word  
5 "cars".

6 2. Page 1, line 13, by striking the words "motor  
7 vehicles" and inserting in lieu thereof the words  
8 "new cars".

9 3. Page 1, line 18, by striking the words "motor  
10 vehicle" and inserting in lieu thereof the words "new  
11 car".

12 4. Page 1, line 23, by striking the words "motor  
13 vehicles" and inserting in lieu thereof the words  
14 "new cars".

Amendment H—5788 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5791, to amendment H—5771, filed by him and Hoffmann of Muscatine and moved its adoption:

H-5791

- 1 Amend amendment H-5771 to House File 2559 as follows:
- 2 1. Page 1, line 10, by striking the words
- 3 "state department of transportation,".
- 4 2. Page 1, line 20, by striking the words "state
- 5 department of transportation,".

Amendment H-5791 lost.

Lorenzen of Scott moved the adoption of amendment H-5771, as amended.

Roll call was requested by Schroeder of Pottawattamie and Pelton of Clinton.

On the question "Shall amendment H-5771, as amended, be adopted?"

The ayes were, 76:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Crawford	Cusack
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Larsen	Lloyd-Jones
Lonerger	Lorenzen	Lura	McKean
Menke	Miller	Mullins	O'Kane
Patchett	Pavich	Pellett	Pelton
Perkins	Pope	Rapp	Ritsema
Schneklath	Shimanek	Shull	Smalley
Spear	Tyrrell	Walter	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 21:

Corey	Crabb	Daggett	Hansen, I.
Hinkhouse	Hoffmann	Holt	Kirkenslager
Lind	Maulsby	Millen	Norland
Oxley	Poffenberger	Renken	Schroeder
Sherzan	Swearingen	Thompson	Tofte
Van Maanen			

Absent or not voting, 3:

Egenes

Stromer

Welden

Amendment H—5771, as amended, was adopted.

Kirkenslager of Des Moines offered the following amendment H—5575 filed by Kirkenslager, et al. :

H—5575

- 1 Amend House File 2559 as follows:
- 2 1. On Page 1, by striking line 33 and inserting
- 3 in lieu thereof the following: "responsible bidder.
- 4 All motor vehicles purchased shall be manufactured
- 5 or assembled in the United States."

Lind of Black Hawk offered the following amendment H—5604, to amendment H—5575, filed by him and moved its adoption:

H—5604

- 1 Amend amendment H—5575 to House File 2559, as
- 2 follows:
- 3 1. On Page 1, line 5, by inserting before the
- 4 period the following: "or in a country whose
- 5 government was a part of the United Nations
- 6 alliance during World War Two".

A non-record roll call was requested.

The ayes were 21, nays 71.

Amendment H—5604 lost.

Hanson of Delaware rose on a point of order that amendment H—5575 was not germane.

The Speaker ruled the point well taken and amendment H—5575 not germane.

Kirkenslager of Des Moines moved that the rules governing germaneness be suspended to consider and adopt amendment H—5575.

Roll call was requested by Bina of Scott and Walter of Pottawat-tamie.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider and adopt amendment H—5575?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Kirkenslager	Larsen	Lloyd-Jones
Lonerган	O'Kane	Rapp	Patchett
Pavich	Perkins	Rapp	Spear
Walter	Wells	Welsh	Woods

The nays were, 56:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

Absent or not voting, none.

The motion lost.

Howell of Floyd offered the following amendment H—5546 filed by him:

H-5546

1 Amend House File 2559 as follows:

2 1. Page 1, by inserting after line 33 the  
3 following:

4 "Sec. 3. Chapter eighteen (18), Code 1979, is  
5 amended by adding sections four (4) through seven  
6 (7) of this Act.

7 Sec. 4. NEW SECTION. PURPOSE. The general  
8 assembly declares that it is the policy of the state  
9 wherever practical to conserve and protect natural  
10 resources and to encourage the use of recycled  
11 materials. It is the purpose of this Act to increase  
12 the use of recovered materials by providing a market  
13 for them and by setting an example for industry and  
14 local governments to follow. Mandated purchases of  
15 recycled materials on the state level are an extension  
16 of procurement policies outlined in the federal  
17 Resource Conservation and Recovery Act of 1976.

18 Sec. 5. NEW SECTION. DEFINITIONS. As used in  
19 this Act unless the context otherwise requires:

20 1. "Paper products" means paper and woodpulp  
21 products.

22 2. "Recycled paper products" means paper products  
23 composed by weight of at least fifty percent secondary  
24 waste and ten percent postconsumer waste.

25 3. "Postconsumer waste" means a finished item  
26 that would normally be disposed of as a solid waste  
27 having completed its life cycle as a consumer item.

28 4. "Secondary waste" means fragments of products  
29 or finished products of a manufacturing process that  
30 has converted a virgin resource into a commodity of  
31 real economic value. "Secondary waste" includes  
32 postconsumer waste, but does not include mill broke,  
33 wood slabs, chips, sawdust or other wood residue from  
34 a manufacturing process.

35 Sec. 6. NEW SECTION. PURCHASE OF RECYCLED  
36 MATERIALS.

37 1. The department shall establish procedures and  
38 bid specifications for state purchases of paper  
39 products to give preference, when feasible, to the  
40 purchase of recycled paper products.

41 2. Notwithstanding the provisions of section  
42 eighteen point six (18.6), subsection one (1) of the  
43 Code, the department shall give preference to the  
44 suppliers of recycled paper products if the bids of  
45 the suppliers do not exceed by more than five percent  
46 the lowest bid or price quoted by suppliers offering  
47 nonrecycled paper products. This preference require-  
48 ment applies for five years beginning on the effective  
49 date of this Act.

50 3. The director shall review the bid specifications

**Page 2**

- 1 used by the department to eliminate, when economically
- 2 feasible, discrimination against the procurement of
- 3 recycled materials.
- 4 Sec. 7. NEW SECTION. GOVERNMENTAL SUBDIVISIONS.
- 5 Governmental subdivisions and state agencies exempt
- 6 from centralized purchasing shall purchase recycled
- 7 paper products when the cost, fitness and quality
- 8 of the recycled paper products are equal to the cost,
- 9 fitness and quality of unrecycled paper products."
- 10 2. By renumbering sections to conform to this
- 11 amendment.

De Groot of Lyon rose on a point of order that amendment H—5546 was not germane.

The Speaker ruled the point well taken and amendment H—5546 not germane.

Howell of Floyd moved that the rules governing germaneness be suspended to consider and adopt amendment H—5546.

A non-record roll call was requested.

The ayes were 41, nays 53.

The motion lost.

Howell of Floyd offered the following amendment H—5773 filed by him:

H—5773

- 1 Amend House File 2559 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 "Sec. 3. Chapter three hundred seven (307), Code
- 5 1979, is amended by adding the following new section:
- 6 NEW SECTION. OIL RECYCLING. The department shall
- 7 collect and retain the oil which has been used in its
- 8 vehicles when that oil is changed at a service facility
- 9 of the department. The department shall make its
- 10 service facilities available for the storage of used
- 11 motor vehicle oil collected by members of the public.
- 12 The department may use the used oil for road surfacing
- 13 or sell the used oil to a person for re-refining."
- 14 2. By renumbering sections as necessary.



De Groot of Lyon rose on a point of order that amendment H-5773 was not germane.

The Speaker ruled the point well taken and amendment H-5773 not germane.

Cusack of Scott moved that the rules governing germaneness be suspended to consider and adopt amendment H-5773.

Roll call was requested by Anderson of Jasper and Cusack of Scott.

On the question "Shall the rules be suspended to consider and adopt amendment H-5773?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Connolly	Connors	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hanson, D.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Loneragan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Spear	Walter	Wells
Welsh	Woods		

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egens	Halvorson, R.A.	Hansen, I.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellet	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 4:

Chiodo	Cochran	Johnson, R.	Lloyd-Jones
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The motion lost.

Halvorson of Webster offered the following amendment H—5796 filed by him and moved its adoption:

H—5796

- 1 Amend House File 2559 as follows:
- 2 1. Page 1, by striking lines 34 and 35.

Amendment H—5796 was adopted.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2559)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lloyd-Jones	Loneragan	Lorezen	Lura
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Tyrrell
Van Maanen	Walter	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, 6:

Byerly	Crabb	Lind	Millen
Tofte	Wejden		

Absent or not voting, 3:

Brandt                      Chiodo                      Thompson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2494**, a bill for an act to redesignate the name and duties of the Iowa crime commission and transfer the staff to the department of public safety, was taken up for consideration.

Conlon of Muscatine offered the following amendment H—5385 filed by him and Larsen of Wapello and moved its adoption:

H—5385

- 1 Amend House File 2494 as follows:
- 2 1. Page 2, by striking lines 18 through 20,
- 3 and by inserting in lieu thereof the following:
- 4 "of its progress with the governor, and shall present
- 5 a an economically designed and printed annual report
- 6 to each annual session such members of the general
- 7 assembly as request it, which report shall include
- 8 but shall not be limited to identification of all
- 9 grant".

Amendment H—5385 was adopted.

Hoffmann of Muscatine offered the following amendment H—5761 filed by her and Crawford of Story and moved its adoption:

H—5761

- 1 Amend House File 2494 as follows:
- 2 1. Page 3, by striking lines 2 through 7, and
- 3 inserting in lieu thereof the words "the executive
- 4 director of the commission. The auditor of state
- 5 shall audit the council's records. The grant
- 6 recipients shall contract with the auditor of state
- 7 or certified or registered public accountants for
- 8 an audit of federal and state funds in conformance
- 9 with the Justice System Improvement Act of 1979, and
- 10 office of management and budget circulars A-102 and
- 11 A-110. The grant recipient shall be responsible for
- 12 the cost of the audit."

Amendment H—5761 was adopted.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2494)

The ayes were, 99:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Weiden	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Anderson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2555**, a bill for an act making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals and civil appeals more uniform and consistent, was taken up for consideration.

Spear of Lee offered the following amendment H—5770 filed by him and moved its adoption:

H—5770

- 1 Amend House File 2555 as follows:
- 2 1. Page 3, line 15, by inserting after the word
- 3 "occurred" the words ", unless the appeal or
- 4 application was taken with regard to an offense
- 5 committed while the defendant was incarcerated in
- 6 a state correctional institution, in which case the
- 7 costs shall be taxed to the state".

Amendment H—5770 was adopted.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2555)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Chiodo

Hummel

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGES**  
(House Files 2551, 2559, 2494 and 2555)

Halvorson of Clayton asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 2551, 2559, 2494 and 2555.

**UNANIMOUS CONSENT**

Halvorson of Clayton asked and received unanimous consent that the following members be recorded as voting "aye" on the bills listed: House File 2559, Cochran of Webster, Larsen of Wapello and Lloyd-Jones of Johnson; House Files 2494 and 2555, Cochran of Webster, Larsen of Wapello, Lloyd-Jones of Johnson, McKean of Jones and Smalley 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 1st day of April, 1980: House Files 2181, 2355, 2357 and 2365.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Tuesday afternoon, April 1, 1980. Had I been present, I would have voted "aye" on House File 2551.

DIEMER of Black Hawk

**COMMUNICATION RECEIVED**

The following communication has been received and is on file in the office of the Chief Clerk:

**COMMISSION ON PROFESSIONAL AND  
OCCUPATIONAL REGULATION**

The annual report submitted by the Commission on Professional and Occupational regulation.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE**

**Senate File 2189**, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

**Recommended Amend and Do Pass.**

H—5799

- 1 Amend Senate File 2189, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 17, by striking the words "pursuant
- 4 to administrative rule".
- 5 2. Page 4, by striking lines 21 through 28.

**Senate File 2282**, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, and including a correlating amendment removing the limitation on the tax levy authorized by section three hundred fifty-eight point twenty-one (358.21) of the Code with respect to interest-bearing obligations issued under that section.

**Recommended Amend and Do Pass.**

H—5803

- 1 Amend Senate File 2282, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by inserting after the word

4 "municipalities" the words "and cities".

5 2. Page 2, by striking line 13 and inserting in  
6 lieu thereof the words and figures "tion seventy-four  
7 point one (74.1), subsection one (1) of the Code shall  
8 bear".

9 3. Page 2, line 31, by striking the word "must"  
10 and inserting in lieu thereof the word "shall".

11 4. Page 4, line 3, by striking the word and figure  
12 "seven (7)" and inserting in lieu thereof the word  
13 and figure "nine (9)".

14 5. Page 4, line 31, by inserting after the figure  
15 "(14)" the words and figure ", subsection two (2)".

16 6. Page 5, line 26, by inserting after the figure  
17 "(14)" the words and figure ", subsection two (2)".

18 7. Page 6, by striking lines 1 through 16 and  
19 inserting in lieu thereof the following:  
20 "2. The committee shall adopt rules pursuant to  
21 chapter seventeen A (17A) of the Code establishing  
22 the annual interest rate to be applicable to  
23 obligations referred to in section ten (10) of this  
24 Act, and the maximum annual interest rate to be  
25 applicable to obligations referred to in section  
26 twelve (12) of this Act.

27 3. The committee shall adopt rules pursuant to  
28 section seventeen A (17A) of the Code establishing  
29 recommended rates, or formulae for determining  
30 recommended rates, to be applicable to obligations  
31 referred to in sections eleven (11) and fifteen (15)  
32 of this Act."

33 8. Page 6, lines 18 and 19, by striking the words  
34 and figure "subsection two (2)" and inserting in lieu  
35 thereof the words and figures "subsections two (2)  
36 and three (3)".

37 9. Page 7, by striking lines 3 through 6 and  
38 inserting in lieu thereof the words "in this section."

39 10. Page 44, lines 33 and 34, by striking the  
40 words and figure "rules issued under section fourteen  
41 (14)" and inserting in lieu thereof the words and  
42 figure "section eleven (11)".

43 11. Page 45, by striking lines 2 through 8 and  
44 inserting in lieu thereof the following:

45 "Sec. . The provisions of this Act which remove  
46 limitations on rates of interest supersede limitations  
47 on rates of interest established by Acts of the Sixty-  
48 eighth General Assembly, 1980 Session, Senate File  
49 five hundred (500), section six (6). Rules adopted  
50 pursuant to this Act which establish rates of interest

**Page 2**

1 applicable under sections ten (10) and twelve (12)



- 2 of this Act supersede any rates of interest established  
 3 by Acts of the Sixty-eighth General Assembly, 1980  
 4 Session, Senate File five hundred (500), section six  
 5 (6)."  
 6 12. By relettering paragraphs and renumbering  
 7 subsections.

## AMENDMENTS FILED

H-5800	S.F. 2199	Holt of Clay
H-5801	S.F. 2232	Corey of Louisa
H-5802	S.F. 2198	Menke of O'Brien
H-5804	H.F. 2558	Conlon of Muscatine
H-5805	H.F. 2558	Conlon of Muscatine
H-5806	H.F. 2575	Ritsema of Sioux Conlon of Muscatine
H-5807	H.F. 2558	Schneklath of Scott
H-5808	H.F. 2558	Spear of Lee
H-5809	H.F. 2558	Spear of Lee
H-5810	H.F. 2558	Spear of Lee
H-5811	H.F. 2558	Spear of Lee
H-5812	H.F. 2558	Tyrrell of Iowa
H-5813	H.F. 2558	Tyrrell of Iowa
H-5814	H.F. 2558	Tyrrell of Iowa De Groot of Lyon Ritsema of Sioux
H-5815	H.F. 2558	Bennett of Ida
H-5816	H.F. 2558	Conlon of Muscatine
H-5817	S.F. 2103	Renken of Grundy
H-5818	H.F. 2558	Branstad of Winnebago Van Maanen of Mahaska De Groot of Lyon Danker of Pottawattamie Schneklath of Scott Anderson of Audubon Tyrrell of Iowa Johnson of Howard
H-5819	H.F. 2558	Schneklath of Scott
H-5820	H.F. 2558	Hall of Linn
H-5821	H.F. 2558	Spear of Lee
H-5822	H.F. 2558	Spear of Lee
H-5823	H.F. 2558	Spear of Lee
H-5824	H.F. 2558	Ritsema of Sioux

H-5825	H.F. 2575	McKean of Jones Shimanek of Jones Howell of Floyd Hall of Linn Hanson of Delaware
H-5826	H.F. 2548	Larsen of Wapello Stromer of Hancock Patchett of Johnson Daggett of Taylor Thompson of Polk Horn of Linn
H-5827	H.F. 2575	Hummel of Benton
H-5828	H.F. 2558	Spear of Lee
H-5829	H.F. 2558	De Groot of Lyon
H-5830	H.F. 2548	Norland of Worth Patchett of Johnson
H-5831	H.F. 2558	Krewson of Polk Walter of Pottawattamie
H-5832	H.F. 2558	Krewson of Polk Bina of Scott Walter of Pottawattamie
H-5833	H.F. 2558	De Groot of Lyon
H-5834	H.F. 2558	Welsh of Dubuque Schroeder of Pottawattamie Woods of Polk Johnson of Howard Byerly of Polk Menke of O'Brien
H-5835	H.F. 2558	Pelton of Clinton
H-5836	H.F. 2558	Van Maanen of Mahaska
H-5837	H.F. 2558	Van Maanen of Mahaska
H-5838	H.F. 2558	Schroeder of Pottawattamie

On motion by Halvorson of Clayton, the House adjourned at 5:33 p.m., until 9:00 a.m., Wednesday, April 2, 1980.

# JOURNAL OF THE HOUSE

Eightieth Calendar Day—Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 2, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Willis Dagenais, pastor of the Seventh Day Adventist Church, Muscatine.

The Journal of Tuesday, April 1, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Meyer, Maquoketa.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 31, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 460, a bill for an act relating to workers' compensation insurance proceedings and rates.

Also: That the Senate has on March 31, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2060, a bill for an act to permit the serving of food and beverages on the premises of certain tax exempt property.

Also: That the Senate has on April 1, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2361, a bill for an act relating to transportation and making technical corrections.

FRANK J. STORK, Secretary

## SENATE MESSAGE CONSIDERED

**Senate File 2361**, by committee on transportation, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties.

Read first time and referred to committee on **transportation**.

**REREFERRED TO COMMITTEE ON WAYS AND MEANS**  
(Senate File 2282)

The Speaker announced that Senate File 2282, presently on the **regular calendar**, was rereferred to the committee on **ways and means**.

## UNANIMOUS CONSENT

Halvorson of Clayton asked and received unanimous consent to consider bills in the following order: House Files 2575, 2548, 2512, 2558 and 2556.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 2575**, a bill for an act relating to pipelines, was taken up for consideration.

McKean of Jones offered the following amendment H—5825 filed by McKean, et al. :

H—5825

- 1 Amend House File 2575 as follows:
- 2 1. Page 1, by inserting after line 12 the following:
- 3 "Sec. . Chapter four hundred seventy-nine (479),
- 4 Code 1979, is amended by adding the following new section:
- 5 NEW SECTION. DEPTH OF PIPELINES. Every pipeline
- 6 constructed on or after January 1, 1981 shall be buried
- 7 at a depth of at least five feet. Depth shall be measured
- 8 from the ground level to the top of the pipeline. A
- 9 pipeline may be buried at a depth of less than five feet
- 10 only if it is impracticable to comply with the minimum
- 11 cover requirement and additional protection is provided
- 12 that is equivalent to the minimum required cover."
- 13 2. Page 1, by inserting after line 27 the following:
- 14 "Sec. . Acts of the Sixty-eighth General Assembly,
- 15 1979 Session, chapter one hundred eighteen (118), section
- 16 one (1), is amended by adding the following new subsection:
- 17 NEW SUBSECTION. An inspector may order a halt to the
- 18 pipeline construction during adverse weather conditions
- 19 when continued construction would endanger the safety of
- 20 the pipeline construction or the integrity of underground
- 21 improvements affected by the pipeline construction."
- 22 3. Renumber as necessary to conform with this amend-
- 23 ment.

Shimanek of Jones offered the following amendment H—5841, to amendment H—5825, filed by her from the floor and moved its adoption:

H—5841

- 1 Amend amendment H—5825 to House File 2575 as follows:
- 2 1. Page 1, lines 19 and 20, by striking the words
- 3 "endanger the safety of the pipeline construction or" and
- 4 inserting in lieu thereof the words "result in excessive
- 5 damage to property or endanger".

Amendment H—5841 was adopted.

Norland of Worth offered the following amendment H—5842, to amendment H—5825, filed by him from the floor and moved its adoption:

H—5842

- 1 Amend amendment H—5825 to House File 2575 as follows:  
 2 1. Page 1, by inserting after line 12 the following:  
 3 "Sec. Section four hundred seventy-nine point  
 4 four (479.4), Code 1979, is amended by adding the  
 5 following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. If it is found that  
 7 a pipeline is on land that was frequently under water  
 8 and has since been drained and put into agricultural  
 9 production and that this has resulted in there being  
 10 inadequate cover for the pipeline under state or  
 11 federal law, the commission shall require the pipeline  
 12 company to lower the pipeline or otherwise provide  
 13 adequate cover."  
 14 2. By renumbering the sections to conform with  
 15 this amendment.

Roll call was requested by Welsh of Dubuque and Connolly of Dubuque.

On the question "Shall amendment H—5842, to amendment H—5825, be adopted?"

The ayes were, 65:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bina	Binneboese	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hanson, D.	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, W.	Krewson
Larsen	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Perkins	Rapp
Schneklath	Shimanek	Spear	Tofte
Tyrrell	Van Maanen	Wells	Welsh
Mr. Speaker			

The nays were, 24:

Bennett	Crabb	Daggett	De Groot
Diemer	Halvorson, R.A.	Hansen, I.	Hibbs
Hummel	Johnson, R.	Menke	Millen
Pellet	Poffenberger	Renken	Ritsema

Schroeder  
Swearingen

Shull  
Thompson

Smalley  
Walter

Stromer  
Welden

Absent or not voting, 11:

Brandt  
Lageschulte  
Sherzan

Connors  
Lind  
West

Egenes  
Patchett  
Woods

Kirkenslager  
Pope

Amendment H—5842 was adopted.

McKean of Jones moved the adoption of amendment H—5825, as amended.

Roll call was requested by McKean of Jones and Shimanek of Jones.

Rule 80 was invoked.

On the question “Shall amendment H—5825, as amended, be adopted?”

The ayes were, 45:

Anderson, R.  
Bina  
Clark, J.H.  
Cusack  
Gettings  
Hinkhouse  
Husak  
Johnson, J.  
McKean  
Patchett  
Shimanek  
Welsh

Arnould  
Binneboese  
Conlon  
Davitt  
Groth  
Hoffmann  
Jay  
Larsen  
Miller  
Pelton  
Spear

Avenson  
Bruner  
Connolly  
Doyle  
Hall  
Horn  
Jesse  
Lloyd-Jones  
Norland  
Perkins  
Tofte

Bennett  
Byerly  
Crawford  
Egenes  
Hanson, D.  
Howell  
Jochum  
Lonergan  
Oxley  
Rapp  
Wells

The nays were, 46:

Anderson, J.  
Crabb  
Dieleman  
Hansen, I.  
Hummel  
Krewson  
Maulsby  
Pavich  
Ritsema  
Smalley

Branstad  
Daggett  
Diemer  
Hibbs  
Johnson, R.  
Lind  
Menke  
Pellett  
Schnekloth  
Stromer

Clark, B.J.,  
Danker  
Halvorson, R.A.  
Holt  
Johnson, W.  
Lorenzen  
Millen  
Poffenberger  
Schroeder  
Swearingen

Corey  
De Groot  
Halvorson, R.N.  
Hullinger  
Kirkenslager  
Lura  
Mullins  
Renken  
Shull  
Thompson

Tyrrell  
Woods

Van Maanen  
Mr. Speaker

Walter

Welden

Absent or not voting, 9:

Brandt  
Lageschulte  
West

Chiodo  
O'Kane

Cochran  
Pope

Connors  
Sherzan

Amendment H—5825, as amended, lost.

(House File 2575 pending at recess.)

Halvorson of Clayton moved that the House recess until 1:30 p.m.

Avenson of Fayette moved that the motion to recess be amended that the House recess until 11:00 a.m., April 2, 1980.

Roll call was requested by Avenson of Fayette and Perkins of Greene.

On the question "Shall the motion to amend prevail?"

The ayes were, 35:

Anderson, R.  
Binneboese  
Cochran  
Gettings  
Hinkhouse  
Jay  
Miller  
Pavich  
Wells

Arnould  
Bruner  
Davitt  
Groth  
Horn  
Jochum  
O'Kane  
Perkins  
Welsh

Avenson  
Byerly  
Dieleman  
Hall  
Howell  
Lloyd-Jones  
Oxley  
Rapp  
Woods

Bina  
Chiodo  
Doyle  
Halvorson, R.N.  
Husak  
Loneran  
Patchett  
Walter

The nays were, 52:

Anderson, J.  
Clark, J.H.  
Daggett  
Egenes  
Hibbs  
Johnson, J.  
Lageschulte  
Lura  
Millen  
Renken  
Shimaneck

Bennett  
Conlon  
Danker  
Halvorson, R.A.  
Hoffmann  
Johnson, R.  
Larsen  
Maulsby  
Mullins  
Ritsema  
Shull

Branstad  
Corey  
De Groot  
Hansen, I.  
Holt  
Johnson, W.  
Lind  
McKean  
Pellett  
Schneklath  
Smalley

Clark, B.J.  
Crawford  
Diemer  
Hanson, D.  
Hummel  
Krewson  
Lorenzen  
Menke  
Poffenberger  
Schroeder  
Spear



Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 13:

Brandt	Connolly	Connors	Crabb
Cusack	Hullinger	Jesse	Kirkenslager
Norland	Pelton	Pope	Sherzan
West			

The motion to amend lost.

On the motion by Halvorson of Clayton to recess until 1:30 p.m., the motion prevailed and the House was recessed at 10:53 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### BUSINESS PENDING AT RECESS Regular Calendar

The House resumed consideration of **House File 2575**, a bill for an act relating to pipelines.

Ritsema of Sioux offered the following amendment H-5806 filed by him and Conlon of Muscatine and moved its adoption:

H-5806

- 1 Amend House File 2575 as follows:
- 2 1. Page 1, line 21, by inserting after the
- 3 word "a" the word "permanent".

Amendment H-5806 was adopted.

Hummel of Benton offered amendment H-5827 filed by him. Division was requested as follows:

H-5827

- 1 Amend House File 2575 as follows:

H-5827A

- 2 1. Page 1, line 22, by striking the word "more" and
- 3 inserting in lieu thereof the word "less".

H—5827B

- 4 2. Page 1, line 26, by striking the word "shall"
- 5 and inserting in lieu thereof the word "may".
- 6 3. Page 1, line 27, by inserting after the word
- 7 "feet" the words "or more".

Hummel of Benton moved the adoption of amendment  
H—5827A.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 39, nays 55.

Amendment H—5827A lost.

Further division of amendment H—5827B was requested, lines 4  
and 5, amendment H—5827B; lines 6 and 7, amendment H—5827C.

Hummel of Benton moved the adoption of amendment  
H—5827B.

Amendment H—5827B was adopted.

Perkins of Greene rose on a point of order that amendment  
H—5827C was not in order.

The Speaker ruled the point not well taken and amendment  
H—5827C in order.

On motion by Hummel of Benton, amendment H—5827C was  
adopted.

Ritsema of Sioux moved that the bill be read a last time now and  
placed upon its passage which motion prevailed and the bill was  
read a last time.

On the question "Shall the bill pass?" (H.F. 2575)

## The ayes were, 75:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Daggett	Davitt	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pelton	Perkins	Poffenberger	Pope
Rapp	Schroeder	Sherzan	Shimanek
Shull	Spear	Stromer	Tofte
Van Maanen	Wells	Welsh	

## The nays were, 21:

Crabb	Danker	De Groot	Hansen, I.
Hibbs	Johnson, R.	Lura	Menke
Millen	Pellett	Renken	Ritsema
Schnekloth	Smalley	Swearingen	Thompson
Tyrrell	Walter	Welden	Woods
Mr. Speaker			

## Absent or not voting, 4:

Chiodo	Jesse	Johnson, W.	West
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2575)

Halvorson of Clayton asked and received unanimous consent that House File 2575 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 April 2, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2357, a bill for an act relating to the composition and powers of conservancy district boards of directors and authorizing the levying of a tax by watershed funding districts.

Also: That the Senate has on April 2, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 127, providing for an Easter recess of the General Assembly.

FRANK J. STORK, Secretary

### ADOPTION OF SENATE CONCURRENT RESOLUTION 127

Halvorson of Clayton asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 127 received from the Senate as follows and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 127 By Rules and Administration

- 1 *Be It Resolved by the Senate, the House Concurring,*
- 2 That when adjournment takes place on Thursday, April 3,
- 3 1980, the general assembly will reconvene on Tuesday,
- 4 April 8, 1980, at 10:00 a.m. in observance of Easter.

The motion prevailed and the resolution was adopted.

#### Regular Calendar

**House File 2548**, a bill for an act relating to the establishment of programs for gifted and talented children by allowing additional allowable growth and by establishing area education agency gifted and talented children advisory councils, was taken up for consideration.

Clark of Lee in the chair at 2:19 p.m.

Larsen of Wapello offered the following amendment H-5826 filed by Larsen, et al. :

H-5826

- 1 Amend House File 2548 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 seventy-three
- 5 point two (273.2), Code 1979, is amended by adding

6 the following new subsection:

7 NEW SUBSECTION. Assistance in establishing programs  
8 for gifted and talented children.

9 Sec. 2. Section four hundred forty-two point seven  
10 (442.7), subsection five (5), Code 1979, as the section  
11 is amended by Acts of the Sixty-eighth General  
12 Assembly, 1979 Session, chapter one hundred six (106),  
13 sections six (6), seven (7), eight (8), nine (9),  
14 and ten (10), is amended by adding the following new  
15 paragraph:

16 NEW PARAGRAPH. By the state comptroller under  
17 section four hundred forty-two point thirty-five  
18 (442.35) of the Code.

19 Sec. 3. Section four hundred forty-two point nine  
20 (442.9), subsection one (1), paragraph a, Code 1979,  
21 is amended by adding the following new unlettered  
22 paragraph:

23 NEW UNLETTERED PARAGRAPH. However, district cost  
24 per pupil does not include additional allowable growth  
25 added by the state comptroller for programs for gifted  
26 and talented children under this chapter.

27 Sec. 4. Section four hundred forty-two point  
28 thirty-one (442.31), Code 1979, as amended by Acts  
29 of the Sixty-eighth General Assembly, 1979 Session,  
30 chapter thirteen (13), section twenty (20), and as  
31 amended by House File two thousand two hundred seventy-  
32 five (2275), section one (1), Sixty-eighth General  
33 Assembly, 1980 Session, is amended by striking the  
34 section and inserting in lieu thereof the following:

35 442.31 GIFTED AND TALENTED CHILDREN. For the  
36 school year beginning July 1, 1981 and succeeding  
37 school years, boards of school districts, individually  
38 or jointly with the boards of other school districts,  
39 may provide for gifted and talented children programs  
40 and annually submit program plans and budget costs,  
41 including requests for additional allowable growth  
42 for funding the programs, to the department of public  
43 instruction and to the applicable gifted and talented  
44 children advisory council as provided in this chapter.  
45 A district shall not identify more than three percent  
46 of its budget enrollment for the budget year as gifted  
47 and talented.

48 The department of public instruction shall  
49 promulgate rules under chapter seventeen A (17A) of  
50 the Code relating to the administration of sections

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1 four hundred forty-two point thirty-one (442.31)  
2 through four hundred forty-two point thirty-five  
3 (442.35) of the Code and section nine (9) of this  
4 Act. The rules shall prescribe the format of program

5 plans submitted under section four hundred forty-two  
6 point thirty-two (442.32) of the Code and shall require  
7 that programs fulfill specified objectives.

8 Sec. 5. Section four hundred forty-two point  
9 thirty-two (442.32), Code 1979, is amended by striking  
10 the section and inserting in lieu thereof the  
11 following:

12 442.32 PROGRAM PLANS. The program plans submitted  
13 by school districts shall include all of the following:

- 14 1. Program goals, objectives, and activities to
- 15 meet the needs of gifted and talented children.
- 16 2. Student identification criteria and procedures.
- 17 3. Staff in-service education design.
- 18 4. Staff utilization plans.
- 19 5. Evaluation criteria and procedures and
- 20 performance measures.
- 21 6. Program budget.
- 22 7. Qualifications required of personnel
- 23 administering the program.
- 24 8. Other factors the department requires.

25 Sec. 6. Section four hundred forty-two point  
26 thirty-three (442.33), Code 1979, is amended to read  
27 as follows:

28 442.33 DEFINED. "Gifted and talented children"  
29 are those identified as possessing outstanding  
30 abilities who are capable of high performance. Gifted  
31 and talented children are children who require  
32 ~~differentiated educational programs or services~~  
33 ~~appropriate instruction and educational services~~  
34 ~~beyond those provided by the regular school program~~  
35 ~~commensurate with their abilities and needs.~~

36 Gifted and talented children include those children  
37 with demonstrated achievement or potential ability,  
38 or both, in any two or more of the following areas  
39 or in combination:

- 40 1. General intellectual ability.
- 41 2. Creative or critical thinking, or both.
- 42 3. Leadership ability.
- 43 4. Visual and performing arts ability.
- 44 5. Specific ability aptitude.
- 45 6. Intellectual ability.

46 Sec. 7. Section four hundred forty-two point  
47 thirty-four (442.34), Code 1979, as amended by Acts  
48 of the Sixty-eighth General Assembly, 1979 Session,  
49 chapter thirteen (13), section twenty-one (21), and  
50 as amended by House File two thousand two hundred

**Page 3**

1 seventy-five (2275), section two (2), Sixty-eighth  
2 General Assembly, 1980 Session, is amended by striking  
3 the section and inserting in lieu thereof the

4 following:

5 442.34 SUBMISSION OF PROGRAM PLANS. The board  
6 of directors of a school district shall submit  
7 applications for approval for gifted and talented  
8 children programs to the department not later than  
9 November first preceding the fiscal year during which  
10 the program will be offered. The board shall also  
11 submit a copy of the program plans to the gifted and  
12 talented children advisory council. The department  
13 shall review the program plans and shall prior to  
14 January fifteenth either grant approval for the program  
15 or return the request for approval with comments of  
16 the department included. Any unapproved request for  
17 a program may be resubmitted with modifications to  
18 the department not later than February first. Not  
19 later than February fifteenth the department shall  
20 notify the state comptroller and the school budget  
21 review committee of the names of the school districts  
22 for which gifted and talented children programs have  
23 been approved and the approved budget of each program  
24 listed separately for each school district having  
25 an approved program.

26 Sec. 8. Section four hundred forty-two point  
27 thirty-five (442.35), Code 1979, as amended by Acts  
28 of the Sixty-eighth General Assembly, 1979 Session,  
29 chapter thirteen (13), section twenty-two (22), and  
30 as amended by House File two thousand two hundred  
31 seventy-five (2275), section three (3), Sixty-eighth  
32 General Assembly, 1980 Session, is amended by striking  
33 the section and inserting in lieu thereof the  
34 following:

35 442.35 FUNDING. The budget of an approved gifted  
36 and talented children program for a school district,  
37 after subtracting funds received from other sources  
38 for that purpose, shall be funded annually on a basis  
39 of one-fourth or more from the district cost of the  
40 school district and up to three-fourths by an increase  
41 in allowable growth as defined in section four hundred  
42 forty-two point seven (442.7) of the Code. Annually,  
43 the state comptroller shall establish a modified  
44 allowable growth for each such district equal to the  
45 difference between the approved budget for the gifted  
46 and talented children program for that district and  
47 the sum of the amount funded from the district cost  
48 of the school district plus funds received from other  
49 sources.

50 Sec. 9. Chapter four hundred forty-two (442),

**Page 4**

1 Code 1979, is amended by adding the following new  
2 sections:

3 NEW SECTION. ADVISORY COUNCIL. There is  
4 established in each area education agency one or more  
5 gifted and talented children advisory councils  
6 appointed by the area education agency board for four-  
7 year staggered terms. The terms of office of advisory  
8 council members shall commence on July first of each  
9 year. An advisory council shall consist of seven  
10 members including teachers, parents, school  
11 administrators, and other persons interested in  
12 education in the area. Except as otherwise provided  
13 in this section, members shall be eligible electors  
14 residing in the merged area. Members shall serve  
15 without compensation but shall be reimbursed for  
16 actual and necessary expenses and mileage incurred  
17 in the performance of their duties from funds available  
18 to the area education agency.

19 If an area education agency has a weighted  
20 enrollment of more than thirty-five thousand, the  
21 board may appoint additional advisory councils for  
22 each thirty-five thousand weighted enrollment or  
23 fraction of thirty-five thousand. If more than one  
24 advisory council is appointed by the board, the board  
25 shall divide the merged area along school district  
26 boundary lines for jurisdiction of the advisory  
27 councils, and membership of these advisory councils  
28 shall be appointed from the designated portion of  
29 the merged area.

30 NEW SECTION. DUTIES OF ADVISORY COUNCIL. The  
31 gifted and talented children advisory council shall:

- 32 1. Elect a chairperson and vice chairperson from  
33 the membership of the advisory council.
- 34 2. Meet as often as deemed necessary by the  
35 advisory council.
- 36 3. Advise and assist local boards of directors  
37 in the establishment of gifted and talented children  
38 programs.
- 39 4. Review program plans and proposed budgets for  
40 gifted and talented children programs, in consultation  
41 with a gifted and talented children consultant employed  
42 by the area education agency.
- 43 5. Evaluate at least annually the results of  
44 gifted and talented children programs and file a  
45 written report together with recommendations for  
46 improvement or change with the board of directors  
47 of the applicable school district, the area education  
48 agency and the department of public instruction.  
49 The evaluation shall be conducted by three or more  
50 members of the advisory council.

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- 1 Sec. 10. This Act takes effect for the school
- 2 year beginning July 1, 1981."



Norland of Worth offered the following amendment H—5855, to amendment H—5826, filed by him from the floor and moved its adoption:

H—5855

- 1 Amend amendment H—5826 to House File 2548 as
- 2 follows:
- 3 1. Page 1, by striking lines 43 and 44 and
- 4 inserting in lieu thereof the words "instruction as
- 5 provided in this chapter."
- 6 2. Page 3, by striking lines 10, 11, and 12 and
- 7 inserting in lieu thereof the words "the program will
- 8 be offered. The department".
- 9 3. By striking page 3, line 50 through page 4,
- 10 line 50.
- 11 4. Page 5, by inserting after line 2 the following:
- 12 " . . . Amend the title, by striking lines 3 and
- 13 4 and inserting in lieu thereof the word "growth." "

Roll call was requested by Byerly of Polk and Cusack of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—5855, to amendment H—5826, be adopted?"

The ayes were, 46:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doyle	Groth	Hall	Halvorson, R.N.
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Kirkenslager
Lloyd-Jones	Loneragan	Maulsby	McKean
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Pelton	Perkins
Ritsema	Sherzan	Van Maanen	Walter
Wells	Woods		

The nays were, 49:

Bennett	Clark, B.J.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Gettings
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Johnson, J.	Johnson, R.	Johnson, W.	Krewson

Lageschulte	Larsen	Lind	Lorenzen
Lura	Menke	Millen	Mullins
Pellett	Poffenberger	Pope	Renken
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Welden
Mr. Speaker (Clark of Lee)			

Absent or not voting, 5:

Chiodo	Jesse	Rapp	Welsh
West			

Amendment H—5855 lost.

Horn of Linn offered the following amendment H—5854, to amendment H—5826, filed by him from the floor and moved its adoption:

H—5854

- 1 Amend amendment H—5826 to House File 2548 as
- 2 follows:
- 3 1. Page 1, line 44, by inserting after the word
- 4 "council" the words ", if an advisory council has
- 5 been established."
- 6 2. Page 3, line 12, by inserting after the word
- 7 "council" the words ", if an advisory council has
- 8 been established".
- 9 3. Page 4, by striking lines 3 through 6 and
- 10 inserting in lieu thereof the following:
- 11 "NEW SECTION. ADVISORY COUNCIL. At the written
- 12 request of one or more boards of school districts,
- 13 in an area education agency, the area education agency
- 14 board shall establish one or more gifted and talented
- 15 children advisory councils and shall appoint members
- 16 for four."
- 17 4. Page 4, by striking lines 36 through 44 and
- 18 inserting in lieu thereof the following:
- 19 "3. Advise and assist a local board of directors
- 20 in the establishment of gifted and talented children
- 21 programs, when requested by the local board.
- 22 4. Review program plans and proposed budgets for
- 23 a gifted and talented children program, in consultation
- 24 with a gifted and talented children consultant employed
- 25 by the area education agency, when requested by a
- 26 local board.
- 27 5. When requested by a local board, evaluate the
- 28 results of a gifted and talented children program
- 29 and file a".

- 31 " . Amend the title, line 3, by striking the  
 32 word "establishing" and inserting in lieu thereof  
 33 the words "providing for the establishment of"."

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H—5854, to amendment H—5826, be adopted?"

The ayes were, 55:

Anderson, J.	Anderson, R.	Avenson	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Conlon	Connolly	Connors
Corey	Cusack	Davitt	De Groot
Dieleman	Egenes	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Kirkenslager	Lageschulte	Lloyd-Jones	Loneragan
Lorenzen	Maulsby	McKean	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Perkins	Ritsema
Sherzan	Spear	Van Maanen	Walter
Wells	Welsh	Woods	

The nays were, 40:

Bennett	Clark, B.J.	Cochran	Crabb
Crawford	Daggett	Danker	Diemer
Doyle	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, W.	Krewson	Larsen	Lind
Lura	Menke	Millen	Mullins
Pelton	Poffenberger	Pope	Renken
Schneklath	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrrell	Welden	Mr. Speaker (Clark of Lee)

Absent or not voting, 5:

Arnould	Chiodo	Jesse	Rapp
West			

Amendment H—5854 was adopted.

Norland of Worth offered the following amendment H—5830, to amendment H—5826, filed by him and Patchett of Johnson and moved its adoption:

H—5830

1 Amend H—5826 filed by Larsen et. al. to House  
2 File 2548, as follows:

3 1. Page 2, line 21, by inserting after the word  
4 "budget" the words "costs and a listing of proposed  
5 expenditures, including the value of volunteer and  
6 other assistance offered at less than the value that  
7 could be reasonably expected for the services  
8 performed".

9 2. Page 3, by striking lines 39 through 42 and  
10 inserting in lieu thereof the following: "of one-  
11 fourth or more from sources specified in this section  
12 and up to three-fourths by an annual increase in  
13 allowable growth as defined in section four hundred  
14 forty-two point seven (442.7) of the Code. The one-  
15 fourth or more funding from sources specified in this  
16 section shall come from one or more of the following  
17 sources:

18 1. District cost of the district.

19 2. Grants from the department of public instruction  
20 from funds appropriated in section ten (10) of this  
21 Act.

22 3. Determination by the department of public  
23 instruction, upon the recommendation of the school  
24 district, of the value of the assistance to the gifted  
25 and talented program by persons either volunteering  
26 their expertise or providing assistance at a cost  
27 less than can reasonably be expected for the services  
28 provided.

29 Annually,".

30 3. Page 3, lines 47 and 48, by striking the words  
31 "district cost of the school district" and inserting  
32 in lieu thereof the words and figures "sources  
33 specified in subsections one (1), two (2), and three  
34 (3) of this section".

35 4. Page 4, by inserting after line 50 the follow-  
36 ing:

37 "Sec. 10. Chapter four hundred forty-two (442),  
38 Code 1979, is amended by adding the following new  
39 section:

40 NEW SECTION. APPROPRIATION FOR GIFTED AND TALENTED  
41 PROGRAMS. There is appropriated from the general  
42 fund of the state to the department of public  
43 instruction for the fiscal year beginning July 1,  
44 1981 and ending June 30, 1982 the sum of two hundred  
45 fifty thousand (250,000) dollars, or as much thereof  
46 as is necessary, to be allocated to eligible school

- 47 districts on a grant basis for approved gifted and  
 48 talented children programs. For each fiscal year  
 49 following the fiscal year beginning July 1, 1981,  
 50 the amount appropriated is equal to the amount

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- 1 appropriated for the previous fiscal year times the  
 2 sum of one hundred percent plus the state percent  
 3 of growth for the fiscal year."  
 4 5. Page 5, line 1, by striking the figure "10"  
 5 and inserting in lieu thereof the figure "11".  
 6 6. Page 5, by inserting after line 2 the following:  
 7 "2. Amend the title, line 4, by inserting after the  
 8 word "councils" the words ", and making an appropriation".

Roll call was requested by Patchett of Johnson and Bina of Scott.

On the question "Shall amendment H—5830, to amendment H—5826, be adopted?"

The ayes were, 37:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Bruner	Byerly	Cochran
Connolly	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Jay	Jochum
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Patchett	Pavich	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker (Clark of Lee)		

Absent or not voting, 9:

Avenson  
Jesse  
West

Chiodo  
Perkins

Connors  
Rapp

Husak  
Schroeder

Amendment H—5830 lost.

Horn of Linn offered the following amendment H—5848, to amendment H—5826, filed by him from the floor and moved its adoption:

H—5848

- 1 Amend amendment H—5826 to House File 2548 as
- 2 follows:
- 3 1. Page 2, by striking line 41 and inserting in
- 4 lieu thereof the following:
- 5 "1 2. Creative thinking."

A non-record roll call was requested.

The ayes were 42, nays 43.

Amendment H—5848 lost.

Larsen of Wapello moved the adoption of amendment H—5826, as amended.

Amendment H—5826, as amended, was adopted.

Stromer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2548)

The ayes were, 90:

Anderson, J.  
Bennett  
Bruner  
Conlon  
Crawford  
De Groot  
Egenes  
Halvorson, R.A.

Anderson, R.  
Bina  
Byerly  
Connors  
Cusack  
Dieleman  
Gettings  
Halvorson, R.N.

Arnould  
Binneboese  
Clark, B.J.  
Coxy  
Daggett  
Diemer  
Groth  
Hansen, I.

Avenson  
Brandt  
Cochran  
Crabb  
Davitt  
Doyle  
Hall  
Hanson, D.

Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lura
McKean	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tyrrell
Van Maanen	Walter	Wells	Welsh
Woods	Mr. Speaker (Clark of Lee)		

The nays were, 8:

Branstad	Connolly	Danker	Lorenzen
Maulsby	Norland	Tofte	Welden

Absent or not voting, 2:

Chiodo	West
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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.

### IMMEDIATE MESSAGE (House File 2548)

Halvorson of Clayton asked and received unanimous consent that House File 2548 be immediately messaged to the Senate.

**House File 2512**, a bill for an act relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities, with report of committee recommending amendment and passage was taken up for consideration.

Mullins of Kossuth asked and received unanimous consent to suspend House Rule 25 and that George Cosson of the Iowa Housing Finance Authority be permitted in the House chamber during consideration of House File 2512.

Mullins of Kossuth offered amendment H-5670 filed by the committee on ways and means on March 25, 1980 and found on pages 1157 and 1158 of the House Journal and requested division as follows:

H-5670A, lines 2 and 3.

H-5670B, lines 4, 7, 8 and 9.

H-5670C, lines 5 and 6.

On motion by Mullins of Kossuth, the committee amendment H-5670A was adopted.

Mullins of Kossuth asked and received unanimous consent to withdraw the committee amendment H-5670B.

On motion by Mullins of Kossuth, the committee amendment H-5670C was adopted.

Mullins of Kossuth offered the following amendment H-5764 filed by Mullins, et al. :

H-5764

- 1 Amend House File 2512 as follows:
- 2 1. Page 2, line 10, by striking the word "That"
- 3 and inserting in lieu thereof the words
- 4 "Notwithstanding the provisions of Acts of the Sixty-
- 5 eighth General Assembly, 1979 Session, chapter one
- 6 hundred thirty-two (132), that".
- 7 2. Page 2, lines 26 and 27, by striking the words
- 8 ". The authority shall have" and inserting in lieu
- 9 thereof the words "which shall constitute".
- 10 3. Page 3, line 9, by inserting after the words
- 11 "by the" the word "borrowing".
- 12 4. Page 3, line 14, by striking the word
- 13 "commission" and inserting in lieu thereof the word
- 14 "authority".
- 15 5. Page 3, line 24, by inserting after the words
- 16 "from a" the word "borrowing".
- 17 6. Page 3, line 30, by inserting before the word
- 18 "commission" the words "Iowa state commerce".
- 19 7. Page 4, line 11, by inserting after the word
- 20 "utility" the words "in the manper and".
- 21 8. Page 4, line 26, by striking the word and
- 22 figure "three (3)" and inserting in lieu thereof the
- 23 word and figure "five (5)".
- 24 9. Page 4, line 30, by striking the word and



25 figure "three (3)" and inserting in lieu thereof the  
26 word and figure "five (5)".  
27 10. Page 4, lines 33 and 34, by striking the words  
28 "appropriated to" and inserting in lieu thereof the  
29 words "to be used by".

Howell of Floyd offered the following amendment H—5844, to amendment H—5764, filed by him and Mullins of Kossuth from the floor and moved its adoption:

H—5844

1 Amend the amendment, H—5764, to House File  
2 2512, as follows:  
3 1. Page 1, by inserting after line 29 the  
4 following:  
5 "11. Page 7, by striking lines 10 and 11."

Amendment H—5844 was adopted.

Mullins of Kossuth moved the adoption of amendment H—5764, as amended.

A non-record roll call was requested.

The ayes were 73, nays none.

Amendment H—5764, as amended, was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott, for the remainder of the day, on request of Arnould of Scott.

Schneklath of Scott offered amendment H—5725 and requested division as follows:

H—5725

1 Amend House File 2512 as follows:

H—5725A

2 1. Page 3, by striking lines 17 through 21 and  
3 inserting in lieu thereof the following: "ten days  
4 after the due date. The delinquency charge shall

- 5 be equal to one and one quarter percent of the  
6 delinquent amount for each month that the amount is  
7 delinquent. A delinquency”.

H—5725B

- 8 2. Page 6, by striking lines 24 through 26 and  
9 inserting in lieu thereof the following: “that  
10 customers who contract for improvement financing  
11 directly pay all of the costs incurred by the utility  
12 including interest and administrative costs in  
13 providing this service and that none of the costs  
14 of providing this service is included in the rates  
15 charged to customers who do not contract for  
16 improvement financing.”

H—5725C

- 17 3. Page 6, by striking lines 31 through 33 and  
18 inserting in lieu thereof the following: “to reimburse  
19 the utility for all the costs of providing permanent  
20 energy efficiency improvement to financing the customer  
21 including interest and administrative costs. The  
22 municipally-owned utility shall not include any of  
23 the costs of providing this service in the rates  
24 charged to customers who do not contract for  
25 improvement financing. This subsection does not”.

On motion by Schnekloth of Scott, amendment H—5725A was adopted.

Schnekloth of Scott asked, and received unanimous consent to withdraw amendments H—5725B and H—5725C.

Thompson of Polk in the chair at 4:50 p.m.

Clark of Lee in the chair at 4:55 p.m.

Mullins of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question “Shall the bill pass?” (H.F. 2512)

## The ayes were, 72:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Crawford	De Groot	Dieleman	Doyle
Gettings	Groth	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	McKean	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Ritsema
Schnekloth	Schroeder	Sherzan	Shimaneck
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Van Maanen	Walter
Wells	Welsh	Woods	Mr. Speaker (Clark of Lee)

## The nays were, 25:

Branstad	Corey	Crabb	Daggett
Danker	Davitt	Diemer	Egenes
Hall	Hinkhouse	Holt	Hummel
Jay	Johnson, J.	Johnson, R.	Krewson
Lorenzen	Lura	Maulsby	Menke
Millen	Miller	Renken	Tyrrell
Welden			

## Absent or not voting, 3:

Cusack	Tofte	West
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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 2512)

Halvorson of Clayton asked for unanimous consent that House File 2512 be immediately messaged to the Senate.

Objection was raised.

**HOUSE FILE 2174 WITHDRAWN**

Hanson of Delaware asked and received unanimous consent to withdraw House File 2174 from further consideration by the House.

Speaker Harbor in the chair at 5:43 p.m.

**House File 2558**, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy, was taken up for consideration.

Halvorson of Clayton asked for unanimous consent to place House File 2558 on the calendar under unfinished business.

Objection was raised.

Halvorson of Clayton moved that House File 2558 be placed on the calendar under unfinished business.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Howell of Floyd, for the remainder of the day, on request of Dieleman of Marion.

Cochran of Webster moved as a substitute motion that House File 2558 be made a special order of business for 9:15 a.m., Thursday, April 3, 1980.

Roll call was requested by Cochran of Webster and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall the motion that House File 2558 be made a special order of business prevail?"

The ayes were, 43:

Anderson, R.  
Binneboese

Arnould  
Brandt

Avenson  
Bruner

Bina  
Byerly

Chiodo	Cochran	Connolly	Connors
Davitt	Dieleman	Doyle	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Horn	Hullinger	Husak	Jay
Jesse	Jochum	Kirkenslager	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 5:

Cusack	Gettings	Howell	Tofte
West			

The motion lost.

Cochran of Webster moved that the House adjourn until 9:00 a.m., Thursday, April 3, 1980.

The motion lost.

On the motion to place House File 2558 on the calendar under unfinished business, roll call was requested by Cochran of Webster and Avenson of Fayette.

On the question "Shall the motion prevail to place House File 2558 on the calendar under unfinished business?"

The ayes were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb

Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lagéschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellet
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Davitt	Dieleman	Doyle	Groth
Hall	Halvorson, R.N.	Hibbs	Horn
Hullinger	Jay	Jesse	Jochum
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

Absent or not voting, 7:

Cusack	Gettings	Hinkhouse	Howell
Husak	Tofte	West	

The motion prevailed and House File 2558 was placed on the calendar under unfinished business.

### MOTION TO TABLE THE MOTION TO RECONSIDER LOST

Mullins of Kossuth moved to reconsider the vote by which House File 2512 passed the House on April 2, 1980, and to table the motion to reconsider.

Roll call was requested by Pelton of Clinton and Shimanek of Jones.

Rule 80 was invoked.

On the question "Shall the motion prevail to table the motion to reconsider?"

## The ayes were, 43:

Anderson, J.	Bennett	Brandt	Bruner
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	De Groot	Doyle
Halvorson, R.A.	Hanson, D.	Hibbs	Hoffmann
Holt	Hummel	Jesse	Johnson, W.
Lageschulte	Larsen	Lloyd-Jones	Lorenzen
McKean	Mullins	Patchett	Pellett
Pelton	Poffenberger	Pope	Rapp
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Smalley	Spear	Stromer
Thompson	Van Maanen	Mr. Speaker	

## The nays were, 50:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bransad	Byerly	Chiodo
Cochran	Connolly	Connors	Corey
Danker	Davitt	Dieleman	Diemer
Egenes	Groth	Hall	Halvorson, R.N.
Hansen, I.	Horn	Hullinger	Jay
Jochum	Johnson, J.	Johnson, R.	Kirkenslager
Krewson	Lind	Lonergan	Lura
Maulsby	Menke	Millen	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Renken	Shull	Swearingen
Tyrrell	Walter	Welden	Wells
Welsh	Woods		

## Absent or not voting, 7:

Cusack	Gettings	Hinkhouse	Howell
Husak	Tofte	West	

The motion to table lost placing out of order the motions to reconsider House File 2512 filed by Lind of Black Hawk and Woods of Polk on April 2, 1980.

(The motion to reconsider House File 2512 pending at adjournment.)

## 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 2, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act relating to tort liability of governmental subdivisions.

FRANK J. STORK, Secretary

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 1, 1980 he approved and transmitted to the Secretary of State the following bills:

Senate File 2200, an act increasing the maximum interest rate payable under section three hundred twenty-two point nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles.

Senate File 2301, an act relating to gubernatorial appointments which are subject to confirmation by the Senate.

### PROOF OF PUBLICATION

(Senate File 2331 Published as Senate File 2250)

Published copy of Senate File 2331, published as Senate File 2250, and verified proof of publication of said bill in The West Point Bee, a weekly newspaper printed and published in West Point, Lee County, Iowa, on February 6, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five twelfth grade students from Urbana High School, Urbana, accompanied by Sharyl Stulken. By Hummel of Benton.

Sixty twelfth grade students from Belle Plaine Senior High School, Belle Plaine, accompanied by Roland Hansen. By Husak of Tama.

Sixty elementary students from St. Pauls Lutheran School, Waverly, accompanied by Judi Langholz, Sandy Johnson, Jan Ott, Jane Jaspers and Glenn Bracht. By Lageschulte of Bremer.

Twenty-five twelfth grade students from Central Webster School, Burnside, accompanied by Jim Ainslie. By Halvorson of Webster.



Forty-four students from Washington Junior High and Walsh Junior High, Ottumwa, accompanied by Rosemary Corbett and Barry Ireland. By Larsen of Wapello.

Forty-three sixth grade students from Milford Community School, Milford, accompanied by Eyleen Anderson and Judy Hagedorn. By Hansen of O'Brien and Holt of Clay.

### COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF TRANSPORTATION

An errata sheet for the report recently submitted by the Department of Transportation entitled, Deicing Practices in Iowa: An Overview of Social, Economic and Environmental Implications, January, 1980.

### STUDY BILL COMMITTEE ASSIGNMENT

#### **S.B. 753 Appropriations**

To make appropriations to certain persons in settlement of claims made against the state of Iowa.

### REPORT OF COMMITTEE MEETING

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:30 a.m., April 2, 1980

Convened: 11:00 a.m.

Adjourned: 12:00 noon

Present: Ritsema, Vice-Chair; Ratchett, Ranking Member; Anderson of Audubon, Arnould, Clark of Cerro Gordo, Conlon, Corey, Doyle, Hibbs, Holt, Jesse, Johnson of Howard, Lloyd-Jones, Lonergan, Maulsby, Rapp, Smalley and Welsh.

Absent: Shimanek, Chair (arrived at 11:00 a.m.), Pelton (arrived at 11:05 a.m.) and Welsh (arrived at 11:05 a.m.).

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 360**, a bill for an act relating to controlled substances by providing that the possession of one ounce or less of marijuana constitutes a simple misdemeanor; providing that the accommodation offense applies only to one ounce or less of marijuana; and removing the prohibition against deferred judgments, deferred sentences and suspended sentences for certain controlled substance offenses.

**Recommended Amend and Do Pass.**

H—5860

- 1 Amend Senate File 360, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 12 through 14, and
- 4 inserting in lieu thereof the following:
- 5 "a. Upon the first and second conviction, a simple
- 6 misdemeanor punishable by a fine not to exceed one
- 7 hundred dollars if the controlled substance is one
- 8 ounce or less of marijuana. A person who violates
- 9 this subsection shall be issued a citation and be
- 10 treated as provided in sections eight hundred five
- 11 point one (805.1) through eight hundred five point
- 12 five (805.5) of the Code."
- 13 2. Page 1, by striking lines 15 through 21 and
- 14 inserting in lieu thereof the following:
- 15 "b. A serious misdemeanor punishable by
- 16 imprisonment in the county jail for not more than
- 17 six months or by a fine of not more than one thousand
- 18 dollars, or by both such fine and imprisonment, if
- 19 the controlled substance is more than one ounce of
- 20 marijuana or if it is a third or subsequent conviction
- 21 for possession of marijuana."
- 22 3. Page 2, by striking lines 1 through 6 and
- 23 inserting in lieu thereof the following: "subsection
- 24 1, ~~but fails to prove that~~ by proving that the

25 defendant delivered or possessed with intent to deliver  
26 the controlled substance for the purpose of making  
27 a profit one ounce or less of marijuana, the defendant  
28 shall be is guilty of an accommodation offense and  
29 rather than being sentenced as if convicted for a  
30 violation of section two hundred four point four  
31 hundred one (204.401), subsection one (1), paragraph  
32 b, shall be sentenced as if convicted of a violation  
33 of section 204.401, subsection 3, paragraph b. An".  
34 4. By renumbering sections, subsections and  
35 paragraphs and correcting internal references as made  
36 necessary by this amendment.

**Senate File 2316**, a bill for an act relating to the disposition of property by counties.

**Recommended Amend and Do Pass.**

H-5857

1 Amend Senate File 2316 as passed by the Senate  
2 as follows:  
3 1. Page 1, by striking lines 7 through 9 and  
4 inserting in lieu thereof the following:  
5 "13. When a building, real estate or other property  
6 is no longer needed for the purposes for which it  
7 was acquired by the county, to convert it to other  
8 county purposes or to sell or lease it. In disposing  
9 of an interest in real property by sale, by lease  
10 for a term of more than three years or by gift, the  
11 following procedures shall be followed:".

**Senate File 2331**, a bill for an act to legalize the sale of certain property in Lee county.

**Recommended Do Pass.**

**Senate File 2341**, a bill for an act amending the uniform commercial code with respect to an internal cross-reference, perfection of security interests in leased property, certain notices and the effectiveness of certain filings.

**Recommended Do Pass.**

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 439**, a bill for an act relating to the alcoholic content of beer and alcoholic liquor.

**Recommended Amend and Do Pass.**

H-5840

1 Amend Senate File 439 as amended, passed and re-  
2 printed by the Senate as follows:

3 1. Page 2, by striking lines 21 and 22 and in-  
4 serting in lieu thereof the following:

5 "Sec. 4. This Act, being deemed of immediate  
6 importance, takes effect from and after its publication  
7 in the Ames Daily Tribune, a newspaper published in  
8 Ames, Iowa, and in the Marshalltown Times-Republican,  
9 a newspaper published in Marshalltown, Iowa."

Fiscal Note is required.

Senate File 2351, a bill for an act relating to the state fair board convention.

Recommended Do Pass.

Fiscal Note is not required.

Senate File 2354, a bill for an act providing for the joint financing by public agen-  
cies of electric power facilities and other facilities.

Recommended Amend and Do Pass.

H-5876

1 Amend Senate File 2354 as amended, passed and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by inserting after line 24 the  
4 following:

5 "A city shall not join an entity created under  
6 this chapter or any separate administrative or legal  
7 entity created pursuant to chapter twenty-eight E  
8 (28E) of the Code for the purpose of utilizing the  
9 provisions of this chapter for financing electric  
10 power facilities until the proposal of the city to  
11 join such entity has been submitted to and approved  
12 by the voters pursuant to chapter three hundred eighty-  
13 eight (388) of the Code."

14 2. Page 4, by inserting after line 7 the following:

15 "Sec. . NEW SECTION. "Electric power agency"  
16 means an entity financing or acquiring electric power  
17 facilities pursuant to chapter twenty-eight E (28E)  
18 or twenty-eight F (28F) of the Code.

19 Sec. . Section three hundred eighty-four point  
20 ninety-five (384.95), subsection two (2), Code 1979,  
21 is amended to read as follows:

22 2. "Governing body" means the council of a city,  
23 a utility board of trustees or an administrative  
24 agency which is charged with the management and control

25 of a building or improvement project or an electric  
 26 power facility financed under the provisions of chapter  
 27 twenty-eight F (28F) of the Code.

28 Sec. . Section four hundred twenty-seven point  
 29 one (427.1), subsection two (2), Code 1979, is amended  
 30 to read as follows:

31 2. MUNICIPAL AND MILITARY PROPERTY. The property  
 32 of a county, township, city, school corporation, levee  
 33 district, drainage district or military company of  
 34 the state of Iowa, when devoted to public use and  
 35 not held for pecuniary profit except property of a  
 36 municipally owned electric utility held under joint  
 37 ownership which shall be subject to assessment and  
 38 taxation under provisions of chapters 428 and 437  
 39 and except property of an electric power facility  
 40 financed under the provisions of chapter twenty-eight  
 41 F (28F) of the Code.

42 Sec. . Section four hundred twenty-eight point  
 43 twenty-four (428.24), Code 1979, is amended to read  
 44 as follows:

45 428.24 PUBLIC UTILITY PLANTS. The lands,  
 46 buildings, machinery, and mains belonging to  
 47 individuals or corporations operating waterworks or  
 48 gasworks or pipe lines; the lands, buildings,  
 49 machinery, tracks, poles, and wires belonging to  
 50 individuals, or corporations or electric power agencies

## Page 2

1 furnishing electric light or power; the lands,  
 2 buildings, machinery, poles, wires, overhead  
 3 construction, tracks, cables, conduits, and fixtures  
 4 belonging to individuals or corporations operating  
 5 railways by cable or electricity, or operating elevated  
 6 street railways; and the lands, buildings, tracks,  
 7 and fixtures of street railways operated by animal  
 8 power, shall be listed and assessed by the department  
 9 of revenue. In the making of any such assessment  
 10 of waterworks plants, the value of any interest in  
 11 the property so assessed, of the municipal corporation  
 12 wherein the same is situated, shall be deducted,  
 13 whether such interest be evidenced by stock, bonds,  
 14 contracts, or otherwise.

15 Sec. . Section four hundred twenty-eight point  
 16 twenty-eight (428.28), unnumbered paragraph two (2),  
 17 Code 1979, is amended to read as follows:

18 Every individual, copartnership, corporation, asso-  
 19 ciation or city which operates a public utility on  
 20 a nonprofit basis, as defined in section 428.24 shall  
 21 annually, on or before the first day of May of each  
 22 calendar year, make a report on blanks to be provided  
 23 by the department of revenue of all of the property

24 owned by such individual, copartnership, corporation,  
25 association or city within the incorporated limits  
26 of any city in the state, and give such other  
27 information as the director of revenue shall require.  
28 Any public city utility which reports according to  
29 this paragraph shall not be assessed.

30 Sec. . Section four hundred twenty-eight point  
31 thirty-seven (428.37), subsection one (1), paragraph  
32 b, Code 1979, is amended to read as follows:

33 b. "Electric power generating plant" means each  
34 taxable name plate rated electric power generating  
35 plant owned solely or jointly by any person or electric  
36 power facility financed under the provisions of chapter  
37 twenty-eight F (28F) of the Code in which electrical  
38 energy is produced from other forms of energy,  
39 including all equipment used in the production of  
40 such energy through its step-up transformer.

41 Sec. . Section four hundred twenty-eight point  
42 thirty-seven (428.37), subsection two (2), paragraph  
43 c, Code 1979, is amended to read as follows:

44 c. Notwithstanding the provisions of paragraph  
45 "b" of this subsection, if the owner is a municipal  
46 electric utility or electric power facility financed  
47 under the provisions of chapter twenty-eight F (28F)  
48 of the Code, the remaining taxable value shall be  
49 allocated to each taxing district in which the  
50 municipal electric utility is serving customers and

### Page 3

1 has electric meters in operation in the ratio that  
2 the number of operating electric meters of the  
3 municipal electric utility located in the taxing  
4 district bears to the total number of operating  
5 electric meters of the municipal electric utility  
6 in the state as of January 1 of the calendar year  
7 in which the assessment is made. If the municipal  
8 electric utility or electric power facility financed  
9 under the provisions of chapter twenty-eight F (28F)  
10 of the Code has no operating electric meters in this  
11 state, then the remainder shall be assessed and levied  
12 on at the current rate of the taxing district in which  
13 the electric power generating plant is located. Tax  
14 moneys received from such remainder assessment and  
15 levies shall be paid to the county treasurer, who  
16 shall pay such tax moneys to the treasurer of state  
17 not later than fifteen days from the date the tax  
18 moneys are received by the county treasurer for deposit  
19 in the general fund of the state.

20 All municipal electric utilities which shall have  
21 taxable value apportioned under this section shall,

22 annually on or before the first day of May of each  
 23 calendar year, make a report listing the total  
 24 operating meters of the municipal electric utility  
 25 in each taxing district it serves as of the first  
 26 day of January of each calendar year on forms provided  
 27 by the department of revenue."  
 28 3. By numbering and renumbering as is necessary.

**Senate File 2356**, a bill for an act to protect state employees from personnel actions as reprisals for disclosing waste, mismanagement, or violations of law, providing for investigations of complaints by the citizens' aide, and subjecting violators to a penalty.

**Recommended Amend and Do Pass.**

H-5839

1 Amend Senate File 2356 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 35, by striking the word "three"  
 4 and inserting in lieu thereof the word "four".  
 5 2. Page 2, line 1, by striking the figure "3"  
 6 and inserting in lieu thereof the figure "4".  
 7 3. Page 2, line 7, by striking the word and figure  
 8 "four (4)" and inserting in lieu thereof the word  
 9 and figure "five (5)".  
 10 4. Page 2, line 8, by striking the word and figure  
 11 "four (4)" and inserting in lieu thereof the word  
 12 and figure "five (5)".  
 13 5. Page 2, line 14, by striking the word and  
 14 figure "four (4)" and inserting in lieu thereof the  
 15 word and figure "five (5)".

Fiscal Note is not required.

#### COMMITTEE ON TRANSPORTATION

**Senate File 2361**, by committee on transportation, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median

strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties.

**Recommended Do Pass.**

**Senate File 2296**, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a loss of miscellaneous income, and making an appropriation.

**Recommended Amend and Do Pass.**

H-5862

- 1 Amend Senate File 2296 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 15, by striking the word "in" and
- 4 inserting in lieu thereof the word "from".

**Senate File 2337**, a bill for an act relating to the increase in financial requirements for auto liability insurance policies.

**Recommended Amend and Do Pass.**

H-5872

- 1 Amend Senate File 2337 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 8 through 10 and
- 4 inserting in lieu thereof the words "vehicle, in the
- 5 amount of ~~ten~~ fifteen".
- 6 2. Page 1, by striking lines 17 through 25 and
- 7 inserting in lieu thereof the words "others in any
- 8 one accident."
- 9 3. Page 2, by striking lines 6 through 8 and
- 10 inserting in lieu thereof the words "or bond arising
- 11 out of ~~such~~ the accident; provided, however, every".
- 12 4. Page 2, by striking lines 19 through 31 and
- 13 inserting in lieu thereof the words "destruction of
- 14 property of others in any one accident."
- 15 5. By striking page 2, line 35 through page 3,
- 16 line 3, and inserting in lieu thereof the following:
- 17 "1. Judgments ~~herein~~ referred to in this chapter
- 18 shall, for the purpose of this chapter only, be
- 19 deemed".
- 20 6. Page 3, line 5, by striking the letter and
- 21 numeral "~~a. (1)~~" and inserting in lieu thereof the
- 22 letter "a."
- 23 7. Page 3, line 9, by striking the letter and
- 24 numeral "~~b. (2)~~" and inserting in lieu thereof the



- 25 letter "b."  
 26 8. Page 3, line 15, by striking the letter and  
 27 numeral "e. (3)" and inserting in lieu thereof the  
 28 letter "c."  
 29 9. By striking page 3, line 19 through page 4,  
 30 line 1.  
 31 10. Page 4, by striking lines 13 through 15 and  
 32 inserting in lieu thereof the words "to each such  
 33 motor vehicle, as follows: ~~Ten~~ fifteen thousand".  
 34 11. Page 4, by striking lines 21 through 28 and  
 35 inserting in lieu thereof the words "property of  
 36 others in any one accident."  
 37 12. Page 4, by striking lines 32 through 34 and  
 38 inserting in lieu thereof the following:  
 39 "1. Proof of financial responsibility may be  
 40 evidenced by the".  
 41 13. Page 5, by striking lines 4 through 11 and  
 42 inserting in lieu thereof the words "funds of a market  
 43 value of ~~twenty-five~~ forty thousand dollars. The  
 44 state".  
 45 14. By striking page 5, line 17 through page 7,  
 46 line 2.  
 47 15. Page 7, by striking lines 5 through 7.  
 48 16. By renumbering sections.

### AMENDMENTS FILED

H-5843	H.F. 2558	Tyrrell of Iowa
H-5845	H.F. 2558	Woods of Polk
H-5846	H.F. 2558	Tyrrell of Iowa
H-5847	H.F. 2558	Tyrrell of Iowa
H-5850	H.F. 2558	Krewson of Polk
H-5851	H.F. 2558	Byerly of Polk
H-5852	H.F. 759	West of Marshall
		Halvorson of Clayton
		Clark of Lee
H-5853	S.F. 359	Spear of Lee
H-5856	H.F. 2558	Byerly of Polk
H-5858	S.F. 2140	Schneklath of Scott
		Danker of Pottawattamie
H-5859	S.F. 2168	Schneklath of Scott
		Danker of Pottawattamie
		Branstad of Winnebago
H-5861	H.F. 2531	Bruner of Story
		Jochum of Dubuque
H-5863	H.F. 2558	Crawford of Story
		McKean of Jones

H—5863	H.F. 2558	Crawford of Story
		McKean of Jones
H—5864	H.F. 2558	Howell of Floyd
H—5865	H.F. 2558	Spear of Lee
H—5866	H.F. 2531	Schroeder of Pottawattamie
H—5867	H.F. 2531	Schroeder of Pottawattamie
H—5868	H.F. 2531	Schroeder of Pottawattamie
H—5869	H.F. 2531	Schroeder of Pottawattamie
H—5870	H.F. 2531	Schroeder of Pottawattamie
H—5871	H.F. 2531	Schroeder of Pottawattamie
H—5873	S.F. 2346	Johnson of Linn
H—5874	S.F. 2296	Menke of O'Brien
		Davitt of Warren
Hullinger of Decatur		De Groot of Lyon
Hibbs of Johnson		Johnson of Woodbury
Hansen of O'Brien		Groth of Buena Vista
Horn of Linn		Gettings of Wapello
Pope of Polk		Crabb of Crawford
Binneboese of Plymouth		Larsen of Wapello
Lind of Black Hawk		Cochran of Webster
Anderson of Jasper		Connolly of Dubuque
Doyle of Woodbury		Husak of Tama
Hinkhouse of Cedar		Byerly of Polk
Howell of Floyd		Walter of Pottawattamie
Welsh of Dubuque		Hall of Linn
Bina of Scott		O'Kane of Woodbury
Spear of Lee		Davitt of Warren
H—5875	H.F. 2558	Byerly of Polk
H—5877	H.F. 2558	Byerly of Polk
H—5878	H.F. 2558	Byerly of Polk

On motion by Halvorson of Clayton, the House adjourned at 7:02 p.m., until 9:00 a.m., Thursday, April 3, 1980.

# JOURNAL OF THE HOUSE

Eighty-first Calendar Day—Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 3, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Boyd G. Ellefson, pastor of the La Moille Congregational Church, Marshalltown.

The Journal of Wednesday, April 2, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Spearing, Harlan.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wells of Linn on request of Pavich of Pottawattamie; Davitt of Warren on request of Avenson of Fayette.

## PETITION FILED

The following petition was received and placed on file:

By Howell of Floyd, from sixteen constituents favoring Senate File 367, an act relating to reimbursement or the payment for health care services.

## SENATE MESSAGES CONSIDERED

**Senate File 2305**, by committee on judiciary, a bill for an act relating to the tort liability of governmental subdivisions.

Read first time and referred to committee on **cities**.

**Senate File 2357**, by committee on natural resources, a bill for an act relating to the composition and powers of conservancy district boards of directors, providing by law for the establishment of watershed funding districts and for the board of directors of the

conservancy district within which a watershed funding district is established to act as the governing board of the watershed funding district, and authorizing the levying of a tax by watershed funding districts.

Read first time and referred to committee on **ways and means**.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit.

FRANK J. STORK, Secretary

### SENATE AMENDMENT TO HOUSE FILE 2492

H-5879

1 Amend House File 2492 as amended, passed and  
2 reprinted by the House as follows:

3 1. By striking page 1, line 4, through page 2,  
4 line 24 and inserting in lieu thereof the following:  
5 "chapter one hundred seventeen (117), section one  
6 (1), is amended to read as follows:

7 However, a public utility ~~shall have the right~~  
8 may at any time after ~~said~~ rates, charges, schedules  
9 or regulations have been suspended for ninety days  
10 ~~to place in effect any or all of such the suspended~~  
11 rates, charges, schedules or regulations by filing  
12 with the commission a bond or other undertaking  
13 approved by the commission conditioned upon the refund  
14 in a manner to be prescribed by the commission of  
15 any amounts collected ~~thereunder~~ in excess of the  
16 amounts which would have been collected under rates,  
17 charges, schedules or regulations finally approved  
18 by the commission. The commission shall establish  
19 a rate of interest to be paid by a public utility  
20 to persons receiving refunds. Such The rate of  
21 interest shall be a reasonable rate as determined  
22 by the commission, but not less than five percent  
23 per annum, nor more than twelve percent per annum,  
24 and the interest shall be compounded annually. The

25 public utility shall not place into effect any portion  
26 of any suspended rates, charges, schedules or  
27 regulations of any subsequent rate filing relating  
28 to services with respect to which a rate filing is  
29 pending within twelve months following the date a  
30 prior application was filed or until after the  
31 commission has issued a final order in any previously  
32 filed rate proceedings, whichever is earlier, unless  
33 the public utility applies to the commission for  
34 authority and receives authority to place a portion  
35 of the subsequent filed rate filing into effect on  
36 an interim basis."

37 2. By striking page 2, line 34 through page 3,  
38 line 3, and inserting in lieu thereof the words "for  
39 deed, and including the refinancing or assumption  
40 of a prior loan by a new borrower if the lender  
41 releases the original borrower from all personal  
42 liability with respect to the loan;"

43 3. Page 3, by striking lines 13 through 27 and  
44 inserting in lieu thereof the following:

45 "e. A person borrowing money or obtaining credit  
46 for business or agricultural purposes, or a person  
47 borrowing money or obtaining credit in an amount which  
48 exceeds thirty-five thousand dollars for personal,  
49 family or household purposes. As used in this  
50 paragraph, "agricultural purpose" "

## Page 2

1 4. Page 3, line 35, by striking the words "and  
2 before".

3 5. Page 4, line 1, by striking the words "July  
4 1, 1983,".

5 6. Page 4, lines 18 and 19, by striking the words  
6 "and prior to July 1, 1983".

7 7. Page 4, lines 21 and 22, by striking the words  
8 "and prior to July 1, 1988".

9 8. Page 4, line 24, by striking the words "less  
10 fifteen thousand dollars".

11 9. Page 4, line 25, by inserting after the word  
12 "assumption" the words "or refinancing".

13 10. Page 4, line 28, by inserting after the word  
14 "assumption" the words "or refinancing".

15 11. Page 4, line 29, by inserting after the word  
16 "assumed" the words "or refinanced".

17 12. Page 6, line 17, by striking the word "retail".

18 13. Page 7, by inserting after line 9 the  
19 following:

20 "Sec. . . Section five hundred thirty-five point  
21 eight (535.8), subsection two (2), paragraph c, Code  
22 1979 Supplement, is amended to read as follows:

23 c. If the purpose of the loan is to enable the

24 borrower to purchase a single-family or two-family  
 25 dwelling, for his or her residence, any provision  
 26 of a loan agreement which prohibits the borrower from  
 27 transferring his or her interest in the property to  
 28 a third party for use by the third party as his or  
 29 her residence, or any provision which requires or  
 30 permits the lender to make a change in the interest  
 31 rate, the repayment schedule or the term of the loan  
 32 as a result of a transfer by the borrower of his or  
 33 her interest in the property to a third party for  
 34 use by the third party as his or her residence shall  
 35 not be enforceable except as provided in the following  
 36 sentence provided the borrower maintains all personal  
 37 liability on the loan. If the lender on reasonable  
 38 grounds believes that its security interest or the  
 39 likelihood of repayment is impaired, based solely  
 40 on criteria which is not more restrictive than that  
 41 used to evaluate a new mortgage loan application,  
 42 the lender may accelerate the loan, or to offset any  
 43 such impairment, may adjust the interest rate, the  
 44 repayment schedule or the term of the loan. A  
 45 provision of a loan agreement which violates this  
 46 paragraph is void. The provisions of this paragraph  
 47 are retroactive."

48 14. Page 7, by inserting after line 9 the  
 49 following:

50 "Sec. . Section five hundred thirty-five point

### Page 3

1 eight (535.8), subsection two (2), Code 1979  
 2 Supplement, is amended by adding the following new  
 3 lettered paragraph:  
 4 NEW LETTERED PARAGRAPH. If the purpose of the  
 5 loan is to enable the borrower to purchase real estate,  
 6 any provision of a loan agreement which prohibits  
 7 the borrower from transferring his or her interest  
 8 in the real estate to a third party, or any provision  
 9 which requires or permits the lender to make a change  
 10 in the interest rate, the repayment schedule or the  
 11 term of the loan as a result of a transfer by the  
 12 borrower of his or her interest in the real estate  
 13 to a third party shall not be enforceable if at the  
 14 time the borrower transfers his or her interest in  
 15 the real property, the borrower maintains all of his  
 16 or her personal liability to the lender with respect  
 17 to the loan."

18 15. Page 7, by striking lines 10 through 17 and  
 19 inserting in lieu thereof the following:

20 "Sec. 4. Section three hundred twenty-two point  
 21 nineteen (322.19), unnumbered paragraphs two (2) and

22 three (3), Code 1979, as amended by Acts of the Sixty-  
23 eighth General Assembly, 1980 Session, Senate File  
24 two thousand two hundred (2200), section one (1),  
25 are amended to read as follows:

26 Class 1. Any new motor vehicle designated by the  
27 manufacturer by a year model not earlier than the  
28 year in which the sale is made, an amount equivalent  
29 to one and ~~one-half~~ three-fourths percent per month  
30 simple interest on the declining balance of the amount  
31 financed.

32 Class 2. Any new motor vehicle not in Class 1  
33 and any used motor vehicle designated by the  
34 manufacturer by a year model of the same or not more  
35 than two years prior to the year in which the sale  
36 is made, an amount equivalent to ~~one and~~ three-fourths  
37 two percent per month simple interest on the declining  
38 balance of the amount financed."

39 16. By striking page 7, line 20 through page 8,  
40 line 2, and inserting in lieu thereof the following:

41 **"NEW SECTION. MOBILE HOME AND MODULAR HOME RETAIL**  
42 **INSTALLMENT CONTRACT—FINANCE CHARGE.** A retail  
43 installment contract or agreement for the sale of  
44 a mobile home or modular home may include a finance  
45 charge at any rate agreed to in writing by the parties.

46 "Finance charge" shall be as defined in section  
47 five hundred thirty-seven point one thousand three  
48 hundred one (537.1301) of the Code.

49 This section supersedes any conflicting interest  
50 rate or finance charge limitation contained in the

**Page 4**

1 Code, including but not limited to the provisions  
2 of chapters five hundred thirty-five (535) and five  
3 hundred thirty-seven (537) of the Code."

4 17. By striking page 8, line 6, through page 9,  
5 line 8, and inserting in lieu thereof the following:  
6 "Code, is amended by striking the section and inserting  
7 in lieu thereof the following:

8 SECTION 1. Chapter three hundred twenty-one (321),  
9 Code 1979, is amended by adding the following new  
10 section:

11 **NEW SECTION. SEMITRAILER OR TRAVEL TRAILER RETAIL**  
12 **INSTALLMENT CONTRACT—FINANCE CHARGES.** A retail  
13 installment contract or agreement for the sale of  
14 a semitrailer or travel trailer may include a finance  
15 charge at any rate agreed to in writing by the parties.

16 "Finance charge" shall be as defined in section  
17 five hundred thirty-seven point one thousand three  
18 hundred one (537.1301) of the Code.

19 This section supersedes any conflicting interest  
20 rate or finance charge limitation contained in the

21 Code, including but not limited to the provisions  
22 of chapters five hundred thirty-five (535) and five  
23 hundred thirty-seven (537) of the Code."

24 18. Page 9, by inserting after line 8 the  
25 following:

26 "Sec. . Section five hundred thirty-seven point  
27 one thousand three hundred one (537.1301), subsection  
28 fifteen (15), paragraph b, subparagraph two (2), Code  
29 1979, is amended by striking the subparagraph and  
30 inserting in lieu thereof the following:

31 (2) A loan secured by a first lien on land given  
32 to finance the acquisition of that land."

33 19. Page 9, line 13, by striking the word  
34 "eighteen" and inserting in lieu thereof the word  
35 "twenty-one".

36 20. Page 9, by striking lines 23 through 25 and  
37 inserting in lieu thereof the following: "addition,  
38 with respect to a consumer loan not secured by a first  
39 lien on a dwelling of the debtor given to finance  
40 the acquisition of that dwelling, a supervised  
41 financial".

42 21. Page 9, line 28, by striking the word  
43 "eighteen" and inserting in lieu thereof the word  
44 "twenty-one".

45 22. Page 9, by inserting after line 29 the  
46 following:

47 "Sec. 9. Section five hundred thirty-seven point  
48 two thousand two hundred two (537.2202), subsection  
49 three (3), Code 1979, is amended to read as follows:

50 3. If the billing cycle is monthly, the charge

#### Page 5

1 may not exceed an amount equal to one and one-half  
2 three-quarters percent of that part of the maximum  
3 amount pursuant to subsection 2 which is five hundred  
4 dollars or less and one and one-fourth percent of  
5 that part of the maximum amount which is more than  
6 five hundred dollars. If the billing cycle is not  
7 monthly, the maximum charge for the billing cycle  
8 shall bear the same relation to the applicable monthly  
9 maximum charge as the number of days in the billing  
10 cycle bears to three hundred sixty-five divided by  
11 twelve. A billing cycle is monthly if the closing  
12 date of the cycle is the same date each month or does  
13 not vary by more than four days from the regular date.

14 Sec. 10. Section five hundred thirty-seven point  
15 two thousand four hundred two (537.2402), subsection  
16 three (3), Code 1979, is amended to read as follows:

17 3. If the billing cycle is monthly, the charge  
18 may not exceed an amount equal to one and one-half



19 three-quarters percent of that part of the maximum  
 20 amount pursuant to subsection 2 which is five hundred  
 21 dollars or less and one and one-fourth percent of  
 22 that part of the maximum amount which is more than  
 23 five hundred dollars. If the billing cycle is not  
 24 monthly, the maximum charge for the billing cycle  
 25 shall bear the same relation to the applicable monthly  
 26 maximum charge as the number of days in the billing  
 27 cycle bears to three hundred sixty-five divided by  
 28 twelve. A billing cycle is monthly if the closing  
 29 date of the cycle is the same date each month or does  
 30 not vary by more than four days from the regular date.

31 Sec. . Section five hundred thirty-seven point  
 32 three thousand three hundred eleven (537.3311), Code  
 33 1979, is amended by adding the following new unnumbered  
 34 paragraph:

35 NEW UNNUMBERED PARAGRAPH. A card issuer shall  
 36 not discriminate, as between sellers who permit a  
 37 cardholder to use the credit card to purchase or lease  
 38 property or services, with respect to fees, charges,  
 39 discounts or other consideration payable by a seller  
 40 to the card issuer as a result of permitting a  
 41 cardholder to use the credit card for these purposes.”.

42 23. Page 9, by striking lines 30 through 35.

43 24. Page 9, by inserting after line 35 the  
 44 following:

45 “Sec. 11. Section five hundred thirty-five point  
 46 two (535.2), subsection four (4), Code 1979 Supplement,  
 47 is amended by striking that subsection.

48 Sec. 12. With respect to any written agreement  
 49 which was executed prior to August 3, 1978, and which  
 50 contained a provision for the adjustment of the

## Page 6

1 interest rate specified in that agreement, and which  
 2 was governed by the limitation contained in section  
 3 five hundred thirty-five point two (535.2), subsection  
 4 four (4), Code 1979 Supplement, the interest rate  
 5 may be adjusted after the effective date of this Act  
 6 according to the terms of the agreement to any rate  
 7 of interest permitted by the laws of this state as  
 8 of the date an adjustment in interest is to be made.  
 9 This section does not authorize adjustment of interest  
 10 in any manner other than that expressly permitted  
 11 by the terms of the written agreement, and nothing  
 12 contained in this section or section eleven (11) of  
 13 this Act authorizes the collection of additional  
 14 interest with respect to any portion of a debt which  
 15 was paid or repaid prior to the effective date of  
 16 an interest-rate adjustment.”

17 25. Page 9, by inserting after line 35 the  
18 following:  
19 "Sec. . The general assembly of the state  
20 of Iowa hereby declares and states that it does not  
21 want any of the provisions of Public Law No. 96-221  
22 (94 stat. 132), section 501, subsection (a), paragraph  
23 (1), to apply with respect to loans, mortgages, credit  
24 sales, and advances made in this state; and that it  
25 does not want any of the provisions of Public Law  
26 No. 96-221 (94 stat. 132), Part B (section 511,  
27 subsections (a) and (b)), to apply with respect to  
28 loans made in this state; and that it does not want  
29 any of the provisions of any of the amendments  
30 contained in Public Law No. 96-221 (94 stat. 132),  
31 sections 521, 522 and 523 to apply with respect to  
32 loans made in this state; and that it does not want  
33 any of the provisions of Public Law No. 96-221 (94  
34 stat. 132), section 524 to apply with respect to loans  
35 made in this state. It is the intent of the general  
36 assembly of the state of Iowa in enacting this section  
37 to exercise all authority granted by Congress and  
38 to satisfy all requirements imposed by Congress in  
39 Public Law No. 96-221 (94 stat. 132), section 501  
40 subsection (b), paragraph (2), and section 512, and  
41 section 524 subsection (i), paragraph (3), and section  
42 525, for the purpose of rendering the provisions of  
43 Public Law No. 96-221 (94 stat. 132), Title V,  
44 inapplicable in this state. Section two (2) of this  
45 Act expires July 1, 1983. All other provisions of  
46 this Act except this section expire July 1, 1981."

47 26. Page 10, by inserting after line 9 the  
48 following:  
49 "3. Sections four (4), five (5) and six (6) of  
50 this Act apply only with respect to contracts executed

**Page 7**

1 on or after the effective date of this Act. Sections  
2 seven (7) and eight (8) of this Act apply only with  
3 respect to loans or extensions of credit made or  
4 granted on or after the effective date of this Act.  
5 Sections nine (9) and ten (10) of this Act apply only  
6 with respect to loan or credit account balances which  
7 arise out of loans or credit made or extended on or  
8 after the effective date of this Act."

9 27. By renumbering sections and subsections and  
10 correcting internal references as necessary.

REREFERRED TO COMMITTEE ON WAYS AND MEANS  
(Senate Files 2296 and 2361)

The Speaker announced that Senate Files 2296 and 2361, presently on the **regular calendar**, were rereferred to the committee on **ways and means**.

RULES SUSPENDED

Halvorson of Clayton asked for unanimous consent to suspend the rules for the consideration of bills on the revised daily debate calendar.

Objection was raised.

Halvorson of Clayton moved that the rules be suspended (including House Rule 36.8) for the consideration of bills as listed on the revised Thursday, April 3, 1980, daily debate calendar.

A non-record roll call was requested.

The ayes were 54, nays 28.

The motion prevailed.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of the motion to reconsider the vote by which House File 2512, a bill for an act relating to loans for permanent residential energy conservation improvements, allowing the issuance of bonds by the Iowa housing finance authority for such purpose and providing for the administration of the program through natural gas and electric utilities, passed the House on April 2, 1980.

Roll call was requested by Shimanek of Jones and Pelton of Clinton.

Rule 80 was invoked.

On the question "Shall the vote by which House File 2512 passed the House be reconsidered?"

The ayes were, 34:

Anderson, R.	Arnould	Branstad	Cochran
Connolly	Connors	Daggett	Danker
Dieleman	Gettings	Hall	Halvorson, R.N.
Hullinger	Jay	Johnson, J.	Johnson, R.
Kirkenslager	Lind	Lloyd-Jones	Lura
Maulsby	Millen	Miller	O'Kane
Oxley	Pavich	Perkins	Renken
Smalley	Tyrrell	Van Maanen	Walter
Welsh	Woods		

The nays were, 55:

Anderson, J.	Avenson	Bennett	Bina
Binneboese	Brandt	Bruner	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Cusack	De Groot	Diemer
Doyle	Groth	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Holt
Horn	Howell	Hummel	Jochum
Johnson, W.	Krewson	Lageschulte	Larsen
Lorenzen	McKean	Menke	Mullins
Norland	Pellett	Pelton	Poffenberger
Pope	Ritsema	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Spear
Stromer	Swearingen	Thompson	Tofte
Welden	West	Mr. Speaker	

Absent or not voting, 11:

Byerly	Chiodo	Davitt	Egenes
Hoffmann	Husak	Jesse	Lonergan
Patchett	Rapp	Wells	

The motion to reconsider lost.

**MOTION TO RECONSIDER WITHDRAWN**  
(Senate File 89)

Howell of Floyd asked and received unanimous consent to withdraw the motion to reconsider Senate File 89, a bill for an act relating to borrow pits, filed by him on February 12, 1980.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**Senate File 359**, a bill for an act relating to worker's compensation for occupational hearing loss, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H — 5853 filed by him and moved its adoption:

H — 5853

- 1 Amend Senate File 359 as follows:
- 2 1. Page 6, line 10, by inserting after the
- 3 word "to" the words "hear and".
- 4 2. Page 6, line 14, by inserting after the
- 5 word "to" the words "hear and".

Amendment H — 5853 lost.

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 359)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lloyd-Jones	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Sherzan	Shimaneck	Shull	Smalley

Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Brandt	Byerly	Chiodo	Davitt
Egenes	Jesse	Lind	Lonergan
Patchett	Rapp	Wells	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Appropriations Calendar

**Senate File 2090**, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-1980 fiscal year and removing the acreage limitation in determining the amount of claim for credit for property taxes due or reimbursement for rent constituting property taxes paid by certain elderly and disabled persons under chapter four hundred twenty-five (425) of the Code, with report of committee recommending passage was taken up for consideration.

Thompson of Polk in the chair at 9:37 a.m.

West of Marshall offered the following amendment H-5692 filed by West, et al., and moved its adoption:

H-5692

- 1 Amend Senate File 2090 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 29 the
- 4 following:
- 5 "Sec. . . Section four hundred twenty-five point
- 6 fifteen (425.15), Code 1979, is amended to read as
- 7 follows:
- 8 425.15 DISABLED VETERAN TAX CREDIT, In the event
- 9 If the owner of the homestead, allowed a credit under
- 10 this chapter, is a veteran of any of the military
- 11 forces of the United States who acquired the homestead
- 12 under the provisions of the United States Code, title
- 13 38, chapter 21, sections 801 and 802, the credit

14 allowed on ~~said~~ the homestead from the homestead  
 15 credit fund herein provided shall be the entire amount  
 16 of the tax levied on ~~said~~ the homestead. The credit  
 17 herein allowed shall be continued to the estate of  
 18 such the veteran who is deceased or the surviving  
 19 spouse and any child, as defined in section 234.1  
 20 who are the beneficiaries thereof of the veteran so  
 21 long as the surviving spouse remains unmarried. ~~The~~  
 22 provisions of this ~~This section shall is not be~~  
 23 applicable to the holder of title to any such homestead  
 24 whose annual income, together with that of his or  
 25 her spouse, if any, for the last preceding twelve-  
 26 month income tax accounting period exceeds ten thousand  
 27 dollars. For the purpose of this section "income"  
 28 means taxable income for federal income tax purposes  
 29 plus income from securities of state and other  
 30 political subdivisions exempt from federal income  
 31 tax. Any veteran or his a beneficiary of the veteran  
 32 who elects to secure the credit provided in this  
 33 section ~~shall is not be~~ eligible for any other real  
 34 property tax exemption provided by law for veterans  
 35 of military service. If the veteran acquires a  
 36 different homestead, the credit allowed under the  
 37 provisions of this section may be claimed on a new  
 38 homestead unless the veteran fails to meet the other  
 39 requirements of this section."

40 2. Page 2, line 18, by inserting after the word  
 41 "claimant." the following: "However, if the claimant  
 42 is a person whose property taxes have been suspended  
 43 under sections four hundred twenty-seven point eight  
 44 (427.8) and four hundred twenty-seven point nine  
 45 (427.9) of the Code, "property taxes due" means  
 46 property taxes including any special assessments,  
 47 but exclusive of delinquent interest and charges for  
 48 services, due on a claimant's homestead in this state,  
 49 but includes only property taxes for which the claimant  
 50 is liable and which would have to be paid by the

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1 claimant if the payment of the taxes have not been  
 2 suspended pursuant to sections four hundred twenty-  
 3 seven point eight (427.8) and four hundred twenty-  
 4 seven point nine (427.9) of the Code."

5 3. Page 2, line 31, by striking the words "the  
 6 age of" and inserting in lieu thereof the words "the  
 7 age of".

8 4. Page 3, by inserting after line 8 the follow-  
 9 ing:

10 "Sec. . Section four hundred twenty-seven point  
 11 nine (427.9), Code 1979, is amended to read as follows:

12 427.9 SUSPENSION OF TAXES. Whenever a person

13 is a recipient of federal supplementary security  
14 income or state supplementary assistance, as defined  
15 in section 249.1, or is a resident of a health care  
16 facility, as defined by section 135C.1, which is  
17 receiving payment from the department of social—  
18 services for his or her care, such the person shall  
19 be deemed to be unable to contribute to the public  
20 revenue. The commissioner of social services shall  
21 ~~thereupon~~ notify the board of supervisors, of the  
22 county in which such the assisted person owns property,  
23 of the ~~aforsaid~~ fact, giving a statement of property,  
24 ~~real and personal~~, owned, possessed, or upon which  
25 ~~said the~~ person is paying taxes as a purchaser under  
26 contract. ~~It shall then be the duty of the~~ The board  
27 of supervisors so notified, without the filing of  
28 a petition and statement as specified in section  
29 427.8, to shall order the county treasurer to suspend  
30 the collection of all the taxes assessed against ~~said~~  
31 the property and remaining unpaid by such the person  
32 or contractually payable by ~~him the~~ person, for such  
33 time as such the person ~~shall remain~~ remains the owner  
34 or contractually prospective owner of such the  
35 property, and during the period such the person  
36 receives assistance as described in this section.  
37 The commissioner of social services shall advise the  
38 person that the person may apply for an additional  
39 property tax credit pursuant to section four hundred  
40 twenty-five point sixteen (425.16) through four hundred  
41 twenty-five point thirty-nine (425.39) of the Code  
42 which shall be credited against the amount of the  
43 property taxes suspended."  
44 5. Number and renumber as required.

Amendment H—5692 was adopted.

Norland of worth asked and received unanimous consent to withdraw amendment H—5550 filed by him on March 17, 1980 and amendment H—5529 filed by him on March 14, 1980.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—5637 filed by him on March 21, 1980.

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. 2090)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Tofte	Tyrrell	Van Maanen
Walter	Welden	Welsh	West
Woods	Madam Speaker (Thompson)		

The nays were, none.

Absent or not voting, 6:

Davitt	Jesse	Krewson	Mullins
Poffenberger	Wells		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2339 WITHDRAWN

Hall of Linn asked and received unanimous consent to withdraw House File 2339 from further consideration by the House.

HOUSE FILE 2154 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 2154 from further consideration by the House.

## HOUSE FILE 2321 WITHDRAWN

Norland of Worth asked and received unanimous consent to withdraw House File 2321 from further consideration by the House.

**Senate File 2274**, a bill for an act to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund, with report of committee recommending passage was taken up for consideration.

Howell of Floyd offered the following amendment H—5765 filed by him:

H—5765

1 Amend Senate File 2274, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting after line 18 the  
4 following:  
5 "Sec. 2. Section ninety-six point seven (96.7),  
6 subsection three (3), paragraph a, subparagraph two  
7 (2), unnumbered paragraph one (1), Code 1979, as  
8 amended by Acts of the Sixty-eighth General Assembly,  
9 1979 Session, chapter thirty-three (33), section  
10 fifteen (15), and as the section is amended by Acts  
11 of the Sixty-eighth General Assembly, 1979 Session,  
12 chapter thirty-three (33), sections fifteen (15)  
13 through twenty-two (22), is amended as follows:  
14 The amount of regular benefits plus fifty percent  
15 of the amount of extended benefits, as determined  
16 under section 96.29, paid to an eligible individual  
17 shall be charged against the account of the those  
18 employers in who paid the individual wages equal to  
19 one hundred dollars or more within the base period  
20 in the inverse chronological order in which the  
21 employment of the individual occurred. Provided,  
22 that in any case in which the individual to whom the  
23 benefits are paid is in the employ of a base period  
24 employer at the time the individual is receiving the  
25 benefits, and the individual is receiving the same  
26 employment from the employer that the individual  
27 received during the individual's base period, then  
28 benefits paid to the individual shall not be charged  
29 against the account of the employer. An employer's  
30 account shall not be charged with benefit payments  
31 made to any individual who has left the work of the  
32 employer voluntarily without good cause attributable  
33 to the employer, but shall be charged to the account

34 of the next succeeding employer with whom the  
35 individual requalified for benefits as determined  
36 under section 96.5, subsection 1, paragraph "g".  
37 However, the succeeding employer's account shall first  
38 be charged with benefit payments to the individual  
39 due to wage credits earned by the individual while  
40 employed by the succeeding employer. After exhausting  
41 those wage credits, the succeeding employer's account  
42 shall not be charged with ten weeks of benefit payments  
43 to the individual due to wage credits earned by the  
44 individual from a previous employer, but rather the  
45 unemployment compensation trust fund shall be charged.  
46 After exhausting the ten weeks of noncharging, the  
47 succeeding employer's account shall again be charged  
48 with benefit payments. Provided further, that an  
49 employer's account shall not be charged with benefit  
50 payments made to an individual who has been discharged

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1 for misconduct in connection with the individual's  
2 employment, and shall not be charged with benefit  
3 payments made to an individual after the individual  
4 has failed without good cause, either to apply for  
5 available, suitable work or to accept suitable work  
6 or to return to customary self-employment, but shall  
7 be charged to the account of the next succeeding  
8 employer with whom the individual requalifies for  
9 benefits as determined respectively under section  
10 96.5, subsections 2 and 3."

11 2. Page 1, line 19, by striking the words and  
12 figures "Sec. 2. This" and inserting in lieu thereof  
13 the words and figures "Sec. 3. Section one (1) of  
14 this".

15 3. Page 1, line 23, by inserting after the figure  
16 "1978." the words and figure "Section two (2) of this  
17 Act takes effect January first following its  
18 enactment."

Lageschulte of Bremer rose on a point of order that amendment  
H-5765 was not germane.

The Speaker ruled the point well taken and amendment  
H-5765 not germane.

Anderson of Jasper moved that the rules governing ger-  
maneness be suspended to consider and adopt amendment H-5765.

Roll call was requested by Anderson of Jasper and Perkins of  
Greene.

On the question "Shall the rules be suspended to consider and adopt amendment H—5765?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jochum	Johnson, J.	Lind
Lloyd-Jones	Lonergan	Miller	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Renken	Sherzan	Spear
Tyrrell	Walter	Welsh	Woods

The nays were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Pellett,	Pelton	Poffenberger	Pope
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Tofte	Van Maanen	Welden	West
Madam Speaker (Thompson)			

Absent or not voting, 7:

Davitt	Harbor	Jesse	Krewson
Mullins	Norland	Wells	

The motion lost.

Clark of Lee in the chair at 10:07 a.m.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 2274)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lloyd-Jones	Lonergan	Lura
Maulsby	McKean	Menke	Millen
Miller	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Welden	West	Woods	Mr. Speaker (Clark of Lee)

The nays were, 1:

Lind

Absent or not voting, 15:

Crabb	Davitt	Harbor	Hibbs
Hullinger	Jesse	Krewson	Lorenzen
Mullins	O'Kane	Poffenberger	Stromer
Thompson	Wells	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 2497 WITHDRAWN

Lageschulte of Bremer asked and received unanimous consent to withdraw House File 2497 from further consideration by the House.

## Ways and Means Calendar

**House File 2511**, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services, was taken up for consideration.

Conlon of Muscatine offered the following amendment H—5405 filed by him and Thompson of Polk and moved its adoption:

H—5405

- 1 Amend House File 2511 as follows:
- 2 1. Page 1, by striking lines 8 through 12, and
- 3 by inserting in lieu thereof the following:
- 4 "charitable organization consisting of the excess
- 5 of the state employee mileage reimbursement over the
- 6 amount deductible for federal income tax purposes.
- 7 The deduction shall be proven by".

Amendment H—5405 was adopted.

Bruner of Story asked and received unanimous consent to withdraw amendment H—5880 filed by him from the floor.

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on House File 2511.

## PRESENTATION OF VISITOR

Avenson of Fayette presented to the House the Honorable Donald Norland, United States Ambassador to the Republic of Chad, and his wife Pat. Mr. Norland has been with the U. S. Foreign Service for twenty-seven years.

**House File 2576**, a bill for an act relating to property tax exemptions for wetlands, forest cover, rivers and streams, river and stream banks and open prairies, was taken up for consideration.

Schneklath of Scott offered amendment H—5786 filed by him and requested division as follows:

H—5786

- 1 Amend House File 2576 as follows:

H-5786A

- 2 1. Page 2, line 7, by inserting after the period
- 3 the words "For purposes of the affidavit, land on
- 4 which is stored, rested or parked usable or junk
- 5 equipment or machinery is deemed to be used for
- 6 economic gain."

H-5786B

- 7 2. Page 2, line 20, by inserting after the period
- 8 the words "Property upon which are located abandoned
- 9 buildings or structures shall have the lowest priority
- 10 on the list adopted."

On motion by Schneklath of Scott, amendment H-5786A was adopted.

Lloyd-Jones of Johnson asked and received unanimous consent to defer action on amendment H-5786B.

Hullinger of Decatur offered the following amendment H-5882 filed by him from the floor and moved its adoption:

H-5882

- 1 Amend House File 2576 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "Wetlands," the words "recreational lakes,".
- 4 2. Page 3, line 4, by inserting after the word
- 5 "wetlands," the words "recreational lakes,".
- 6 3. Page 4, by inserting after line 1 the follow-
- 7 ing:
- 8 " "Recreational lake" means a body of water,
- 9 which is not a river or stream, owned solely by a
- 10 nonprofit organization and is primarily used for
- 11 boating, fishing, swimming and other recreational
- 12 purposes."
- 13 4. Title page, line 1, by inserting after the
- 14 word "wetlands," the words "recreational lakes,".

Amendment H-5882 was adopted.

Norland of Worth offered the following amendment H-5881 filed from the floor by him and West of Marshall and moved its adoption:

H-5881

1 Amend House File 2576 as follows:

2 1. Page 1, lines 12 and 13, by striking the words  
3 "for which exemptions are granted" and inserting in  
4 lieu thereof the words "to procure an exemption for  
5 the fiscal year beginning in the assessment year".

6 2. Page 1, line 13, by striking the word  
7 "assessment" and inserting in lieu thereof the word  
8 "fiscal".

9 3. Page 1, by striking line 21 and inserting in  
10 lieu thereof the words "assessment year, on forms  
11 provided".

12 4. Page 2, line 3, by inserting after the word  
13 "that" the word "assessment".

14 5. Page 2, line 7, by striking the words "year  
15 for" and inserting in lieu thereof the words  
16 "assessment year in".

17 6. Page 2, line 30, by striking the word "year"  
18 and inserting in lieu thereof the words "assessment  
19 year in which begins the fiscal year".

20 7. Page 3, line 6, by striking the word  
21 "assessment" and inserting in lieu thereof the word  
22 "fiscal".

Amendment H-5881 was adopted.

The House resumed consideration of amendment H-5786B.

The following amendment H-5885, to amendment H-5786B, filed by Schnekloth of Scott from the floor was adopted by unanimous consent:

H-5885

1 Amend amendment H-5786B to House File 2576 as follows:

2 1. Page 1, line 10, by inserting after the word  
3 "adopted" the following: ", unless the board of super-  
4 visors determines that the structure has historic  
5 significance".

On motion by Schnekloth of Scott, amendment H-5786B, as amended, was adopted.

Norland of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.



## On the question "Shall the bill pass?" (H.F. 2576)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welsh
West	Woods	Mr. Speaker	
		(Clark of Lee)	

The nays were, none.

Absent or not voting, 9:

Cusack	Davitt	Harbor	Lura
Pope	Stromer	Walter	Welden
Wells			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## MOTION TO SUSPEND RULES LOST

Rapp of Black Hawk moved to suspend the rules for the immediate consideration of House File 2531, a bill for an act creating an office of residential energy consumer counsel and specifying the powers and duties of the residential energy consumer counsel.

Roll call was requested by Rapp of Black Hawk and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall the motion prevail to immediately consider House File 2531?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Horn	Howell	Husak	Jay
Jesse	Jochum	Lloyd-Jones	Loneragan
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Welsh	Woods

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Dieleman
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
West	Mr. Speaker (Clark of Lee)		

Absent or not voting, 6:

Davitt	Hullinger	Stromer	Walter
Welden	Wells		

The motion lost.

### Ways and Means Calendar

The House resumed consideration of **House File 2511**, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

Connors of Polk offered the following amendment H—5884 filed by him from the floor:

H—5884

- 1 Amend House File 2511 as follows:
- 2 1. Page 1, line 1, by striking the word "nine" and
- 3 inserting in lieu thereof the word "twelve".
- 4 2. Page 1, by striking lines 2 through 6 and inserting
- 5 in lieu thereof the following: "(422.12) subsection one (1),
- 6 Code 1979, as the section is amended by Acts of the Sixty-
- 7 eighth General Assembly, 1979 Session, chapter ninety-
- 8 three (93), section six (6), is amended by adding the
- 9 following new lettered paragraph:
- 10 NEW LETTERED PARAGRAPH. For a single individual,
- 11 married person filing a separate return, or a husband
- 12 and wife filing a joint return, ten percent of allowable
- 13 mileage expenses, not to exceed ten dollars. Allowable
- 14 mileage expenses are expenses for"

Conlon of Muscatine rose on a point of order that amendment H—5884 was not germane.

The Speaker ruled the point well taken and amendment H—5884 not germane.

Brandt of Black Hawk moved that the rules governing germaneness be suspended to consider and adopt amendment H—5884.

Roll call was requested by Anderson of Jasper and Connolly of Dubuque.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider and adopt amendment H—5884?"

The ayes were, 37:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hinkhouse	Horn
Howell	Husak	Jay	Jesse
Jochum	Lloyd-Jones	Lonergan	Miller
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Spear
Woods			

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	West	Mr. Speaker (Clark of Lee)	

Absent or not voting, 12:

Arnould	Crabb	Davitt	Hullinger
Johnson, J.	Lind	Norland	Stromer
Walter	Welden	Wells	Welsh

The motion lost.

Doyle of Woodbury offered the following amendment H—5883 filed by him from the floor:

H—5883

- 1 Amend House File 2511 as follows:
- 2 1. Page 1, by adding after line 14, the following
- 3 new lettered paragraph:
- 4 "NEW LETTERED PARAGRAPH. Add an additional
- 5 deduction by an Iowa taxpayer who is or has been a
- 6 hostage in Iran during a taxable year. The salary and
- 7 wages earned by the hostage during confinement shall
- 8 not be counted as taxable income."

Conlon of Muscatine rose on a point of order that amendment H—5883 was not germane.

The Speaker ruled the point well taken and amendment H—5883 not germane.

Doyle of Woodbury moved that the rules be suspended to consider and adopt amendment H—5883?"

Roll call was requested by Doyle of Woodbury and Groth of Buena Vista.

On the question "Shall the rules be suspended to consider and adopt amendment H—5883?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Dieleman	Doyle	Gettings
Groth	Hall	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Lonerган	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Tyrrell
Welsh	Woods		

The nays were, 47:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Larsen
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Swearingen	Thompson	Tofte
Van Maanen	West	Mr. Speaker (Clark of Lee)	

Absent or not voting, 11:

Davitt	De Groot	Halvorson, R.N.	Johnson, J.
Kirkenslager	Lind	Pelton	Stromer
Walter	Welden	Wells	

The motion lost.

Speaker Harbor in the chair at 11:31 a.m.

Thompson 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. 2511)

The ayes were, 79:

Anderson, J.	Arnould	Bennett	Bina
Brandt	Branstad	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Corey	Crabb	Crawford
Cusack	Daggett	Danker	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jesse	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	McKean	Menke	Miller
Mullins	Norland	Oxley	Patchett
Pavich	Pellet	Pelton	Poffenberger
Pope	Rapp	Renken	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
West	Woods	Mr. Speaker	

The nays were, 13:

Anderson, R.	Binneboese	Connors	Groth
Halvorson, R.N.	Hinkhouse	Jay	Jochum
Lura	Maulsby	O'Kane	Ritsema
Welsh			

Absent or not voting, 8:

Avenson	Chiodo	Davitt	Millen
Perkins	Stromer	Welden	Wells

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Regular Calendar

**Senate File 2272**, a bill for an act relating to the movement of vehicles of excessive size and weight, with report of committee recommending amendment and passage was taken up for consideration.

Menke of O'Brien offered amendment H—5723 filed by the committee on transportation on March 27, 1980 and found on page 1235 of the House Journal and moved its adoption.

The committee amendment H—5723 was adopted.

Menke of O'Brien asked and received unanimous consent to withdraw amendment H—5671 filed by him and Schnekloth of Scott on March 25, 1980.

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2272)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
O'Kane	Oxley	Patchett	Pavich
Pellett	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Davitt	Halvorson, R.N.	Lloyd-Jones	Norland
Pelton	Perkins	Poffenberger	Stromer
Welden	Wells		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### UNANIMOUS CONSENT

Maulsby of Calhoun asked and received unanimous consent to be recorded as voting "aye" on Senate File 2272 and the vote was so recorded.

Connors of Polk asked and received unanimous consent that Brandt of Black Hawk be recorded as voting "aye" on House File 2559 and the vote was so recorded.

### OBJECTION TO UNANIMOUS CONSENT

Lageschulte of Bremer asked for unanimous consent to be recorded as voting "aye" on amendments H—5842 and H—5825 to House File 2575.

Objection was raised.

On motion by Halvorson of Clayton, the House was recessed at 12:27 p.m., until 1:45 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth on request of Welsh of Dubuque; Anderson of Jasper and Norland of Worth on request of Avenson of Fayette; Jochum of Dubuque on request of Connors of Polk, all for the remainder of the day.

### 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.



**CONSIDERATION OF BILLS**  
**Regular Calendar**

**Senate File 2235**, a bill for an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa, with report of committee recommending passage was taken up for consideration.

Crawford of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2235)

The ayes were, 84:

Anderson, J.	Bennett	Bina	Brandt
Branstad	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	West	Woods	Mr. Speaker

The nays were, 2:

Avenson	Welsh
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Absent or not voting, 14:

Anderson, R.	Arnould	Binneboese	Bruner
Chiodo	Connors	Egenes	Hinkhouse
Husak	Jesse	Jochum	Norland
Sherzan	Wells		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 87**, a bill for an act relating to the granting of utility easements by the department of social services, with report of committee recommending passage was taken up for consideration.

Swearingen of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 87)

The ayes were, 87:

Anderson, J.	Arnould	Bennett	Bina
Brandt	Branstad	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Corey	Crabb	Crawford
Cusack	Daggett	Davitt	De Groot
Dieleman	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneran
Lorenzen	Lura	Maulsby	McKean
Menke	Miller	Miller	Mullins
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Welsh
West	Woods	Mr. Speaker	

The nays were, 1:

Avenson

Absent or not voting, 12:

Anderson, R.	Binneboese	Chiodo	Connors
Danker	Egenes	Hinkhouse	Husak
Jesse	Jochum	Norland	Wells

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Unfinished Business Calendar

Pelton of Clinton asked for unanimous consent to place House Files 2565 and 2531 on the calendar under unfinished business.

Objection was raised.

Pelton of Clinton moved that **House File 2565**, a bill for an act relating to a public utility's ability to collect a portion of a rate increase subject to refund while all the rate increase is pending before the Iowa state commerce commission, be placed on the calendar under unfinished business.

Roll call was requested by Cusack of Scott and Johnson of Howard.

Rule 80 was invoked.

On the question "Shall House File 2565 be placed on the calendar under unfinished business?"

The ayes were, 50:

Arnould	Avenson	Bina	Brandt
Bruner	Byerly	Cochran	Connolly
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.N.	Hanson, D.
Hibbs	Horn	Howell	Hullinger
Jay	Kirkenslager	Krewson	Lageschulte
Larsen	Lloyd-Jones	Lonergan	Lorenzen
McKean	Miller	Mullins	O'Kane
Oxley	Patchett	Pavich	Pelton
Perkins	Poffenberger	Rapp	Ritsema
Sherzan	Shimanek	Spear	Walter
Welsh	Woods		

The nays were, 41:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Lind	Lura	Maulsby	Menke
Millen	Pellett	Pope	Renken
Schnekloth	Schroeder	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker			

Absent or not voting, 9:

Anderson, R.	Binneboese	Chiodo	Hinkhouse
Husak	Jesse	Jochum	Norland
Wells			

The motion prevailed and House File 2565 was placed on the calendar under unfinished business.

Pelton of Clinton moved that **House File 2531**, a bill for an act creating an office of residential energy consumer counsel and specifying the powers and duties of the residential energy consumer counsel, be placed on the calendar under unfinished business.

Schroeder of Pottawattamie moved as a substitute motion that the rules be suspended to place House File 2531 on the calendar under unfinished business.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his motion to suspend the rules.

Conlon of Muscatine rose on a point of order that in order to place House File 2531 on the calendar under unfinished business, it was necessary to suspend the rules, referring to House Rule 38 and Section 262 of Mason's Manual of Legislative Procedure, relating to changing the order on the calendar.

The Speaker ruled the point well taken and a suspension of rules necessary on the motion to place House File 2531 on the calendar under unfinished business.

Pelton of Clinton moved that the rules be suspended to place House File 2531 on the calendar under unfinished business.

Roll call was requested by Schroeder of Pottawattamie and Bennett of Ida.

Rule 80 was invoked.

On the question "Shall the rules be suspended to place House File 2531 on the calendar under unfinished business?"

The ayes were, 47:

Arnould	Avenson	Bina	Brandt
Bruner	Byerly	Chiodo	Cochran
Connolly	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Husak	Jay	Kirkenslager	Krewson
Lloyd-Jones	Lonergan	McKean	Miller
Mullins	O'Kane	Oxley	Patchett
Pavich	Pelton	Perkins	Rapp
Ritsema	Sherzan	Shimaneck	Spear
Walter	Welsh	Woods	

The nays were, 45:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Larsen	Lind
Lura	Maulsby	Menke	Millen
Pellett	Poffenberger	Pope	Renken
Schneklath	Schroeder	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker			

Absent or not voting, 8:

Anderson, R.	Binneboese	Hullinger	Jesse
Jochum	Lorenzen	Norland	Wells

The motion, having failed to receive a constitutional majority, lost.

HOUSE CONCURRENT RESOLUTION 125  
By Committee on Judiciary and Law Enforcement

1     *Whereas*, there is growing public concern that con-  
2 victed criminals receive more assistance and care than  
3 do their victims; and

4     *Whereas*, a program of restitution and victim com-  
5 pensation would be of benefit both to the victims of  
6 crimes and in the rehabilitation of the criminal; and

7     *Whereas*, the development of a program of restitution  
8 and victim compensation requires study and the input  
9 of various public and private sources; *Now Therefore*,

10    *Be It Resolved by the House of Representatives*,  
11 *the Senate Concurring*, That the legislative council  
12 is urged to appoint an interim joint subcommittee  
13 composed of members representing both political parties  
14 of the judiciary committees of both houses of the general  
15 assembly to study the need for a state program of restitu-  
16 tion and victim compensation and to report its findings  
17 with appropriate legislation to the judiciary committees,  
18 the legislative council and to the general assembly.

Laid over under Rule 30.

HOUSE RESOLUTION 108  
By Van Maanen, Dieleman, Jay, Larsen and Davitt

1     *Whereas*, ninety-five percent of the energy used in  
2 Iowa is imported; and coal is Iowa's most abundant energy  
3 resource and is estimated at over three billion tons of  
4 recoverable coal, enough to last the state for hundreds  
5 of years; and

6     *Whereas*, the past seventy years have seen a ninety  
7 percent reduction in the production of Iowa coal result-  
8 ing in the decline of Iowa's coal industry to the point  
9 of extinction; and

10    *Whereas*, thirteen million tons of coal were used in  
11 Iowa in 1979, but only seven percent was Iowa coal; and

12    *Whereas*, the current energy crisis necessitates the  
13 establishment of efficient energy production priorities  
14 which emphasize the utilization of local energy sources  
15 instead of furthering the reliance on unstable energy  
16 sources from unfriendly nations; and

17    *Whereas*, the application of federal air quality standards  
18 threaten further economic disruption and unemployment to  
19 significant portions of Iowa; and

20    *Whereas*, the importance of air quality for Iowa's  
21 citizens is well recognized, it should also be recognized  
22 that data indicates that previous federal scientific  
23 studies upon which air quality standards were set have

24 proved to be vague; *Now Therefore,*

25 *Be It Resolved by the House of Representatives, That*  
26 the United States Environmental Protection Agency  
27 be urged to take prompt action to reevaluate all sulfur  
28 air quality studies and standards affecting Iowa; and  
29 *Be It Further Resolved, That the state of Iowa through*  
30 the Iowa Department of Environmental Quality, working

**Page 2**

1 with the United States Environmental Protection Agency,  
2 a representative from the governor's office, and other  
3 interested parties, reevaluate by September 1, 1980  
4 Iowa's air quality regulations to allow for the burning  
5 of considerably more Iowa coal in an environmentally  
6 acceptable manner; and  
7 *Be It Further Resolved, That a copy of this resolu-*  
8 *tion be forwarded to the President of the United States,*  
9 *to the United States Environmental Protection Agency,*  
10 *to the President of the United States Senate, to the*  
11 *Speaker of the United States House of Representatives,*  
12 *and to each member of Congress from Iowa.*

Laid over under Rule 30.

**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 3rd day of April, 1980: House Files 2279, 2429 and 2453.

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:

Thirteen twelfth grade students from Dexfield Junior-Senior High School, Redfield, accompanied by Frank Brigham. By Davitt of Warren and Poffenberger of Dallas.

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 2, 1980 and is on file in the office of the Chief Clerk:

April 2, 1980

Mr. David L. Wray, Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. Wray:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include eight (8) claims of a general nature. This supplements our filing on January 15, 1980.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Very truly yours,

Maurice E. Baringer  
Chairman  
State Appeal Board

Receipt of the above is hereby acknowledged.

DAVID L. WRAY  
Chief Clerk of the House

### OFFICE STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
3831-67-25	Family and Children's Service Davenport, Iowa Outdated invoices for services provided children	\$ 702.54	Disapproved
5542-68-25	American Printing House for the Blind, Inc., Louisville, Kentucky Invoice paid administratively	15.90	Disapproved
5670-68-25	William John Turner Des Moines, Iowa Reimbursement for "banked" sick leave pay	594.28	Disapproved



5903-68-25	Barbara B. Lyons Cumming, Iowa Reimbursement for moving expenses	478.80	Disapproved
5966-68-25	Marshalltown Area Community Hospital, Marshalltown, Iowa Personal injury payment	98.31	Disapproved
6027-69-25	Richard Arthur Ranney West Des Moines, Iowa Overtime pay request	12,137.15	Disapproved
6034-69-25	Treasurer of the United States Camp Dodge Grimes, Iowa Property not accounted for after audit	1,777.50	Disapproved
6048-69-25	Clifford C. Smith, M.D. McGregor, Iowa Outdated invoice for federally funded Title XIX claim	442.50	Disapproved

### SUBCOMMITTEE ASSIGNMENTS

#### Senate Concurrent Resolution 118

Judiciary and Law Enforcement: Shimanek, Chair; Johnson of Howard, Conlon, Patchett and Jesse.

#### Senate File 2161

Judiciary and Law Enforcement: Felton, Chair; Anderson of Audubon and Walter.

#### Senate File 2189

Commerce: Johnson of Linn, Chair; Chiodo and Swearingen.

#### Senate File 2230

Agriculture: Hummel, Chair; Van Maanen and Hinkhouse.

#### Senate File 2238

Ways and Means: Bennett, Chair; Daggett and Davitt.

#### Senate File 2319

Human Resources: Spear, Chair; Maulsby and Daggett.

#### Senate File 2325

Agriculture: Van Maanen, Chair; Tyrrell and Cochran.

#### Senate File 2326

Agriculture: Crabb, Chair; Husak and De Groot.

**Senate File 2327**

Ways and Means: Thompson, Chair; Shull and Connolly.

**Senate File 2333**

Transportation: Schroeder, Chair; Bennett and Miller.

**Senate File 2343**

Ways and Means: Lageschulte, Chair; Lorenzen and Cochran.

**Senate File 2350**

Commerce: Conlon, Chair; Egenes, Pope, Bina and Jochum.

**Senate File 2356**

State Government: Shimanek, Chair; Lageschulte and Brandt.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS****Study Bill 752**

Ways and Means: Conlon, Chair; Renken and Hall.

**PROOF OF PUBLICATION  
(Senate File 2314)**

Published copy of Senate File 2314 and verified proof of publication of said bill in the Grinnell Herald-Register, a semi-weekly newspaper published in Grinnell, Poweshiek County, Iowa on March 6, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**REPORT OF COMMITTEE MEETING**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

**DAVID L. WRAY**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

Scheduled: 12:30 p.m., April 3, 1980

Convened: 12:30 p.m.

Adjourned: 1:05 p.m.

Present: Shimane, Chair; Bitsema, Vice-Chair; Patchett, Ranking Member; Clark of Cerro Gordo, Conlon, Corey, Hibbs, Holt, Johnson of Howard, Lloyd-Jones, Lonergan, Maulsby, Pelton, Rapp and Welsh.

Absent: Anderson of Audubon (arrived at 1:00 p.m.), Arnould (arrived at 12:45 p.m.), Doyle (arrived at 12:35 p.m.), Jesse (arrived at 12:35 p.m.) and Smalley (arrived at 12:40 p.m.).

Senate File 2310 (a bill for an act relating to changes in the rules of civil procedure) failed to pass.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

### COMMITTEE ON HUMAN RESOURCES

**Senate File 2319**, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Recommended **Amend and Do Pass**.

H—5890

- 1 Amend Senate File 2319 as follows:
- 2 1. Page 2, by striking lines 21 and 22 and
- 3 inserting in lieu thereof the following:
- 4 "a. Inmates applying to participate in a program
- 5 shall be approved by the work release committee
- 6 designated pursuant to section two hundred forty seven
- 7 A point three (247A.3) of the Code and shall reside
- 8 at state correctional institutions."

### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 2315**, a bill for an act relating to presentence investigation reports.

Recommended **Do Pass**.

**Senate File 2318**, a bill for an act relating to the Iowa Probate Code.

Recommended **Do Pass**.

**Senate File 2339**, a bill for an act relating to the discipline and removal of judicial magistrates.

**Recommended Do Pass.**

**Committee Concurrent Resolution**, requesting a joint interim subcommittee study on victim compensation and restitution.

**Recommended Do Pass.**

### AMENDMENTS FILED

H-5886	S.F. 2316	Doyle of Woodbury
H-5887	S.F. 2361	Kirkenslager of Des Moines
H-5888	S.F. 360	Smalley of Polk
Welsh of Dubuque		Branstad of Winnebago
Maulsby of Calhoun		Johnson of Howard
Tyrrell of Iowa		Lageschulte of Bremer
Connors of Polk		Dieleman of Marion
Hansen of O'Brien		Pelton of Clinton
		Crabb of Crawford
H-5889	S.F. 2354	Crawford of Story
H-5891	S.F. 2361	Bruner of Story
H-5892	S.F. 2361	Daggett of Taylor
		Hullinger of Decatur
		Smalley of Polk
		Van Maanen of Mahaska
		Davitt of Warren
		Byerly of Polk
		Johnson of Howard
H-5893	S.F. 2361	Kirkenslager of Des Moines
H-5894	S.F. 430	Spear of Lee
H-5895	S.F. 2198	Miller of Buchanan
H-5896	S.F. 430	Halvorson of Webster
H-5897	S.F. 430	Halvorson of Webster
		Bruner of Story
H-5898	S.F. 2320	Shimanek of Jones
		Anderson of Audubon

Pursuant to Senate Concurrent Resolution 127, duly adopted, and on motion by Halvorson of Clayton, the House adjourned at 2:35 p.m., until 10:00 a.m., Tuesday, April 8, 1980.

# JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day—Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 8, 1980

The House met pursuant to adjournment, Clark of Lee in the chair.

Prayer was offered by Father J. J. Brickley, pastor of the St. Patrick's Catholic Church, Britt.

The Journal of Thursday, April 3, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Reuben Widmer, Iowa City.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Linn on request of Maulsby of Calhoun.

## 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 2, 1980, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 705, a bill for an act relating to the use of watercraft on artificial lakes under the jurisdiction of the Iowa state conservation commission.

Also: That the Senate has on April 2, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2180, a bill for an act to allow certain corporations to contract for additional law enforcement services.

Also: That the Senate has on April 2, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2305, a bill for an act to allow county conservation boards to exchange property.

Also: That the Senate has on April 2, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

Also: That the Senate has on April 2, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2481, a bill for an act permitting the possession of antique slot machines and antique pinball machines and providing a penalty.

Also: That the Senate has on April 2, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2513, a bill for an act creating an industrial loan corporation thrift certificates guaranty fund, and providing penalties.

Also: That the Senate has on April 2, 1980, 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 relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

Also: That the Senate has on April 2, 1980, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2243, a bill for an act establishing the Iowa family farm development authority.

Also: That the Senate has on April 2, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2335, a bill for an act providing that cities may authorize the use of golf carts or similar vehicles on city streets.

Also: That the Senate has on April 2, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 113, urging the General Assembly to endorse the Iowa Soil 2000 goal and adopt as guidelines a series of intermediate objectives.

FRANK J. STORK, Secretary

SENATE CONCURRENT RESOLUTION 113

By Schwengels, Bergman, Gallagher, Hester,  
Hulse, Miller of Cerro Gordo, Miller of  
Marshall, Priebe, Van Gilst and Waldstein

- 1 *Whereas*, erosion of soil from cropland in Iowa is
- 2 occurring at an estimated annual rate of nearly ten

3 tons per acre, and continuation at this rate of soil  
4 loss will ultimately be economically disastrous to  
5 Iowa agriculture; and

6 *Whereas*, hearings held around the state during the  
7 fall of 1979, by the Soil Conservation Laws Joint Sub-  
8 committee of the Agriculture and the Natural Resources  
9 Committees of the Senate and House of Representatives,  
10 demonstrated considerable support among farmers and  
11 others for greater efforts to end excessive soil erosion,  
12 both to preserve the fertility of Iowa cropland and to  
13 reduce pollution of the state's rivers and lakes; and

14 *Whereas*, it should be the policy of the State of Iowa  
15 to provide soil conservation education at all levels, to  
16 provide incentives for good soil management, and to pro-  
17 vide needed technical assistance, all with the objective  
18 of bringing erosion of topsoil from all land within non-  
19 depleting levels by the year 2000; and

20 *Whereas*, the objective just described may be referred  
21 to as the "Iowa Soil 2000" goal; *Now Therefore*,

22 *Be It Resolved by the Senate, the House Concurring*,  
23 That the General Assembly endorses the Iowa Soil 2000  
24 goal and adopts, as guidelines against which pertinent  
25 legislation should be evaluated, the following series  
26 of intermediate objectives as steps toward achievement  
27 of the Iowa Soil 2000 goal:

28 A. Five-year objectives

29 1. To accelerate the availability of soil survey  
30 mapping data.

**Page 2**

1 2. To provide each farm unit with a conservation  
2 folder by 1985.

3 3. To control erosion of the most fragile soils,  
4 which under present agricultural use and management  
5 will be depleted in 20 years.

6 4. To reduce excessive soil erosion on all agri-  
7 cultural lands by 40%.

8 5. To control nonpoint source pollution in at least  
9 twelve high priority watersheds, based on the Iowa  
10 agricultural nonpoint source pollution plan.

11 B. Ten-year objectives

12 1. To require each landowner or operator to keep his  
13 or her conservation folder current with computed soil  
14 loss rates provided by the local soil conservation  
15 district.

16 2. To control erosion on soil which under present  
17 agricultural use and management will be depleted in 40  
18 years.

19 3. To reduce excessive soil erosion on all agricultural  
20 lands by an additional 40%.

21 4. To control nonpoint source pollution in at least an

22 additional twenty-four high priority watersheds, based on  
23 the Iowa agricultural nonpoint source pollution plan.

24 C. Fifteen-year objectives

25 1. To control erosion on all agricultural land at a  
26 nondepleting level.

27 2. To control nonpoint source pollution in at least an  
28 additional fifty high priority watersheds, based on the  
29 Iowa agricultural nonpoint source pollution plan.

30 D. Twenty-year objectives

**Page 3**

1 1. To maintain a nondepleting level of soil loss  
2 on agricultural land and control sediment production  
3 on all Iowa land.

4 2. To continue to develop and install cost effective  
5 soil conservation practices so that soil erosion is held  
6 at a nondepleting level.

7 3. To control nonpoint source pollution in all  
8 watersheds, based on the agricultural nonpoint pollution  
9 plan.

Laid over under Rule 30.

SENATE AMENDMENT TO  
HOUSE FILE 2305

H-5899

1 Amend House File 2305, as amended, passed and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 28 through 30 and  
4 inserting in lieu thereof the following: "special  
5 features, and no land shall not be acquired or accepted  
6 ~~which unless, in the opinion of the board and the~~  
7 ~~state conservation commission, it is of low value~~  
8 ~~suitable or, in the case of exchange, is suitable~~  
9 ~~and of substantially the same value as the property~~  
10 ~~exchanged".~~

SENATE AMENDMENT TO  
HOUSE FILE 2443

H-5900

1 Amend House File 2443 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, line 18, by striking the word "shall"  
4 and inserting in lieu thereof the word "may".

5 2. Page 1, by striking lines 21 through 23 and  
6 inserting in lieu thereof the following:

7 "Sec. 3. NEW SECTION. TRAINING STANDARDS. The



8 chief of police, sheriff or commissioner of public  
9 safety, as the case may be, may establish minimum  
10 training standards”.

11 3. Page 1, by striking lines 25 through 32 and  
12 inserting in lieu thereof the following:  
13 “Sec. 4. NEW SECTION. TRAINING. Training for  
14 individuals appointed as reserve peace officers shall  
15 be provided by that law enforcement agency, but may  
16 be obtained in a merged area school or other facility  
17 selected by the individual and approved by the law  
18 enforcement agency. Upon satisfactory completion  
19 of training, the chief of police, sheriff or  
20 commissioner of public safety shall certify”.

21 4. Page 2, line 3, by striking the words and  
22 figure “section seven (7)” and inserting in lieu  
23 thereof the words and figures “sections seven (7)  
24 and fifteen (15)”.

25 5. Page 2, line 16, by striking the words “or  
26 otherwise act as a peace officer”.

27 6. Page 4, by inserting after line 5 the following:  
28 “Sec. 15. NEW SECTION. CIVIL DEFENSE AUXILIARY  
29 POLICE EXEMPT. This Act does not apply to local civil  
30 defense auxiliary police forces organized by local  
31 civil defense officials and trained according to  
32 standards established by the United States office  
33 of civil defense and contained in the code of federal  
34 regulations.”

35 7. Renumbering the sections and correcting cross-  
36 references to conform to this amendment.

SENATE AMENDMENT TO  
HOUSE FILE 2513

H-5901

1 Amend House File 2513 as passed by the House as  
2 follows:

3 1. Page 2, line 11, by inserting after the word  
4 “members” the words “, which shall not take effect  
5 until they have been submitted to and adopted by the  
6 auditor as rules pursuant to chapter seventeen A (17A)  
7 of the Code”.

8 2. Page 3, by striking lines 21 through 26 and  
9 inserting in lieu thereof the following:

10 “Sec. 6. NEW SECTION. RULES OF AUDITOR. The  
11 auditor”.

12 3. Page 13, line 10, by inserting after the word  
13 “Iowa” the words “; however thrift certificates are  
14 not guaranteed by the state of Iowa”.

15 4. Page 15, by inserting after line 19 the  
16 following:

17 "Sec. . NEW SECTION. LIABILITIES. The state  
 18 of Iowa is not liable for any actions or omissions  
 19 of the auditor in administering the Iowa industrial  
 20 loan corporation thrift guaranty Act. Members of  
 21 the guaranty corporation shall be liable for losses  
 22 incurred as a result of such actions or omissions.  
 23 The guaranty corporation shall defend the auditor  
 24 of state and employees of the auditor against any  
 25 action commenced against any of them individually  
 26 as a result of acts or omissions arising from the  
 27 administration of the Act, and shall indemnify and  
 28 hold them harmless for any losses caused by such acts  
 29 or omissions."  
 30 5. By renumbering sections.

### SENATE MESSAGE CONSIDERED

**Senate File 2335**, by committee on energy, a bill for an act providing that cities may authorize the use of golf carts or similar vehicles on city streets.

Read first time and referred to committee on cities.

### 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.

The House stood at ease at 10:07 a.m., until the fall of the gavel.

The House resumed session at 10:28 a.m., Speaker Harbor in the chair.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 126

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 30 for the immediate consideration of House Concurrent Resolution 126 as follows and moved its adoption:

#### HOUSE CONCURRENT RESOLUTION 126

By Halvorson of Clayton

1 *Be It Resolved by the House of Representatives,*  
 2 *the Senate Concurring,* That a joint convention of the  
 3 two houses of the 1980 session of the sixty-eighth  
 4 general assembly be held on Wednesday, April 9, 1980.

5 at 10:30 a.m.; and  
6 *Be It Further Resolved*, That Governor Robert D. Ray  
7 be invited to deliver a special budget message at this  
8 joint convention of the two houses of the general  
9 assembly and that the speaker of the house of represen-  
10 tatives and the president of the senate be designated  
11 to deliver the invitation to him.

The motion prevailed and the resolution was adopted.

**IMMEDIATE MESSAGE**  
(House Concurrent Resolution 126)

Halvorson of Clayton asked and received unanimous consent that House Concurrent Resolution 126 be immediately messaged to the Senate.

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 117**

Clark of Cerro Gordo called up for consideration House Concurrent Resolution 117, relating to the creation of a study committee concerning the safety of mobile home communities, filed on March 13, 1980 and found on pages 891 and 892 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

**CONSIDERATION OF BILLS**

**SENATE FILE 2279 SUBSTITUTED FOR HOUSE FILE 2484**

Shimanek of Jones asked and received unanimous consent to substitute Senate File 2279 for House File 2484.

**Senate File 2279**, a bill for an act relating to the dates for limitations of actions on title to real property, was taken up for consideration.

Clark of Lee in the chair at 10:35 a.m.

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. 2279)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lloyd-Jones	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Pavich
Pellett	Pelton	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker (Clark of Lee)		

The nays were, 1:

Lind

Absent or not voting, 13:

Avenson	Daggett	Egenes	Harbor
Hullinger	Johnson, R.	Krewson	Loneragan
Lorenzen	Oxley	Patchett	Perkins
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Poffenberger of Dallas and Danker of Pottawattamie asked and received unanimous consent to be recorded as voting "aye" on Senate File 2279 and the votes were so recorded.

## HOUSE FILE 2484 WITHDRAWN

Shimanek of Jones asked and received unanimous consent to withdraw House File 2484 from further consideration by the House.

## HOUSE FILE 2121 WITHDRAWN

Thompson of Polk asked and received unanimous consent to withdraw House File 2121 from further consideration by the House.

## Regular Calendar

**Senate File 430**, a bill for an act to provide multipurpose service centers for displaced homemakers, with report of committee recommending amendment and passage, was taken up for consideration.

Clark of Cerro Gordo offered amendment H—5288 filed by the committee on human resources on February 25, 1980 and found on page 646 of the House Journal and moved its adoption.

The committee amendment H—5288 was adopted.

Spear of Lee offered the following amendment H—5894 filed by him and moved its adoption:

H—5894

- 1 Amend Senate File 430 as follows:
- 2 1. Page 1, by striking lines 13 and 14 and
- 3 inserting in lieu thereof "or is supported as the
- 4 parent of a child who is sixteen or seventeen
- 5 years of age."

Amendment H—5894 was adopted.

Halvorson of Webster offered the following amendment H—5897 filed by him and Bruner of Story:

H—5897

- 1 Amend Senate File 430, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 27, by inserting after the
- 4 word "provides" the words "some or".

Halvorson of Webster offered amendment H—5902, to amend H—5897, filed by him from the floor and requested division as follows:

H-5902

1 Amend amendment H-5897 to Senate File 430 as  
2 follows:

H-5902A

3 1. Page 1, by inserting after line 2 the following:  
4 " . Page 1, line 7, by inserting after the word  
5 "employed" the word "full-time"."

H-5902B

6 2. Page 1, by inserting after line 4 the following:  
7 " . Page 2, line 17, by striking the words  
8 "federal and state" and inserting in lieu thereof  
9 the word "public".  
10 . Page 2, by inserting after line 23 the  
11 following new paragraph:  
12 "g. Development and implementation of a counseling  
13 program providing emotional support by qualified  
14 personnel or peer groups or both." "  
15 3. By renumbering and correcting internal  
16 references as made necessary by this amendment.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H-5902A.

Halvorson of Webster moved the adoption of amendment H-5902B, to amendment H-5897.

Amendment H-5902B was adopted.

Halvorson of Webster moved the adoption of amendment H-5897, as amended.

Amendment H-5897, as amended, was adopted.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H-5896 filed by him on April 3, 1980.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 430)

The ayes were, 73:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Cochran	Conlon
Connolly	Connors	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Kirkenslager	Larsen
Lloyd-Jones	Lonergan	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pavich	Pelton	Poffenberger
Pope	Rapp	Schroeder	Sherzan
Shimanek	Shull	Spear	Stromer
Swearingen	Thompson	Tofte	Walter
Wells	Welsh	West	Woods
Mr. Speaker (Clark of Lee)			

The nays were, 23:

Anderson, J.	Bennett	Branstad	Corey
Danker	De Groot	Holt	Johnson, J.
Johnson, W.	Lageschulte	Lind	Lorenzen
Lura.	Maulsby	O'Kane	Pellett
Renken	Ritsema	Schneklath	Smalley
Tyrrell	Van Maanen	Welden	

Absent or not voting, 4:

Johnson, R.	Krewson	Patchett	Perkins
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2051**, a bill for an act relating to the registration and licensing of class A motor homes, with report of committee recommending amendment and passage was taken up for consideration.

Menke of O'Brien offered amendment H—5286 filed by the committee on transportation on February 25, 1980 and found on page 647 of the House Journal and moved its adoption.

The committee amendment H—5286 was adopted.

The following amendment H—5904 filed by Doyle of Woodbury from the floor was adopted by unanimous consent:

H—5904

- 1 Amend Senate File 2051 as follows:
- 2 1. Title page, by striking line 2 and inserting
- 3 in lieu thereof the following "A, B and C motor
- 4 homes and multipurpose vehicles."

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2051)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Cochran
Conlon	Connolly	Connors	Corey
Crawford	Cusack	Daggett	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimaneck
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
West	Woods	Mr. Speaker	
		(Clark of Lee)	

The nays were, none

Absent or not voting, 9:

Chiodo	Clark, B.J.	Crabb	Danker
Johnson, R.	Krewson	Larsen	Perkins
Welsh			



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:

Clark of Cerro Gordo, for the remainder of the morning, on request of McKean of Jones.

### HOUSE FILE 2156 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 2156 from further consideration by the House.

On motion by Halvorson of Clayton, the House was recessed at 12:01 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators.

FRANK J. STORK, Secretary

### SENATE AMENDMENT TO HOUSE FILE 2475

H-5903

- 1 Amend House File 2475, as passed by the House as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "administrator" the following: "except that the
- 5 ratio of the salary of the administrator for a given
- 6 school year when added to the other expenses which
- 7 make up the general administrative program budget

8 to the total budget of the area education agency for  
9 the given school year shall not exceed the ratio of  
10 the general administrative program budget for the  
11 school year beginning July 1, 1979, to the total  
12 budget of that area education agency for the school  
13 year beginning July 1, 1979".

14 2. Page 1, by inserting after line 26 the  
15 following: "For the purpose of this subsection, general  
16 administrative program budget includes the general  
17 administrative program budget plus the salaries and  
18 employee benefits for persons employed in special  
19 education instructional programs administration,  
20 special education support services administration,  
21 media services administration, and educational services  
22 administration."

23 3. Page 1, by striking lines 27 and 28

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 120

Pellett of Cass called up for consideration House Concurrent Resolution 120, relating to the proposed interstate compact with Nebraska, Missouri and Kansas promoting barge traffic on the Missouri River, filed on March 21, 1980 and found on pages 1106 and 1107 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 2114**, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person, with report of committee recommending amendment and passage was taken up for consideration.

Mullins of Kossuth offered amendment H-5329 filed by the committee on human resources on February 28, 1980 and found on page 707 of the House Journal and moved its adoption.

The committee amendment H-5329 was adopted.

Mullins of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 2114)

The ayes were, 85:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, J.H.	Cochran
Connolly	Connors	Crawford	Cusack
Daggett	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lloyd-Jones	Lonergan
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Pope	Rapp
Ritsema	Schneklath	Schroeder	Sherzan
Shimaneck	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 3:

Lind	Maulsby	Renken
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Absent or not voting, 12:

Anderson, R.	Chiodo	Clark, B.J.	Conlon
Corey	Crabb	Danker	Horn
Jesse	Johnson, R.	Norland	Poffenberger

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 2489 WITHDRAWN

Mullins of Kossuth asked and received unanimous consent to withdraw House File 2489 from further consideration by the House.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corey of Louisa on request of Holt of Clay.

**SENATE FILE 2285 SUBSTITUTED FOR HOUSE FILE 2498**

Shimanek of Jones asked and received unanimous consent to substitute Senate File 2285 for House File 2498.

**Senate File 2285**, a bill for an act to repeal the state residency requirement for employees of the department of social services, was taken up for consideration.

Shimanek of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2285)

The ayes were, 88:

Anderson, J.	Arnould	Bina	Binneboese
Brandt	Branstad	Bruner	Byerly
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crawford	Cusack	Daggett
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, W.	Kirkenlager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Anderson, R.	Avenson	Bennett	Chiodo
Clark, B.J.	Corey	Crabb	Danker
Horn	Johnson, R.	Norland	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 2498 WITHDRAWN

Shimanek of Jones asked and received unanimous consent to withdraw House File 2498 from further consideration by the House.

## SENATE FILE 2267 SUBSTITUTED FOR HOUSE FILE 2502

Anderson of Audubon asked and received unanimous consent to substitute Senate File 2267 for House File 2502.

**Senate File 2267**, a bill for an act to authorize certain trusts to be shareholders in a family farm corporation, was taken up for consideration.

Anderson of Audubon moved that the bill be read a last time now and 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:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Crawford	Cusack	Daggett	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklloth	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Anderson, R.	Clark, B.J.	Corey	Crabb
Danker	Horn	Johnson, R.	Norland
Schroeder	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2502 WITHDRAWN

Shimanek of Jones asked and received unanimous consent to withdraw House File 2502 from further consideration by the House.

### SENATE FILE 2183 SUBSTITUTED FOR HOUSE FILE 2438

Tyrrell of Iowa asked and received unanimous consent to substitute Senate File 2183 for House File 2438.

**Senate File 2183**, a bill for an act providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition, was taken up for consideration.

Miller of Buchanan offered amendment H—5565 filed by him and requested division as follows:

H—5565

- 1 Amend Senate File 2183 as amended, passed, and
- 2 reprinted by the Senate as follows:

H—5565A

- 3 1. Page 1, lines 6 and 7, by striking the words
- 4 "or seed corn" and inserting in lieu thereof the words
- 5 "or seed corn".

H—5565B

- 6 2. Page 2, line 14, by striking the word "The"
- 7 and inserting in lieu thereof the words "If the
- 8 producer agrees to the deduction of the assessment
- 9 in writing, the".

Miller of Buchanan moved the adoption of amendment H—5565A.

A non-record roll call was requested.

The ayes were 53, nays 37.

Amendment H—5565A was adopted.

Miller of Buchanan moved the adoption of amendment H—5565B.

Amendment H—5565B lost.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5565A, filed by him from the floor, and moved to reconsider the vote by which amendment H—5565A was adopted by the House.

A non-record roll call was requested.

The ayes were 51, nays 36.

The motion prevailed and the House reconsidered amendment H—5565A.

Miller of Buchanan moved the adoption of amendment H—5565A.

Roll call was requested by Howell of Floyd and Lageschulte of Bremer.

On the question "Shall amendment H—5565A be adopted?"

The ayes were, 43:

Anderson, R.	Bina	Binneboese	Brandt
Bruner	Cochran	Connolly	Connors
Cusack	Davitt	Dieléman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Horn	Howell	Hullinger	Jay
Jochum	Johnson, J.	Johnson, W.	Larsen
Lind	Lloyd-Jones	Lonergan	Maulsby
Menke	Miller	O'Kane	Oxley
Patchett	Pavich	Pelton	Perkins
Rapp	Schneklath	Sherzan	Spear
Walter	Wells	Welsh	

The nays were, 48:

Anderson, J.	Bennett	Branstad	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Hummel	Husak	Kirkenslager
Lageschulte	Lorenzen	Lura	McKean
Millen	Mullins	Pellett	Poffenberger
Pope	Renken	Ritsema	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	West	Woods	Mr. Speaker

Absent or not voting, 9:

Arnould	Avenson	Corey	Daggett
Jesse	Johnson, R.	Krewson	Norland
Welden			

Amendment H — 5565A lost.

Tyrrell 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. 2183)

The ayes were, 87:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Crabb
Crawford	Cusack	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	O'Kane	Oxley
Patchett	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear



Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, 3:

Miller	Pavich	Walter
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Absent or not voting, 10:

Arnould	Avenson	Chiodo	Corey
Daggett	Jesse	Johnson, R.	Krewson
Norland	Weiden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 2438 WITHDRAWN

Tyrrell of Iowa asked and received unanimous consent to withdraw House File 2438 from further consideration by the House.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 121

West of Marshall called up for consideration House Concurrent Resolution 121 urging Congress to act favorably upon legislation setting a 12.5 percent ceiling on coal severance taxes, filed on March 26, 1980 and found on page 1172 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SENATE AMENDMENTS CONSIDERED

De Groot of Lyon called up for consideration **House File 225**, a bill for an act relating to the licensing and regulations of the sale of eggs, amended by the Senate amendment H-5228, received from the Senate on February 14 and found on pages 506 through 508 of the House Journal.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H-5408, to the Senate amendment H-5228, filed by him on March 7, 1980.

De Groot of Lyon offered the following amendment H—5370, to the Senate amendment H—5228, filed by him and moved its adoption:

H—5370

- 1 Amend the Senate amendment, H—5228, to House File
- 2 225 as follows:
- 3 1. Page 1, by striking line 41 and inserting in
- 4 lieu thereof the following:
- 5 "6. Ten thousand cases or more but less than
- 6 fifteen thousand cases.....\$250.00
- 7 7. Fifteen thousand cases or more.....\$350.00"

A non-record roll call was requested.

The ayes were 11, nays 65.

Amendment H—5370 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norland of Worth and Davitt of Warren on request of Anderson of Jasper; Lloyd-Jones of Johnson on request of Brandt of Black Hawk; Mullins of Kossuth on request of Ritsema of Sioux; all for the remainder of the day.

On motion by De Groot of Lyon, the House concurred in the Senate amendment H—5228.

De Groot of Lyon 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. 225)

The ayes were, 84:

Anderson, R.	Arnould	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.

Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Weiden	Wells	Welsh	Mr. Speaker

The nays were, 5:

Byerly	Cusack	Dieleman	Miller
Woods			

Absent or not voting, 11:

Anderson, J.	Avenson	Corey	Davitt
Johnson, R.	Lloyd-Jones	Mullins	Norland
Perkins	Schroeder	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Stromer of Hancock called up for consideration **House File 2458**, a bill for an act relating to the authority of reorganized school districts to levy the schoolhouse tax, amended by the Senate, and moved that the House concur in the Senate amendment H—5757, received from the Senate on March 28, 1980 and found on page 1254 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—5757.

Stromer of Hancock 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. 2458)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lonergan	Lura	Maulsby
McKean	Menke	Millen	Miller
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Wells	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Lorenzen

Absent or not voting, 9:

Avenson	Corey	Davitt	Johnson, R.
Lloyd-Jones	Mullins	Norland	Welden
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Hansen of O'Brien called up for consideration **House File 357**, a bill for an act relating to the acceptance of checks by vendors of state liquor stores, amended by the Senate, and moved that the House concur in the Senate amendment H-5779, received from the Senate on March 31, 1980 and found on pages 1262 and 1263 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—5779.

Hansen of O'Brien moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 357)

The ayes were, 76:

Anderson, R.	Arnould	Bennett	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, J.H. *	Cochran	Conlon
Connolly	Connors	Crabb	Crawford
Cusack	Danker	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	Lonergan	Lorenzen	Lura
Menke	Millen	Miller	O'Kane
Oxley	Patchett	Pavich	Pelton
Perkins	Poffenberger	Pope	Rapp
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Spear	Swearingen	Thompson
Tofte	Tyrrell	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker

The nays were, 15:

Anderson, J.	Branstad	Clark, B.J.	Daggett
De Groot	Dieleman	Hullinger	Lageschulte
Maulsby	McKean	Pellett	Renken
Ritsema	Smalley	Van Maanen	

Absent or not voting, 9:

Avenson	Corey	Davitt	Johnson, R.
Lloyd-Jones	Mullins	Norland	Stromer
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 2183 WITHDRAWN

Bennett of Ida asked and received unanimous consent to withdraw House File 2183 from further consideration by the House.

Hansen of O'Brien in the chair at 4:03 p.m.

## UNANIMOUS CONSENT

Halvorson of Clayton asked and received unanimous consent to suspend the rules to include the following bills on today's (Tuesday, April 8, 1980) Daily Debate Calendar: Senate Files 2219, 2314 and 2331.

## SENATE AMENDMENTS CONSIDERED

Spear of Lee called up for consideration **House File 2245**, a bill for an act relating to household and domestic facilities, goods and services for wardens and deputy wardens for the penitentiary and men's reformatory, amended by the Senate, and moved that the House concur in the Senate amendment H—5780, received from the Senate on March 31, 1980 and found on pages 1263 through 1265 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—5780.

Spear of Lee moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2245)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay

Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Sherzan	Shimanek
Shull	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker (Hansen of O'Brien)			

The nays were, none.

Absent or not voting, 11:

Avenson	Corey	Davitt	Johnson, R.
Lloyd-Jones	Mullins	Norland	Schroeder
Smalley	Stromer	West	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

De Groot of Lyon called up for consideration **House File 2461**, a bill for an act relating to tort liability of regional boards of library trustees, soil conservation districts and their officers, employees, and agents, amended by the Senate, and moved that the House concur in the Senate amendment H—5778, received from the Senate on March 31, 1980 and found on page 1265 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—5778.

De Groot of Lyon 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. 2461)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.

Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker (Hansen of O'Brien)			

The nays were, none.

Absent or not voting, 11:

Avenson	Corey	Davitt	Hullinger
Johnson, R.	Lloyd-Jones	Mullins	Norland
Schroeder	Stromer	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Anderson of Audubon called up for consideration **Senate File 446**, a bill for an act relating to weighing and measuring, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H—5428 to the House amendment, received from the Senate on March 11, 1980 and found on page 850 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—5428 to the House amendment.

Anderson of Audubon 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. 446)

The ayes were, 87:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Dieleman	Diemer	Doyle
Egenes	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklath	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, none.

Absent or not voting, 13:

Arnould	Avenson	Clark, B.J.	Corey
Davitt	Gettings	Johnson, R.	Lloyd-Jones
Mullins	Norland	Schroeder	Stromer
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE REFUSES TO CONCUR

Stromer of Hancock called up for consideration **Senate File 205**, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; transferring the powers and duties of the executive committee, air quality commission, water

quality commission, and solid waste disposal commission to the environmental quality commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-5520 to the House amendment, received from the Senate on March 14, 1980 and found on page 934 of the House Journal.

The motion lost and the House refused to concur in the Senate amendment H-5520 to the House amendment.

#### SENATE AMENDMENTS CONSIDERED

Shimanek of Jones called up for consideration **Senate File 464**, a bill for an act relating to the final report of the personal representative of a decedent's estate, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-5521 to the House amendment, received from the Senate on March 14, 1980 and found on page 934 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-5521 to the House amendment.

Shimanek 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.

On the question "Shall the bill pass?" (S.F. 464)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman

Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lonergan	Lorenzen	Maulsby
McKean	Menke	Millen	Miller
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Ritsema	Schnekloth
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, 3:

Lura	Renken	Tyrrell
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Absent or not voting, 9:

Avenson	Corey	Davitt	Johnson, R.
Lloyd-Jones	Mullins	Norland	Schroeder
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Krewson of Polk called up for consideration **House File 2410**, a bill for an act increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems, amended by the Senate amendment H—5694, received from the Senate on March 26, 1980 and found on pages 1163 through 1165 of the House Journal.

Bruner of Story offered the following amendment H—5914, to the Senate amendment H—5694, filed by him from the floor:

H—5914

- 1 Amend Senate Amendment H-5694 to House File 2410
- 2 as follows:
- 3 1. Page 1, by striking line 5 and inserting in

4 lieu thereof the following:

5 " "Section 1. Chapter two hundred twenty (220),  
6 Code 1979, is amended by adding the following new  
7 section:

8 **NEW SECTION. ENERGY EFFICIENCY IMPROVEMENT LOANS.**

9 1. Notwithstanding any other provision of this  
10 chapter, the authority may make energy efficiency  
11 improvement loans to low or moderate income families,  
12 lower income families, and very low income families  
13 who are residential customers of a natural gas or  
14 electric utility. The authority shall make  
15 arrangements with natural gas and electric utilities  
16 for providing energy efficiency improvement loans.  
17 The authority may lend money to a utility for it to  
18 make loans to its customers or the authority and a  
19 utility may contract that the utility will act as  
20 the agent of the authority in making loans to the  
21 utility's customers. In either situation the utility  
22 shall receive the loan applications from its  
23 residential customers. The loan applications shall  
24 be in a form and contain information prescribed by  
25 the authority which will enable the utility to assure  
26 compliance with the requirements of this section.  
27 A utility shall deny a loan application if the proposed  
28 improvements or the applicant fails to meet the  
29 requirements established under subsection two (2)  
30 of this section. The utility shall allocate the loan  
31 funds on a first-come, first-served basis.

32 2. The authority shall establish the following  
33 by rule:

34 a. The types of buildings and permanent energy  
35 efficiency improvements for which loan proceeds may  
36 be used.

37 b. The maximum amount that may be loaned to an  
38 individual customer.

39 c. The guidelines to be used by the utility in  
40 determining whether an individual customer is eligible  
41 for a loan.

42 d. The minimum standards for the energy efficiency  
43 improvement.

44 The rules promulgated under this subsection by  
45 the authority shall permit only those types of  
46 improvements which the authority determines to be  
47 reasonably appropriate for use in this state. The  
48 authority shall provide financing for energy efficiency  
49 loans to be administered in accordance with the  
50 procedures of this section.

**Page 2**

1 3. Loans arranged through a utility to a customer  
2 to finance permanent energy efficiency improvements

3 shall be pursuant to a written agreement between the  
4 utility and the customer, in a form prescribed by  
5 the authority. In addition to other terms required  
6 by the authority, the agreement shall provide all  
7 of the following:

8 a. Notwithstanding the provisions of Acts of the  
9 Sixty-eighth General Assembly, 1979 Session, chapter  
10 one hundred thirty-two (132), that the outstanding  
11 balance shall become immediately payable in full upon  
12 a transfer of or foreclosure upon the customer's  
13 interest in the property.

14 b. A detailed description of the permanent energy  
15 efficiency improvements to be installed.

16 c. That the outstanding balance shall become  
17 immediately payable in full in the event the customer  
18 fails to use the funds for the installation of the  
19 improvements designated in the agreement.

20 d. That the customer shall certify to the utility  
21 the completion of the permanent energy efficiency  
22 improvements designated in the agreement, in a form  
23 prescribed by the authority.

24 4. A copy of the agreement between the utility  
25 and the customer for permanent energy efficiency  
26 improvements shall be filed by the utility with the  
27 county recorder in the county in which the benefited  
28 residence is located which shall constitute a lien  
29 against the residence to which the improvements are  
30 made to secure payment of the debt. The lien shall  
31 be preferred to all other liens which may attach to  
32 or upon the real property, except liens of record  
33 prior to the time of filing of the agreement with  
34 the county recorder.

35 5. Payment for permanent energy efficiency  
36 improvements arranged through a utility under this  
37 section shall be made by the utility to the customer  
38 upon completion of the improvements contracted for  
39 in the loan application. Repayment by the customer  
40 shall commence not later than sixty days thereafter.

41 6. A utility shall not require a customer to pay  
42 for any part of the cost of permanent energy efficiency  
43 improvements financed through the utility or to pay  
44 any fees or charges associated with the financing,  
45 except in the manner specifically permitted by this  
46 section. Energy efficiency improvement loans shall  
47 be repaid by the borrowing customer to the utility  
48 in installments, the due date of which shall be the  
49 regular due date of charges billed to the customer  
50 by the utility for utility services. The installment

**Page 3**

1 payments shall be as nearly equal in amount as may  
2 be, and the amount of each payment shall be as approved  
3 by the authority. The repayment term shall not be  
4 more than ten years. A delinquency charge may be  
5 imposed on any installment which is not paid within  
6 ten days after the due date. The delinquency charge  
7 shall be equal to one and one quarter percent of the  
8 delinquent amount for each month that the amount is  
9 delinquent. A delinquency charge may be collected  
10 at the time it accrues or at any time thereafter.  
11 For purposes of this subsection, payments received  
12 by a utility from a borrowing customer shall be applied  
13 first to amounts due the utility as a result of  
14 supplying metered utility service, and then to the  
15 oldest amount due as the current installment payment  
16 for energy efficiency improvements, and then to any  
17 past-due installments, interest, and accumulated  
18 delinquency charges.

19 7. The Iowa state commerce commission shall allow  
20 a regulated utility to include in the installment  
21 payment amount a service fee which is a reasonable  
22 estimate of the amount necessary to reimburse the  
23 regulated utility for the actual costs including  
24 interest costs of providing permanent energy efficiency  
25 improvement financing to its customers. A municipally-  
26 owned utility may include in the installment amount  
27 a service fee necessary to reimburse the municipally-  
28 owned utility for the actual costs including interest  
29 costs of providing energy efficiency improvement  
30 financing to the customer. This subsection does not  
31 subject the rates or installment payment schedules  
32 of municipally-owned utilities to regulation by the  
33 Iowa state commerce commission.

34 8. The authority shall require that a utility  
35 with whom a contract is made under this section submit  
36 to the authority evidence satisfactory to the authority  
37 that funds are disbursed by the utility in the manner  
38 and for the purposes authorized by this section, that  
39 permanent energy efficiency improvements are made  
40 according to the standards and specifications  
41 prescribed by the authority, and that the authority  
42 is permitted, through its members, employees or agents,  
43 to inspect the books and records of the utility to  
44 assure compliance. A utility which receives funds  
45 from the authority under this section shall establish  
46 separate accounting procedures and records for all  
47 receipts from and payments to the authority, and for  
48 all disbursements to and receipts from customers  
49 relating to energy efficiency improvements. These  
50 funds shall be kept separate from all other funds

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1 in the possession of the utility, except for such  
2 amounts as properly may be credited to the utility  
3 as revenues from the service fee authorized by  
4 subsection seven (7) of this section.

5 9. If a provision of this section or section nine  
6 (9) of this Act is inconsistent with another provision  
7 of law of this state governing natural gas or electric  
8 utilities or the authority, the provision of this  
9 section or section nine (9) of this Act controls for  
10 the purposes of this section.

11 10. Proceeds to the authority from the issuance  
12 of bonds and notes for the purposes of this section  
13 are to be used by the authority for the uses authorized  
14 by this section.

15 11. If not in violation of federal law, a utility  
16 may make loans with its own funds to its residential  
17 customers for energy efficiency improvements and may  
18 collect payments, fees and costs subject to the rules  
19 of the Iowa state commerce commission.

20 12. The authority shall give preference to programs  
21 providing housing services for Iowans as specified  
22 in sections two hundred twenty point eleven (220.11)  
23 through two hundred twenty point twenty-one (220.21)  
24 of the Code.

25 13. For the purposes of this section, section  
26 two hundred twenty point eight (220.8) of the Code  
27 shall not apply.

28 Sec. 2. Section two hundred twenty point one  
29 (220.1), Code 1979, is amended by adding the following  
30 new subsections:

31 NEW SUBSECTION. "Natural gas or electric utility"  
32 or "utility" means a public utility or a municipally-  
33 owned utility as defined in section four hundred  
34 seventy-six point one (476.1) of the Code, or a  
35 municipally-owned utility or electric cooperative  
36 as defined in section three hundred ninety point one  
37 (390.1) of the Code.

38 NEW SUBSECTION. "Energy efficiency-improvement  
39 loans" means loans for residential customers of natural  
40 gas or electric utilities to be used exclusively to  
41 pay for the cost of permanent energy efficiency  
42 improvements to single-family residential housing  
43 which is existing and owner-occupied on the effective  
44 date of this Act and the date the improvements are  
45 commenced.

46 Sec. 3. Section two hundred twenty point one"

47 2. Page 1, by striking line 34 and inserting in  
48 lieu thereof the following:  
49 "authority.

50 Sec. 4. Section two hundred twenty point three

**Page 5**

1 (220.3), Code 1979, is amended by adding the following  
2 new subsection:

3 **NEW SUBSECTION.** Energy efficiency in homes is  
4 becoming vital, as nonenergy efficient homes waste  
5 energy which is expensive, is unnecessarily destructive  
6 of natural resources, results in ongoing energy cost  
7 subsidy programs, and is forcing some of the citizens  
8 of this state to choose between heating their homes  
9 and otherwise adequately providing for their  
10 families." "

11 3. Page 1, by inserting after line 34 the  
12 following:

13 " . Page 1, by inserting after line 15 the  
14 following:

15 "Sec. 5. Section two hundred twenty point twenty-  
16 six (220.26), Code 1979, is amended by adding the  
17 following new subsection:

18 **NEW SUBSECTION.** Under the same procedures, with  
19 the same rights, and subject to the same terms,  
20 conditions and limitations as contained in this  
21 chapter, and in addition to the total principal amount  
22 of bonds and notes otherwise specified in this section,  
23 the authority may issue its negotiable bonds and  
24 notes, in a total principal amount outstanding at  
25 any time not to exceed fifty million dollars, to be  
26 used for loans to natural gas and electric utilities  
27 as authorized by section one (1) of this Act." "

28 4. Page 2, by striking line 9 and inserting in  
29 lieu thereof the following:

30 " "Sec. 9. Chapter four hundred seventy-six (476),  
31 Code 1979, is amended by adding the following new  
32 section:

33 **NEW SECTION. LOANS FOR ENERGY CONSERVATION**  
34 **IMPROVEMENTS.**

35 1. The commission shall allow the utility to  
36 charge a service fee to customers participating in  
37 the permanent energy efficiency improvement financing  
38 program under section one (1) of this Act which is  
39 a reasonable estimate of the amount necessary to  
40 reimburse the utility for the actual costs including  
41 interest costs of providing permanent energy efficiency  
42 improvement financing to the customer. The commission  
43 shall adopt rules as may be necessary to ensure as  
44 far as is practicable that customers who contract  
45 for improvement financing directly pay the costs  
46 incurred by the utility including interest costs in  
47 providing this service.

48 2. A municipally-owned utility may charge a service  
49 fee to customers participating in the permanent energy  
50 efficiency improvement financing program under section



**Page 6**

1 one (1) of this Act which is a reasonable estimate  
2 of the amount necessary to reimburse the utility for  
3 the actual costs of providing permanent energy  
4 efficiency improvement financing to the customer  
5 including interest costs. This subsection does not  
6 subject the rates of municipally-owned utilities to  
7 regulation by the commission.

8 Sec. 10. The Iowa housing finance authority shall,  
9 in its annual report two years after the effective  
10 date of this Act, describe the operations and  
11 accomplishments of the program established by this  
12 Act, analyze its effectiveness, and recommend whether  
13 it should be continued, altered or discontinued.

14 Sec. 11. It is the intent of the general assembly  
15 that the Iowa housing finance authority hire sufficient  
16 staff to implement the program established by this  
17 Act.

18 Sec. 12. This Act, being deemed of immediate"  
19 5. By renumbering the sections and correcting  
20 internal references to conform with this amendment.

Krewson of Polk rose on a point of order that amendment H-5914, to the Senate amendment H-5694, was not germane.

The Speaker ruled the point well taken and amendment H-5914, to the Senate amendment H-5694, not germane.

Bruner of Story asked for unanimous consent to suspend the rules governing germaneness for the consideration of amendment H-5914, to the Senate amendment H-5694.

Objection was raised.

On motion by Krewson of Polk, the House concurred in the Senate amendment H-5694.

Krewson 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. 2410)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Crabb	Crawford	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Loneragan	McKean
Menke	Millen	Miller	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Wells	Welsh	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, 8:

Branstad	Egenes	Johnson, J.	Lorenzen
Lura	Maulsby	Renken	Welden

Absent or not voting, 8:

Avenson	Corey	Davitt	Johnson, R.
Lloyd-Jones	Mullins	Norland	West

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE FILE 2219 SUBSTITUTED FOR HOUSE FILE 2517

Ritsema of Sioux asked and received unanimous consent to substitute Senate File 2219 for House File 2517.

**Senate File 2219**, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties, was taken up for consideration.

Rapp of Black Hawk offered the following amendment H—5574 filed by him and moved its adoption:

H—5574

- 1 Amend Senate File 2219, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 and figures "August 15, 1977," the word and figures
- 5 "May 14, 1979,".
- 6 2. Page 1, line 11, by striking the words "at
- 7 least" and inserting in lieu thereof the words "not
- 8 more than".
- 9 3. Page 1, line 12, by inserting after the word
- 10 and figures "August 15, 1977," the word and figures
- 11 "May 14, 1979,".
- 12 4. Page 1, line 17, by inserting after the word
- 13 and figures "August 15, 1977," the word and figures
- 14 "May 14, 1979,".
- 15 5. Page 1, line 25, by inserting after the word
- 16 and figures "August 15, 1977," the word and figures
- 17 "May 14, 1979,".
- 18 6. Page 1, line 27, by striking the words "at
- 19 least" and inserting in lieu thereof the words "not
- 20 more than".
- 21 7. Page 1, line 30, by inserting after the word
- 22 and figures "August 15, 1977," the word and figures
- 23 "May 14, 1979,".

Amendment H—5574 was adopted.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2219)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hummel
Husak	Jay	Jesse	Jochum

Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklloth
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Hansen of O'Brien)			

The nays were, 1:

Cusack

Absent or not voting, 10:

Avenson	Corey	Davitt	Hullinger
Johnson, R.	Lloyd-Jones	Mullins	Norland
Wells	West		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILES 2403 AND 2517 WITHDRAWN

Ritsema of Sioux asked and received unanimous consent to withdraw House Files 2403 and 2517 from further consideration by the House.

### UNANIMOUS CONSENT

Halvorson of Clayton asked and received unanimous consent to suspend the rules and add the following bills to today's (Tuesday, April 8, 1980) Daily Debate Calendar: Senate Files 2299, 2316, 28 and 2337.

### Regular Calendar

**Senate File 2314**, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property, with report of committee recommending passage was taken up for consideration.

Holt of Clay moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2314)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Hansen of O'Brien)			

The nays were, 2:

Cusack                      Sherzan

Absent or not voting, 9:

Avenson	Corey	Davitt	Johnson, R.
Lloyd-Jones	Mullins	Norland	Wells
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2331**, a bill for an act to legalize the sale of certain property in Lee county, with report of committee recommending passage was taken up for consideration.

Pelton of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2331)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, 2:

Cusack	Johnson, J.
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Absent or not voting, 10:

Avenson	Corey	Davitt	Johnson, R.
Lind	Lloyd-Jones	Mullins	Norland
Tofte	West		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2299**, a bill for an act permitting the establishment and use of common trust funds by banks having common ownership, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2299)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould /	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connolly	Crabb
Crawford	Cusack	Danker	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, none.

Absent or not voting, 13:

Avenson	Cochran	Connors	Corey
Daggett	Davitt	Hullinger	Johnson, R.
Lloyd-Jones	Mullins	Norland	Rapp
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2316**, a bill for an act relating to the disposition of property by counties, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered amendment H—5857 filed by the committee on judiciary and law enforcement on April 2, 1980 and found on page 1345 of the House Journal.

Doyle of Woodbury offered the following amendment H—5886, to the committee amendment H—5857, filed by him and moved its adoption:

H—5886

- 1 Amend House amendment H—5857, to Senate File 2316
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "purposes" the words ", to trade it with another
- 5 governmental body,".

Amendment H—5886 was adopted.

On motion by Ritsema of Sioux, the committee amendment H—5857, as amended, was adopted.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2316)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan



Shimaneck	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, none.

Absent or not voting, 8:

Avenson	Corey	Davitt	Johnson, R.
Lloyd-Jones	Mullins	Norland	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 28**, a bill for an act to delete all placement investigation requirements in stepparent adoptions, with report of committee recommending amendment and passage was taken up for consideration.

Rapp of Black Hawk offered amendment H—5609 filed by the committee on judiciary and law enforcement on March 20, 1980 and found on pages 1080 and 1081 of the House Journal and moved its adoption.

The committee amendment H—5609 was adopted.

Rapp 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. 28)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse

Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lonergan	Lura	Maulsby	McKean
Menke	Millen	Miller	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, none.

Absent or not voting, 12:

Clark, B.J.	Corey	Davitt	Egenes
Johnson, R.	Lloyd-Jones	Lorenzen	Mullins
Norland	Perkins	Wells	West

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 2337**, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5872 filed by the committee on transportation on April 2, 1980, found on pages 1350 and 1351 of the House Journal and requested division as follows:

H—5872A, lines 3 through 44 and line 48.

H—5872B, lines 45 through 47.

On motion by Schroeder of Pottawattamie, the committee amendment H—5872A was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the committee amendment H—5872B.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2337)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jesse
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lonergan	Lorenzen	Lura	Mausby
McKean	Menke	Millen	Miller
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, 1:

Jay

Absent or not voting, 8:

Avenson	Corey	Davitt	Johnson, R.
Lloyd-Jones	Mullins	Norland	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN  
(Senate File 108)

Crawford of Story asked and received unanimous consent to withdraw the motions to reconsider Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, filed by

him and Groth of Buena Vista on March 26, 1980, placing out of order the motion to reconsider amendment H—5677B filed by Groth of Buena Vista on March 26, 1980.

**MOTIONS TO RECONSIDER**  
(House Concurrent Resolution 120)

I move to reconsider the vote by which House Concurrent Resolution 120 was adopted by the House on April 8, 1980.

O'KANE of Woodbury

(House Concurrent Resolution 120)

I move to reconsider the vote by which House Concurrent Resolution 120 was adopted by the House on April 8, 1980.

CONLON of Muscatine

**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 8, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 126, providing for a joint convention of the two houses on April 9, 1980.

FRANK J. STORK, Secretary

**REREFERRED TO COMMITTEE ON WAYS AND MEANS**  
(Senate File 2071)

The Speaker announced that Senate File 2071, previously referred to the committee on **county government**, was rereferred to the committee on **ways and means**.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 4, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 2181, an act to legalize proceedings taken by the Board of Directors of the Shellsburg Community School District relating to the sale of certain properties.

House File 2355, an act to legalize and validate the proceedings of the Board of Directors of the Area Education Agency 14.

House File 2357, an act to legalize proceedings taken by the Board of Supervisors of Appanoose County relating to the sale of certain properties.

House File 2365, an act to legalize proceedings taken by the Board of Supervisors of Osceola County relating to the sale of certain properties.

Also: that on April 7, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 2279, an act relating to the records of the plans and costs of the construction of county bridges or culverts.

House File 2429, an act requiring presentence investigators to inquire into mental disabilities of the defendant.

House File 2453, an act providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

Senate File 2060, an act to permit the serving of food and beverages on the premises of certain tax exempt property.

Senate File 2122, an act relating to the compensation of deputy sheriffs.

Senate File 2317, an act to legalize proceedings taken by the Board of Supervisors of Pottawattamie County relating to the sale of certain properties.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty seventh grade students from Immanuel Lutheran School, Waterloo, accompanied by Gary Gable. By Brandt, Diemer, Lind and Rapp of Black Hawk.

Etsuko Ishizaki, foreign exchange student from Tokyo, Japan, presently a student at Woodbine High School, Woodbine, accompanied by her host family Mr. and Mrs. Jim Rock. By Danker of Pottawattamie.

Forty-five fifth and sixth grade students from Blackhurst and Jensen Elementary Schools, Urbandale, accompanied by Muriel Nicholson and Gail McArthur. By Krewson of Polk.

Paul Taylor, a student from Rowley Regis College, England, accompanied by instructor Nick Jakobowitz. By Schnekloth of Scott.

Eighth grade students from St. Peter School, Des Moines, accompanied by Miss Rouse. By Connors of Polk.

One hundred fourteen eighth grade students from Lake Mills Junior High School, Lake Mills, accompanied by Robert Clark. By Branstad of Winnebago.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber Tuesday evening, April 2, 1980. Had I been present, I would have voted "aye" on House File 2512, on the motion to make House File 2558 a Special Order of Business for the morning of April 3 and on the motion to Table the Motion to Reconsider House File 2512 and "nay" on the motion to place House File 2558 on the Unfinished Business Calendar.

CUSACK of Scott

### COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF REVENUE

The 1978 Individual Income Tax Annual Statistical Report from the Department of Revenue which reflects data obtained from 1.5 million tax returns filed during calendar year 1979.

### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1980-40 Steve Eden, Cedar Rapids, Iowa

1980-41 Ankeny High School Hawkettes Basketball Team

DAVID L. WRAY  
Chief Clerk of the House

## AMENDMENTS FILED

H-5905	H.F. 2492	Connolly of Dubuque
H-5906	H.F. 2492	Connolly of Dubuque
H-5907	S.F. 2361	Johnson of Howard
H-5908	S.F. 2296	Bruner of Story
H-5909	S.F. 360	Conlon of Muscatine
		Arnould of Scott
		Doyle of Woodbury
H-5910	H.F. 2492	West of Marshall
		Chiodo of Polk
H-5911	H.F. 2524	Byerly of Polk
Avenson of Fayette		Jochum of Dubuque
Davitt of Warren		Norland of Worth
Rapp of Black Hawk		Anderson of Jasper
Miller of Buchanan		Connolly of Dubuque
Connors of Polk		Hinkhouse of Cedar
Jesse of Polk		Loneragan of Boone
Cusack of Scott		Wells of Linn
Woods of Polk		Pavich of Pottawattamie
Horn of Linn		Welsh of Dubuque
Husak of Tama		Cochran of Webster
Doyle of Woodbury		Howell of Floyd
O'Kane of Woodbury		Halvorson of Webster
Spear of Lee		Hall of Linn
Patchett of Johnson		Brandt of Black Hawk
Arnould of Scott		Gettings of Wapello
Bina of Scott		Walter of Pottawattamie
Lloyd-Jones of Johnson		Dieleman of Marion
Bruner of Story		Hullinger of Decatur
Jay of Appanoose		Sherzan of Polk
H-5912	S.F. 2354	Woods of Polk
		Halvorson of Webster
H-5913	H.C.R. 120	Conlon of Muscatine
		Welden of Hardin
H-5915	S.F. 2361	Tyrrell of Iowa
H-5916	S.F. 2361	Schroeder of Pottawattamie
H-5917	S.F. 439	Howell of Floyd
		Woods of Polk
		Clark of Cerro Gordo
		Daggett of Taylor
		Dieleman of Marion
H-5918	S.F. 455	Spear of Lee

H-5919	H.F. 2492	Chiodo of Polk
H-5920	H.F. 2492	Bruner of Story
		Chiodo of Polk
H-5921	H.F. 2492	Chiodo of Polk
H-5922	H.F. 2492	Bruner of Story
H-5923	H.F. 2492	Bruner of Story
H-5924	H.F. 2492	Rapp of Black Hawk
H-5925	H.F. 2492	Jochum of Dubuque
H-5926	H.F. 2492	Rapp of Black Hawk
H-5927	H.F. 2492	Rapp of Black Hawk
H-5928	H.F. 2492	Jochum of Dubuque
H-5929	S.F. 2154	Perkins of Greene
		Welsh of Dubuque
H-5930	S.F. 2154	Perkins of Greene
		Welsh of Dubuque
H-5931	S.F. 2154	Welsh of Dubuque
		Perkins of Greene

On motion by Halvorson of Clayton, the House adjourned at 5:12 p.m., until 10:00 a.m., Wednesday, April 9, 1980.



# JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day—Fifty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 9, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Harold Green, pastor of the United Methodist Church, North Liberty.

The Journal of Tuesday, April 8, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James T. Mulry, Council Bluffs.

## 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 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2360, a bill for an act amending the Acts relating to the administration and financing of current programs under the jurisdiction of the department of social services.

Also: That the Senate has on April 3, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2366, a bill for an act relating to agency moving expenses or telephone relocation expenses of state agencies for which no appropriation is made.

FRANK J. STORK, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 2360**, by committee on appropriations, a bill for an act amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), relating to the administration and financing of current programs under the jurisdiction of the department of social services.

Read first time and referred to committee on **appropriations**.

**Senate File 2366**, by committee on appropriations, a bill for an act relating to agency moving expenses or telephone relocation expenses of state agencies for which no appropriation is made.

Read first time and referred to committee on **appropriations**.

The House stood at ease at 10:11 a.m., until the fall of the gavel.

The House resumed session at 10:19 a.m., Speaker Harbor in the chair.

### COMMITTEE TO NOTIFY THE SENATE

Thompson of Polk moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee the following: Thompson of Polk, Shull of Warren and Connors of Polk.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Thompson of Polk, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

### JOINT CONVENTION

In accordance with House Concurrent Resolution 126, duly adopted, the joint convention was called to order, President Branstad presiding.

Senator Hultman of Montgomery moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Branstad announced a quorum present and the joint convention duly organized.

Senator Murray of Story moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Robert D. Ray that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Murray of Story, Holden of Scott and Palmer of Polk, on the part of the Senate, and Representatives Welden of Hardin, Cusack of Scott and Stromer of Hancock, on the part of the House.

The Justices of the Supreme Court and the Judges of the Appellate Court were escorted into the House chamber.

The committee waited upon Governor Robert D. Ray and escorted him to the Speaker's station.

President Branstad presented Governor Robert D. Ray who delivered the following special budget message:

Mr. President, Mr. Speaker, Mr. Chief Justice, Justices of the Supreme Court and members of the Appellate Court, State Officials, Senators and Representatives, Distinguished Guests, and Friends:

For the record, today is Wednesday, not Thursday, which means this is not the day of the annual Governor's Prayer Breakfast.

Scheduling this speech one day before the Prayer Breakfast was not deliberate, although it may be appropriate!

On the second day of this Second Session of the Sixty-eighth General Assembly, I presented to you and to our Iowans my report on the Condition of the State for 1980. I emphasized in my remarks that Americans, and Iowans, "...are a people angered and upset about inflation — and its impact on our elderly, farmers, working men and women — on all of us." That feeling is even more true today.

Since January, the national economy has moved from bad to worse. Today we have nearly twenty percent inflation, and no comfort. Today we have twenty percent interest rates, and little credit. And today, thanks to the federal administration and Congress, we have one hundred percent frustration and a lot of confusion.

We balance our budgets here in Iowa, but we do not live in a vacuum. We have been hurt by the grain embargo. We have been hurt by disastrous federal farm policies. We have been hurt by hyper-inflation — the highest since the end of World War II.

Our present economy was "made in Washington." And it is now being "broken" in Washington, and is spinning into a recession — with resulting ravages rippling all the way from the Potomac to the Mississippi and Missouri, and the land in between, our home, Iowa.

Our Governor's Economic Advisory Council met one week ago today and shared some gloomy news. They noted the embargo, depressed grain markets, and a twenty-eight percent drop in hog prices. They cited skyrocketing prices for fuel, fertilizers, and other farm supplies. They learned that tax receipts from farmers are already down some sixteen point five percent. They forecast an unprofitable year and even some farm bankruptcies. And, it's painful to watch an Iowa farm family forced to sell their equipment, livestock and land and leave their lifestyles.

Our experts saw slower growth in corporate income, higher unemployment, and less construction.

The bottom line is predictable, though indeed not very pleasant. Because of federal government decisions, Iowans will have a tougher time making ends meet in the months ahead — and so will state government. State revenues were up fourteen point one percent during fiscal year 1979. This fiscal year, it is estimated they will increase less — down to nine point nine percent. Next fiscal year, six point one percent.

Iowa's budget is being further squeezed by the unfortunate loss of federal revenue sharing. This program worked. This program cost virtually nothing to run. This program helped provide tax relief here in Iowa. Yet now, it is being dropped. At long last, there is serious talk about balancing the national budget. But, the burden is being shifted to the states. Iowa's budget will lose \$14 million during fiscal year 1981, and \$28 million each year after that.

Some suggest the end of federal revenue sharing should cause the demise of state revenue sharing. I reject this notion. We will not merely pass this loss on. Local units of government are also hard-pressed today, and funds for county and municipal assistance will be forthcoming next year, and I trust, in the future.

At the state level, the loss of revenue and of revenue sharing will have a significant impact. We project that total revenues will be down \$33 million from earlier estimates for the current fiscal year and \$62 million during fiscal year 1981 — a drop in anticipated income for the entire biennial of \$95 million. Because of these numbers, we are revamping our biennial budget.

My legislative program identified several important priorities in January. They are no less important today. But what is absolutely imperative is that we preserve a

budget that is balanced, a budget with a workable balance, and a budget which still considers the taxpayer with some tax relief.

Obviously, our work this past week has not been easy. We have seen the problem and made the tough choices. I am here this morning to outline them for you:

1. We will immediately halt the construction of capital projects totaling \$22 million. Needed building and remodeling will continue only when we can pay the bills.
2. As of today, I am ordering a freeze in state hiring. Even though the latest EEO report shows that the number of full-time, permanent employees on the central payroll is down, we will place a lid on employment. And filling a vacancy will have to be reviewed by the Comptroller and the Governor's Office. Additionally, I am directing all departments and agencies to further restrain purchasing and discretionary spending. And I would expect the other two branches of government to follow this practice.
3. I ask the legislature to provide a more realistic measurement of the cost of living for the School Foundation Plan and for income tax indexing. The GNP deflator should replace the CPI for these purposes.
4. We need to postpone for one year any increase in the personal property tax phaseout.
5. We will defer or drop two-thirds of the supplemental appropriations advanced in January. These cuts total some \$40 million, and are detailed in the information you will receive. These cuts are shared across-the-board. No part of the executive branch was exempt.

The supplementals that remain are not only relevant, they are urgent. They include funding for some vital human services such as Aid for Dependent Children and Medicaid. They include funding for programs where a second-year appropriation was not passed in 1979. For example, this revision continues the \$800,000 requested earlier for Eldercare, to give essential services to senior Iowans who are trying to live on fixed or retirement incomes. And, some remaining supplementals include funding for services which are needed more during strained, tough economic times.

In January, I identified soil conservation as a key priority and recommended a sixty percent increase in funding. I remain convinced this is a priority. Even though we cannot provide as much as I originally hoped, I continue to press for more dollars for Iowa's soil and Iowa's future.

My efforts to obtain a two percent salary increase for state employees were based on my belief this was reasonable and fair. I must, however, recognize that if money is not available, this cannot be realized. I regret this move because state workers, just like their neighbors, are victims of inflation.

6. By not giving extra property tax relief and moving to the seventy-eight percent School Foundation level, it will be possible to continue income tax indexing. The alternative would be to forego indexing, but we would then lose the safety valve in the event of a deeper recession. It is also essential that the school aid formula be modified for future planning.

The state has furnished substantial property tax relief in recent years through the School Foundation Plan. And, during this session, further property tax relief has been provided for commercial, industrial and utility property by placing assessment limits similar to those on farm land and residential property.

There was good reason to provide this tax relief, and other kinds of tax relief already offered to Iowans, but there is a limit to what we can afford and what we can do.

Some of you are discussing changing the inheritance tax. There is merit to this idea, but if we don't have the money, we cannot do it.

You will recall I suggested removing the sales tax on machinery and equipment to stimulate new jobs. But again, as valuable an idea as it is, if we don't have the money, we cannot do it.

We can give additional benefits to workers covered under IPERS, but the increase must come from the pension fund itself, as I earlier recommended.

The revisions to the budget I submit today should leave the General Fund with an unobligated balance of \$71.8 million as of June 30, 1980, and \$63.7 million on June 30, 1981, just slightly above the minimum of \$60 million.

This budget is tight. As I said in January, "There is a lot more we would like to do for Iowa — but, extra money is scarce." And that is especially so today.

I ask you to study these budget changes carefully. And I implore you to act with insight and not by impulse.

We have shown some good judgment in the past. We suffered an economic downturn ten years ago and we endured. Indeed, we were able to move Iowa into the forefront as a national leader in so many ways during the 1970's.

Today, in the fourth month of the new decade, Iowa remains resilient, progressive and poised for the 1980's. And we have talented people working on challenging issues such as energy, transportation, and so many more.

We must always look for ways to keep giving Iowans the good government they want and deserve — efficiently and effectively. The men and women who served on the Governor's Economy Committee '79 showed us a number of ways to do just that. Worthy ideas are being implemented in the executive branch. Others require your approval, and I ask that you review these ideas this session, this summer and this fall.

It was Anatole France who said, "The future is hidden even from the men who make it."

What you have been doing this session, and what you will be doing in these closing weeks is helping to shape the future of Iowa. And, just as we could not foresee in January all that is happening in April, neither can we now foresee with certainty everything that will happen in September, or next year, or the year after that. The economy could become worse. Hopefully it will get better.

The future is hidden, nonetheless we must go about our work — knowing we often have to be flexible, and appreciating we sometimes have to be patient.

Fortunately, we live in Iowa — a place where people cooperate to solve problems. That is our tradition — and that is the task we now face.

Let us show our Iowans, and ourselves, that we can still seize opportunities. If we do, our time this session will truly have been well spent.

Thank you very much.

Governor Robert D. Ray was escorted from the House chamber by the committee previously appointed.

Halvorson of Clayton moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Harbor in the chair.

The House stood at ease at 10:58 a.m., until the fall of the gavel.

The House resumed session at 11:59 a.m., Speaker Harbor in the chair.

On motion by Clark of Lee, the House was recessed at 12:01 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

#### HOUSE CONCURRENT RESOLUTION 127

By Van Maanen, Daggett and Doyle

- 1 *Whereas*, there is an increasing number of
- 2 handicapped and elderly Iowans eligible for assistance
- 3 under Titles XIX and XX; and
- 4 *Whereas*, the state of Iowa under federal match re-
- 5 quirements will be paying part of this assistance in
- 6 addition to payments under existing state programs for
- 7 the handicapped and elderly; and
- 8 *Whereas*, the cost to the state and Iowa taxpayer
- 9 will continue to increase as the number of handicapped
- 10 and elderly Iowans eligible for such assistance in-
- 11 creases; and

12     *Whereas*, there exists in Iowa relatives of these  
 13     handicapped and elderly who wish to provide for them in  
 14     their homes but are hindered by the cost to them and the  
 15     possible reduction in assistance to their handicapped  
 16     and elderly relatives; and  
 17     *Whereas*, the state of Iowa could save itself money  
 18     and reduce the ever increasing cost to the Iowa taxpayer  
 19     if more Iowans would provide for the handicapped and  
 20     elderly in their homes; *Now Therefore*,  
 21     *Be It Resolved by the House of Representatives, the*  
 22     *Senate Concurring*, That the legislative council is  
 23     requested to create a joint house and senate ways and  
 24     means subcommittee consisting of five members of the  
 25     house of representatives and five members of the senate  
 26     to study during the 1980 legislative interim the feasi-  
 27     bility of and impact on revenues of providing tax relief  
 28     to those who provide for the handicapped and elderly in  
 29     their homes and the best method for providing such tax  
 30     relief; and

**Page 2**

1     *Be It Further Resolved*, That the joint subcommittee  
 2     report its findings, including suggested legislation,  
 3     by January 15, 1981, to the legislative council, the  
 4     general assembly convening in 1981 and the house and  
 5     senate committees on ways and means.

Laid over under Rule 30.

The House stood at ease at 1:46 p.m., until the fall of the gavel.

The House resumed session at 3:22 p.m., Speaker Harbor in the chair.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Wells of Linn on request of Pavich of Pottawattamie; Lonergan of Boone on request of Connors of Polk, both for the remainder of the day.

**QUORUM CALL**

Roll call was requested by Schnekloth of Scott and De Groot of Lyon to determine that a quorum was present.

Rule 80 was invoked.



## Present, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Welsh
West	Woods	Mr. Speaker	

## Absent, 5:

Chiodo	Jesse	Loneragan	Schroeder
Wells			

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 358**, a bill for an act to provide for the licensing of ophthalmic dispensers, and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Hansen of O'Brien asked and received unanimous consent to withdraw amendment H—5154 filed by him and O'Kane of Woodbury on February 5, 1980.

Hansen of O'Brien offered amendment H—5359 filed by the committee on state government on March 5, 1980 and found on pages 773 through 775 of the House Journal and moved its adoption.

The committee amendment H—5359 was adopted.

Stromer of Hancock offered the following amendment H—5793 filed by him and moved its adoption:

H—5793

- 1 Amend Senate File 358, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 3, 4, and 5 and
- 4 inserting in lieu thereof the words "and dispenses
- 5 ophthalmic".
- 6 2. Page 1, line 6, by inserting after the word
- 7 "by" the word "signed".
- 8 3. Page 1, line 7, by striking the word "signed"
- 9 and inserting in lieu thereof the words ", verbal
- 10 order, or signed copy of a written prescription,".
- 11 4. Page 1, line 9, by inserting after the word
- 12 "state" the words "or a person who prepares and
- 13 dispenses ophthalmic lenses for spectacles to the
- 14 intended user by duplication by neutralization if
- 15 the prescribing physician or optometrist practices
- 16 in another state".

Amendment H—5793 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 358)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crawford
Cusack	Daggett	Danker	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Hansen, I.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lloyd-Jones	Lorenzen
Maulsby	McKean	Menke	Millen
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken

Ritsema	Schnekloth	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
Walter	Welden	Welsh	West
Woods	Mr. Speaker		

The nays were, 8:

Crabb	Halvorson, R.N.	Hanson, D.	Husak
Lind	Lura	Miller	Tofte

Absent or not voting, 6:

Davitt	Jesse	Loneragan	Patchett
Schroeder -	Wells		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 107**, a bill for an act relating to the establishment of tuition rates for school districts, with report of committee recommending passage was taken up for consideration.

Stromer of Hancock in the chair at 3:58 p.m.

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. 107)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Half
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller

Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Shimaneck
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, none.

Absent or not voting, 7:

Chiodo	Jesse	Lonergan	Pelton
Sherzan	Welden	Wells	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 185**, a bill for an act relating to the distribution of interest of permanent school fund, with report of committee recommending amendment and passage was taken up for consideration.

Crawford of Story offered amendment H—5378 filed by the committee on education on March 6, 1980 and found on page 798 of the House Journal and moved its adoption.

The committee amendment H—5378 was adopted, placing out of order amendment H—4028 filed by Jesse of Polk on April 19, 1979, and found on page 2585 of the 1979 House Journal.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—4025 filed by him on April 19, 1979, and found on page 2584 of the 1979 House Journal.

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. 185)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford

Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Welsh
West	Woods	Mr. Speaker (Stromer)	

The nays were, none.

Absent or not voting, 5:

Chiodo	Loneragan	O'Kane	Sherzan
Wells			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 72 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 72 from further consideration by the House.

### SENATE FILE 2311 SUBSTITUTED FOR HOUSE FILE 2530

Danker of Pottawattamie asked and received unanimous consent to substitute Senate File 2311 for House File 2530.

**Senate File 2311**, a bill for an act relating to the age of fire fighters, 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?" (S.F. 2311)

The ayes were, 92:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Kronson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Schnekloth
Sherzan	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Welsh	West	Woods	Mr. Speaker (Stromer)

The nays were, 1:

Ritsema

Absent or not voting, 7:

Arnould	Halvorson, R.N.	Johnson, R.	Lonergan
O'Kane	Schroeder	Wells	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2530 WITHDRAWN

Danker of Pottawattamie asked and received unanimous consent to withdraw House File 2530 from further consideration by the House.

**Senate File 2002**, a bill for an act relating to expenditure of profits from auxiliary services by area schools, with report of committee recommending amendment and passage was taken up for consideration.

Hansen of O'Brien offered amendment H—5554 filed by the committee on education on March 18, 1980 and found on page 998 of the House Journal.

Ritsema of Sioux offered the following amendment H—5932, to the committee amendment H—5554, filed by him from the floor:

H—5932

- 1 Amend H—5554 to Senate File 2002 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. By inserting after line 2 the following:
- 4 "1. Page 1, line 8, by striking the words "and
- 5 intercollegiate".
- 6 2. Page 1, by striking line 15 and inserting
- 7 in lieu thereof the words "and parking facilities." "
- 8 2. Renumber sections and correct internal
- 9 references in accordance with this amendment.

Spear of Lee rose on a point of order that amendment H—5932 was not in order pursuant to House Rule 36.8.

The Speaker ruled the point well taken and amendment H—5932 not in order.

Pelton of Clinton asked for unanimous consent to suspend the rules for the consideration of amendment H—5932.

Objection was raised.

Pelton of Clinton moved that the rules be suspended to consider amendment H—5932.

Connors of Polk rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion to suspend the rules not in order.

Groth of Buena Vista moved that the rules be suspended to consider amendment H—5932.

A non-record roll call was requested.

The ayes were 22, nays 63.

The motion lost.

On motion by Hansen of O'Brien, the committee amendment H—5554 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2002)

The ayes were, 74:

Anderson, R.	Avenson	Bennett	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Diemer	Doyle	Egenes
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Harbor	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Husak	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	McKean	Menke	Millen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Pope
Rapp	Schneklath	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Welsh	West
Woods	Mr. Speaker (Stromer)		

The nays were, 20:

Anderson, J.	Branstad	Conlon	Connolly
Dieleman	Groth	Hanson, D.	Hibbs
Hummel	Jochum	Lageschulte	Lloyd-Jones
Lorenzen	Lura	Maulsby	Miller
Mullins	Poffenberger	Renken	Ritsema



Absent or not voting, 6:

Arnould  
Schroeder

Jesse  
Wells

Lonergan

O'Kane

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 2002)

Hansen of O'Brien moved to reconsider the vote by which Senate File 2002 passed the House on April 9, 1980 and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 60, nays 28.

The motion prevailed.

**Senate File 2006**, a bill for an act to increase the estimated cost of a proposed public improvement above which a city must hold a public hearing, advertise and receive sealed bids, with report of committee recommending passage was taken up for consideration.

Tyrrell 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.

Under the provisions of Rule 81, Dieleman of Marion refrained from voting.

On the question "Shall the bill pass?" (S.F. 2006)

The ayes were, 93:

Anderson, J.  
Bina  
Bruner  
Clark, J.H.  
Connors  
Cusack  
De Groot  
Gettings  
Halvorson, R.N.

Anderson, R.  
Binneboese  
Byerly  
Cochran  
Corey  
Daggett  
Diemer  
Groth  
Hansen, I.

Avenson  
Brandt  
Chiodo  
Conlon  
Crabb  
Danker  
Doyle  
Hall  
Hanson, D.

Bennett  
Branstad  
Clark, B.J.  
Connolly  
Crawford  
Davitt  
Egenes  
Halvorson, R.A.  
Harbor

Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, none.

Absent or not voting, 7:

Arnould	Dieleman	Jesse	Lonergan
O'Kane	Schroeder	Wells	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Harbor in the chair at 5:12 p.m.

### HOUSE FILE 2150 WITHDRAWN

Egenes of Story asked and received unanimous consent to withdraw House File 2150 from further consideration by the House.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Students from Denison High School, Denison, accompanied by Martin Peterson. By Crabb of Crawford.

Sixty senior students from Stuart-Menlo High School, Stuart, accompanied by Mr. Dave Fry and Dan Fox. By Poffenberger of Dallas and Davitt of Warren.

Seventy sixth grade students from Garner-Hayfield Community School, Garner, accompanied by Mrs. Nelson, Mrs. Stille and Mr. Nielson. By Stromer of Hancock.

Forty-five students from Sawyer Elementary School, Ames, accompanied by Barb Mengeling and Elaine Bath. By Crawford of Story.

#### COMMUNICATION FROM SECRETARY OF STATE

April 9, 1980

David L. Wray  
Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2470, was published in the Farmer-Labor Press, Council Bluffs, Iowa on April 3, 1980, and in The Clinton Herald, Clinton, Iowa on March 31, 1980.

Also, I certify that Senate File 2200, was published in the Estherville Daily News, Estherville, Iowa on April 7, 1980, and in The Times-Republican, Corydon, Iowa on April 8, 1980.

Respectfully submitted,

MELVIN D. SYNHORST  
Secretary of State

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 8, 1980. Had I been present, I would have voted "aye" on House Files 225, 357, 2245, 2458, 2410, 2461, and Senate Files 28, 205, 430, 446, 464, 2051, 2114, 2183, 2219, 2267, 2279, 2285, 2299, 2314, 2316, 2331 and 2337.

JOHNSON of Linn

I was necessarily absent from the House chamber on the afternoon of Wednesday, April 8, 1980. Had I been present, I would have voted "aye" on House Files 225, 2458, 357, 2245, 2461, 2410, and Senate Files 446, 464, 2219, 2314, 2331, 2299, 2316, 28 and 2337.

MULLINS of Kossuth

I was necessarily absent from the House chamber for a portion of the afternoon on April 9, 1980. Had I been present, I would have voted "aye" on Senate Files 185, 2311, 2002 and 2006.

O'KANE of Woodbury

### COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF PUBLIC INSTRUCTION

A report from the Special Education Division of the Department of Public Instruction concerning the Financial Reviews of Area 2 and Area 12 LEA, pursuant to Section 281.9 (6), Code of Iowa.

### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY  
Chief Clerk of the House

#### COMMITTEE ON WAYS AND MEANS

**House File 2457**, a bill for an act to extend the property tax levy for flood and erosion control under chapter four hundred sixty-seven B (467B) of the Code to all taxable property outside the corporate limits of a city.

**Recommended Do Pass.**

**House File 2571**, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more such districts are under the management and control of that board, and to authorize a one-time assessment on land in such districts for the purpose of establishing the fund.

**Recommended Do Pass.**

**Senate File 2197**, a bill for an act relating to the sale of wine and creating a license therefor.

**Recommended Do Pass.**

**Senate File 2238**, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition.

**Recommended Do Pass.**

**Committee Bill** (Formerly House File 2151, as amended), a bill for an act relating to exempting from the real estate transfer tax transfers between members of a family and a family partnership or corporation.

**Recommended Do Pass.**

**Study Bill 687**, relating to the minimum filing requirements for the state individual income tax and making the Act retroactive.

**Recommended Amend and Do Pass.**

**Study Bill 688**, relating to the extension of deadlines for filing claims and the confidentiality of the information on the claims for property tax credit and rent reimbursement of the elderly and disabled persons.

**Recommended Amend and Do Pass.**

### AMENDMENTS FILED

H-5933	H.F. 2492	Chiodo of Polk
H-5934	H.F. 2492	Bruner of Story
		Rapp of Black Hawk
		Chiodo of Polk
		Jochum of Dubuque
H-5935	H.F. 2492	Chiodo of Polk
H-5936	H.F. 2492	Chiodo of Polk
H-5937	H.F. 2492	Jochum of Dubuque
H-5938	H.F. 2492	Jochum of Dubuque
H-5939	S.F. 2361	Krewson of Polk
		Walter of Pottawattamie
		Lorenzo of Scott
		Poffenberger of Dallas
		Cusack of Scott
		Shimanek of Jones
		Hibbs of Johnson
		Ritsema of Sioux
H-5940	S.F. 2361	Shimanek of Jones

H-5941	H.F. 2492	Chiodo of Polk
Perkins of Greene		Byerly of Polk
Woods of Polk		Anderson of Jasper
Patchett of Johnson		Bruner of Story
Hullinger of Decatur		Avenson of Fayette
Norland of Worth		Jochum of Dubuque
H-5942	H.F. 2492	Connolly of Dubuque
H-5943	S.F. 2198	Horp of Linn
H-5944	S.F. 2361	Tyrrell of Iowa
H-5945	S.F. 2361	Horn of Linn
H-5946	S.F. 2320	Shimanek of Jones
H-5947	S.F. 439	Dieleman of Marion
H-5948	S.F. 439	Dieleman of Marion
H-5949	H.F. 2492	Connolly of Dubuque
H-5950	H.F. 312	Patchett of Johnson
H-5951	H.F. 2492	Chiodo of Polk
H-5952	S.F. 2154	Perkins of Greene
		Welsh of Dubuque
H-5953	H.F. 2492	Chiodo of Polk
H-5954	H.F. 2492	Chiodo of Polk
H-5955	S.F. 333	Egenes of Story
		Kirkenslager of Des Moines
		Larsen of Wapello
		Lageschulte of Bremer
		Davitt of Warren
		Jay of Appanoose
		McKean of Jones
H-5956	S.F. 2070	Ritsema of Sioux
H-5957	H.F. 2492	Chiodo of Polk
H-5958	S.F. 2070	Bennett of Ida
		Kirkenslager of Des Moines
		Groth of Buena Vista
		Corey of Louisa
		Thompson of Polk
		Davitt of Warren
H-5959	H.F. 2492	Chiodo of Polk
		Johnson of Linn
H-5960	H.F. 2492	Schroeder of Pottawattamie
H-5961	H.F. 2492	Schroeder of Pottawattamie
H-5962	S.F. 431	Anderson of Jasper
		Clark of Cerro Gordo
		De Groot of Lyon
H-5963	S.F. 2070	Lloyd-Jones of Johnson

**On motion by Halvorson of Clayton, the House adjourned at 5:51 p.m., until 9:30 a.m., Thursday, April 10, 1980.**

# JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day—Fifty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 10, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Thorvald A. Hansen, pastor of Our Saviour's Lutheran Church, Audubon.

The Journal of Wednesday, April 9, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. U. Broers, Schleswig.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott, for the morning and a portion of the afternoon session, on request of Bina of Scott; Lonergan of Boone, for the remainder of the week, on request of Connors of Polk.

## PETITION FILED

The following petition was received and placed on file:

By Dieleman of Marion, from eight hundred seven constituents of the 70th district favoring legislation that will ensure the conservation of our energy resources.

## COMMUNICATION RECEIVED

March 4, 1980

The Honorable William H. Harbor  
Speaker of the House  
L O C A L

Dear Bill:

This letter is to inform you that I am resigning my position as Chief Clerk of the House of Representatives effective April 10, 1980.



I have accepted another position that has certain personal and financial opportunities.

Please accept my resignation.

Sincerely,

David L. Wray  
Chief Clerk

## 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 8, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 54, a bill for an act relating to district associate judges and judicial magistrates.

Also: That the Senate has on April 8, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 402, a bill for an act relating to attorney notices of subrogation to the department of social services under the medical assistance program.

Also: That the Senate has on April 8, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 685, a bill for an act relating to fraudulent practice to knowingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance.

Also: That the Senate has on April 8, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2169, a bill for an act relating to contracts for bridge or road construction on secondary roads.

Also: That the Senate has on April 8, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2463, a bill for an act relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

Also: That the Senate has on April 8, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2478, a bill for an act relating to the emergency repair, restoration or reconstruction of a primary highway or bridge.

Also: That the Senate has on April 8, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2479, a bill for an act relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

Also: That the Senate has on April 8, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2482, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads.

Also: That the Senate has on April 8, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2491, a bill for an act authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81a et seq.

Also: That the Senate has on April 8, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2522, a bill for an act to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

Also: That the Senate has on April 8, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2529, a bill for an act relating to the sale of native wines for consumption on the licensed premises.

Also: That the Senate has on April 8, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2533, a bill for an act relating to child care facilities and establishing special criteria for certain rules.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 54

H-5964

- 1 Amend House File 54 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. . Section forty-six point sixteen (46.16),
- 6 Code 1979, is amended to read as follows:

## 7 46.16 TERMS OF JUDGES.

8 1. Subject to the provisions of sections 605.24  
9 and 605.25 and to removal for cause:

10 1 a. The initial term of office of judges of the  
11 supreme court, court of appeals and district court  
12 shall be for one year after appointment and until  
13 January 1 following the next judicial election after  
14 expiration of such year; and

15 2 b. The regular term of office of judges of the  
16 supreme court retained at a judicial election shall  
17 be eight years, and of judges of the court of appeals  
18 and district court so retained shall be six years,  
19 from the expiration of their initial or previous  
20 regular term as the case may be.

21 For the purpose of initial appointments to the  
22 court of appeals, two of the judges appointed shall  
23 serve an irregular term ending December ~~30~~ thirty-  
24 first of the fourth year after expiration of the  
25 initial term prescribed in subsection 1 and two of  
26 the judges appointed shall serve an irregular term  
27 ending December ~~30~~ thirty-first of the fifth year  
28 after expiration of the initial term prescribed in  
29 subsection 1. Expiration of irregular terms shall  
30 be deemed expiration of regular terms for all purposes.

31 2. Subject to removal for cause, the initial term  
32 of office of a district associate judge shall be for  
33 one year after appointment and until January first  
34 following the next judicial election after expiration  
35 of such year, and the regular term of office of a  
36 district associate judge retained at a judicial  
37 election shall be four years from the expiration of  
38 the initial or previous regular term, as the case  
39 may be.

40 Sec. . Section forty-six point twenty (46.20),  
41 Code 1979, is amended to read as follows:

42 46.20 DECLARATION OF CANDIDACY. At least ninety  
43 days prior to the judicial election preceding  
44 expiration of his or her initial or regular term of  
45 office, a judge of the supreme court, court of appeals  
46 or district court including district associate judges  
47 may file a declaration of candidacy with the state  
48 commissioner of elections, whereupon such judge shall  
49 stand for retention or rejection at that election.  
50 If a judge fails to file such declaration, his or

Page 2

1 her office shall be vacant at the end of his or her  
2 term. District associate judges filing such a  
3 declaration shall stand for retention in the county  
4 judicial election district of their residence."

5 2. Page 1, by striking line 21 and inserting in  
6 lieu thereof the following:

7 "602.28 DISTRICT ASSOCIATE JUDGES.

8 1. The regular judges".

9 3. By striking page 1, line 29 through page 2,  
10 line 6, and inserting in lieu thereof the following:

11 "2. Judicial magistrates who were appointed for  
12 terms of office pursuant to either section six hundred  
13 two point fifty-one (602.51) or section six hundred  
14 two point fifty-nine (602.59) of the Code, and who  
15 are in office on January 1, 1981, and who meet the  
16 qualifications for appointment to the office of  
17 district associate judge, shall become district  
18 associate judges on January 1, 1981. Alternates who  
19 are appointed pursuant to section six hundred two  
20 point seventy-one (602.71) of the Code, and who are  
21 in office on January 1, 1981, and who meet the  
22 qualifications for appointment to the office of  
23 district associate judge, shall become alternate  
24 district associate judges on January 1, 1981, and  
25 shall be subject to section ten (10) of this Act.

26 3. Judicial magistrates and alternate judicial  
27 magistrates who become district associate judges by  
28 virtue of subsection two (2) of this section shall  
29 stand for retention in office at the judicial election  
30 in 1982. Irrespective of the existing terms of office  
31 to which they were appointed, these magistrates shall  
32 serve as district associate judges until January 1,  
33 1983. Those who are retained in office at the judicial  
34 election in 1982 shall begin the regular four-year  
35 term of office for district associate judges on January  
36 1, 1983. Those who are not retained in office at  
37 the judicial election in 1982 shall cease to hold  
38 office on January 1, 1983.

39 4. A judicial magistrate who was appointed pursuant  
40 to section six hundred two point fifty-one (602.51),  
41 six hundred two point fifty-nine (602.59) or six  
42 hundred two point seventy-one (602.71) of the Code,  
43 and who is in office on January 1, 1981, but who does  
44 not meet the qualifications for appointment to the  
45 office of district associate judge, shall continue  
46 to serve as a judicial magistrate until the expiration  
47 of the term to which the person was appointed or until  
48 the person otherwise leaves office. Upon the person's  
49 leaving office, the vacancy shall be filled as provided  
50 in section nine (9) of this Act."

**Page 3**

1 4. Page 2, line 11, by striking the word "county"  
2 and inserting in lieu thereof the words "county  
3 judicial election district".

4 5. Page 2, by striking lines 14 through 21 and  
5 inserting in lieu thereof the following: "The term  
6 of office of the judges who are retained in office  
7 at the judicial election shall extend for four years  
8 after January 1 next following the election, and the  
9 term of office of the judges who are not retained  
10 in office at such a judicial election shall extend  
11 until January 1 next following such election. District  
12 associate judges shall cease to hold office upon  
13 attaining age seventy-two."

14 6. Page 3, by striking lines 7 through 29 and  
15 inserting in lieu thereof the following:

16 "Sec. . Section six hundred two point thirty-  
17 one (602.31), Code 1979, as amended by Acts of the  
18 Sixty-eighth General Assembly, 1979 Session, chapter  
19 two (2), section thirteen (13) is amended to read  
20 as follows:

21 602.31 SALARY, EXPENSES, RETIREMENT. The annual  
22 salary of each district associate judge, payable from  
23 the general fund of the state of Iowa, shall be a  
24 sum set by the general assembly. District associate  
25 judges shall also receive from the state their actual  
26 and necessary expenses in the performance of their  
27 duties away from the city of their residence, in  
28 accordance with section 605.2. District associate  
29 judges who were municipal court judges prior to July  
30 1, 1973, and who are members of the judicial retirement  
31 system under chapter 605A shall remain members thereof;  
32 but the state of Iowa, instead of the city and county,  
33 shall deduct four percent from their salaries for  
34 the judicial retirement fund and shall contribute  
35 the public's portion to the judicial retirement fund.  
36 A person who becomes a district associate judge on  
37 the effective date of this Act by virtue of section  
38 three (3) of this Act or who is appointed to the  
39 office of district associate judge after the effective  
40 date of this Act shall be a member of the Iowa public  
41 employees' retirement system as long as the person  
42 continues to hold office as a district associate judge."

43 7. Page 9, by striking lines 8 through 28 and  
44 inserting in lieu thereof the following:

45 "Sec. . Section six hundred two point fifty-  
46 four (602.54), Code 1979, as amended by Acts of the  
47 Sixty-eighth General Assembly, 1979 Session, chapter  
48 two (2), section fourteen (14), is amended to read  
49 as follows:

50 602.54 SALARY, EXPENSES. Each judicial magistrate

Page 4

1 shall receive a salary payable from the general fund  
2 of the state, and also his or her actual and necessary

3 expenses in the performance of his or her duties while  
 4 away from the city of his or her residence, in  
 5 accordance with section 605.2. The salary of judicial  
 6 magistrates, except as otherwise provided herein in  
 7 section six hundred two point fifty-eight (602.58)  
 8 of the Code, shall be the sum set by the general  
 9 assembly. The judicial magistrates serving pursuant  
 10 to section 602.51 shall receive an annual salary in  
 11 an amount set by the general assembly. Judicial  
 12 magistrates appointed pursuant to section 602.51  
 13 except district associate judges shall be members  
 14 of the Iowa public employees' retirement system.  
 15 Judicial magistrates appointed pursuant to either  
 16 section 602.50 or section 602.58 may elect to be  
 17 members of the Iowa public employees' retirement  
 18 system upon filing notice in writing with the Iowa  
 19 department of job service and the court administrator  
 20 of the judicial department."

21 8. Page 15, line 1, by striking the numerals  
 22 "1980" and inserting in lieu thereof the numerals  
 23 "1981".

24 9. By renumbering sections and correcting internal  
 25 references.

SENATE AMENDMENT TO  
 HOUSE FILE 685

H—5965

- 1 Amend House File 685 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 15, by striking the words "three
- 4 years" and inserting in lieu thereof the words "one
- 5 year".
- 6 2. Page 1, line 23, by striking the word
- 7 "aggravated" and inserting in lieu thereof the word
- 8 "serious".
- 9 3. Page 1, line 24, by striking the word "and"
- 10 and inserting in lieu thereof the word ",".
- 11 4. Page 1, line 25, by inserting after the figure
- 12 "(714.10)" the words and figure "and seven hundred
- 13 fourteen point eleven (714.11)".
- 14 5. Page 1, by striking line 26 through page 2,
- 15 line 6.
- 16 6. By correcting section numbers and internal
- 17 references as made necessary by this amendment.
- 18 7. Amend the title, lines 4 and 5, by striking
- 19 the words ", granting the department of social services
- 20 rule-making authority to implement this Act,".

SENATE AMENDMENT TO  
HOUSE FILE 2463

H - 5966

1 Amend House File 2463 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, by striking lines 14 through 20 and  
 4 inserting in lieu thereof the following: "at ~~seventeen~~  
 5 ~~dollars and fifty cents~~ forty dollars per day each  
 6 and necessary expenses, to be paid out of the funds  
 7 of the drainage or levee district for each day  
 8 necessarily, expended in the".

SENATE AMENDMENT TO  
HOUSE FILE 2482

H - 5967

1 Amend House File 2482, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 5 through 28 and  
 4 inserting in lieu thereof the following:  
 5 "Notwithstanding the provisions of section three  
 6 hundred ten point four (310.4) of the Code, if the  
 7 board of supervisors of a county does not plan to  
 8 utilize its farm-to-market road fund allocation for  
 9 the succeeding calendar year for farm-to-market  
 10 projects, the board may annually, by stipulation in  
 11 the secondary road construction program and secondary  
 12 road budget submitted to the department in accordance  
 13 with sections three hundred nine point twenty-two  
 14 (309.22) and three hundred nine point ninety-three  
 15 (309.93) of the Code, determine an amount of the  
 16 unobligated portion of their allocation, up to a  
 17 maximum of fifty percent of their anticipated total  
 18 annual allocation, for the construction and  
 19 reconstruction of local secondary roads. However,  
 20 moneys from the farm-to-market road fund shall not  
 21 be so used if the moneys are needed to match federal  
 22 funds available for farm-to-market road projects.  
 23 A county shall not use farm-to-market road funds  
 24 as described in this section unless the total funds  
 25 that the county raised during the prior calendar year  
 26 pursuant to section three hundred nine point eight  
 27 (309.8), subsections one (1), three (3), and four  
 28 (4), of the Code are at least seventy-five percent  
 29 of the maximum funds the county could have raised  
 30 in the prior calendar year pursuant to section three  
 31 hundred nine point seven (309.7) of the Code."

SENATE AMENDMENT TO  
HOUSE FILE 2533

H—5968

- 1 Amend House File 2533 as passed by the House as  
2 follows:  
3 1. Page 1, lines 19, 20 and 21, by striking the  
4 words "so long as the facility enrolls no children  
5 who are less than three years of age".

## CHIEF CLERK OF THE HOUSE HONORED

Daggett of Taylor, on behalf of the members of the House of Representatives, thanked Chief Clerk David L. Wray for his service to the House during the Sixty-fifth, Sixty-sixth, Sixty-seventh and Sixty-eighth General Assemblies.

The House rose and expressed its appreciation to Chief Clerk Wray with a standing ovation.

Daggett of Taylor asked and received unanimous consent for the immediate consideration of House Resolution 109 as follows and moved its adoption:

HOUSE RESOLUTION 109  
By All Members of the Iowa House  
of Representatives, 68th  
General Assembly—1980 Session

- 1 *Whereas*, the House has learned, with regret, of the  
2 resignation of Chief Clerk David L. Wray; and  
3 *Whereas*, David L. Wray has given competent and diligent  
4 service as Chief Clerk of the Iowa House of Representatives  
5 since 1975, and as Assistant Chief Clerk in 1974; and  
6 *Whereas*, David L. Wray has shown creativity and leadership  
7 in responding to legislators' and staff needs, especially  
8 in the field of printing techniques and in remodeling and  
9 refurbishing House facilities; and  
10 *Whereas*, his commitment to excellence is well-known and  
11 will be well remembered; and  
12 *Whereas*, David L. Wray's abilities are all the more  
13 appreciated because of his accompanying, never-failing  
14 good humor, cheerfulness and congeniality; and  
15 *Whereas*, as legislators we appreciate his abilities and  
16 as persons we will miss his presence;  
17 *Now Therefore, Be It Resolved by the Iowa House of*  
18 *Representatives*, That the members and staff extend their



19 thanks and appreciation for David L. Wray's professional  
20 nonpartisan services and attention during all the years  
21 he has served the Iowa House of Representatives and wish  
22 him "Godspeed" in his new endeavors.

The motion prevailed and the resolution was adopted.

Representatives Cochran, Avenson, Halvorson and Millen also expressed appreciation and good wishes to Mr. Wray.

Speaker Harbor presented a framed, enrolled copy of House Resolution 109 to Mr. Wray who responded with thanks to everyone.

### SENATE FILE 2015 DEFERRED

Halvorson of Clayton asked and received unanimous consent that Senate File 2015 be deferred and that the bill retain its place on the calendar.

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 2154**, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees, with report of committee recommending passage was taken up for consideration.

Welsh of Dubuque offered the following amendment H-5931 filed by him and Perkins of Greene:

H-5931

- 1 Amend Senate File 2154 as follows:
- 2 1. Page 1, by striking lines 1 through 20 and
- 3 inserting in lieu thereof the following:
- 4 Section 1. Section one hundred twenty-three
- 5 point ninety-two (123.92), Section one hundred
- 6 twenty-three point ninety-three (123.93), and
- 7 Section one hundred twenty-three point ninety-four
- 8 (123.94) are repealed.

Clark of Lee in the chair at 10:20 a.m.

Welsh of Dubuque moved the adoption of amendment H-5931.

Roll call was requested by Arnould of Scott and Jochum of Dubuque.

Under the provisions of Rule 81, Miller of Buchanan refrained from voting.

On the question "Shall amendment H—5931 be adopted?"

The ayes were, 34:

Arnould	Avenson	Bina	Byerly
Chiodo	Connolly	Connors	Doyle
Gettings	Hall	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Husak	Jay	Jochum
Johnson, R.	Kirkenslager	Lloyd-Jones	Lorenzen
Lura	Millen	O'Kane	Pavich
Perkins	Swearingen	Tofte	Wells
Welsh	Woods		

The nays were, 60:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Brandt	Branstad	Bruner	Clark, B.J.
Cochran	Conlon	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Groth	Halvorson, R.A.	Hansen, I.	Harbor
Howell	Hullinger	Hummel	Johnson, J.
Johnson, W.	Krewson	Lageschulte	Larsen
Lind	Maulsby	McKean	Menke
Mullins	Norland	Oxley	Patchett
Pellett	Pelton	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Thompson	Tyrrell
Van Maanen	Walter	West	Mr. Speaker (Clark of Lee)

Absent or not voting, 6:

Cusack	Jesse	Loneragan	Miller
Stromer	Welden		

Amendment H—5931 lost.

(Senate File 2154 pending at recess.)

The House stood at ease at 11:02 a.m., until the fall of the gavel.

The House resumed session at 12:01 p.m., Speaker Harbor in the chair.

### PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Dieleman of Marion presented to the House, Monica May, from Pella, Iowa, Queen of the 1980 Pella Tulip Festival to be held in Pella May 8, 9 and 10.

Queen Monica presented Speaker Harbor with the traditional kiss as well as the Dutch letters with his initials "W. H."

The Queen introduced her attendants Andrea Busker, Renee De Boef, Patti Monsma and Norma Stursma, who were accompanied by Ray De Haan.

The girls, all dressed in native Dutch costume distributed the famous Pella Dutch cookies.

On motion by Halvorson of Clayton, the House was recessed at 12:07 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

### BUSINESS PENDING

The House resumed consideration of **Senate File 2154**, a bill for an act relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

Perkins of Greene asked and received unanimous consent to defer action on amendment H-5930.

Perkins of Greene offered the following amendment H—5929 filed by him and Welsh of Dubuque:

H—5929

- 1 Amend Senate File 2154 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following: "and state liquor stores"

Perkins of Greene offered the following amendment H—5952, to amendment H—5929, filed by him and Welsh of Dubuque:

H—5952

- 1 Amend H—5929 to Senate File 2154 as follows:
- 2 1. Page 1, by striking lines 2 and 3 and inserting
- 3 in lieu thereof following:
- 4 "1. Page 1, line 4, by striking the words "BY
- 5 LICENSEES" and inserting in lieu thereof the words
- 6 "BY LICENSEES".
- 7 2. Page 1, by inserting after line 12, the
- 8 following: "If the intoxicated person consumed
- 9 alcoholic liquor purchased by him or her personally
- 10 from a state liquor store which alcoholic liquor
- 11 contributed to the person's intoxication, the person
- 12 injured shall have a right of action severally or
- 13 jointly against the state as well as against the
- 14 licensees or permittees."
- 15 3. Page 1, line 14, by inserting after the word
- 16 "licensee" the words "or the state".
- 17 2. Page 1, by inserting after line 3, the
- 18 following:
- 19 "5. Page 1, by inserting after line 20, the
- 20 following:
- 21 "Sec. . Section one hundred twenty-three point
- 22 ninety-three (123.93), Code 1979, is amended to read
- 23 as follows:
- 24 123.93 LIMITATION OF ACTION. Within six months
- 25 of the occurrence of an injury, the injured person
- 26 shall give written notice to the licensee or permittee
- 27 or the department or such licensee's or permittee's
- 28 or the department's insurance carrier of his or her
- 29 intention to bring an action under this section,
- 30 indicating the time, place and circumstances causing
- 31 the injury. Such six months' period shall be extended
- 32 if the injured party is incapacitated at the expiration
- 33 thereof or unable, through reasonable diligence, to
- 34 discover the name of the licensee, permittee, state
- 35 liquor store, or person causing the injury or until
- 36 such time as such incapacity is removed or such person

37 has had a reasonable time to discover the name of  
38 the licensee, permittee, state liquor store, or person  
39 causing the injury.

40 Sec. . Section one hundred twenty-three point  
41 ninety-four (123.94), Code 1979, is amended to read  
42 as follows:

43 123.94 INUREMENT OF ACTION PROHIBITED. No right  
44 of action for contribution or indemnity shall accrue  
45 to any insurer, guarantor or indemnitor of any  
46 intoxicated person for any act of such intoxicated  
47 person against any licensee or permittee or the state,  
48 as defined in this chapter." "

Shimanek of Jones rose on a point of order that amendment  
H—5952 was not germane to amendment H—5929.

The Speaker ruled the point well taken and amendment  
H—5952 not germane.

Welsh of Dubuque asked and received unanimous consent to  
withdraw amendment H—5929.

Welsh of Dubuque offered the following amendment H—5930  
filed by Perkins of Greene and him:

H—5930

- 1 Amend Senate File 2154 as follows:
- 2 1. Page 1, by striking line 17 and in-
- 3 sserting in lieu thereof the following:
- 4 "Every liquor control licensee and class
- 6 "B" and "C" beer permittee"

Welsh of Dubuque offered the following amendment H—5972, to  
amendment H—5930, filed by him from the floor:

H—5972

- 1 Amend the amendment, H—5930, to Senate File 2154
- 2 as follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 "2. Page 1, line 20, by inserting the following
- 6 sentence after the word "department.": "With
- 7 respect to class C beer permittees, proof must be
- 8 shown that the beer was purchased within a 12 hour
- 9 period of the incident involving injury to a person
- 10 or property." "

Shimanek of Jones rose on a point of order that amendment H—5972 was not germane to amendment H—5930.

The Speaker ruled the point well taken and amendment H—5972 not germane.

Shimanek of Jones rose on a point of order that amendment H—5930 was not germane.

The Speaker ruled the point well taken and amendment H—5930 not germane.

Welsh of Dubuque moved that the rules governing germaneness be suspended to consider and adopt amendment H—5930.

A non-record roll call was requested.

The ayes were 19, nays 68.

The motion lost.

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.

Under the provisions of Rule 81, Miller of Buchanan refrained from voting.

On the question "Shall the bill pass?" (S.F. 2154)

The ayes were, 83:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Corey
Crabb	Crawford	Daggett	Danker
Davitt	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Larsen	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Norland

O'Kane	Oxley	Patchett	Pavich
Pelton	Perkins	Poffenberger	Pope
Rapp ,	Renken	Ritsema	Sherzan
Shimanek	Shull	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, 9:

Branstad	De Groot	Dieleman	Hinkhouse
Lageschulte	Lind	Pellett	Schnekloth
Smalley			

Absent or not voting, 8:

Arnould	Connolly	Cusack	Krewson
Lonergan	Miller	Schroeder	Stromer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2123**, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs, with report of committee recommending amendment and passage was taken up for consideration.

Schnekloth of Scott offered amendment H—5270 filed by the committee on county government on February 21, 1980 and found on pages 628 and 629 of the House Journal and moved its adoption.

The committee amendment H—5270 was adopted.

Schnekloth 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. 2123)

The ayes were, 93:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth

Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenlager	Lageschulte	Larsen	Lind
Lloyd-Jones	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklath	Schroeder
Sherzan	Shimaneck	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Arnould	Chiodo	Cochran	Cusack
Krewson	Lonergan	Stromer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2126 WITHDRAWN

Schneklath of Scott asked and received unanimous consent to withdraw House File 2126 from further consideration by the House.

**Senate File 2070**, a bill for an act allowing multi-year professional and occupational licenses, with report of committee recommending passage was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H—5963 filed by her:

H—5963

- 1 Amend Senate File 2070 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "annually" the words "in multi-year intervals".
- 5 2. Page 1, line 30, by inserting after the word
- 6 "annually" the words "in multi-year intervals".
- 7 3. Page 2, line 34, by inserting after the



- 8 words "shall expire" the words "in multi-year  
 9 intervals".
- 10 4. Page 4, line 30, by inserting after the  
 11 word "annually" the words "in multi-year intervals".
- 12 5. Page 5, line 5, by inserting after the  
 13 word "annually" the words "in multi-year intervals".
- 14 6. Page 5, line 15, by inserting after the  
 15 word "annually" the words "in multi-year intervals".
- 16 7. Page 6, line 7, by inserting after the  
 17 word "annually" the words "in multi-year intervals".
- 18 8. Page 6, line 22, by inserting after the  
 19 words "expire annually" the words "in multi-year  
 20 intervals".
- 21 9. Page 7, line 7, by inserting after the  
 22 word "expire" the words "in multi-year intervals".
- 23 10. Page 8, line 3, by inserting after the  
 24 word "annually" the words "in multi-year intervals".
- 25 11. Page 8, line 12, by inserting before the  
 26 word "period" the words "multi-year".
- 27 12. Page 11, line 28, by inserting after the  
 28 word "annually" the words "in multi-year intervals".
- 29 13. Page 12, line 31, by inserting after the  
 30 word "annually" the words "in multi-year intervals".
- 31 14. Page 13, line 33, by inserting after the  
 32 word "annually" the words "in multi-year intervals".
- 33 15. Page 14, line 12, by inserting after the  
 34 word "expire" the words "in multi-year intervals".
- 35 16. Page 14, line 28, by striking the words  
 36 "the period" and inserting in lieu thereof the  
 37 words "the multi-year period".
- 38 17. Page 15, line 8, by inserting after the  
 39 word "annually" the words "in multi-year intervals".
- 40 18. Page 15, by inserting the following new  
 41 section after line 14:  
 42 "Sec. . . By June 31, 1981 all the licensing  
 43 agencies referred to in this act shall reduce their  
 44 administrative costs to reflect the reduced work-  
 45 load due to a change from annual to multi-year  
 46 licensing."

The following amendment H-5974, to amendment H-5963, filed by Lloyd Jones of Johnson from the floor was adopted by unanimous consent:

H-5974

- 1 Amend amendment H-5963 to Senate File 2070 as  
 2 amended, passed and reprinted by the Senate as follows:  
 3 1. Page 1, line 42, by striking the numerals  
 4 "31" and inserting in lieu thereof the numerals "30".

On motion by Lloyd-Jones of Johnson, amendment H—5963, as amended, was adopted.

Ritsema of Sioux offered the following amendment H—5956 filed by him and moved its adoption:

H—5956

- 1 Amend Senate File 2070 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 29, by striking the words
- 4 "amended to read as follows:" and inserting in lieu
- 5 thereof the words "hereby repealed."
- 6 2. Page 5, by striking line 30 through page
- 7 6, line 16.

A non-record roll call was requested.

The ayes were 40, nays 48.

Amendment H—5956 lost.

Bennett of Ida offered the following amendment H—5958 filed by Bennett, et al. :

H—5958

- 1 Amend Senate File 2070, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, by inserting after line 14 the
- 4 following:
- 5 The medical examiners may by rule authorize persons
- 6 licensed as resident physicians or licensed or
- 7 authorized to practice medicine to delegate
- 8 nonjudgmental or mechanical functions in the dispensing
- 9 of drugs, including controlled substances under chapter
- 10 two hundred four (204) of the Code, to a nurse,
- 11 assistant or other qualified person under his or her
- 12 direction or supervision, any other provisions of
- 13 the law to the contrary notwithstanding."
- 14 2. Page 10, by inserting after line 28 the
- 15 following:
- 16 "The medical examiners may by rule authorize persons
- 17 licensed as resident osteopathic physicians and
- 18 surgeons or licensed to practice osteopathy or
- 19 osteopathic medicine and surgery to delegate
- 20 nonjudgmental or mechanical functions in the dispensing
- 21 of drugs, including controlled substances under chapter
- 22 two hundred four (204) of the Code, to a nurse,

23 assistant or other qualified person under his or her  
 24 direction or supervision, any other provisions of  
 25 the law to the contrary notwithstanding."

26 3. Page 11, by inserting after line 24 the  
 27 following:

28 "The board of dentistry may by rule authorize  
 29 persons licensed as resident dentists or licensed  
 30 to practice dentistry to delegate nonjudgmental or  
 31 mechanical functions in the dispensing of drugs,  
 32 including controlled substances under chapter two  
 33 hundred four (204) of the Code, to a nurse, assistant  
 34 or other qualified person under his or her direction  
 35 or supervision, any other provisions of the law to  
 36 the contrary notwithstanding."

Miller of Buchanan rose on a point of order that amendment H-5958 was not germane.

The Speaker ruled the point not well taken and amendment H-5958 germane.

Miller of Buchanan asked and received unanimous consent that Senate File 2070 be temporarily deferred.

#### SENATE FILE 2275 SUBSTITUTED FOR HOUSE FILE 2510

Smalley of Polk asked and received unanimous consent to substitute Senate File 2275 for House File 2510.

**Senate File 2275**, a bill for an act to legalize certain plats of city or town lots recorded before January 1, 1970, was taken up for consideration.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2275)

The ayes were, 90:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman

Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Arnould	Crawford	Cusack	Diemer
Horn	Krewson	Lloyd-Jones	Lonergan
Lorenzen	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2510 WITHDRAWN

Smalley of Polk asked and received unanimous consent to withdraw House File 2510 from further consideration by the House.

### Regular Calendar

**Senate File 2269**, a bill for an act to establish a communications review committee and to abolish the police communications review committee, with report of committee recommending passage was taken up for consideration.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2269)

## The ayes were, 91:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Danker
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	

## The nays were, 1:

Avenson

## Absent or not voting, 8:

Arnould	Cusack	Daggett	Davitt
Krewson	Lloyd-Jones	Loneragan	Stromer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2168**, a bill for an act relating to the duties of the county compensation board, with report of committee recommending passage was taken up for consideration.

Schnekloth of Scott offered the following amendment H—5859 filed by Schnekloth, et al. :

H—5859

- 1 Amend Senate File 2168, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 19 through 27 and

4 inserting in lieu thereof the following: "weeks of  
 5 after the date of notice. Upon completion of the  
 6 public hearing, the county compensation board shall  
 7 prepare adopt a final compensation schedule  
 8 recommendation. The final compensation schedule  
 9 recommendation shall not include a proposed salary  
 10 or per diem for an elective county officer which  
 11 exceeds the proposed salary or per diem for that  
 12 officer as prepared and published by the board before  
 13 the public hearing."

Thompson of Polk in the chair at 3:13 p.m.

On motion by Schneklath of Scott, amendment H-5859 was adopted.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2168)

The ayes were, 81:

Anderson, J.	Bennett	Bina	Binneboese
Brandt	Branstad	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	Lura
McKean	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Patchett
Pavich	Pellett	Poffenberger	Pope
Rapp	Ritsema	Schneklath	Sherzan
Shimanek	Shull	Smalley	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Wells	Welsh	West	Woods
Madam Speaker (Thompson)			

The nays were, 12:

Anderson, R.	Avenson	Corey	Jesse
Johnson, J.	Maulsby	Norland	Pelton
Renken	Schroeder	Spears	Welden

Absent or not voting, 7:

Arnould	Cusack	Howell	Krewson
Lonergan	Perkins	Stromer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### CONSIDERATION OF BILLS

**Senate File 2189**, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5799 filed by the committee on commerce on April 1, 1980 and found on page 1309 of the House Journal and moved its adoption.

The committee amendment H—5799 was adopted.

Johnson 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. 2189)

The ayes were, 93:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.

Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Madam Speaker (Thompson)			

The nays were, none.

Absent or not voting, 7:

Arnould	Cusack	Hullinger	Hummel
Krewson	Lonergan	Stromer	

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:

Pope of Polk, for the remainder of the day, on request of Menke of O'Brien.

### HOUSE INSISTS

Anderson of Audubon called up for consideration **Senate File 2243**, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, and moved that the House insist on its amendment to Senate File 2243.

The motion prevailed and the House insists on its amendment to Senate File 2243.

### CONFERENCE COMMITTEE APPOINTED (Senate File 2243)

The Speaker announced the appointment of the conference com-



mittee to consider the differences between the House and Senate concerning Senate File 2243: Anderson of Audubon, Chair, Bennett of Ida, De Groot of Lyon, Husak of Tama and Hinkhouse of Cedar.

### Regular Calendar

The House resumed consideration of **Senate File 2070**, a bill for an act to allow multi-year professional and occupational licenses, and amendment H—5958 filed by Bennett, et al, found on pages 1488 and 1489 of the House Journal.

Conlon of Muscatine offered the following amendment H—5976, to amendment H—5958, filed by him from the floor and moved its adoption:

H—5976

- 1 Amend the amendment, H—5958, to Senate File 2070,
- 2 as amended and passed by the Senate, as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "drugs" the words "which a physician may legally
- 5 dispense".
- 6 2. Page 1, line 21, by inserting after the word
- 7 "drugs" the words "which an osteopath may legally
- 8 dispense".
- 9 3. Page 1, line 31, by inserting after the word
- 10 "drugs" the words "which a dentist may legally
- 11 dispense".

Amendment H—5976 was adopted.

Cochran of Webster offered the following amendment H—5975, to amendment H—5958, filed by him from the floor and moved its adoption:

H—5975

- 1 Amend amendment H—5958 to Senate File 2070, as
- 2 amended, passed and reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by adding after the word "nurse"
- 4 the following: ", or physician's".
- 5 2. Page 1, by striking line 11 and inserting in
- 6 lieu thereof the following: "assistant under his or her".
- 7 3. Page 1, line 22, by adding after the word "nurse"
- 8 the following: ", or physician's".
- 9 4. Page 1, by striking line 23, and inserting in
- 10 lieu thereof the following: "assistant under his or her".
- 11 5. Page 1, line 33, by adding after the word "nurse"
- 12 the following: ", or physician's".

13 6. Page 1, by striking line 34 and inserting in  
14 lieu thereof the following: "under his or her direction".

A non-record roll call was requested.

The ayes were 36, nays 47.

Amendment H—5975 lost.

Miller of Buchanan offered the following amendment H—5977, to amendment H—5958, filed by him from the floor:

H—5977

1 Amend amendment H—5958 to Senate File 2070, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by adding after line 13, the following:  
5 "If the United States food and drug administration  
6 has classified the drug being dispensed as ineffective,  
7 either in general or with respect to the purpose for  
8 which the practitioner is dispensing that drug, the  
9 label shall contain a statement to that effect."  
10 2. Page 1, by adding after line 25, the following:  
11 "If the United States food and drug administration  
12 has classified the drug being dispensed as ineffective,  
13 either in general or with respect to the purpose for  
14 which the practitioner is dispensing that drug, the  
15 label shall contain a statement to that effect."  
16 3. Page 1, by adding after line 36, the following:  
17 "If the United States food and drug administration  
18 has classified the drug being dispensed as ineffective,  
19 either in general or with respect to the purpose for  
20 which the practitioner is dispensing that drug, the  
21 label shall contain a statement to that effect."

The following amendment, H—5979, to amendment H—5977 (to amendment H—5958) filed by Miller of Buchanan from the floor was adopted by unanimous consent:

H—5979

1 Amend amendment H—5977 to Senate File 2070, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 6, by striking the word "classified"  
5 and inserting in lieu thereof the words "finally  
6, determined".  
7 2. Page 1, line 12, by striking the word "classified"

- 8 and inserting in lieu thereof the words "finally  
9 determined".  
10 3. Page 1, line 18, by striking the word "classified"  
11 and inserting in lieu thereof the words "finally  
12 determined".

Halvorson of Clayton asked and received unanimous consent that Senate File 2070 be deferred and that the bill retain its place on the calendar.

(Amendment H—5977, as amended, (to amendment H—5958) pending.)

**MOTION TO RECONSIDER**  
(Senate File 2168)

I move to reconsider the vote by which Senate File 2168 passed the House on April 10, 1980.

CONNORS of Polk

**REREFERRED TO COMMITTEE ON WAYS AND MEANS**  
(Senate File 2354)

The Speaker announced that Senate File 2354, presently on the regular calendar, was rereferred to the committee on ways and means.

**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 10th day of April, 1980: House Files 2180 and 2481.

DAVID L. WRAY  
Chief Clerk of the House

Report adopted.

**REPORT OF HOUSE ADMINISTRATION COMMITTEE**

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 5, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classifica-

tion, 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 Chief Clerk and Legal Counsel	Bruce J. Graham	33-2 to 33-4	P-FT	4/11/80
House Clerk	Darlene J. Higginbottom	13-3 to 15-3	I-FT	3/28/80

DAGGETT of Taylor, Chair

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Crestview Elementary School, West Des Moines, accompanied by Mrs. Freed and Miss Sedgewick. By Thompson of Polk.

Thirty-five students from Holmes Junior High School, Cedar Falls, accompanied by Dave Andressen and Joe Valenta. By Diemer of Black Hawk.

Thirty-two eighth grade students from Dow City Arion High School, Dow City, accompanied by Don Ray. By Crabb of Crawford.

Twenty-five students from Sully Christian School, Sully, accompanied by Stanley Hoogeveen. By Dieleman of Marion.

Six students from North Fayette Community School, West Union, accompanied by Mr. and Mrs. Verdell Schmale. By Tofte of Winneshiek and Avenson of Fayette.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber for a short period on April 10, 1980. Had I been present, I would have voted "aye" on Senate File 2275.

DIEMER of Black Hawk

I was necessarily absent from the House chamber for a short period on April 10, 1980. Had I been present, I would have voted "aye" on Senate File 2154.

CONNOLLY of Dubuque

AMENDMENTS FILED

H-5969	H.F. 2492	Howell of Floyd
H-5970	H.F. 2492	Howell of Floyd
H-5971	S.F. 2361	Tyrrell of Iowa
H-5973	S.F. 431	Miller of Buchanan
		Clark of Cerro Gordo
H-5978	S.F. 2070	Smalley of Polk
		Kirkenslager of Des Moines
H-5980	S.F. 404	Doyle of Woodbury
H-5981	S.F. 431	Anderson of Jasper
		Clark of Cerro Gordo
		De Groot of Lyon
H-5982	H.F. 2463	Pellett of Cass
H-5983	S.F. 404	Spear of Lee
H-5984	S.F. 455	Spear of Lee
H-5985	S.F. 2320	Shimanek of Jones
H-5986	S.F. 2318	Conlon of Muscatine
		Lloyd-Jones of Johnson
H-5987	S.F. 404	Spear of Lee
H-5988	S.F. 2320	Chiodo of Polk
H-5989	S.F. 2148	Spear of Lee
H-5990	S.F. 2320	Crawford of Story
		Shimanek of Jones
		Anderson of Audubon
H-5991	S.F. 2148	Spear of Lee
H-5992	S.F. 2230	Schroeder of Pottawattamie
H-5993	S.F. 2148	Halvorson of Webster
H-5994	S.F. 2103	Schroeder of Pottawattamie
H-5995	S.F. 2070	Rapp of Black Hawk
H-5996	S.F. 2148	Lloyd-Jones of Johnson
H-5997	S.F. 2230	Shimanek of Jones
		Poffenberger of Dallas
H-5998	S.F. 2320	Schroeder of Pottawattamie
		Welden of Hardin
		Stromer of Hancock
		Hansen of O'Brien
		Branstad of Winnebago
		Tofte of Winneshiek
		Pope of Polk
		Tyrrell of Iowa
		Johnson of Howard

Van Maanen of Mahaska	Crabb of Crawford
Clark of Lee	Millen of Van Buren
Johnson of Woodbury	Danker of Pottawattamie
Diemer of Black Hawk	Dieleman of Marion
Bennett of Ida	Hullinger of Decatur
Connors of Polk	Renken of Grundy
Daggett of Taylor	Menke of O'Brien
Holt of Clay	Corey of Louisa
Pellett of Cass	Schnekloth of Scott
Chiodo of Polk	Walter of Pottawattamie
Crawford of Story	Hummel of Benton
Larsen of Wapello	Clark of Cerro Gordo
Thompson of Polk	Hoffmann of Muscatine
Mullins of Kossuth	Lura of Marshall

On motion by Halvorson of Clayton, the House adjourned at 4:10 p.m., until 9:00 a.m., Friday, April 11, 1980.

# JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day—Sixtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 11, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by Charles L. Selzer, President of the Amana Society Church, Homestead.

The Journal of Thursday, April 10, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pope of Polk on request of Crabb of Crawford.

## PETITIONS FILED

The following petitions were received and placed on file:

By Bennett of Ida, from forty-seven constituents favoring House File 2293, an act to authorize counties to levy a tax for the support of ambulance service.

By West of Marshall, from two hundred three northern Iowa citizens favoring the \$100,000,000 rail assistance program.

## INTRODUCTION OF BILLS

**House File 2577**, by committee on ways and means, a bill for an act relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund and making the Act retroactive.

Read first time and **placed on the ways and means calendar**.

**House File 2578**, by committee on ways and means, a bill for an act relating to the extension of deadlines for filing claims and the confidentiality of the information on the claims for property tax credit and rent reimbursement of the elderly and disabled persons.

**Read first time and placed on the ways and means calendar.**

**House File 2579**, by committee on ways and means, a bill for an act exempting from the real estate transfer tax transfers between members of a family and a family partnership or corporation.

**Read first time and placed on the ways and means calendar.**

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 707, a bill for an act authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly.

Also: That the Senate has on April 9, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2495, a bill for an act relating to strip searches subsequent to arrest.

Also: That the Senate has on April 9, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2537, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts.

Also: That the Senate has on April 9, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2550, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies.

FRANK J. STORK, Secretary

### SENATE AMENDMENT TO HOUSE FILE 707

H-6000

- 1 Amend House File 707, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 31 through page 4,
- 4 line 17, and inserting in lieu thereof the following:
- 5 "Sec. 2. NEW SECTION. DEFINITIONS. As used in



6 this Act, unless the context requires otherwise:

7 1. "Chief election officer" means the state  
8 commissioner of elections as defined by section forty-  
9 seven point one (47.1) of the Code.

10 2. "Commission" means the reapportionment  
11 commission established pursuant to this Act.

12 3. "Federal census" means the decennial census  
13 required by federal law to be conducted by the United  
14 States bureau of the census in every year ending in  
15 zero.

16 4. "Four selecting authorities" means:

17 a. The majority floor leader of the state senate.

18 b. The minority floor leader of the state senate.

19 c. The majority floor leader of the state house  
20 of representatives.

21 d. The minority floor leader of the state house  
22 of representatives.

23 5. "Lobbyist" means an individual:

24 a. Who is required to register, or is defined  
25 as a lobbyist, by the rules adopted by the senate  
26 or the house of representatives, or by both bodies  
27 jointly, pursuant to section sixty-eight B point ten  
28 (68B.10), subsection two (2) of the Code; and

29 b. Who receives compensation, not including  
30 reimbursable expenses, for the activities that subject  
31 that individual to any of the requirements described  
32 in paragraph a of this subsection.

33 6. "Plan" means a plan for legislative and  
34 congressional reapportionment drawn up pursuant to  
35 the requirements of this Act.

36 7. "Political party office" means an elective  
37 or appointive office in the national or state  
38 organization of a political party, as defined by  
39 section forty-three point two (43.2) of the Code.

40 8. "Public office" means an elective or appointive  
41 office or employment in the executive, legislative  
42 or judicial branch or in an independent establishment  
43 of the federal government or the government of this  
44 state.

45 9. "Relative" means an individual who is related  
46 to the person in question as father, mother, son,  
47 daughter, brother, sister, uncle, aunt, first cousin,  
48 nephew, niece, husband, wife, grandfather, grandmother,  
49 father-in-law, mother-in-law, son-in-law, daughter-  
50 in-law, brother-in-law, sister-in-law, stepfather,

**Page 2**

1 stepmother, stepson, stepdaughter, stepbrother,

2 stepsister, half brother, or half sister.

3 **Sec. 3. NEW SECTION. REAPPORTIONMENT COMMISSION.**

4 1. In each year ending in zero, a reapportionment

5 commission shall be established as follows:

6 a. By July first, the chief election officer shall  
7 give notice of the establishment of the commission  
8 reasonably calculated to give all interested parties  
9 an opportunity to apply for a position on the  
10 commission or offer nominations to the four selecting  
11 authorities.

12 b. No earlier than July fifteenth, but no later  
13 than August first, each of the four selecting  
14 authorities shall certify to the chief election officer  
15 his or her appointment of a person to serve on the  
16 commission. If a selecting authority does not certify  
17 a selection by August first, the other selecting  
18 authority of his or her party shall have ten days  
19 thereafter within which to certify to the chief  
20 election officer the appointment of a second person  
21 to serve on the commission.

22 c. By September first, the four commissioners  
23 so selected shall select, by a vote of at least three  
24 members, and shall certify to the chief election  
25 officer the fifth member who shall serve as the  
26 chairperson. The commission may not exercise any  
27 of its powers or perform any of its other duties until  
28 the fifth member is selected.

29 d. A vacancy on the commission shall be filled  
30 by the initial selecting authority within fifteen  
31 days after the vacancy occurs.

32 2. No person shall be appointed to the commission  
33 who:

34 a. Is not an eligible elector of the state at  
35 the time of selection.

36 b. Holds public or political party office.

37 c. Is a relative of or is employed by a member  
38 of the state house of representatives, state senate,  
39 or United States house of representatives.

40 d. Is or has within two years prior to selection  
41 been a lobbyist.

42 3. No member or employee of the commission shall:

43 a. Hold or campaign for public or political party  
44 office while a member or employee of the commission,  
45 except as permitted by section four (4), subsection  
46 two (2) of this Act.

47 b. Participate in or contribute to a political  
48 campaign of a candidate for state or federal elective  
49 office while a member or employee of the commission.

50 c. Hold or campaign for a seat in the state house

**Page 3**

1 of representatives, state senate, or United States  
2 house of representatives for four years after the  
3 effective date of the plan.

4 d. Directly or indirectly attempt to influence  
5 for compensation a member or staff member of the  
6 congress of the United States or the general assembly,  
7 other than as a representative of the commission on  
8 a matter within the jurisdiction of the commission,  
9 while a member or employee of the commission and for  
10 one year after the effective date of the plan.

11 Sec. 4. NEW SECTION. STAFF AND BUDGET OF THE  
12 COMMISSION.

13 1. The commission shall employ an executive  
14 director and not to exceed three additional staff  
15 persons as necessary to enable the commission to carry  
16 out its duties. The executive director and the other  
17 persons employed by the commission are exempt from  
18 the state merit system and shall serve at the pleasure  
19 of the commission. The executive director is  
20 responsible for the administrative operations of the  
21 commission and shall perform the duties delegated  
22 or assigned by the commission. Any counsel employed  
23 under this section is not subject to the provisions  
24 of section thirteen point seven (13.7) of the Code.

25 The commission may obtain the services of experts  
26 and consultants as necessary to carry out its duties.

27 2. The director of the legislative service bureau,  
28 by agreement with the commission and with approval  
29 of the legislative council, may temporarily assign  
30 one or more members of the legislative service bureau  
31 staff to serve on the commission staff on either a  
32 full-time or a part-time basis. A bureau staff member  
33 so assigned shall work under the direction of the  
34 commission or its executive director when engaged  
35 in the preparation of a plan or plans, and shall not  
36 discuss with members or staff of the general assembly  
37 the plan or plans under development or consideration  
38 by the commission, except with the prior knowledge  
39 and consent of the commission, until the plan or plans  
40 are proposed for public comment pursuant to section  
41 seven (7), subsection one (1) of this Act.

42 3. The general assembly shall appropriate funds  
43 to enable the commission to carry out its duties.  
44 Members and employees shall receive compensation and  
45 reimbursement for actual and necessary expenses as  
46 provided for in the budget.

47 Sec. 5. NEW SECTION. DUTIES OF THE COMMISSION.

48 In addition to other duties prescribed by law, the  
49 commission shall:

50 1. Promulgate, in accordance with chapter seventeen

**Page 4**

1 A (17A) of the Code, rules to carry out the provisions  
2 of this Act. The rules shall provide that three

3 members of the commission present and voting constitute  
4 a quorum to do business and that the votes of a  
5 majority of the members present are required for any  
6 official action of the commission.

7 2. Preserve all information filed with and  
8 developed by the commission. This information, other  
9 than personal information in the commission's personnel  
10 records, shall be available for public inspection  
11 and copying as provided by chapter sixty-eight A (68A)  
12 of the Code.

13 3. Prepare and maintain written transcripts of  
14 all meetings of three or more members of the  
15 commission. The transcripts shall be available within  
16 a reasonable time after the meeting for public  
17 inspection and copying during regular office hours.

18 4. Maintain an indexed central file of the records  
19 of written and oral communications between  
20 representatives of the commission and persons outside  
21 the commission. Each commissioner and each staff  
22 member designated by the commission shall keep a  
23 record of all communications with persons outside  
24 the commission on matters before the commission.  
25 Each record shall include the date and place of the  
26 communication, the names and affiliations of all  
27 participants, and the nature of the communication.  
28 Records need not be made of communications that are  
29 solely requests for information or communications  
30 with members of the press.

31 5. Prepare and publish a report for each  
32 preliminary plan and for the final plan. Each report  
33 shall be available to the public at the time a plan  
34 is published, and shall include but need not be limited  
35 to:

36 a. The population and the percentage deviation  
37 from the average district population for every  
38 district.

39 b. An explanation of the standards used in  
40 developing the plan with a justification of any  
41 deviation in a district from the average district  
42 population.

43 c. A map of the districts.

44 6. Perform other tasks prescribed by law, and  
45 undertake any activity it deems necessary for the  
46 fair and expeditious completion of its mandate.

47 **Sec. 6. NEW SECTION. POWERS OF THE COMMISSION.**

48 1. The commission may require persons to appear  
49 and testify before the commission and to produce all  
50 books, records, files, papers, maps, and documents

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1 it deems necessary for the development of a  
2 reapportionment plan.

3 2. The chairperson of the commission or a  
4 commissioner acting in behalf of the chairperson may  
5 administer oaths to persons who appear before the  
6 commission.

7 3. The commission, upon petition by a witness  
8 and subject to the rules promulgated by the commission,  
9 may reimburse the witness for necessary expenses  
10 incurred in preparing for and making an appearance  
11 before the commission.

12 Sec. 7. NEW SECTION. DEVELOPMENT OF THE PLAN.

13 1. By April first of each year ending in one,  
14 the commission shall prepare for public comment at  
15 least one preliminary plan for legislative and  
16 congressional districts. The commission may, by a  
17 vote of at least three members, propose no more than  
18 two preliminary plans for public comment. The  
19 chairperson may propose one additional preliminary  
20 plan for public comment.

21 2. The commission shall hold at least one public  
22 hearing in every existing congressional district in  
23 the state on the preliminary plan or plans. The  
24 commission shall give notice of the public hearings  
25 reasonably calculated to give interested parties  
26 adequate opportunity to comment. By April twentieth  
27 of each year ending in one, the commission shall  
28 complete the required series of public hearings on  
29 the preliminary plan or plans.

30 3. By May first of each year ending in one, the  
31 commission shall adopt, by a vote of at least three  
32 members, and publish a final plan and file it with  
33 the secretary of the senate and the chief clerk of  
34 the house of representatives. The commission shall  
35 give notice of the publication of the plan reasonably  
36 calculated to give interested parties adequate  
37 opportunity to file comments on the plan with the  
38 secretary of the senate or the chief clerk of the  
39 house.

40 4. If the basic tabulations of the population  
41 from the federal census are not available to the  
42 commission on or before February first of the year  
43 ending in one, the commission may extend each of the  
44 dates set forth in this section by a number of days  
45 equal to the number of days after February first that  
46 the population tabulations become available.

47 Sec. 8. NEW SECTION. GENERAL ASSEMBLY ACTION  
48 ON PLAN.

49 1. Upon the filing of the commission's final plan  
50 with the secretary of the senate and the chief clerk

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1 of the house of representatives, they shall send a  
2 copy to the legislative service bureau which shall  
3 prepare a bill embodying the plan. The bill shall  
4 be delivered to the referring officers of each house,  
5 who shall act in accordance with such procedures as  
6 each house may adopt. The secretary of the senate  
7 and the chief clerk of the house shall notify the  
8 members of the respective bodies of any comments on  
9 the final plan which have been filed with them.

10 2. It is the intent of this Act that the general  
11 assembly shall bring the bill embodying the  
12 commission's final plan to a vote in either the senate  
13 or the house of representatives expeditiously, but  
14 not less than fourteen days after the plan is filed  
15 under section seven (7), subsection three (3) of this  
16 Act, under a procedure or rule permitting no  
17 amendments. It is further the intent of this Act  
18 that if the bill is approved by the first house in  
19 which it is considered, it shall expeditiously be  
20 brought to a vote in the second house under a similar  
21 procedure or rule.

22 3. If the bill embodying the commission's final  
23 plan fails to be approved by a constitutional majority  
24 in either the senate or the house of representatives,  
25 the secretary of the senate or the chief clerk of  
26 the house, as the case may be, shall at once so notify  
27 the commission and transmit to it such information  
28 as the senate or the house may direct regarding rea-  
29 sons why the plan was not approved. The commission  
30 has fourteen days from the date the notice is received  
31 to consider the reasons for failure to approve the  
32 plan and to revise the final plan if the commission  
33 members deem it appropriate to do so. At or before  
34 expiration of the fourteen-day period, the commission  
35 shall again adopt, by a vote of at least three members,  
36 a final plan and publish and file it as required by  
37 section seven (7), subsection three (3) of this Act.  
38 If the plan so adopted has been revised from the one  
39 originally filed under that subsection, the secretary  
40 of the senate and the chief clerk of the house shall  
41 proceed in accordance with subsection one (1) of this  
42 section.

43 4. It is the intent of this Act that when a bill  
44 embodying a final plan adopted and filed under  
45 subsection three (3) of this section has been prepared  
46 and introduced it shall be expeditiously brought to  
47 a vote in either the senate or the house of represen-  
48 tatives, provided that if the plan has been revised  
49 from the one originally filed under section seven  
50 (7), subsection three (3) of this Act the general

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1 assembly shall allow fourteen days for public review  
2 and comment before acting upon the bill. It is further  
3 the intent of this Act that when a bill embodying  
4 a final plan is considered under this subsection,  
5 regardless of whether the plan has been revised from  
6 the one originally filed, the bill shall be subject  
7 to amendment in the same manner as other bills.

8 **Sec. 9. NEW SECTION. CONCLUSION OF COMMISSION'S**  
9 **FUNCTIONS.**

10 1. When the revision of legislative and  
11 congressional districts required by the constitution  
12 becomes effective and all known legal challenges  
13 thereto have been resolved, the commission shall cease  
14 operations and shall take all necessary steps to con-  
15 clude its business. This shall include preparation  
16 of a financial statement disclosing all expenditures  
17 made by the commission. The official record shall  
18 contain all relevant information developed by the  
19 commission pursuant to carrying out its duties,  
20 including records of public hearings, data collected,  
21 transcripts of hearings and meetings, written  
22 communications, and other information of a similar  
23 nature. The commission shall deliver all such material  
24 to the chief election officer, who shall provide for  
25 the permanent preservation of this official record.

26 2. The supreme court may reconstitute the  
27 commission if necessary to comply with a court order  
28 to prepare a new plan.

29 **Sec. 10. NEW SECTION. REDISTRICTING STANDARDS."**

30 2. Page 4, lines 29 and 30, by striking the words  
31 "absolute value of the total" and inserting in lieu  
32 thereof the words "total of the absolute values of  
33 the".

34 3. Page 8, line 35, by striking the words and  
35 figure "subparagraph one (1) of".

36 4. By striking page 10, line 20 through page 11,  
37 line 9.

38 5. Page 11, line 12, by striking the words  
39 "legislative service bureau" and inserting in lieu  
40 thereof the word "commission".

41 6. Page 11, line 14, by striking the words "the  
42 bureau".

43 7. Page 11, line 16, by inserting after the word  
44 "used" the words "by the commission or the legislative  
45 service bureau".

46 8. Page 11, line 25, by inserting after the word  
47 "the" the words "commission and by the"

48 9. Page 11, line 31, by striking the word and  
49 figure "Sec. 6. This Act" and inserting in lieu  
50 thereof the words and figure "3. This section".

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- 1 10. Page 11, by inserting after line 34 the  
 2 following:  
 3 "Sec. 12. Section nineteen A point three (19A.3),  
 4 Code 1979, is amended by adding the following new  
 5 subsection:  
 6 **NEW SUBSECTION.** The executive director and the  
 7 other employees of the reapportionment commission  
 8 established in each year ending in zero under section  
 9 three (3) of this Act."

SENATE AMENDMENT TO  
 HOUSE FILE 2495

## H-6001

- 1 Amend House File 2495 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 6, by inserting after the word  
 4 "person" the words "or a physical probe of any body  
 5 cavity".  
 6 2. Page 1, by striking lines 13 and 14 and  
 7 inserting in lieu thereof the words "A strip".  
 8 3. Page 1, lines 19 and 20, by striking the words  
 9 "visual search or".  
 10 4. Page 1, line 20, by inserting after the word  
 11 "mouth" the words ", ears or nose".  
 12 5. Page 1, by striking lines 22 through 25 and  
 13 inserting in lieu thereof the words "be performed  
 14 under sanitary conditions. A physical probe of a  
 15 body cavity".  
 16 6. Page 1, line 26, by inserting after the word  
 17 "mouth" the words ", ears or nose".  
 18 7. Page 1, line 27, by inserting after the word  
 19 "physician" the words "unless voluntarily waived in  
 20 writing by the arrested person".  
 21 8. Page 1, lines 29 and 30, by striking the words  
 22 and figure "except as provided in paragraph six (6)".  
 23 9. Page 1, by striking lines 33 through 35.

SENATE AMENDMENT TO  
 HOUSE FILE 2537

## H-6002

- 1 Amend House File 2537 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 3, line 1, by inserting after the period  
 4 the words "Any rule which establishes standards for  
 5 the definition of "physician" shall require that a  
 6 policy or contract specifically disclose whether or



- 7 not coverage for chiropractic services is included.”  
8 2. Page 5, by inserting after line 6 the following:  
9 “8. Notwithstanding the provisions of section  
10 five hundred fourteen B point five (514B.5), subsection  
11 three (3) of the Code, the commissioner may waive  
12 the requirement that health maintenance organizations  
13 impose those deductible and coinsurance charges  
14 contained in federal government contracts. If waived  
15 the commissioner shall require that health maintenance  
16 organizations impose reasonable deductible and  
17 coinsurance charges.”  
18 3. Page 6, by inserting after line 7 the following:  
19 “ . A statement disclosing whether or not  
20 coverage for chiropractic services is included.”

SENATE AMENDMENT TO  
HOUSE FILE 2550

H-6003

- 1 Amend House File 2550 as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 3, by striking the words “SERVICE  
4 INTERRUPTION” and inserting in lieu thereof the words  
5 “ENERGY CONSERVATION”.  
6 2. Page 1, by striking lines 7 though 16 and  
7 inserting in lieu thereof the following:  
8 “2. Rules of the commission shall relate to  
9 reducing or limiting the peak-load period consumption.”  
10 3. Page 1, line 17, by striking the figure “4”  
11 and inserting in lieu thereof the figure “3”.  
12 4. Page 1, by striking lines 29 through 31 and  
13 inserting in lieu thereof the following: “programs  
14 shall be cost effective. The commission may initiate  
15 these programs as pilot”.  
16 5. Page 1, line 32, by striking the words “in  
17 order”.  
18 6. Page 2, line 5, by striking the word “the”.  
19 7. Page 2, line 6, by striking the words “rate  
20 making treatment of the costs of” and inserting in  
21 lieu thereof the words “rates for”.  
22 8. Page 2, line 7, by inserting after the word  
23 “program.” the following: “Nothing in this paragraph  
24 subjects the rates of municipal utilities to the  
25 regulatory authority of the commission.”  
26 9. By renumbering as necessary.

REREFERRED TO COMMITTEE ON APPROPRIATIONS  
(Senate File 360)

The Speaker announced that Senate File 360, presently on the **Regular Calendar**, was rereferred to the committee on **appropriations**.

Regular Calendar

The House resumed consideration of **Senate File 2070**, a bill for an act to allow multi-year professional and occupational licenses, and amendment H-5977, as amended, found on page 1496 of the House Journal (to amendment H-5958 found on pages 1488 and 1489 of the House Journal.)

Miller of Buchanan moved the adoption of amendment H-5977, as amended, to amendment H-5958.

Amendment H-5977, as amended, was adopted.

Smalley of Polk offered the following amendment H-5978, to amendment H-5958, filed by him and Kirkenslager of Des Moines and moved its adoption:

H-5978

- 1 Amend amendment H-5958 to Senate File 2070, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by adding after line 36 the
- 5 following:
- 6 "4. Page 15, by adding after line 14, the following
- 7 new sections:
- 8 "Sec. . "Practitioner" means a person licensed
- 9 to practice medicine and surgery under chapter one
- 10 hundred forty-eight (148), podiatry under chapter one
- 11 hundred forty-nine (149), osteopathy under chapter
- 12 one hundred fifty (150), osteopathic medicine and surgery
- 13 under chapter one hundred fifty A (150A) or dentistry
- 14 under chapter one hundred fifty-three (153) of the
- 15 Code.
- 16 Sec. . NEW SECTION. A practitioner shall dispense
- 17 a prescription drug only in a container which meets the
- 18 requirements of the Poison Prevention Packaging Act of
- 19 1970, 15 U.S.C. ss. 1471-1476 (1976), unless otherwise
- 20 requested by the patient, and of section 502G of the

21 Federal Food, Drug and Cosmetic Act, 21 U.S.C. ss. 301  
22 et. seq. (1976).  
23 Sec. NEW SECTION. A label shall be affixed to  
24 a container in which a prescription drug is dispensed  
25 by a practitioner which shall include:  
26 1. The name and address of the practitioner.  
27 2. The name of the patient.  
28 3. The date of the prescription order.  
29 4. The directions for administering the prescription  
30 drug and any cautionary statement deemed appropriate by  
31 the practitioner.  
32 5. The name and strength of the prescription drug in  
33 the container."

Amendment H—5978 was adopted.

Rapp of Black Hawk offered the following amendment H—5995,  
to amendment H—5958, filed by him and moved its adoption:

H—5995

1 Amend amendment H—5958 to Senate File 2070, as  
2 amended, passed and reprinted by the Senate as follows:  
3 1. Page 1, line 13, by adding after the word "not-  
4 withstanding." the following: "However the medical exam-  
5 iners shall by rule prohibit persons licensed as resi-  
6 dent physicians or licensed or authorized to practice  
7 medicine from administering, prescribing, dispensing,  
8 or transferring substances listed in section two hun-  
9 dred four point two hundred six (204.206), numbered  
10 paragraph (5), subparagraphs a, b, and c, as anorectic  
11 agents.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 38, nays 48.

Amendment H—5995 lost.

Hansen of O'Brien asked and received unanimous consent to  
defer action on Senate File 2070 for the preparation of an amend-  
ment.

**Senate File 431**, a bill for an act relating to complaints alleging  
violations of provisions relating to health care facilities, with report  
of committee recommending amendment and passage was taken up  
for consideration.

De Groot of Lyon offered amendment H—5433 filed by the committee on human resources on March 11, 1980 and found on pages 861 through 863 of the House Journal.

Anderson of Jasper asked and received unanimous consent to withdraw amendment H—5962, to amendment H—5433, filed by Anderson, et al., on April 9, 1980.

Anderson of Jasper offered the following amendment H—5981, to the committee amendment H—5433, filed by Anderson, et al., and moved its adoption:

H—5981

- 1 Amend House amendment, H—5433, to Senate File 431,
- 2 as follows:
- 3 1. Page 1, by inserting before line 5 the follow-
- 4 ing:
- 5 "Section 1. Section one hundred thirty-five C
- 6 point eleven (135C.11), subsection two (2), Code 1979,
- 7 is amended to read as follows:
- 8 2. The procedure governing hearings authorized
- 9 by this section shall be in accordance with the rules
- 10 promulgated by the department. A full and complete
- 11 record shall be kept of all proceedings, and all
- 12 testimony shall be reported but need not be transcribed
- 13 unless judicial review is sought pursuant to section
- 14 135C.13. A ~~copy or copies~~ Copies of the transcript
- 15 may be obtained by an interested party upon payment
- 16 of the cost of preparing ~~such copy or the copies.~~
- 17 Witnesses may be subpoenaed by either party and shall
- 18 be allowed fees at a rate prescribed by the ~~aforsaid~~
- 19 department's rules. The commissioner may, ~~with the~~
- 20 advice and consent of after' advising the care review
- 21 committee established pursuant to section 135C.25,
- 22 either proceed in accordance with section six (6)
- 23 of this Act, or remove all residents and suspend the
- 24 license or licenses of any health care facility, prior
- 25 to a hearing, when ~~he~~ the commissioner finds that
- 26 the health or safety of residents of the health care
- 27 facility requires such action on an emergency basis.
- 28 The fact that no care review committee has been
- 29 appointed for a particular facility shall not bar
- 30 the commissioner from exercising the emergency powers
- 31 granted by this subsection with respect to that
- 32 facility.
- 33 Sec. 2. Section one hundred thirty-five C point
- 34 twelve (135C.12), Code 1979, is amended to read as
- 35 follows:

36 135C.12 CONDITIONAL OPERATION. In any case where  
 37 If the department shall have has the authority under  
 38 section one hundred thirty-five C point ten (135C.10)  
 39 of the Code to deny, suspend or revoke a license,  
 40 the department shall have the authority to  
 41 conditionally or commissioner may, as an alternative  
 42 to those actions:  
 43 1. Apply to the district court of the county in  
 44 which the licensee's health care facility is located  
 45 for appointment by the court of a receiver for the  
 46 facility pursuant to section six (6) of this Act.  
 47 2. Conditionally issue or continue a license  
 48 dependent upon the performance by the licensee of  
 49 such reasonable conditions within such a reasonable  
 50 period of time as may be set by the department so.

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1 as to permit the licensee to commence or continue  
 2 the operation of the health care facility pending  
 3 his full compliance with this chapter or any  
 4 regulations issued hereunder. In such case, if the  
 5 regulations or minimum standards promulgated under  
 6 this chapter. If the licensee does not make diligent  
 7 efforts to comply with such the conditions as  
 8 prescribed, the department may, under the proceedings  
 9 hereinbefore prescribed by this chapter, suspend or  
 10 revoke the license. No health care facility shall  
 11 be operated on a conditional license for more than  
 12 one year.

13 3. The department, in evaluating corrections of  
 14 deficiencies in a facility in receivership or operating  
 15 on a conditional license, may determine what is  
 16 satisfactory compliance, provided that in so doing  
 17 it shall employ established criteria which shall be  
 18 uniformly applied to all facilities of the same license  
 19 category."

20 2. Page 2, by inserting after line 26 the follow-  
 21 ing:

22 "Sec. 6. Chapter one hundred thirty-five C  
 23 (135C), Code 1979, is amended by adding the following  
 24 new section:

25 NEW SECTION. OPERATION OF FACILITY UNDER  
 26 RECEIVERSHIP. When so authorized by section one  
 27 hundred thirty-five C point eleven (135C.11),  
 28 subsection two (2), or section one hundred thirty-  
 29 five C point twelve (135C.12), subsection one (1),  
 30 of the Code, the commissioner may file a verified  
 31 application in the district court of the county where  
 32 a health care facility licensed under this chapter  
 33 is located, requesting that an individual nominated  
 34 by the commissioner be appointed as receiver for the

35 facility with responsibility to bring the operation  
36 and condition of the facility into conformity with  
37 this chapter and the rules or minimum standards  
38 promulgated under this chapter.

39 1. The court shall expeditiously hold a hearing  
40 on the application, at which the commissioner shall  
41 present evidence in support of the application. The  
42 licensee against whose facility the petition is filed  
43 may also present evidence, and both parties may  
44 subpoena witnesses. The court may appoint a receiver  
45 for the health care facility in advance of the hearing  
46 if the commissioner's verified application states  
47 that an emergency exists which presents an imminent  
48 danger of resultant death or physical harm to the  
49 residents of the facility. If the licensee against  
50 whose facility the receivership petition is filed

**Page 3**

1 informs the court at or before the time set for the  
2 hearing that the licensee does not object to the  
3 application, the court shall waive the hearing and  
4 at once appoint a receiver for the facility.

5 2. The court, on the basis of the verified  
6 application and evidence presented at the hearing,  
7 may order the facility placed under receivership,  
8 and if so ordered, the court shall direct either that  
9 the receiver assume the duties of administrator of  
10 the health care facility or that the receiver supervise  
11 the facility's administrator in conducting the day-  
12 to-day business of the facility. The receiver shall  
13 be empowered to control the facility's financial  
14 resources and to apply its revenues as the receiver  
15 deems necessary to the operation of the facility in  
16 compliance with this chapter and the rules or minimum  
17 standards promulgated under this chapter, but shall  
18 be accountable to the court for management of the  
19 facility's financial resources.

20 3. A receivership established under this section  
21 may be terminated by the district court which  
22 established it, after a hearing upon an application  
23 for termination. The application may be filed:

24 a. Jointly by the receiver and the current licensee  
25 of the health care facility which is in receivership,  
26 stating that the deficiencies in the operation,  
27 maintenance of other circumstances which were the  
28 grounds for establishment of the receivership have  
29 been corrected and that there are reasonable grounds  
30 to believe that the facility will be operated in com-  
31 pliance with this chapter and the rules or minimum  
32 standards promulgated under this chapter.

33 b. By the current licensee of the facility,  
34 alleging that termination of the receivership is  
35 merited for the reasons set forth in paragraph a of  
36 this subsection, but that the receiver has declined  
37 to join in the petition for termination of the  
38 receivership.

39 c. By the receiver, stating that all residents  
40 of the facility have been relocated elsewhere and  
41 that there are reasonable grounds to believe it will  
42 not be feasible to again operate the facility on a  
43 sound financial basis and in compliance with this  
44 chapter and the rules or minimum standards promulgated  
45 under this chapter, and asking that the court approve  
46 surrender of the facility's license to the department  
47 and subsequent return of control of the facility's  
48 premises to the owners of the premises.

49 4. Payment of the expenses of a receivership  
50 established under this section shall be the

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1 responsibility of the facility for which the receiver  
2 is appointed, unless the court directs otherwise.

3 5. This section does not:

4 a. Preclude the sale or lease of a health care  
5 facility, and the transfer or assignment of the  
6 facility's license in the manner prescribed by section  
7 one hundred thirty-five C point eight (135C.8) of  
8 the Code, while the facility is in receivership,  
9 provided these actions are not taken without approval  
10 of the receiver.

11 b. Affect the civil or criminal liability of the  
12 licensee of the facility placed in receivership, for  
13 any acts or omissions of the licensee which occurred  
14 before the receiver was appointed."

15 3. By renumbering the sections of the Act as  
16 necessary.

**Amendment H-5981 was adopted.**

Miller of Buchanan asked and received unanimous consent to withdraw amendment H-5787, to the committee amendment H-5433, filed by him and Clark of Cerro Gordo on March 31, 1980.

Miller of Buchanan offered the following amendment H-5973, to the committee amendment H-5433, filed by him and Clark of Cerro Gordo and moved its adoption:

H—5973

1 Amend the Committee on Human Resources amendment,  
2 H—5433, to Senate File 431, as passed by the Senate,  
3 as follows:  
4 1. Page 1, line 15 by inserting after the word  
5 "licensee." the following new sentence: "However,  
6 the findings from an inspection shall be sent to the  
7 chairperson of the care review committee of the  
8 facility at the same time they are sent to the  
9 applicant or licensee."

Amendment H—5973 was adopted.

Howell of Floyd offered the following amendment H—6004, to the committee amendment H—5433, filed by him from the floor:

H—6004

1 Amend House amendment, H—5433, to Senate File 431,  
2 as follows:  
3 1. Page 1, by inserting before line 5 the following:  
4 "Section 1. Section one hundred thirty-five C (135C)  
5 is amended by adding the following new section:  
6 NEW SECTION. If an assistance payment made by the  
7 department of social services to a health care facility  
8 licensed under chapter one hundred thirty-five C (135C) of  
9 the Code on behalf of an individual who is a resident of  
10 the facility includes an amount designated for use in  
11 meeting the recipient's personal needs, and the recipient  
12 requests that the facility establish a personal needs  
13 account for the recipient, the department shall require  
14 the facility to place the full amount designated for  
15 the recipient's personal needs in the account immediately  
16 upon receipt of the assistance payment. The department  
17 shall promulgate rules to ensure that money is drawn from  
18 the account only by the individual on whose behalf the  
19 assistance payment is made, or on that individual's behalf  
20 for use in meeting the individual's bona fide personal  
21 needs. The department shall cause each personal needs  
22 account so established to be audited at least annually by  
23 an auditor who is not an employee of the health care  
24 facility."  
25 2. By renumbering the sections of the Act as  
26 necessary.

De Groot of Lyon rose on a point of order that amendment H—6004 was not germane.



The Speaker ruled the point well taken and amendment H—6004 not germane.

Howell of Floyd moved that the rules be suspended to consider and adopt amendment H—6004.

A non-record roll call was requested.

The ayes were 34, nays 47.

The motion lost.

On motion by De Groot of Lyon, the committee amendment H—5433, as amended, was adopted.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 431)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lorenzen
Lura	Maulsby	McKean	Millen
Miller	Mullins	O'Kane	Oxley
Pavich	Pellet	Pelton	Poffenberger
Rapp	Schneklath	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Chiodo	Jesse	Johnson, J.	Loneragan
Menke	Norland	Patchett	Perkins
Pope	Renken	Ritsema	Schroeder
Sherzan	Stromer	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE FILE 2320 SUBSTITUTED FOR HOUSE FILE 2560

Shimanek of Jones asked and received unanimous consent to substitute Senate File 2320 for House File 2560.

**Senate File 2320**, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, was taken up for consideration.

Chiodo of Polk offered the following amendment H-5988 filed by him:

H-5988

1 Amend Senate File 2320 as follows:  
 2 1. Page 3, by inserting after line 11 the  
 3 following:  
 4 "Sec. . Section seventy-nine point fourteen  
 5 (79.14), Code 1979, is amended by adding the following  
 6 new subsection:  
 7 **NEW SUBSECTION.** "Authorized insurer" means a  
 8 corporation, partnership, association or individual  
 9 authorized to engage in the business of insurance  
 10 in this state and designated at the request of five  
 11 hundred or more state officers or employees or the  
 12 number of employees required by subsection three (3)  
 13 of this section, by a responsible official of the  
 14 payroll system under which the officers or employees  
 15 are compensated to receive payments as provided in  
 16 section seventy-nine point fifteen (79.15) of the  
 17 Code.  
 18 Sec. . Section seventy-nine point fifteen  
 19 (79.15), Code 1979, is amended to read as follows:  
 20 79.15 PAYROLL DEDUCTION. The responsible official  
 21 in charge of the payroll system may deduct from the  
 22 salary or wages of a state officer or employee an  
 23 amount specified by the officer or employee for payment  
 24 to a charitable organization or an authorized insurer  
 25 if:

26 1. The request for the payroll deduction is made  
27 in writing during the enrollment period for the  
28 charitable organization or at least thirty days before  
29 the commencement of the deduction for an authorized  
30 insurer.

31 2. The deduction for a charitable organization  
32 shall not continue in effect for a period of time  
33 exceeding one year unless a new written request is  
34 filed according to the requirements of this section.

35 3. The pay period during which the deduction is  
36 made, the frequency, and the amount of the deduction  
37 are compatible with the payroll system.

38 Moneys deducted pursuant to this section shall  
39 be paid over promptly to the appropriate charitable  
40 organization or authorized insurer. The deduction  
41 may be made notwithstanding that the compensation  
42 actually paid to the officer or employee is reduced  
43 to an amount below the minimum prescribed by law.  
44 Payment to an officer or employee of compensation  
45 less the deduction shall constitute a full and complete  
46 discharge of claims and demands for services rendered  
47 by the employee during the period covered by the  
48 payment. The request for the deduction may be  
49 withdrawn at any time by filing a written notification  
50 of withdrawal with the responsible official in charge

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1 of the payroll system."

2 4. If the payroll deduction is to be made for the  
3 purpose of being paid over to an appropriate authorized  
4 insurer, that authorized insurer shall reimburse to the  
5 state an amount equal to the reasonable administrative  
6 costs incurred by the state in providing the payroll  
7 deduction.

8 2. By numbering sections to conform to this  
9 amendment.

Anderson of Audubon rose on a point of order that amendment  
H—5988 was not germane.

The Speaker ruled the point well taken and amendment  
H—5988 not germane.

Chiodo of Polk moved that the rules governing germaneness be  
suspended to consider and adopt amendment H—5988.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 41, nays 50.

The motion lost.

Shimanek of Jones offered the following amendment H-5898 filed by her and Anderson of Audubon:

H-5898

1 Amend Senate File 2320, as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 29 the follow-  
4 ing new section:

5 "Sec. . Section one hundred thirty-five point  
6 two (135.2), Code 1979, as amended by Acts of the  
7 Sixty-eighth General Assembly, 1980 Session, Senate  
8 File two thousand three hundred one (2301), section  
9 thirty-six (36), is amended to read as follows:

10 135.2 APPOINTMENT. The governor shall appoint  
11 to a term of four years commencing and ending as  
12 ~~providing~~ provided in section three (3) of this Act,  
13 subject to confirmation by the senate, a commissioner  
14 of public health who shall be qualified in the general  
15 field of health administration. Vacancies shall be  
16 filled for the unexpired term in the same manner as  
17 regular appointments are made."

18 2. Page 12, by inserting after line 3 the following  
19 new section:

20 "Sec. . Section two hundred fifty-eight A point  
21 six (258A.6), subsection one (1), Code 1979, is amended  
22 to read as follows:

23 1. Disciplinary hearings held pursuant to this  
24 chapter shall be heard by the board sitting as the  
25 hearing panel, or by a panel of not less than three  
26 board members who are licensed in the profession,  
27 or by a panel of not less than three members appointed  
28 pursuant to subsection 2. Notwithstanding ~~chapter~~  
29 chapters seventeen A (17A) and 28A a disciplinary  
30 hearing shall be open to the public at the discre-  
31 tion of the licensee."

32 3. Page 19, by inserting after line 17 the  
33 following new section:

34 "Sec. . Section four hundred twenty-two point  
35 sixty-one (422.61), subsection four (4), Code 1979,  
36 as amended by Acts of the Sixty-eighth General  
37 Assembly, 1979 Session, chapter ninety-two (92),  
38 section three (3), and House File two thousand four  
39 hundred seventy (2470), section nine (9), and Senate  
40 File five hundred (500), section two (2), enacted

41 by the Sixty-eighth General Assembly, 1980 Session,  
 42 is amended by striking the subsection and inserting  
 43 in lieu thereof the following:

44 4. "Net income" means the net income of the  
 45 financial institution computed in accordance with  
 46 section 422.35, with the exception that interest and  
 47 dividends from federal securities shall not be  
 48 subtracted, no federal income taxes paid or accrued  
 49 shall be subtracted, and notwithstanding the provisions  
 50 of section two hundred sixty-two point forty-one

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1 (262.41) and two hundred sixty-two point fifty-one  
 2 (262.51) or any other provisions of the law, income  
 3 from obligations of the state and its political  
 4 subdivisions and any amount of franchise taxes paid  
 5 or accrued under this division during the taxable  
 6 year shall be added."

7 4. Amend the title, line 2, by inserting after  
 8 the word "Code" the words "and Acts of the Sixty-  
 9 eighth General Assembly, 1979 and 1980 Sessions".

Norland of Worth asked and received unanimous consent to defer action on Senate File 2320 and amendment H—5898.

**Regular Calendar**

**Senate File 439**, a bill for an act relating to the alcoholic content of beer and alcoholic liquor, with report of committee recommending amendment and passage was taken up for consideration.

Lura of Marshall offered amendment H—5840 filed by the committee on state government on April 2, 1980 and found on page 1346 of the House Journal.

Dieleman of Marion asked and received unanimous consent to temporarily defer action on the committee amendment H—5840.

Howell of Floyd offered the following amendment H—5917 filed by Howell, et al. :

H—5917

1 Amend Senate File 439 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. Chapter one hundred twenty-three

6 (123), Code 1979, is amended by adding the following  
7 new section:

8 **NEW SECTION.** A retail beer permittee or retail  
9 liquor control licensee, authorized to sell beer for  
10 consumption off the premises, shall not sell beer  
11 for consumption off the premises for less than cost  
12 adjusted to the nearest cent except as provided in  
13 this section. For the purposes of this section, cost  
14 shall be determined by the director pursuant to section  
15 three (3) of this Act by establishing a minimum per-  
16 centage markup for sales of beer at retail for con-  
17 sumption off the premises, whether in case lot or  
18 less.

19 To determine cost, the minimum percentage markup  
20 shall be applied to the wholesale price of beer sold  
21 by class "A" beer permittees to permittees and  
22 licensees authorized to sell beer at retail.

23 Pursuant to rules promulgated by the director,  
24 the director may issue a form of approval which  
25 authorizes a retail beer permittee or retail liquor  
26 control licensee to sell beer for consumption off  
27 the premises at below cost for any of the following  
28 reasons:

29 1. Discontinuance of business.  
30 2. Discontinuance of a brand or package size of  
31 beer that has been in inventory on the retail premises  
32 for a period of at least six months. A brand or  
33 package size of beer discontinued shall not be  
34 repurchased at wholesale by the discontinuing retailer  
35 for a period of twelve months.

36 3. For other reasons of hardship as specified  
37 by the applicant and approved by the director."

38 2. Page 1, line 1, by striking the word and figure  
39 "Section 1" and inserting in lieu thereof the word  
40 and figure "Sec. 2".

41 3. Page 1, by inserting after line 28 the  
42 following:

43 "Sec. 3. Section one hundred twenty-three point  
44 twenty-one (123.21), Code 1979, is amended by adding  
45 the following new subsection:

46 **NEW SUBSECTION. 12.** Prescribing the minimum  
47 percentage markup for sales of beer at retail."

48 4. Page 1, line 29, by striking the figure "2"  
49 and inserting in lieu thereof the figure "4".

50 5. Page 2, line 11, by striking the figure "3"

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1 and inserting in lieu thereof the figure "5".

2 6. Page 2, line 21, by striking the figure "4"

3 and inserting in lieu thereof the figure "6".

- 4 7. Title page, by inserting after the word  
5 "content" the words "and minimum retail price".

Lura of Marshall rose on a point of order that amendment H-5917 was not germane.

The Speaker ruled the point well taken and amendment H-5917 not germane.

Howell of Floyd moved that the rules governing germaneness be suspended to consider and adopt amendment H-5917.

A non-record roll call was requested.

The ayes were 37, nays 52.

The motion lost.

Dieleman of Marion offered the following amendment H-5948 filed by him and moved its adoption:

H-5948

- 1 Amend Senate File 439 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 8, by striking the word "five"  
4 and inserting in lieu thereof the word "four".  
5 2. Page 1, line 17, by striking the words "four  
6 five" and inserting in lieu thereof the word "four".  
7 3. Page 1, line 27, by striking the word "five"  
8 and inserting in lieu thereof the word "four".  
9 4. Page 2, line 2, by striking the words "four  
10 five" and inserting in lieu thereof the word "four".  
11 5. Page 2, by striking lines 11 through 20.  
12 6. By renumbering sections.

Amendment H-5948 lost.

Dieleman of Marion offered the following amendment H-5947 filed by him and moved its adoption:

H-5947

- 1 Amend Senate File 439 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, lines 26 and 27, by striking the words  
4 "not more than four one-half of one percent of alcohol

5 by volume but not more than" and inserting in lieu  
6 thereof the words "not more than four percent of  
7 alcohol by".

Roll call was requested by Dieleman of Marion and De Groot of Lyon.

On the question "Shall amendment H — 5947 be adopted?"

The ayes were, 34:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Cochran	Corey
Crawford	Daggett	Davitt	De Groot
Dieleman	Groth	Halvorson, R.N.	Hinkhouse
Hörn	Howell	Hullinger	Jay
Lageschulte	Lind	Maulsby	Mullins
Norland	Oxley	Pellett	Ritsema
Schnekloth	Sherzan	Smalley	Spear
Van Maanen	Wells		

The nays were, 56:

Arnould	Bina	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connolly	Crabb	Danker
Diemer	Doyle	Egenes	Gettings
Hall	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Holt	Hummel	Husak
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lloyd-Jones	Lorenzen	Lura	McKean
Menke	Millen	Miller	O'Kane
Pavich	Pelton	Perkins	Poffenberger
Renken	Shimaneck	Shull	Swearingen
Thompson	Tofte	Tyrrell	Walter
Welden	Welsh	Woods	Mr. Speaker

Absent or not voting, 10:

Connors	Cusack	Hoffmann	Lonergan
Patchett	Pope	Rapp	Schroeder
Stromer	West		

Amendment H — 5947 lost.



## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott, for the remainder of the morning session, on request of Bina of Scott.

The House resumed consideration of the committee amendment H—5840.

Lura of Marshall moved the adoption of the committee amendment H—5840.

A non-record roll call was requested.

The ayes were 47, nays 37.

The committee amendment H—5840 was adopted.

Jochum of Dubuque asked and received unanimous consent that the following members be allowed to vote on all votes missed in their absence and the votes were so recorded: Bruner of Story, Daggett of Taylor, Jochum of Dubuque and Welden of Hardin.

Lura 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?" (S.F. 439)

The ayes were, 63:

Anderson, R.	Avenson	Bina	Brandt
Bruner	Byerly	Chiodo	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Crabb	Crawford	Davitt	Diemer
Doyle	Egenes	Gettings	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jesse
Jochum	Johnson, R.	Kirkenslager	Krewson
Larsen	Lind	Lloyd-Jones	Lorenzen
Lura	Millen	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Poffenberger	Schroeder	Shimanek	Shull
Spear	Swearingen	Thompson	Tofte
Tyrrell	Walter	Welden	Wells
Welsh	Woods	Mr. Speaker	

The nays were, 29:

Anderson, J.	Bennett	Binneboese	Branstad
Clark, B.J.	Corey	Daggett	Danker
De Groot	Dieleman	Groth	Hinkhouse
Hullinger	Jay	Johnson, J.	Johnson, W.
Lageschulte	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Renken
Ritsema	Schnekloth	Sherzan	Smalley
Van Maanen			

Absent or not voting, 8:

Arnould	Cusack	Loneragan	Patchett
Pope	Rapp	Stromer	West

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 2320**, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code, and amendment H—5898 filed by Shimanek of Jones and Anderson of Audubon and found on pages 1522 and 1523 of the House Journal.

On motion by Shimanek of Jones, amendment H—5898 was adopted.

Shimanek of Jones offered the following amendment H—5946 filed by her and moved its adoption:

H—5946

- 1 Amend Senate File 2320 as amended, passed and reprinted
- 2 by the Senate as follows:
- 3 1. Page 9, line 16, by striking the word "Iowa" and in-
- 4 serting in lieu thereof the words "Iowa Eldora".
- 5 2. Page 9, line 17, by striking the words "for boys,
- 6 the Iowa training school for girls" and inserting in lieu
- 7 thereof the words "for boys, the Iowa Mitchellville training
- 8 school for girls".
- 9 3. Page 15, by striking lines 4 through 17.

Amendment H—5946 was adopted.

Shimanek of Jones offered the following amendment H—5985 filed by her and moved its adoption:

H—5985

- 1 Amend Senate File 2320 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 10, by striking line 3 and inserting
- 4 in lieu thereof the words "director has cause to
- 5 believe that a prisoner in".

Amendment H—5985 was adopted.

Crawford of Story asked and received unanimous consent to withdraw amendment H—5990 filed by Crawford, et al., on April 10, 1980.

Tyrrell of Iowa offered the following amendment H—5783 filed by Tyrrell, et al. :

H—5783

- 1 Amend Senate File 2320 as follows:
- 2 1. Page 14, by striking line 35 through page 15
- 3 line 3 and inserting in lieu thereof the words
- 4 "considered a state patient, and charges and costs
- 5 for treatment shall be paid for in the manner provided
- 6 for payment for treatment of alcoholics who have no
- 7 legal residence in this state is responsible for
- 8 reimbursing the facility the actual costs of his or
- 9 her treatment".

Anderson of Audubon rose on a point of order that amendment H—5783 was not germane.

The Speaker ruled the point well taken and amendment H—5783 not germane.

Tyrrell of Iowa moved that the rules governing germaneness be suspended to consider and adopt amendment H—5783.

A non-record roll call was requested.

The ayes were 26, nays 56.

The motion lost.

Schroeder of Pottawattamie offered the following amendment H—5998 filed by him:

H-5998

1 Amend Senate File 2320 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 17, by inserting following line 31, the  
4 following:

5 "Sec. . Section three hundred eighty-four  
6 point fifty-seven (384.57), Code 1979, is amended  
7 to read as follows:

8 384.57 MONTHLY PAYMENTS. The city may contract  
9 to pay not to exceed ~~ninety ninety-five~~ percent of  
10 the engineer's estimated value of the acceptable work  
11 completed during the month to the contractor at the  
12 end of each month. Payment may be made in warrants  
13 drawn on any ~~fund or~~ funds from which payment for  
14 the work may be made. The warrants, unless paid upon  
15 presentation, draw interest at a rate not to exceed  
16 seven percent per annum from and after the date of  
17 presentation for payment. If ~~such~~ funds are depleted,  
18 anticipatory warrants may be issued, which do not  
19 constitute a violation of section 384.10, even if  
20 the collection of taxes or special assessments or  
21 income from the sale of bonds applicable to the public  
22 improvement is after the end of the fiscal year in  
23 which the warrants are issued. If the city arranges  
24 for the private sale of anticipatory warrants, they  
25 may be sold and the proceeds used to pay the  
26 contractor. ~~Such warrants~~ Anticipatory warrants may  
27 also be used to pay other persons furnishing services  
28 constituting a part of the cost of the public  
29 improvement.

30 2. Page 26, by inserting following line 17, the  
31 following:

32 "Sec. . Chapter five hundred seventy-three (573),  
33 Code 1979, is amended by adding the following new  
34 section:

35 **NEW SECTION.**

36 1. Under any contract awarded by the state  
37 department of transportation or by a city or county  
38 for the construction of a street or highway as defined  
39 in section three hundred twenty-one point one (321.1),  
40 subsection forty-eight (48) of the Code, or for the  
41 construction, reconstruction, extension or improvement  
42 of works and facilities for the collection, treatment  
43 or disposal of sewage, industrial waste, surface  
44 waters and streams, or for the construction,  
45 reconstruction, extension or improvement of works  
46 or facilities used in the production, maintenance  
47 or distribution of a public water supply, the  
48 contractor may withdraw the amount retained from  
49 payments due the contractor by entering into an escrow  
50 arrangement with a bank and depositing with the bank

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1 government securities issued by the United States  
2 or this state or a political subdivision of this  
3 state, which have a market value of not less than  
4 one hundred ten percent of the amounts withdrawn.  
5 The securities so deposited shall constitute the fund  
6 described in section five hundred seventy-three point  
7 thirteen (573.13) of the Code. If requested by the  
8 contractor, the public corporation shall deposit with  
9 the bank the amount retained from the payments due  
10 the contractor.

11 2. The escrow agreement shall provide for the  
12 deposit of securities by the contractor for the use  
13 and benefit of the public corporation. It shall be  
14 in the form and contain the provisions required by  
15 rule issued by the auditor of state. An escrow  
16 agreement shall be submitted for approval to the  
17 public corporation for whose use and benefit the  
18 agreement is to be established. The securities  
19 deposited with the bank shall be bonds or other  
20 evidences of indebtedness issued by the United States,  
21 this state, or a political subdivision of this state,  
22 and of a type approved for use by rule issued by the  
23 auditor of state.

24 3. The bank shall give written notice to the  
25 proper officials of the public corporation for the  
26 use and benefit of which the deposits are made, stating  
27 the total current market value of the deposit, and  
28 delivering a copy of the escrow agreement. The bank  
29 shall collect all interest income from the securities.  
30 The escrow deposits provided in this section shall  
31 be in a bank which has been approved as a depository  
32 for public funds as provided in chapter four hundred  
33 fifty-three (453) of the Code.

34 4. Interest or income which is earned on amounts  
35 held in escrow and collected by the bank under this  
36 section shall accrue to the benefit of the contractor,  
37 provided that if the contractor has withheld any  
38 portion of the amount payable by the contractor to  
39 a subcontractor under the agreement between the  
40 contractor and the subcontractor, then the  
41 subcontractor is entitled to and has a lien upon the  
42 interest or income in the proportion that the amount  
43 withheld from the subcontractor bears to the amount  
44 held in escrow.

45 5. This section does not apply where the  
46 establishment of an escrow account in lieu of retainage  
47 is prohibited by or is inconsistent with the  
48 requirements of any applicable federal law or federal  
49 administrative rule.

50 Sec. . Section five hundred seventy-three point

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1 twelve (573.12), Code 1979, is amended to read as  
 2 follows:  
 3 . 573.12 RETENTION FROM PAYMENTS ON CONTRACTS.  
 4 Payments made under contracts for the construction  
 5 of public improvements, unless provided otherwise  
 6 by law, shall be made on the basis of monthly estimates  
 7 of labor performed and material delivered, as  
 8 determined by the project architect or engineer.  
 9 In making said payments, there shall be retained ten  
 10 percent of each said monthly estimate by the public  
 11 corporation; provided, however, that if the contract  
 12 is for more than fifty thousand dollars, and if the  
 13 public corporation at any time after fifty percent  
 14 of the improvement has been completed finds that  
 15 satisfactory progress is being made, the public  
 16 corporation may authorize any of such remaining  
 17 payments to be made in full. The public corporation  
 18 shall retain from each monthly payment five percent  
 19 of that amount which is determined to be due according  
 20 to the estimate of the architect or engineer.

Shimanek of Jones rose on a point of order that amendment  
 H—5998 was not germane.

The Speaker ruled the point well taken and amendment  
 H—5998 not germane.

Tyrrell of Iowa offered the following amendment H—5782 filed  
 by Tyrrell, et al. :

H—5782

1 Amend Senate File 2320 as follows:  
 2 1. Page 28, by striking line 34 through page 29  
 3 line 1 and inserting in lieu thereof the words "state,  
 4 parole shall be denied ~~unless the defendant has served~~  
 5 ~~at last one half of the maximum term of his or her sentence~~".

Anderson of Audubon rose on a point of order that amendment  
 H—5782 was not germane.

The Speaker ruled the point well taken and amendment  
 H—5782 not germane.

Tyrrell of Iowa moved that the rules governing germaneness be  
 suspended to consider and adopt amendment H—5782.

Roll call was requested by Tyrrell of Iowa and Johnson of Howard.

On the question "Shall the rules be suspended to consider and adopt amendment H-5782?"

The ayes were, 18:

Branstad	Cochran	Connors	Crabb
De Groot	Hibbs	Holt	Hullinger
Jesse	Jochum	Lind	Maulsby
McKean	Miller	Renken	Tyrrell
Van Maanen	Woods		

The nays were, 73:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connolly	Corey	Crawford
Daggett	Danker	Davitt	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hinkhouse	Hoffmann	Horn
Howell	Hummel	Husak	Jay
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lloyd-Jones	Lorenzen
Lura	Menke	Millen	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Rapp	Ritsema	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Walter	Welden	Wells	Welsh
Mr. Speaker			

Absent or not voting, 9:

Chiodo	Cusack	Dieleman	Johnson, J.
Lonergan	Patchett	Pope	Stromer
West			

The motion lost.

Anderson of Jasper moved that the rules governing germaneness be suspended to consider amendment H-5998.

Roll call was requested by Anderson of Jasper and Chiodo of Polk.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5998?"

The ayes were, 36:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Davitt
Dieleman	Gettings	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Hullinger	Jay
Jesse	Jochum	Kirkenslager	Lloyd-Jones
Miller	Oxley	Pavich	Perkins
Rapp	Sherzan	Spear	Tyrrell
Walter	Wells	Welsh	Woods

The nays were, 56:

Anderson, J.	Bennett	Brandt	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Doyle	Egenes
Groth	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Howell
Hummel	Husak	Johnson, J.	Johnson, W.
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Pellett	Pelton	Poffenberger	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Swearingen	Thompson
Tofte	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 8:

Cusack	Johnson, R.	Lonergan	Millen
Patchett	Pope	Stromer	West

The motion lost placing the following amendments, to amendment H—5998, out of order:

H—6012 filed from the floor by Schroeder of Pottawattamie, Tofte of Winneshiek and Hanson of Delaware.

H—6019 filed from the floor by Pelton of Clinton.



Danker of Pottawattamie offered the following amendment H—5766 filed by Danker, et al. :

H—5766

- 1 Amend Senate File 2320, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 29, by inserting after line 34 the  
 4 following:  
 5 "Sec. Acts of the Sixty-eighth General  
 6 Assembly, 1979 Session, chapter eighty-three (83),  
 7 section three (3), is amended by striking the section  
 8 and inserting in lieu thereof the following:  
 9 Sec. 3. Chapter three hundred thirty-one (331),  
 10 Code 1979, is amended by adding the following new  
 11 section:  
 12 **NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS,**  
 13 **COMMITTEES AND COMMISSIONS.** Unless otherwise provided  
 14 by law, a county supervisor may serve concurrently  
 15 as a member of the board of supervisors and as a  
 16 member of any appointive board, commission or committee  
 17 of this state or a political subdivision of this  
 18 state."  
 19 2. By numbering and renumbering sections to conform  
 20 to this amendment.

Perkins of Greene rose on a point of order that amendment H—5766 was not germane.

The Speaker ruled the point well taken and amendment H—5766 not germane.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2320)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Daggett	Davitt	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann

Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Rapp	Ritsema
Schnekloth	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker

The nays were, 3:

Renken	Schroeder	Tofte
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Absent or not voting, 9:

Brandt	Cusack	Danker	De Groot
Lonerган	Patchett	Pope	Stromer
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 2560 WITHDRAWN

Anderson of Audubon asked and received unanimous consent to withdraw House File 2560 from further consideration by the House.

On motion by Halvorson of Clayton, the House was recessed at 11:58 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

West of Marshall on request of Lura of Marshall; Cusack of Scott on request of Bina of Scott; Pelton of Clinton on request of Shimanek of Jones; Schnekloth of Scott on request of Johnson of Woodbury, all for the afternoon session.

## HOUSE CONCURRENT RESOLUTION 128

By Danker, Clark of Lee, Binneboese,  
 Branstad, Bruner, Clark of Cerro Gordo,  
 Connolly, Dieleman, Doyle, Gettings,  
 Hanson of Delaware, Howell, Hullinger,  
 Johnson of Howard, Johnson of Linn,  
 Lageschulte, Oxley, Schneklath, Shull,  
 Smalley, Swearingen, Tofte, Welsh and Tyrrell

- 1     *Whereas*, the implementation of functional classi-  
 2 fication has taken place as of July 1, 1979 as directed  
 3 by Chapter 1108 of the Acts of the sixty-seventh general  
 4 assembly; and  
 5     *Whereas*, such implementation involves the transfer of  
 6 various highways and streets among the three jurisdictions;  
 7 and  
 8     *Whereas*, fuel tax increases and jurisdictional per-  
 9 centage allocations from the road use tax fund as provided  
 10 in Chapter 1108 of the Acts of the sixty-seventh general  
 11 assembly were based, in part, on the functional classifi-  
 12 cation in effect on January 1, 1973, on the number of  
 13 miles of highways and streets which were candidates for  
 14 transfer under that classification and on the highway and  
 15 street needs assigned to those transfers for each juris-  
 16 diction, as for example, effective January 1, 1973 the  
 17 counties would have a net gain of 431 miles of former  
 18 primary highways at an assigned annual increase in needs  
 19 of \$10.9 million; and  
 20     *Whereas*, since the passage of Chapter 1108 of the  
 21 Acts of the sixty-seventh general assembly, the diminution  
 22 in the road use tax fund has resulted in increased revenues  
 23 to the three jurisdictions of only about 50% of the amount  
 24 anticipated and, at the same time, the dollar needs'  
 25 amounts assigned to the transferred highways and streets  
 26 has increased dramatically due to inflation; while appeals  
 27 of the 1973 functional classifications that have already  
 28 been filed and are proposed to be filed could more than  
 29 double the net mileage of primary roads for which the  
 30 counties would be benefitted than was envisioned during  
 31 consideration of Chapter 1108 of the Acts of the sixty-  
 32 seventh general assembly; and  
 33     *Whereas*, the financial circumstances and the mileages

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- 1 involved have changed substantially since Chapter  
 2 1108 of the Acts of the sixty-seventh general assem-  
 3 bly was passed to the point that those jurisdictions  
 4 receiving a net increase in mileage will find it  
 5 very difficult to provide necessary and desired ser-  
 6 vices to their respective systems of highways and  
 7 streets; *Now Therefore*,

8 *Be It Resolved by the House of Representatives,*  
9 *The Senate Concurring,* That jurisdictional transfers  
10 of roads or streets as required by Chapter 1108 of  
11 the Acts of the sixty-seventh general assembly be  
12 restricted to classifications of record as of January 1,  
13 1973 until the enactment of legislation which compen-  
14 sates state, county and municipal jurisdictions for  
15 additional highway, road or street needs resulting  
16 from such transfers; and  
17 *Be It Further Resolved,* That notwithstanding the  
18 foregoing, future transfers of jurisdiction should take  
19 place if agreements are entered into by the jurisdic-  
20 tional divisions of government involved in the transfer  
21 of such roads and streets.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 129

By Egenes, Clark of Lee and Avenson

1 *Whereas,* the federal reserve board of governors  
2 through the authority granted to it by Congress has  
3 limited the interest rates that may be paid by member  
4 financial institutions on savings deposits through the  
5 passage of what is known as "Regulation Q"; and  
6 *Whereas,* the federal deposit insurance corporation  
7 through authority granted to it by Congress also limits  
8 the interest rates that may be paid by financial institu-  
9 tions which are not members of the federal reserve  
10 system; and  
11 *Whereas,* such action arbitrarily takes from the states  
12 the authority to establish rates to be paid on savings  
13 which would better respond to economic conditions within  
14 the individual states; and  
15 *Whereas,* action by the federal government has resulted  
16 in extremely high interest rates being charged to the  
17 public in order to borrow money, which is causing severe  
18 hardship to young families, the construction industry, and  
19 other business segments which depend upon the normal flow  
20 of consumer credit; and  
21 *Whereas,* if reasonable rates of return on savings within  
22 local financial institutions were authorized more deposits  
23 might be made within such financial institutions, which would  
24 then make available more funds to consumers and industrial  
25 segments and help alleviate the adverse financial conditions  
26 that presently exist; *Now Therefore,*  
27 *Be It Resolved by the House of Representatives, the*  
28 *Senate Concurring,* That the federal government is strongly  
29 urged to provide the necessary authority to the states to  
30 set their own interest rates that may be paid on savings

**Page 2**

1 deposited with financial institutions in order that  
2 the economic conditions within the individual states  
3 might be improved and better regulated; and  
4 *Be It Further Resolved*, That copies of this resolution  
5 be sent to the chairpersons of the United States Congress-  
6 sional Committees on Commerce, the board of governors  
7 of the federal reserve system, the federal deposit  
8 insurance corporation, and the members of the Iowa  
9 congressional delegation.

Laid over under Rule 30.

**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 April 11, 1980, on the part of the Senate to Senate File 2243, a bill for an act establishing the Iowa family farm authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, are: The Senator from Mahaska, Senator Van Gilst, Chair; the Senator from Osceola, Senator Bergman; the Senator from Pottawattamie, Senator Hester; the Senator from Guthrie, Senator Hutchins; and the Senator from Clayton, Senator Tieden.

FRANK J. STORK, Secretary

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**Senate File 2148**, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures and penalties prescribed by the campaign disclosure-income tax checkoff Act, with report of committee recommending amendment and passage was taken up for consideration.

Crawford of Story asked and received unanimous consent to suspend House Rule 25 and that Cynthia Eisenhauer, Executive Director of the Iowa Campaign Finance Disclosure Commission, be permitted in the House chamber during consideration of Senate File 2148.

Crawford of Story offered amendment H—5695 filed by the committee on state government on March 26, 1980, found on page 1193 of the House Journal.

Lloyd-Jones of Johnson offered the following amendment H—5996, to the committee amendment H—5695, filed by her and moved its adoption:

H—5996

- 1 Amend amendment H—5695 to Senate File 2148
- 2 as follows:
- 3 1. Page 1, line 19, by inserting after the
- 4 word "elections." the following new sentence:
- 5 "A ballot issue also means a resolution introduced
- 6 for consideration by the general assembly as
- 7 an amendment to the state Constitution of Iowa
- 8 according to the provisions of Article X of that
- 9 Constitution."

Amendment H—5996 lost.

Clark of Lee in the chair at 2:17 p.m.

Division of the committee amendment H—5695 was requested as follows:

- H—5695A, lines 2 through 7 and lines 27 through 29.
- H—5695B, lines 8 through 26 and lines 30 through 37.

Crawford of Story moved the adoption of the committee amendment H—5695A.

A non-record roll call was requested.

The ayes were 58, nays 28.

The committee amendment H—5695A was adopted.

On motion by Crawford of Story, the committee amendment H—5695B was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hall of Linn on request of Avenson of Fayette; Hinkhouse of Cedar on request of Husak of Tama, both for the remainder of the day.

Lura of Marshall asked and received unanimous consent to withdraw amendment H-5711 filed by him on March 26, 1980.

Lura of Marshall offered the following amendment H-5710 filed by Lura, et al. :

H-5710

1 Amend Senate File 2148 as follows:  
2 1. Page 3, line 21, by inserting after the word  
3 "chapter." the words "The rules shall provide that  
4 the candidate, or the chief executive officer of a  
5 committee other than a candidate's committee, is  
6 responsible for filing disclosure reports as required  
7 by this chapter, and shall receive notice from the  
8 commission if the candidate or committee has failed  
9 to file a disclosure report at the time required by  
10 this chapter. A candidate or chief executive officer  
11 of a committee other than a candidate's committee  
12 shall be subject to a civil penalty for failure to  
13 file a disclosure report required by this chapter  
14 if the report has not been filed within ten days after  
15 the commission gives notice of failure to file the  
16 report at the time required."

Lura of Marshall offered the following amendment H-5737, to amendment H-5710, filed by him and moved its adoption:

H-5737

1 Amend amendment H-5710 to Senate File 2148  
2 as follows:  
3 1. Page 1, line 10, by striking the word  
4 "candidate" and inserting in lieu thereof the word  
5 "candidate,".  
6 2. Page 1, line 11, by striking the words  
7 "candidate's committee" and inserting in lieu  
8 thereof the words "candidate's committee,".  
9 3. Page 1, line 12, by striking the word "shall".  
10 and inserting in lieu thereof the word "may".

Amendment H-5737 was adopted.

On motion by Lura of Marshall, amendment H-5710, as amended, was adopted.

Spear of Lee offered the following amendment H-5991 filed by him:

H—5991

- 1 Amend Senate File 2148 as follows:
- 2 1. Page 3, line 25, by inserting after the word
- 3 "Action" the words "constituting a contribution or
- 4 an expenditure which must be reported under this
- 5 chapter and which is taken".

Spear of Lee offered the following amendment H—6008, to amendment H—5991, filed by him from the floor and moved its adoption:

H—6008

- 1 Amend the Spear amendment H—5991 to Senate File
- 2 2148 as follows:
- 3 1. Page 1, line 3, by striking the word
- 4 "constituting" and inserting in lieu thereof the word
- 5 "involving".

Amendment H—6008 was adopted.

On motion by Spear of Lee, amendment H—5991, as amended, was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5989 filed by him on April 10, 1980.

Halvorson of Webster offered the following amendment H—5993 filed by him:

H—5993

- 1 Amend Senate File 2148 as follows:
- 2 1. Page 5, by inserting after line 8 the following
- 3 new section:
- 4 "Sec. . Chapter fifty-six (56), Code 1979,
- 5 is amended by adding the following new section:
- 6 **NEW SECTION. LIMIT ON ACCEPTANCE OF CONTRIBUTIONS**
- 7 **BY CANDIDATE FOR GENERAL ASSEMBLY.** A candidate for
- 8 nomination or election to a seat in the general
- 9 assembly, or that candidate's committee, shall not
- 10 accept in any year contributions totaling in the
- 11 aggregate more than three hundred dollars from any
- 12 one committee or other person."



Spear of Lee offered the following amendment H-6018, to amendment H-5993, filed by him from the floor and moved its adoption:

H-6018

- 1 Amend Amendment H-5993 to Senate File 2148
- 2 as follows:
- 3 1. Page 1, line 12, by inserting after the
- 4 word "person" the words "except contributions
- 5 by the candidate to the candidate's committee from
- 6 the candidate's personal resources".

Amendment H-6018 lost.

Jay of Appanoose offered the following amendment H-6024, to amendment H-5993, filed by him from the floor and moved its adoption:

H-6024

- 1 Amend Amendment H-5993 to Senate File 2148 as
- 2 follows:
- 3 1. Page 1, line 11 by striking the word "three" and
- 4 inserting in lieu thereof the word "five".

Amendment H-6024 lost.

Rapp of Black Hawk offered the following amendment H-6028, to amendment H-5993, filed by him and Bruner of Story from the floor and moved its adoption:

H-6028

- 1 Amend amendment H-5993 to Senate File 2148 as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "person" the following: "and shall not accept in
- 5 any year contributions totaling in the aggregate
- 6 more than two thousand dollars from all political
- 7 committees combined".

A non-record roll call was requested.

The ayes were 34, nays 48.

Amendment H-6028 lost.

Crawford of Story rose on a point of order that amendment H—5993 was not germane.

The Speaker ruled the point well taken and amendment H—5993 not germane.

Halvorson of Webster moved that the rules governing germaneness be suspended for the consideration of amendment H—5993.

Roll call was requested by Anderson of Jasper and O'Kane of Woodbury.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5993?"

The ayes were, 37:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Connolly	Connors	Davitt
Dieleman	Doyle	Gettings	Groth
Halvorson, R.N.	Hanson, D.	Horn	Howell
Hullinger	Husak	Jay	Jochum
Lageschulte	Lloyd-Jones	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells			

The nays were, 47:

Anderson, J.	Bennett	Branstad	Chiodo
Clark, B.J.	Conlon	Corey	Crabb
Crawford	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Harbor	Hibbs
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Poffenberger	Renken
Ritsema	Schroeder	Shimaneck	Shull
Smalley	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Mr. Speaker	
		(Clark of Lee)	

Absent or not voting, 16:

Cusack	Daggett	Egenes	Hall
Hinkhouse	Jesse	Loneragan	Patchett
Pelton	Pope	Schnekloth	Stromer
Welden	Welsh	West	Woods

The motion lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story, for the remainder of the day, on request of Doyle of Woodbury.

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. 2148)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	Lura
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Mr. Speaker (Clark of Lee)

The nays were, 1:

Halvorson, R.N.

Absent or not voting, 15:

Cusack	Daggett	Egenes	Hall
Harbor	Hinkhouse	Jesse	Loneragan
Maulsby	Patchett	Pelton	Schneklöth
Stromer	West	Woods	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2015**, a bill for an act relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state and making the Act retroactive, with report of committee recommending amendment and passage was taken up for consideration.

Danker of Pottawattamie offered amendment H—5379 filed by the committee on county government on March 6, 1980, found on pages 797 and 798 of the House Journal and moved its adoption.

The committee amendment H—5379 was adopted.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2015)

The ayes were, 82:

Anderson, R.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Gettings	Groth	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lorenzen	Lura	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schroeder

Sherzan	ShimaneK	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
Welsh	Mr. Speaker (Clark of Lee)		

The nays were, none.

Absent or not voting, 18:

Anderson, J.	Chiodo	Cusack	Egenes
Hall	Halvorson, R.N.	Harbor	Hinkhouse
Jesse	Loneragan	Millen	Patchett
Pelton	Schnekloth	Stromer	Walter
West	Woods		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Halvorson of Webster asked for unanimous consent to be recorded as voting "aye" on Senate File 2015.

Objection was raised.

Halvorson of Webster moved that the rules be suspended and that he be recorded as voting "aye" on Senate File 2015.

The Speaker ruled that the motion, having been debated, was out of order.

Connors of Polk moved that the rules be suspended and that Halvorson of Webster be recorded as voting "aye" on Senate File 2015.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 44, nays 40.

The motion, having failed to receive a constitutional majority, lost.

Connors of Polk moved that the voting signal system be investigated as to whether or not it is functional and that all members not voting be permitted to be recorded as voting on Senate File 2015.

The motion lost.

**Senate File 2230**, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5992 filed by him:

H—5992

1 Amend Senate File 2230 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section three hundred twenty-seven  
6 G point seventy-seven (327G.77), Code 1979, is amended  
7 by striking the section and inserting in lieu thereof  
8 the following:

9 327G.77 REVERSION OF RAILROAD RIGHT OF WAY.

10 1. If a railroad right of way acquired by  
11 condemnation is abandoned by order of the federal  
12 interstate commerce commission or the state  
13 transportation regulation board, that right of way  
14 shall revert to owners of the adjacent properties  
15 at the time of the abandonment. If there are different  
16 owners on each side of the right of way, each owner  
17 shall take title to the center of the right of way.  
18 The provisions of section six hundred fourteen point  
19 twenty-four (614.24) of the Code requiring the filing  
20 of a verified claim shall not apply to the reversionary  
21 interest granted by this subsection.

22 2. If the state department of transportation finds  
23 that a railroad right of way is suitable for present  
24 or future rail use at least fifteen days before the  
25 effective date of an order of abandonment and the  
26 railroad right of way was acquired by condemnation,  
27 deed or conveyance and is subject to a reversionary  
28 interest, the reversion which would occur upon the  
29 abandonment of the right of way for railway purposes  
30 shall not occur until two years after the effective  
31 date of the order of abandonment by the federal  
32 interstate commerce commission or the state  
33 transportation regulation board. During that two  
34 year period another railroad company may succeed to  
35 the interest of the abandoning railroad company in  
36 the right of way if it uses the right of way for  
37 railway purposes. A railroad company which succeeds

38 to that interest shall hold that interest as long  
39 as it uses the right of way for railway purposes  
40 subject to the interests as when it was held by the  
41 abandoning railroad company."

42 2. Page 1, by striking lines 6 through 8 and in-  
43 serting in lieu thereof the words "the reversion of  
44 railroad property if the reversion is".

45 3. By renumbering the sections to conform with  
46 this amendment.

Lageschulte of Bremer offered the following amendment H-6021, to amendment H-5992, filed by Lageschulte, Branstad, Davitt and Pellett from the floor and moved its adoption:

H-6021

1 Amend amendment H-5992 to Senate File 2230 as  
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, line 34, by inserting after the word  
4 "company" the words "or the state".

5 2. Page 1, line 36, by striking the words "uses  
6 the right of way" and inserting in lieu thereof the  
7 words "is used".

8 3. Page 1, line 37, by inserting after the word  
9 "company" the words "or the state".

10 4. Page 1, line 39, by striking the words "uses  
11 the right of way" and inserting in lieu thereof the  
12 words "is used".

Amendment H-6021 was adopted.

Schroeder of Pottawattamie offered the following amendment H-6025, to amendment H-5992, filed by him from the floor and moved its adoption:

H-6025

1 Amend amendment H-5992 to Senate File 2230, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking line 41 and inserting in  
5 lieu thereof the following: "abandoning railroad  
6 company.

7 Sec. 2. Section four hundred seventy-one point  
8 six (471.6), Code 1979, is amended to read as follows:

9 471.6 RAILWAYS. ~~Any~~ The state or any railway,  
10 ~~incorporated under the laws of the United States or~~  
11 ~~of any state thereof,~~ corporation may acquire by  
12 condemnation or otherwise ~~so much real estate property~~  
13 as may be necessary for the location, construction,

14 and convenient use of ~~its a~~ railway. ~~Such The~~  
 15 acquisition shall carry the right to use for the  
 16 construction and repair of ~~said~~ the railway and its  
 17 appurtenances any earth, gravel, stone, timber, or  
 18 other material, on or from the land so taken.

19 Sec. 3. Section four hundred seventy-one point  
 20 nine (471.9), Code 1979, is amended to read as follows:

21 471.9 ADDITIONAL PURPOSES. Any such The state  
 22 or a railway corporation owning, operating, or  
 23 constructing a railway may, by condemnation or  
 24 otherwise, acquire lands for the following additional  
 25 purposes:

26 1. For necessary additional depot grounds or  
 27 yards.

28 2. For ~~the purpose of~~ constructing a track or  
 29 tracks to any mine, quarry, gravel pit, ~~manufactory~~  
 30 manufacturing plant, warehouse, or mercantile  
 31 establishment.

32 3. For additional or new right of way for  
 33 constructing double track, reducing or straightening  
 34 curves, changing grades, shortening or relocating  
 35 portions of the line, and for excavations, embankments,  
 36 or places for depositing waste earth.

37 4. For ~~the purpose of~~ constructing water stations,  
 38 ~~dams or reservoirs for supplying its engines with~~  
 39 water preservation of abandoned railroad right-of-  
 40 way for future railroad use."

Amendment H—6025 was adopted.

Shimanek of Jones offered the following amendment H—6026,  
 to amendment H—5992, filed by Shimanek, Schroeder and Hummel  
 from the floor and moved its adoption:

H—6026

1 Amend amendment H—5992 to Senate File 2230 as  
 2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 41 the following:

4 "Sec. Section five hundred fifty-eight point  
 5 forty-four (558.44), Code 1979, is amended by adding the  
 6 following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If a real estate con-  
 8 tract or lease is required to be recorded under this  
 9 section, the requirement is satisfied by recording  
 10 either the entire real estate contract or lease or  
 11 a memorandum of the contract or lease containing at  
 12 least the names and addresses of all parties named in  
 13 the contract or lease, a description of all real pro-  
 14 perty and interests therein subject to the contract or



15 lease, the length of the contract or initial term of  
16 the lease, and in the case of a lease a statement as  
17 to whether any of the named parties have or are sub-  
18 ject to renewal rights, and if so, the event or con-  
19 dition upon which renewal occurs, the number of re-  
20 newal terms and the length of each, and in the case  
21 of a real estate contract a statement as to whether  
22 the seller is entitled to the remedy of forfeiture  
23 and as to the dates upon which payments are due. This  
24 unnumbered paragraph is effective July 1, 1980 for all  
25 contracts and leases of agricultural land made on or  
26 after July 1, 1980.

27 Sec. Section five hundred fifty-eight point  
28 forty-four (558.44), unnumbered paragraph five (5),  
29 Code 1979, is amended to read as follows:

30 The provisions of this section except as other-  
31 wise provided, are effective July 1, 1979, for all  
32 conveyances and leases of agricultural land made on  
33 or after July 1, 1979."

Amendment H—6026 was adopted.

Brandt of Black Hawk offered the following amendment  
H—6030, to amendment H—5992, filed by her from the floor:

H—6030

1 Amend amendment H—5992 to Senate File 2230 as  
2 follows:

3 1. Page 1, line 24, by inserting after the word  
4 "use" the following: "or the state conservation  
5 commission finds that the railroad right of way is  
6 suitable for present or future recreational use".  
7 2. Page 1, line 41, by adding after the word  
8 "company." the following: "If the state department  
9 of transportation determines that the railroad right  
10 of way is not suitable for present or future rail use,  
11 or if after two years no railroad company has  
12 exercised its claim to use of the railroad right of  
13 way for railway purposes, then the state conservation  
14 commission shall have the option to purchase the  
15 land."

Danker of Pottawattamie rose on a point of order that amend-  
ment H—6030 was not germane.

The Speaker ruled the point not well taken and amendment  
H—6030 germane.

Brandt of Black Hawk moved the adoption of amendment H—6030, to amendment H—5992.

Roll call was requested by Walter of Pottawattamie and Bina of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—6030, to amendment H—5992, be adopted?"

The ayes were, 32:

Anderson, R.	Arnould	Avenson	Bina
Brandt	Bruner	Conlon	Connolly
Connors	Crawford	Gettings	Halvorson, R.N.
Hanson, D.	Hibbs	Horn	Howell
Jesse	Jochum	Kirkenslager	Krewson
Larsen	Lloyd-Jones	Norland	O'Kane
Pavich	Perkins	Rapp	Smalley
Spear	Walter	Welden	Wells

The nays were, 55:

Anderson, J.	Bennett	Binneboese	Branstad
Byerly	Chiodo	Clark, B.J.	Cochran
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Groth	Halvorson, R.A.	Hansen, I.
Harbor	Hoffmann	Holt	Hullinger
Hummel	Husak	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Miller	Mullins	Oxley	Pellett
Poffenberger	Pope	Renken	Ritsema
Schroeder	Sherzan	Shimanek	Shull
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welsh	Mr. Speaker	
		(Clark of Lee)	

Absent or not voting, 13:

Cusack	Egenes	Hall	Hinkhouse
Lageschulte	Lonergan	Millen	Patchett
Pelton	Schnekloth	Stromer	West
Woods			

Amendment H—6030 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth, for the remainder of the day, on request of Welsh of Dubuque.

Speaker Harbor in the chair at 3:55 p.m.

On motion by Schroeder of Pottawattamie amendment H—5992, as amended, was adopted placing out of order amendment H—5997 filed by Shimanek of Jones and Poffenberger of Dallas on April 10, 1980.

Halvorson of Webster rose on a point of order that pursuant to House Rule 61 Senate File 2230 was not in order.

The Speaker ruled the point not well taken and Senate File 2230 in order inasmuch as Rule 61 was suspended on March 28, 1980.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Woods of Polk on request of Chiodo of Polk; Patehett of Johnson on request of Jochum of Dubuque; Mullins of Kossuth on request of Clark of Cerro Gordo; Tofte of Winneshiek on request of Holt of Clay, all for the remainder of the day.

Chiodo of Polk moved to reconsider the vote by which amendment H—5992, as amended, was adopted by the House on April 11, 1980.

A non-record roll call was requested.

The ayes were 35, nays 47.

The motion lost.

Hummel 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, 61:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Gettings	Groth	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Hullinger	Hummel
Husak	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lura	Maulsby	McKean
Miller	Mullins	Norland	Oxley
Pellett	Poffenberger	Pope	Renken
Ritsema	Schroeder	Sherzan	Shimanek
Shull	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker			

## The nays were, 24:

Anderson, R.	Arnould	Avenson	Bina
Brandt	Bruner	Chiodo	Conlon
Connors	Doyle	Hibbs	Howell
Jochum	Larsen	Lloyd-Jones	Lorenzen
O'Kane	Pavich	Perkins	Rapp
Smalley	Walter	Wells	Welsh

## Absent or not voting, 15:

Binneboese	Cusack	Egenes	Hall
Hinkhouse	Jesse	Loneragan	Menke
Millen	Patchett	Pelton	Schnekloth
Stromer	West	Woods	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## OBJECTION TO IMMEDIATE CONSIDERATION

Anderson of Jasper asked for unanimous consent for the immediate consideration of Senate File 2356.

Objection was raised.

Anderson of Jasper moved that the rules be suspended for the immediate consideration of **Senate File 2356**, a bill for an act to protect state employees from personnel actions as reprisals for

disclosing waste, mismanagement, or violations of law, providing for investigations of complaints by the citizens' aide, and subjecting violators to a penalty.

Roll call was requested by Anderson of Jasper and Perkins of Greene.

On the question "Shall the rules be suspended for the immediate consideration of Senate File 2356?"

The ayes were, 38:

Anderson, R.	Arnould	Avenson	Bina
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Crawford
Davitt	Dieleman	Doyle	Gettings
Groth	Halvorson, R.N.	Hibbs	Horn
Howell	Hullinger	Jay	Jochum
Lloyd-Jones	Lura	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh		

The nays were, 44:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenlager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Maulsby
Menke	Pellett	Poffenberger	Pope
Renken	Ritsema	Schroeder	Shimaneck
Shull	Smalley	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 18:

Binneboese	Cusack	Egenes	Hall
Hinkhouse	Husak	Jesse	Lonergan
McKean	Millen	Mullins	Patchett
Pelton	Schneklath	Stromer	Tofte
West	Woods		

The motion lost.

**UNFINISHED BUSINESS CALENDAR**

Halvorson of Clayton asked and received unanimous consent that Senate File 2070 be placed on the calendar under unfinished business.

**MOTIONS TO RECONSIDER  
(Senate File 2230)**

I move to reconsider the vote by which Senate File 2230 passed the House on April 11, 1980.

**HUMMEL of Benton**

(Senate File 2230)

I move to reconsider the vote by which Senate File 2230 passed the House on April 11, 1980.

**CONNOLLY of Dubuque**

(Senate File 2230)

I move to reconsider the vote by which Senate File 2230 passed the House on April 11, 1980.

**KREWSON of Polk**

(Senate File 2230)

I move to reconsider the vote by which Senate File 2230 passed the House on April 11, 1980.

**HALVORSON of Webster**

**PRESENTATION OF VISITORS**

Doyle of Woodbury presented to the House the Honorable Harold C. McCormick, former member of the House, representing Delaware county.

The Speaker announced that the following visitors were present in the House chamber:

Forty-six fifth grade students from Chariton Community School, Chariton, accompanied by Nancy Dunfee and Wilma Shelton. By Shull of Warren.

Fifteen high school students from Polk and Dallas counties, accompanied by Linda Gilson. By Norland of Worth.

Members of the Iowa City High School A.A.U. Basketball Team, Iowa City. By Hibbs of Johnson.

### STUDY BILL COMMITTEE ASSIGNMENTS

#### S.B. 754 Appropriations

Allowing the county finance committee to develop a pilot project to allow certain counties to participate in the implementation of a uniform budgeting and accounting system being developed by the committee for use by all counties.

### AMENDMENTS FILED

H-6010	S.F. 2070	Krewson of Polk
H-6013	S.F. 2168	Connors of Polk
		Smalley of Polk
		Davitt of Warren
H-6014	S.F. 2112	Johnson of Woodbury
H-6015	S.F. 2070	Johnson of Howard
H-6017	S.F. 2070	Johnson of Howard
H-6022	S.F. 473	Kirkenslager of Des Moines
H-6023	S.F. 2070	Arnould of Scott
H-6027	S.F. 2070	Arnould of Scott
H-6029	S.F. 2070	Arnould of Scott
H-6031	S.F. 2070	Lind of Black Hawk
		Bennett of Ida
		Johnson of Howard
H-6032	H.F. 2492	Schroeder of Pottawattamie
H-6033	H.F. 2492	Bruner of Story
H-6034	H.F. 2492	Jochum of Dubuque
H-6035	H.F. 2492	Jochum of Dubuque
H-6036	S.F. 2168	Maulsby of Calhoun

H-6037	S.F. 2112	Byerly of Polk
Chiodo of Polk		Schroeder of Pottawattamie
Bina of Scott		Horn of Linn
Ritsema of Sioux		Hall of Linn
Hibbs of Johnson		Husak of Tama
Wells of Linn		Pavich of Pottawattamie
Groth of Buena Vista		Jay of Appanoose
Halvorson of Webster		Miller of Buchanan
Connolly of Dubuque		Binneboese of Plymouth
Welsh of Dubuque		Hinkhouse of Cedar
H-6038	S.F. 2112	Anderson of Jasper
		Spear of Lee
		Johnson of Woodbury
H-6039	H.F. 398	Howell of Floyd
H-6040	S.F. 2290	Bina of Scott
		Walter of Pottawattamie
		Pavich of Pottawattamie
		Lloyd-Jones of Johnson
		Arnould of Scott
		Doyle of Woodbury
		Cusack of Scott
		Gettings of Wapello
		Brandt of Black Hawk
		O'Kane of Woodbury
H-6041	S.F. 455	Spear of Lee
H-6042	S.F. 2232	Krewson of Polk
		Hansen of O'Brien
H-6043	H.F. 2492	Schroeder of Pottawattamie
		Johnson of Linn
H-6044	H.F. 2492	Chiodo of Polk
H-6045	H.F. 2492	Chiodo of Polk
H-6046	H.F. 2492	Crawford of Story
		Poffenberger of Dallas
		Hibbs of Johnson
		Krewson of Polk
		Smalley of Polk
		Tyrrell of Iowa
H-6047	H.F. 2492	Chiodo of Polk
H-6048	H.F. 2492	Schroeder of Pottawattamie
H-6049	S.F. 2290	Doyle of Woodbury
		Bina of Scott
		O'Kane of Woodbury
		Pavich of Pottawattamie
		Walter of Pottawattamie



H-6050	H.F. 2492	Chiodo of Polk
H-6051	H.F. 2492	Bruner of Story
H-6052	H.F. 2492	Bruner of Story
H-6053	H.F. 2492	Howell of Floyd

On motion by Halvorson of Clayton, the House adjourned at 4:30 p.m., until 10:00 a.m., Monday, April 14, 1980.

# JOURNAL OF THE HOUSE

Ninety-second Calendar Day—Sixty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 14, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Wesley Snodgrass, pastor of the First United Presbyterian Church, Muscatine.

The Journal of Friday, April 11, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curtis Wuest, Marshalltown.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Kane of Woodbury on request of Doyle of Woodbury; Patchett of Johnson, for a portion of the day, on request of Connors of Polk; Cusack of Scott, for the morning session, on request of Bina of Scott; Pelton of Clinton, for the morning session, on request of McKean of Jones.

## REREFERRED TO COMMITTEES

Halvorson of Clayton asked and received unanimous consent that all bills presently on the regular calendar be rereferred to committee as follows:

H.J.R. 2011 Judiciary and Law Enforcement  
H.F. 398 Transportation  
H.F. 2079 Judiciary and Law Enforcement  
H.F. 2177 Human Resources  
H.F. 2208 Cities  
H.F. 2420 Natural Resources  
H.F. 2503 Transportation  
H.F. 2506 Judiciary and Law Enforcement  
H.F. 2528 Transportation  
H.F. 2531 Energy  
H.F. 2539 Education  
H.F. 2544 Energy

H.F. 2547 Natural Resources  
H.F. 2552 Judiciary and Law Enforcement  
H.F. 2556 State Government  
H.F. 2563 Education  
H.F. 2564 State Government  
H.F. 2574 Commerce  
S.F. 230 Judiciary and Law Enforcement  
S.F. 333 Transportation  
S.F. 386 Cities  
S.F. 404 Judiciary and Law Enforcement  
S.F. 455 Education  
S.F. 473 Natural Resources  
S.F. 2058 State Government  
S.F. 2099 Human Resources  
S.F. 2103 County Government  
S.F. 2112 Education  
S.F. 2119 Judiciary and Law Enforcement  
S.F. 2140 County Government  
S.F. 2194 Judiciary and Law Enforcement  
S.F. 2199 Judiciary and Law Enforcement  
S.F. 2232 Education  
S.F. 2234 State Government  
S.F. 2280 Transportation  
S.F. 2315 Judiciary and Law Enforcement  
S.F. 2318 Judiciary and Law Enforcement  
S.F. 2319 Human Resources  
S.F. 2339 Judiciary and Law Enforcement  
S.F. 2341 Judiciary and Law Enforcement  
S.F. 2351 State Government  
S.F. 2356 State Government

#### SENATE AMENDMENT CONSIDERED

Schroeder of Pottawattamie called up for consideration **House File 2492**, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, amended by the Senate amendment H-5879, received from the Senate on April 3, 1980 and found on pages 1354 through 1360 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to take up out of order amendment H-6032, to the Senate amendment H-5879.

Schroeder of Pottawattamie offered amendment H—6032, to the Senate amendment H—5879, filed by him and requested division as follows:

H—6032

- 1 Amend the Senate amendment H-5879 to House File
- 2 2492 as amended, passed and reprinted by the House
- 3 as follows:

H—6032A

- 4 1. Page 1, by striking lines 3 through 36 and
- 5 inserting in lieu thereof the following:
- 6 " . By striking page 1, line 23 through page
- 7 2, line 16, and inserting in lieu thereof the
- 8 following:
- 9 "2. a. The public utility shall not place into
- 10 effect any portion of the suspended rates, charges,
- 11 schedules or regulations which would result in a
- 12 percentage increase in gross intrastate operating
- 13 revenues which is greater than the annual inflation
- 14 factor unless the public utility specifically applies
- 15 to the commission for authority to impose a greater
- 16 interim increase and the commission approves a greater
- 17 interim increase on the basis of need.
- 18 b. If the commission has not issued a final order
- 19 in the rate proceeding within twelve months following
- 20 the date application was filed, the public utility
- 21 may, at the end of that twelve-month period and of
- 22 each subsequent twelve-month period, place into effect
- 23 such additional portion of the suspended rates,
- 24 charges, schedules or regulations as will result in
- 25 an additional increase in gross intrastate operating
- 26 revenues which is equal to the annual inflation factor
- 27 for the respective twelve-month period; provided that
- 28 the public utility may apply for and receive authority
- 29 for a greater increase in the manner otherwise
- 30 permitted by this subparagraph.
- 31 c. The public utility shall not place into effect
- 32 any portion of any suspended rates, charges, schedules
- 33 or regulations of any subsequent rate filing relating
- 34 to services with respect to which a rate filing is
- 35 pending until after the commission has issued a final
- 36 order in the previously filed rate proceeding,
- 37 excepting the last filing pending at the time of
- 38 enactment of this bill, unless the public utility
- 39 applies to the commission for authority and receives
- 40 authority to place a portion of the subsequent filed
- 41 rate filing into effect on an interim basis." "

H - 6032B

42 2. Page 2, by inserting after line 16 the follow-  
 43 ing:  
 44 " . Page 5, by inserting after line 5 the follow-  
 45 ing:  
 46 "Sec. 40. Section five hundred twenty-four point  
 47 nine hundred one (524.901), Code 1979, as amended  
 48 by Acts of the Sixty-eighth General Assembly, 1979  
 49 Session, chapter one hundred twenty-eight (128),  
 50 section sixteen (16), is amended by adding the

**Page 2**

1 following new subsection:  
 2 NEW SUBSECTION. A state bank may invest in  
 3 participation certificates issued by one or more  
 4 production credit associations chartered under the  
 5 laws of the United States in an amount which does  
 6 not exceed, in the aggregate with respect to all such  
 7 associations, twenty percent of the capital and surplus  
 8 of the state bank," "  
 9 3. Page 2, by inserting after line 16 the follow-  
 10 ing:  
 11 " Page 5, by inserting after line 5 the follow-  
 12 ing:  
 13 "Sec. 41. Section five hundred twenty-four point  
 14 nine hundred six (524.906), subsection six (6), Code  
 15 1979, is amended by striking the subsection." "  
 16 4. Page 2, by inserting after line 16 the follow-  
 17 ing:  
 18 " . Page 5, by inserting after line 5 the follow-  
 19 ing:  
 20 "Sec. 42. Section five hundred twenty-four point  
 21 nine hundred eight (524.908), Code 1979, is amended  
 22 to read as follows:  
 23 524.908 DIRECT LEASING LEASING OF PERSONAL  
 24 PROPERTY. A state bank ~~shall have the power, subject~~  
 25 ~~to approval by the superintendent, to may acquire,~~  
 26 upon the specific request of and for the use of a  
 27 customer, and lease, personal property pursuant to  
 28 a binding arrangement for the leasing of ~~such the~~  
 29 property to the customer upon terms requiring payment  
 30 to the state bank, during the minimum period of the  
 31 lease, of rentals which in the aggregate, when added  
 32 to the estimated tax benefits to the bank resulting  
 33 from the ownership of the lease property plus the  
 34 estimated residual market value of the leased property  
 35 at the expiration of the initial term of the lease,  
 36 will be at least equal to the total expenditures by  
 37 the state bank for, and in connection with, the  
 38 acquisition, ownership, maintenance and protection

39 of the property. A lease made under authority of  
 40 this section shall have the prior approval of the  
 41 superintendent or be made pursuant to personal property  
 42 lease guidelines approved by the superintendent for  
 43 use by the lessor bank or pursuant to a personal  
 44 property lease guideline rule of general applicability  
 45 for use by all state banks." "

H-6032C

46 5. Page 2, by inserting after line 16 the follow-  
 47 ing:  
 48 " Page 5, by inserting after line 5 the follow-  
 49 ing:  
 50 "Sec. 43. Section five hundred thirty-six A point

**Page 3**

1 twenty-three (536A.23), subsection one (1), unnumbered  
 2 paragraph one (1), Code 1979 Supplement, is amended  
 3 to read as follows:  
 4 1. Charge, receive or collect interest at a rate  
 5 exceeding nine ten cents on the hundred by the year,  
 6 except that the interest may be computed when the  
 7 note is made on the full amount of the cash advanced  
 8 on the loan from the date of the note to the date  
 9 of the final installment thereof, and the interest  
 10 so computed may be included in the note,  
 11 notwithstanding any agreement to pay the entire amount  
 12 in installments; or the interest may be computed on  
 13 the amount of the note and discounted or collected  
 14 in advance when the loan is made, notwithstanding  
 15 any agreement to pay the entire amount in installments.  
 16 If the note is repayable in other than equal monthly  
 17 installments, the interest may be an amount computed  
 18 on the basis of the effective rates permitted as  
 19 provided above; provided, however, there shall be  
 20 no compounding of interest and when an interest rate  
 21 as authorized herein is advertised, or negotiated  
 22 for with a prospective borrower, with intent that  
 23 it be computed by either of the two methods authorized  
 24 herein, they being the "add on" method or the  
 25 "discount" method, in such case such rate shall be  
 26 further described as to the method of computation  
 27 to be used, but interest computed by either method  
 28 shall be stated to the borrower as provided in section  
 29 537.3210." "

H-6032D

30 6. By striking page 2, line 18 through page 3,  
 31 line 17.

H-6032E

32 7. By striking page 3, line 39, through page 4,  
 33 line 3, and inserting in lieu thereof the following:  
 34 " . . . Page 7, line 24, by striking the word "one-  
 35 half" and inserting in lieu thereof the word "three-  
 36 fourths".

H-6032F

37 8. Page 4, by striking lines 4 through 23 and  
 38 inserting in lieu thereof the following:  
 39 " . . . Page 8, line 18, by striking the word "one-  
 40 half" and inserting in lieu thereof the word "three-  
 41 fourths".  
 42 . . . Page 8, line 24, by striking the words "one  
 43 and three-fourths" and inserting in lieu thereof the  
 44 words "one and three-fourths two".

H-6032G

45 9. Page 5, lines 1 and 2, by striking the words  
 46 "one-half three-quarters" and inserting in lieu thereof  
 47 the word "one-half".  
 48 10. Page 5, lines 18 and 19, by striking the words  
 49 "one-half three-quarters" and inserting in lieu thereof  
 50 the word "one-half".

**Page 4**

H-6032H

1 11. Page 5, by striking lines 31 through 41.

H-6032I

2 12. Page 6, by inserting after line 16 the follow-  
 3 ing:  
 4 " . . . Page 9, by inserting after line 35 the  
 5 following:  
 6 "Sec. 21. Section five hundred thirty-seven point  
 7 one thousand three hundred one (537.1301), subsection  
 8 four (4), Code 1979, is amended by striking the  
 9 subsection and renumbering the remaining subsections.  
 10 Sec. 22. Section five hundred thirty-seven point  
 11 one thousand three hundred one (537.1301), subsection  
 12 thirteen (13), paragraph a, subparagraph three (3),  
 13 Code 1979, is amended to read as follows:  
 14 (3) The goods, services or interest in land are  
 15 purchased primarily for a personal, family, or  
 16 household or ~~agricultural~~ purpose.  
 17 Sec. 23. Section five hundred thirty-seven point

18 one thousand three hundred one (537.1301), subsection  
19 fourteen (14), paragraph c, Code 1979, is amended  
20 to read as follows:

21 c. The lessee takes under the lease primarily  
22 for a personal, family, or household ~~or agricultural~~  
23 purpose.

24 Sec. 24. Section five hundred thirty-seven point  
25 one thousand three hundred one (537.1301), subsection  
26 fifteen (15), paragraph a, subparagraphs three (3)  
27 and five (5), Code 1979, are amended to read as  
28 follows:

29 (3) The debt is incurred primarily for a personal,  
30 family, or household ~~or agricultural~~ purpose.

31 (5) Either the amount financed does not exceed  
32 thirty-five thousand dollars, or the debt is ~~not~~  
33 ~~incurred primarily for an agricultural purpose and~~  
34 is secured by an interest in land.

35 Sec. 25. Section five hundred thirty-seven point  
36 three thousand three hundred one (537.3301),  
37 subsections one (1) and two (2), Code 1979, are amended  
38 to read as follows:

39 1. With respect to a consumer credit sale, a  
40 seller may take a security interest in the property  
41 sold. In addition, a seller may take a security  
42 interest in goods upon which services are performed  
43 or in which goods sold are installed or to which they  
44 are annexed, or in land to which the goods are af-  
45 fixed or which is maintained, repaired or improved  
46 as a result of the sale of the goods or services,  
47 if in the case of a security interest in land the  
48 amount financed is one thousand dollars or more, or  
49 in the case of a security interest in goods if either  
50 the amount financed is three hundred dollars or more,

#### Page 5

1 or if the goods are household goods, or motor vehicles  
2 used by a consumer, his or her dependents, or the  
3 family with which the consumer resides, as  
4 transportation to and from a place of employment,  
5 one hundred dollars or more. ~~The seller may also~~  
6 ~~take a security interest in property which is itemized~~  
7 ~~in the security agreement, to secure the debt arising~~  
8 ~~from a consumer credit sale primarily for an~~  
9 ~~agricultural purpose.~~ Except as provided with respect  
10 to cross-collateral under section 537.3302, a seller  
11 may not otherwise take a security interest in property  
12 to secure the debt arising from a consumer credit  
13 sale.

14 2. With respect to a consumer lease ~~other than~~  
15 ~~a lease primarily for an agricultural purpose,~~ a  
16 lessor may not take a security interest in property



17 to secure the debt arising from the lease. This  
18 subsection does not apply to a security deposit for  
19 a consumer lease.

20 Sec. 26. Section five hundred thirty-seven point  
21 three thousand three hundred three (537.3303),  
22 subsection one (1), Code 1979, is amended to read  
23 as follows:

24 1. If debts arising from two or more consumer  
25 credit sales, other than sales ~~primarily for an~~  
26 ~~agricultural purpose or pursuant to open end credit,~~  
27 are secured by cross-collateral or consolidated into  
28 one debt payable on a single schedule of payments,  
29 and the debt is secured by security interests taken  
30 with respect to one or more of the sales, payments  
31 received by the seller after the taking of the cross-  
32 collateral or the consolidation are deemed, for the  
33 purpose of determining the amount of the debt secured  
34 by the various security interests, to have been first  
35 applied to the payment of the debts arising from the  
36 sales first made. To the extent debts are paid  
37 according to this section, security interests in items  
38 of property terminate as the debt originally incurred  
39 with respect to each item is paid.

40 Sec. 27. Section five hundred thirty-seven point  
41 three thousand three hundred seven (537.3307), Code  
42 1979, is amended to read as follows:

43 **537.3307 CERTAIN NEGOTIABLE INSTRUMENTS PROHIBITED.**

44 With respect to a consumer credit sale or consumer  
45 lease, ~~other than a sale or lease primarily for an~~  
46 ~~agricultural purpose,~~ the creditor may not take a  
47 negotiable instrument other than a check dated not  
48 later than ten days after its issuance as evidence  
49 of the obligation of the consumer.

50 Sec. 28. Section five hundred thirty-seven point

#### Page 6

1 three thousand three hundred eight (537.3308),  
2 subsection two (2), paragraph c, Code 1979, is amended  
3 by striking the paragraph and relettering the remaining  
4 paragraphs.

5 Sec. 29. Section five hundred thirty-seven point  
6 three thousand three hundred ten (537.3310), subsection  
7 one (1), Code 1979, is amended to read as follows:

8 1. In a consumer credit transaction, ~~other than~~  
9 ~~one for an agricultural purpose,~~ if performance by  
10 a creditor is by delivery of goods, services or both,  
11 in four or more installments, either on demand of  
12 the consumer or by prearranged scheduled performance,  
13 the consumer shall have the right to cancel the  
14 obligation with respect to that part which has not  
15 been performed on the date of cancellation.

16 Sec. 30. Section five hundred thirty-seven point  
 17 three thousand four hundred one (537.3401), Code 1979,  
 18 is amended to read as follows:

19 537.3401 RESTRICTION ON LIABILITY IN CONSUMER  
 20 LEASE. The obligation of a lessee upon expiration  
 21 of a consumer lease ~~other than one primarily for an~~  
 22 ~~agricultural purpose~~, may not exceed twice the average  
 23 payment allocable to a monthly period under the lease.  
 24 This limitation does not apply to charges for damages  
 25 to the leased property or for other default.

26 Sec. 31. Section five hundred thirty-seven point  
 27 three thousand four hundred four (537.3404), subsection  
 28 one (1), Code 1979, is amended to read as follows:

29 1. With respect to a consumer credit sale or  
 30 consumer lease, ~~other than one primarily for an~~  
 31 ~~agricultural purpose~~, an assignee of the rights of  
 32 the seller or lessor is subject to all claims and  
 33 defenses of the consumer against the seller or lessor  
 34 arising from the sale or lease of property or services,  
 35 notwithstanding that the assignee is a holder in due  
 36 course of a negotiable instrument issued in violation  
 37 of the provisions prohibiting certain negotiable  
 38 instruments in section 537.3307; unless the consumer  
 39 has agreed in writing not to assert against an assignee  
 40 a claim or defense arising out of such sale, and the  
 41 consumer's contract has been assigned to an assignee  
 42 not related to the seller who acquired the consumer's  
 43 contract in good faith and for value and who gives  
 44 the consumer notice of the assignment as provided  
 45 in this subsection and who within thirty days after  
 46 the mailing of the notice receives no written notice  
 47 of the facts giving rise to the consumer's claim or  
 48 defense. Such agreement not to assert a claim or  
 49 defense is not valid if the assignee receives such  
 50 written notice from the consumer within such thirty-

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1 day period. The notice of assignment shall be in  
 2 writing and addressed to the consumer at his or her  
 3 address as stated in the contract, identify the  
 4 contract, describe the property purchased by the  
 5 consumer, state the names of the seller and consumer,  
 6 the name and address of the assignee, the amount  
 7 payable by the consumer and the number, amounts and  
 8 due dates of the installments, and contain a  
 9 conspicuous notice to the consumer that he or she  
 10 has thirty days from the date of the mailing of the  
 11 notice to him or her within which to notify the  
 12 assignee in writing of any claims or defenses he or  
 13 she may have against the seller and that if written  
 14 notification of any such claims or defenses is not

15 received by the assignee within such thirty-day period,  
16 the assignee will have the right to enforce the  
17 contract free of any claims or defenses the consumer  
18 may have against the seller. An assignee does not  
19 acquire a consumer's contract in good faith with-  
20 in the meaning of this subsection if the assignee  
21 has knowledge or, from his or her course of dealing  
22 with the seller or his records, notice of substantial  
23 complaints by other consumers of the seller's failure  
24 or refusal to perform his or her contracts with them  
25 and of the seller's failure to remedy his or her  
26 defaults within a reasonable time after the assignee  
27 notifies him or her of the complaints.

28 Sec. 32. Section five hundred thirty-seven point  
29 three thousand four hundred five (537.3405), subsection  
30 one (1), unnumbered paragraph one (1), Code 1979,  
31 is amended to read as follows:

32 A lender, other than the issuer of a lender credit  
33 card, who, with respect to a particular transaction,  
34 makes a consumer loan for the purpose of enabling  
35 a consumer to buy or lease from a particular seller  
36 or lessor property or services, ~~other than for use~~  
37 ~~primarily for an agricultural purpose~~, is subject  
38 to all claims and defenses of the consumer against  
39 the seller or lessor arising from that sale or lease  
40 of the property or services if any of the following  
41 are applicable:

42 Sec. 33. Section five hundred thirty-seven point  
43 three thousand five hundred one (537.3501), Code 1979,  
44 is amended to read as follows:

45 537.3501 DOOR-TO-DOOR SALES. In a consumer credit  
46 sale or a sale in which the goods or services are  
47 paid for in whole or in part by a lender credit card  
48 or a consumer loan in which the lender is subject  
49 to defenses arising from the sale under section  
50 537.3405, ~~other than a transaction for an agricultural~~

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1 purpose, a consumer has, in addition to all the rights  
2 and remedies provided by chapter 713B, a cause of  
3 action under section 537.5201, subsection 1, and the  
4 administrator has all powers granted under article  
5 6, part 1, to enforce the provisions of chapter 713B.

6 Sec. 34. Notwithstanding sections twenty-one (21)  
7 through thirty-three (33) of this Act, a consumer  
8 credit transaction for an agricultural purpose which  
9 was executed or undertaken before July 1, 1980, is  
10 subject to the applicable provisions of chapter five  
11 hundred thirty-seven (537) of the Code as they existed  
12 prior to July 1, 1980, and nothing in sections twenty-  
13 one (21) through thirty-three (33) of this Act applies

14 with respect to rights, duties, privileges, obligations  
 15 or remedies of parties to such a transaction; provided,  
 16 however, that no additional loans, advances or  
 17 extensions of credit shall be made on or after July  
 18 1, 1980, with respect to agreements which were made  
 19 prior to July 1, 1980. Sections twenty-one (21)  
 20 through thirty-three (33) of this Act apply to a  
 21 consumer credit transaction executed or undertaken  
 22 on or after July 1, 1980." "

## H-6032J

23 13. Page 6, by inserting after line 16 the follow-  
 24 ing:

25 " . Page 9, by inserting after line 35 the  
 26 following:

27 "Sec. 44. Section five hundred thirty-four point  
 28 twenty-one (534.21), subsection two (2), Code 1979,  
 29 is amended by adding the following new unnumbered  
 30 paragraph:

31 NEW UNNUMBERED PARAGRAPH. Renegotiable rate  
 32 mortgage loans may be made for a term of three, four  
 33 or five years, secured by a mortgage of up to thirty  
 34 years, and automatically renewable at a varying  
 35 interest rate. However, the authority to make home  
 36 loans under this paragraph is available only for  
 37 periods of time when federally chartered savings and  
 38 loan associations operating in this state are granted  
 39 similar authority, and the state authorizaton is  
 40 subject to the rights and limitations imposed upon  
 41 the federally chartered associations for this type  
 42 of activity." "

## H-6032K

43 14. Page 6, line 19, by striking the word and  
 44 symbol "Sec. ." and inserting in lieu thereof the  
 45 word and figure "Sec. 50."

46 15. Page 6, by striking lines 44 through 46 and  
 47 inserting in lieu thereof the following: "inapplicable  
 48 in this state.

49 Sec. . All of the provisions of this Act except  
 50 section fifty (50) of this Act expire July 1, 1983."

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1 16. By renumbering sections and correcting internal  
 2 references.

Schroeder of Pottawattamie asked and received unanimous con-  
 sent to temporarily defer action on amendment H-6032A.

On motion by Schroeder of Pottawattamie, amendment H-6032B, to the Senate amendment H-5879, was adopted.

On motion by Schroeder of Pottawattamie, amendment H-6032C, to the Senate amendment H-5879, was adopted.

Action on amendments H-6032D, H-6032E, H-6032F, H-6032G and H-6032H was deferred.

### 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.

The House stood at ease at 10:40 a.m., until the fall of the gavel.

The House resumed session at 12:08 p.m., Speaker Harbor in the chair.

On motion by Halvorson of Clayton, the House was recessed at 12:09 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pelton of Clinton, for the afternoon 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 eighty-three members present, seventeen absent.

### FURTHER CONSIDERATION OF SENATE AMENDMENT

The House resumed consideration of **House File 2492**, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, and the Senate amendment

H—5879 received from the Senate on April 3, 1980 and found on pages 1354 through 1360 of the House Journal.

On motion by Schroeder of Pottawattamie, amendment H—6032I, to the Senate amendment H—5879, was adopted.

On motion by Schroeder of Pottawattamie, amendment H—6032J, to the Senate amendment H—5879, was adopted.

The House stood at ease at 1:55 p.m., until the fall of the gavel.

The House resumed session at 2:15 p.m., Speaker Harbor in the chair.

Schroeder of Pottawattamie, asked and received unanimous consent to reconsider the vote by which amendment H—6032I was adopted by the House, and the House reconsidered amendment H—6032I.

Chiodo of Polk offered the following amendment H—6047, to amendment H—6032I, (to the Senate amendment H—5879) filed by him and moved its adoption:

H—6047

- 1 Amend amendment H—6032 to the Senate Amendment H—5879
- 2 to House File 2492 as amended, passed and reprinted
- 3 by the House, as follows:
- 4 1. Page 5, line 47, by inserting after the word
- 5 "check" the words "or credit-union share draft".

Amendment H—6047 was adopted.

On motion by Schroeder of Pottawattamie amendment H—6032I, as amended, was adopted.

Schroeder of Pottawattamie offered the following amendment H—6043, to amendment H—6032G (to the Senate amendment H—5879) filed by him and moved its adoption:

H—6043

- 1 Amend amendment H—6032 to the Senate amendment
- 2 H—5879 to House File 2492 as amended, passed and
- 3 reprinted by the House as follows:

- 4 1. Page 3, by striking lines 45 through 50 and  
 5 inserting in lieu thereof the following:  
 6 " . By striking page 4, line 45 through page  
 7 5, line 30."

Roll call was requested by Chiodo of Polk and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall amendment H—6043 be adopted?"

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	McKean	Menke	Millen
Miller	Mullins	Norland	Oxley
Patchett	Pavich	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Schneklöth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
Woods	Mr. Speaker		

The nays were, 4:

Johnson, J.	Lura	Maulsby	Ritsema
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Absent or not voting, 6:

Clark, J.H.	Connors	O'Kane	Pelton
Stromer	West		

Amendment H—6043 was adopted.

On motion by Schroeder of Pottawattamie, amendment H-6032G, as amended, to the Senate amendment H-5879 was adopted.

On motion by Schroeder of Pottawattamie, amendment H-6032H, to the Senate amendment H-5879, was adopted.

Johnson of Linn offered the following amendment H-6069, to amendment H-6032D, (to the Senate amendment H-5879) filed by him and Chiodo of Polk from the floor:

H-6069

1 Amend amendment H-6032 to the Senate amendment  
2 H-5879 to House File 2492 as amended, passed and  
3 reprinted by the House as follows:  
4 1. Page 3, by striking lines 30 and 31 and  
5 inserting in lieu thereof the following:  
6 " Page 2, by striking lines 18 through 47.  
7 Page 3, by striking lines 4 through 17 and  
8 inserting in lieu thereof the following:  
9 **NEW LETTERED PARAGRAPH.** Notwithstanding section  
10 six hundred twenty-eight point three (628.3) of the  
11 Code, when a foreclosure of a mortgage on real property  
12 results from the enforcement of a due-on-sale clause,  
13 the mortgagor may redeem the real property at any  
14 time within three years from the day of sale under  
15 the levy, and the mortgagor shall, in the meantime,  
16 be entitled to the possession thereof; and for the  
17 first thirty months thereafter such right of redemption  
18 is exclusive. Any real property redeemed by the  
19 debtor shall thereafter be free and clear from any  
20 liability for any unpaid portion of the judgment under  
21 which the real property was sold. The right of  
22 redemption established by this paragraph is not subject  
23 to waiver by the mortgagor and the period of redemption  
24 established by this paragraph shall not be reduced.  
25 The times for redemption by creditors provided in  
26 sections six hundred twenty-eight point five (628.5),  
27 six hundred twenty-eight point fifteen (628.15) and  
28 six hundred twenty-eight point sixteen (628.16) of  
29 the Code shall be extended to thirty-three months  
30 in any case in which the mortgagor's period for  
31 redemption is extended by this paragraph. This  
32 paragraph does not apply to foreclosure of a mortgage  
33 if for any reason other than enforcement of a due-  
34 on-sale clause. As used in this paragraph, "due-on-  
35 sale clause" means any type of covenant which gives  
36 the mortgagee the right to demand payment of the



37 outstanding balance of a major part thereof upon a  
 38 transfer by the mortgagor to a third party of an  
 39 interest of the mortgagor in property covered by the  
 40 mortgage. This paragraph applies to any foreclosure  
 41 occurring on or after the effective date of this Act.  
 42 However, this paragraph does not apply if the lender  
 43 establishes, based on reasonable criteria which is  
 44 not more restrictive than that used to evaluate new  
 45 mortgage-loan applications, that the security interest  
 46 or the likelihood of repayment is impaired as a result  
 47 of the transfer of interest."

The following amendment H-6071, to amendment H-6069, to amendment H-6032D, to the Senate amendment H-5879 filed by Schroeder of Pottawattamie from the floor was adopted by unanimous consent:

H-6071

- 1 Amend amendment H-6069 to amendment H-6032 to the
- 2 Senate amendment H-5879 to House File 2492 as amended,
- 3 passed and reprinted by the House as follows:
- 4 1. Page 1, line 43, by striking the word "is" and
- 5 inserting in lieu thereof the word "are".
- 6 2. Page 1, line 44, by striking the word "that"
- 7 and inserting in lieu thereof the word "those".

Johnson of Linn moved the adoption of amendment H-6069, as amended, to amendment H-6032D (to the Senate amendment H-5879).

Roll call was requested by Anderson of Jasper and Perkins of Greene.

On the question "Shall amendment H-6069 be adopted?"

The ayes were, 59:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Cochran	Connolly
Connors	Crabb	Crawford	Cusack
Davitt	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.N.	Hanson, D.	Hinkhouse	Holt
Horn	Howell	Hullinger	Husak
Jay	Jochum	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lloyd-Jones	Lonergan

Menke	Millen	Miller	Norland
Oxley	Patchett	Pavich	Pellett
Perkins	Poffenberger	Rapp	Sherzan
Spear	Stromer	Tyrrell	Walter
Welden	Wells	Woods	

The nays were, 35:

Anderson, J.	Bennett	Clark, B.J.	Conlon
Corey	Daggett	Danker	De Groot
Halvorson, R.A.	Hansen, I.	Hibbs	Hoffmann
Hummel	Johnson, J.	Krewson	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Mullins	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Swearingen	Thompson
Tofte	Van Maanen	Mr. Speaker	

Absent or not voting, 6:

Clark, J.H.	Jesse	O'Kane	Pelton
Welsh	West		

Amendment H—6069, as amended, was adopted.

On motion by Schroeder of Pottawattamie, amendment H—6032D, as amended, to the Senate amendment H—5879, was adopted.

On motion by Schroeder of Pottawattamie, amendment H—6032E, to the Senate amendment H—5879, was adopted.

On motion by Schroeder of Pottawattamie, amendment H—6032F, to the Senate amendment H—5879, was adopted.

Action on amendment H—6055 was temporarily deferred.

Jochum of Dubuque offered the following amendment H—6056, to amendment H—6032A, (to the Senate amendment H—5879) filed by him from the floor and moved its adoption:

H—6056

- 1 Amend amendment H—6032 to the Senate amendment
- 2 H—5879 to House File 2492 as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 1, by striking lines 4 through 41 and
- 5 inserting in lieu thereof the following:

- 6 " . Page 1, by striking lines 6 through 36 and  
 7 inserting in lieu thereof the words and figure "(1),  
 8 is amended by striking that paragraph." "

Roll call was requested by Jochum of Dubuque and Patchett of Johnson.

On the question: "Shall amendment H—6056 be adopted?"

The ayes were, 36:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Horn	Howell	Jay	Jochum
Lloyd-Jones	Loneragan	Miller	Norland
Oxley	Patchett	Pavich	Sherzan
Spear	Wells	Welsh	Woods

The nays were, 57:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Dieleman
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hinkhouse	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Weiden	West
Mr. Speaker			

Absent or not voting, 7:

Clark, J.H.	Hullinger	Jesse	Kirkenslager
O'Kane	Pelton	Rapp	

Amendment H—6056 lost.

Bruner of Story offered the following amendment H—6055, to amendment H—6032A, (to the Senate amendment H—5879) filed by him from the floor and moved its adoption:

H-6055

1 Amend amendment H-6032 to the Senate amendment  
2 H-5879 to House File 2492 as amended, passed and  
3 reprinted by the House, as follows:  
4 1. Page 1, by striking lines 4 through 41 and  
5 inserting in lieu thereof the following:  
6 " Page 1, by striking lines 7 through 36 and  
7 inserting in lieu thereof the following:  
8 "However, a public utility, ~~shall have the right~~  
9 at any time after ~~said~~ the rates, charges, schedules  
10 or regulations have been suspended ~~for ninety days,~~  
11 may request the authority to place in effect any or  
12 all of such the suspended rates, charges, schedules  
13 or regulations by filing with the commission a bond  
14 or other undertaking approved by the commission  
15 conditioned upon the refund in a manner to be  
16 prescribed by the commission of any amounts collected  
17 thereunder in excess of the amounts which would have  
18 been collected under rates, charges, schedules or  
19 regulations finally approved by the commission. In  
20 determining that portion, if any, of the utility's  
21 proposed increase in rates and charges to be placed  
22 in effect subject to refund, the commission shall  
23 at a minimum allow rates and charges which, consistent  
24 with regulatory principles established by the  
25 commission in prior rate cases involving the same  
26 type of public utility service, will allow the utility  
27 the opportunity to earn a return on common stock  
28 equity equal to that which the commission held  
29 reasonable and just in the most recent rate case  
30 involving the same type of public utility service.  
31 If the commission fails to make a determination within  
32 ninety days of the request, the utility may place  
33 in effect, under bond and subject to refund as  
34 otherwise provided in this paragraph, any or all of  
35 the suspended rates, charges, schedules or regulations.  
36 The commission shall establish a rate of interest  
37 to be paid by a public utility to persons receiving  
38 refunds. ~~Such~~ The rate of interest shall be a  
39 reasonable rate as determined by the commission, but  
40 not less than five percent per annum, ~~nor more than~~  
41 twelve percent per annum, and the interest shall be  
42 compounded annually. The public utility shall not  
43 place into effect any portion of any suspended rates,  
44 charges, schedules or regulations of any subsequent  
45 rate filing relating to services with respect to which  
46 a rate filing is pending within twelve months following  
47 the date a prior application was filed or until after  
48 the commission has issued a final order in any  
49 previously filed rate proceedings, whichever is  
50 earlier, unless the public utility applies to the

## Page 2

- 1 commission for authority and receives authority to
- 2 place a portion of the subsequent filed rate filing
- 3 into effect on an interim basis."

A non-record roll call was requested.

The ayes were 37, nays 52.

Amendment H—6055 lost.

(Amendment H—6032A, to the Senate amendment H—5879, to House File 2492 pending at adjournment.)

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 14, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 2180, an act to allow certain corporations to contract for additional law enforcement services.

House File 2481, an act permitting the possession of antique slot machines and antique pinball machines and providing a penalty.

Senate File 87, an act relating to the granting of utility easements by the Department of Social Services.

Senate File 460, an act relating to workers' compensation insurance proceedings and rates.

Senate File 2118, an act relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the Department of Social Services.

Senate File 2235, an act relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

Senate File 2274, an act to authorize the State Comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

Senate File 2352, an act amending the Iowa Credit Union Law as it relates to the composition of the Credit Union Review Board, the annual report of the Department, the use of a credit union by the Department's employees and the use of the term "credit union".

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Bruce Willemsen and Steve Peik. By Avenson of Fayette.

Thirty eighth grade students from Essex Junior-Senior High School, Essex, accompanied by Dick Glaspie. By Harbor of Mills.

Eight students from Thompson Community School, Thompson, accompanied by Allen Stottler. By Branstad of Winnebago.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Gerry Smith. By Jay of Appanoose.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 9, April 10 and April 11. Had I been present, I would have voted "aye" on Senate Files 107, 185, 358, 431, 439, 2002, 2006, 2015, 2123, 2148, 2154, 2168, 2189, 2230, 2269, 2275, 2311 and 2320.

LONERGAN of Boone

### COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF PUBLIC SAFETY

The Uniform Crime Report comparison for the 4th quarter of 1979, and the preliminary annual comparison for 1978 and 1979, pursuant to Section 692.15, Code of Iowa from the Department of Public Safety.

### AMENDMENTS FILED

H—6054	H.F. 2492	Poffenberger of Dallas
H—6057	H.F. 2492	Bruner of Story
H—6058	H.F. 2492	Chiodo of Polk
H—6060	H.F. 2492	Chiodo of Polk

H-6061	H.F. 2492	Bruner of Story
H-6066	H.F. 2492	Bruner of Story
H-6067	H.F. 2492	Smalley of Polk
		Johnson of Howard
H-6072	H.F. 2578	Krewson of Polk

On motion by Halvorson of Clayton, the House adjourned at 3:20 p.m., until 10:30 a.m., Tuesday, April 15, 1980.

# JOURNAL OF THE HOUSE

Ninety-third Calendar Day—Sixty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 15, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

A prayer by Father Steven Orr, Chancellor-Catholic Diocese of Des Moines, was offered by Representative Kenneth De Groot.

The Journal of Monday, April 14, 1980 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Thompson of Polk, from one hundred twenty-eight constituents of district 66, favoring funding for Iowa's talented and gifted students.

## 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 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 690, a bill for an act relating to the persons eligible for appointment on the appropriate eligible list under the merit system.

Also: That the Senate has on April 11, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 695, a bill for an act relating to the date requirements for calling a special election for the issuance of certain general obligation bonds for school districts.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2042, a bill for an act to authorize the state conservation commission to regulate dealers in American ginseng.

Also: That the Senate has on April 11, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:



House File 2138, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2163, a bill for an act repealing the prohibition against advertising the sale of tobacco near public schools.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2299, a bill for an act relating to the dates on which school districts count special education students and report the count to the department of public instruction.

Also: That the Senate has on April 14, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2340, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

Also: That the Senate has on April 11, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2425, a bill for an act relating to educational requirements of schools.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2488, a bill for an act relating to the powers to be exercised by electors of school corporations at certain elections.

Also: That the Senate has on April 11, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2501, a bill for an act relating to the use of computers for the storage of court records.

Also: That the Senate has on April 11, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2516, a bill for an act relating to the determination of the parent and child relationship.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2518, a bill for an act relating to the administration of the Iowa national guard.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2521, a bill for an act to increase the minimum cost of repairs to school buildings for which bid procedures are required.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2540, a bill for an act relating to the membership of the board of certification of waterworks and waste waterworks operators.

Also: That the Senate has on April 11, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2562, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2572, a bill for an act relating to the lending and investment powers of savings and loan associations under section five hundred thirty-four point nineteen of the Code.

Also: That the Senate has on April 11, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2573, a bill for an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

Also: That the Senate has, on April 14, 1980, insisted on its amendment to the House amendment to Senate File 205, a bill for an act relating to the reorganization of the department of environmental quality, and the members of the conference committee on the part of the Senate are: The Senator from Muscatine, Senator Drake, Chair; the Senator from Scott, Senator Deluhery; the Senator from Floyd, Senator Gratias; the Senator from Jefferson, Senator Schwengels; and the Senator from Pottawattamie, Senator Slater.

Also: That the Senate has on April 14, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 435, a bill for an act relating to the establishment of historical preservation districts in cities.

Also: That the Senate has on April 11, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 126, relating to autistic children.

FRANK J. STORK, Secretary

SENATE CONCURRENT RESOLUTION 126  
By Committee on Education

1     *Whereas*, children who have been diagnosed as autistic  
2 or autistic-like represent a very low incidence popula-  
3 tion and present a variety of complex and unique educa-  
4 tional needs requiring a variety of educational programs  
5 and services designed to meet those needs along a con-  
6 tinuum of options that will provide appropriate programs  
7 from the mild to the very severely involved; and

8     *Whereas*, the State of Iowa is committed to the provi-  
9 sion of appropriate educational programs and services for  
10 all of its handicapped children; and

11     *Whereas*, current state and federal statutes provide  
12 sufficient flexibility to implement the required programs  
13 and services to appropriately meet their needs; and

14     *Whereas*, there are concerns being expressed by pro-  
15 fessional educators and parents relative to the appropri-  
16 ateness of current programs and services currently  
17 implemented to meet the educational needs of these  
18 children; and

19     *Whereas*, there needs to be an intensification of effort  
20 by all agencies concerned with the education of handi-  
21 capped children to properly identify autistic and autistic-  
22 like children, to determine their unique educational  
23 needs, and to implement appropriate programs and services  
24 to serve those needs; *Now Therefore*,

25     *Be It Resolved by the Senate, the House Concurring*,  
26 That the local education agencies and area education  
27 agencies mobilize their resources to ensure that all  
28 autistic and autistic-like children have been properly  
29 identified; and

30     *Be It Further Resolved*, That the Department of Public

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1     Instruction, with the cooperation of the LEAs and AEAs,  
2 implement a procedure to determine the specialized  
3 educational needs of this population; and

4     *Be It Further Resolved*, That the Department of  
5 Public Instruction promulgate additional administrative  
6 rules as necessary to provide appropriate educational  
7 programs and services for these children; and

8     *Be It Further Resolved*, That the area education  
9 agencies and local education agencies in cooperation  
10 with the Department of Public Instruction implement the  
11 necessary educational programs and services to  
12 appropriately meet the needs of these children; and

13     *Be It Further Resolved*, That the State Board of  
14 Regents revise preservice preparation programs as  
15 necessary to include coursework emphasis adequate to

16 prepare sufficient special education personnel to meet  
 17 the educational needs of autistic and autistic-like  
 18 children in Iowa.

Laid over under Rule 30.

SENATE AMENDMENT TO  
 HOUSE AMENDMENT TO  
 SENATE FILE 435

H-6074

1 Amend the House amendment, S-5501, to Senate File  
 2 435 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, by striking lines 6 through 48 and  
 5 inserting in lieu thereof the following: "appointed to  
 6 the commission. Cities with a population of more than  
 7 fifty thousand shall not appoint more than one-third of  
 8 the members to the commission of an area of historical  
 9 significance that are members of a city zoning commission  
 10 appointed pursuant to chapter four hundred fourteen (414)  
 11 of the Code." "

SENATE AMENDMENT TO  
 HOUSE FILE 695

H-6075

1 Amend House File 695, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting after line 11 the following  
 4 section:  
 5 "Sec. . Section two hundred ninety-seven point  
 6 seven (297.7), subsection three (3), unnumbered  
 7 paragraphs one (1) and two (2), Code 1979, are amended  
 8 to read as follows:  
 9 Before an election is held on the issuance of  
 10 general obligation bonds for the construction or  
 11 renovation of any school building, immediately upon  
 12 receipt of a petition filed under section two hundred  
 13 ninety-six point two (296.2) of the Code, the board  
 14 shall inform the board of the area education agency  
 15 in which the school district is located. The  
 16 chairperson of the area education agency shall call  
 17 a meeting of the boards of directors of the school  
 18 district proposing the issuance of general obligation  
 19 bonds, the boards of school districts contiguous to  
 20 that school district, and the board of the area  
 21 education agency, for the purpose of discussing  
 22 enrollment trends of that school district and school

23 districts contiguous to it and solutions to the  
 24 enrollment changes in the various school districts,  
 25 including the possibility of school district  
 26 reorganization. The meeting shall be held within  
 27 thirty days following the notification of the board  
 28 of the area education agency in which the school  
 29 district is located. The chairperson of the board  
 30 of the area education agency shall preside at the  
 31 meeting unless the chairperson is a resident of the  
 32 school district proposing the issuance of general  
 33 obligation bonds. In that case, the vice chairperson  
 34 shall preside at the meeting.

35 Following Immediately following discussion at the  
 36 meeting, the board of directors of the area education  
 37 agency shall meet convene to make recommendations  
 38 concerning alternative solutions to the construction  
 39 or renovation of the school building which shall be  
 40 made to the school district proposing to issue general  
 41 obligation bonds. The recommendations shall be  
 42 received by the board of the school district proposing  
 43 the issuance of general obligation bonds not later  
 44 than three days following the date of the meeting."

45 2. By numbering sections as necessary.

SENATE AMENDMENT TO  
 HOUSE FILE 2138

H-6076

1 Amend House File 2138, as amended, passed and re-  
 2 printed by the House, as follows:

3 1. Page 1, line 11, by inserting after the word  
 4 "devices" the words "except parking meters".

SENATE AMENDMENT TO  
 HOUSE FILE 2501

H-6077

1 Amend House File 2501 as follows:

2 1. Page 1, by inserting after line 6 the following  
 3 new section:

4 "Sec. . Chapter six hundred ninety-two (692),  
 5 Code 1979, is amended by adding the following new  
 6 section:

7 **NEW SECTION. DATA TO ARRESTING AGENCY.** The clerk  
 8 of the district court shall forward conviction and  
 9 disposition data to the criminal justice agency making  
 10 the arrest within thirty days of final court disposition  
 11 of the case."

SENATE AMENDMENT TO  
HOUSE FILE 2516

H-6078

- 1 Amend House File 2516 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 8.
- 4 2. Page 1, line 13, by striking the words "and
- 5 not legitimized or" and inserting in lieu thereof
- 6 the words "whose paternity has not been acknowledged
- 7 and who has not been".
- 8 3. Page 1, line 28, by striking the word
- 9 "probability" and inserting in lieu thereof the word
- 10 "probability".
- 11 4. By correcting section numbers and internal
- 12 references as made necessary by this amendment.

SENATE AMENDMENT TO  
HOUSE FILE 2562

H-6079

- 1 Amend House File 2562 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 five hundred ninety-eight
- 6 point thirteen (598.13), Code 1979, is amended by
- 7 striking the section and inserting in lieu thereof
- 8 the following:
- 9 598.13 FINANCIAL STATEMENTS FILED. Both parties
- 10 shall disclose their financial status. A showing
- 11 of special circumstances shall not be required before
- 12 the disclosure is ordered. A statement of net worth
- 13 set forth by affidavit on a form prescribed by the
- 14 supreme court and furnished without charge by the
- 15 clerk of the district court shall be filed by each
- 16 party prior to the dissolution hearing, unless waived
- 17 by both parties.
- 18 Failure to comply with the requirements of this
- 19 section constitutes failure to make discovery as
- 20 provided in rule of civil procedure one hundred thirty-
- 21 four (134) of the Code.
- 22 Sec. 2. Section five hundred ninety-eight point
- 23 twenty-one (598.21), Code 1979, is amended to read
- 24 as follows:
- 25 598.21 ALIMONY—CUSTODY OF CHILDREN—CHANGES.
- 26 When a dissolution of marriage is decreed, the court
- 27 may make such order in relation to the children,
- 28 property, parties, and the maintenance of the parties

29 as shall be justified. The court shall consider the  
 30 contribution of each party to the marriage, and may  
 31 consider the value of each party's contribution in  
 32 homemaking and child care services. The order may  
 33 include provision for joint custody of the children  
 34 by the parties. Orders relating to custody of children  
 35 shall be subject to the provisions of chapter 598A.  
 36 Subsequent changes may be made by the court in  
 37 these respects when circumstances render them  
 38 expedient.

39 Sec. 3. Chapter five hundred ninety-eight (598),  
 40 Code 1979, is amended by adding the following new  
 41 section:

42 **NEW SECTION. ORDER TO VACATE.** Notwithstanding  
 43 section five hundred sixty-one point fifteen (561.15)  
 44 of the Code, the court may order either party to  
 45 vacate the homestead pending entry of a decree of  
 46 dissolution upon a showing that the other party or  
 47 the children are in imminent danger of physical harm  
 48 if the order is not issued.

49 Sec. 4. This Act takes effect January 1, 1981,  
 50 and applies to actions filed on or after that date."

SENATE AMENDMENT TO  
 HOUSE FILE 2425

H-6080

1 Amend House File 2425, as passed by the House,  
 2 as follows:  
 3 1. Page 2, by striking line 25 and inserting in  
 4 lieu thereof the words "grade student who meets the  
 5 requirements of this paragraph".  
 6 2. Page 2, line 26, by striking the word "program".  
 7 3. Page 2, line 28, by inserting after the word  
 8 "enrolled" the words "if the parent or guardian of  
 9 the student requests in writing that the student be  
 10 excused from the physical education requirement.  
 11 A student who wishes to be excused from the physical  
 12 education requirement must be enrolled in a cooperative  
 13 or work-study program or other educational program  
 14 authorized by the school which requires the student  
 15 to leave the school premises for specified periods  
 16 of time during the school day. The student must seek  
 17 to be excused from the physical education requirement  
 18 in order to enroll in academic courses not otherwise  
 19 available to the student".

SENATE AMENDMENT TO  
HOUSE FILE 2340

H-6082

- 1 Amend House File 2340 as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by inserting after the word  
4 "districts" the words "and to include in the proposal  
5 a division of the assets and liabilities of the  
6 dissolving school district".
- 7 2. Page 2, line 15, by striking the word  
8 "dissolution" and inserting in lieu thereof the word  
9 "commission".
- 10 3. Page 2, by striking line 16 and inserting in  
11 lieu thereof the words "shall also send a copy of  
12 the dissolution proposal by registered mail to the  
13 boards of directors of all".
- 14 4. Page 2, by striking lines 18 and 19 and  
15 inserting in lieu thereof the words "will be attached.  
16 If the board of a district to which area of the  
17 affected school district will be attached objects  
18 to the attachment, within ten days following receipt  
19 of the dissolution proposal the board shall send its  
20 objections in writing to the commission. The  
21 commission may consider the objections and may modify  
22 the dissolution proposal. If the dissolution proposal  
23 is modified, the commission shall notify by registered  
24 mail the boards of directors of all school districts  
25 to which area of the affected school district will  
26 be attached."
- 27 5. Page 2, lines 20 and 21, by striking the word  
28 "and the boards of contiguous school districts".
- 29 6. Page 2, line 34, by striking the word  
30 "chairperson" and inserting in lieu thereof the word  
31 "president".
- 32 7. Page 3, line 2, by striking the words "If  
33 changes are made by".
- 34 8. Page 3, by striking lines 3 and 4 and inserting  
35 in lieu thereof the words "The board shall notify  
36 by registered mail the boards of directors of all  
37 school districts to which area of the affected school  
38 district will be attached and the state board of  
39 public instruction of the contents of the dissolution  
40 proposal adopted by the board. If the board of a  
41 district to which area of the affected school district  
42 will be attached objects to the attachment, that  
43 portion of the dissolution proposal will not be  
44 included in the proposal voted upon under section  
45 six (6) of this Act and the state board of public  
46 instruction shall attach the area to a contiguous



47 school district. If the board of a district to which  
48 area of the affected school district will be attached  
49 objects to the division of assets and liabilities  
50 contained in the dissolution proposal, section two

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1 hundred seventy-five point thirty (275.30) of the  
2 Code shall apply for the division of assets and  
3 liabilities to that district."  
4 9. Page 3, by striking lines 10 and 11, and  
5 inserting in lieu thereof the words "comply with  
6 reorganization procedures specified in this chapter."  
7 10. Page 5, line 8, by striking the word "two"  
8 and inserting in lieu thereof the word "one".  
9 11. Page 5, by striking lines 10, 11 and 12 and  
10 inserting in lieu thereof the words "vacation, salary  
11 or".  
12 12. Page 5, line 13, by inserting after the words  
13 "based on" the words "the employee's".  
14 13. Page 5, by striking lines 16 through 19 and  
15 inserting in lieu thereof the words and figure  
16 "nineteen (279.19) of the Code."

### ADOPTION OF HOUSE RESOLUTION 108

Van Maanen of Mahaska called up for consideration House Resolution 108, urging the United States Environmental Protection Agency and the Iowa Department of Environmental Quality to reevaluate all sulfur air quality studies and standards, filed on April 3, 1980 and found on pages 1388 and 1389 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

### FURTHER CONSIDERATION OF SENATE AMENDMENT

The House resumed consideration of **House File 2492**, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, and amendment H-6032A, found on page 1562 of the House Journal, (to the Senate amendment H-5879, found on pages 1354 through 1360 of the House Journal.)

Rapp of Black Hawk offered the following amendment H-6073, to amendment H-6032A (to the Senate amendment H-5879) filed by him from the floor and moved its adoption:

## H—6073

- 1 Amend amendment H—6032 to the Senate amendment  
 2 H—5879 to House File 2492 as amended, passed and  
 3 reprinted by the House as follows:  
 4 1. Page 1, by striking lines 6 through 9 and in-  
 5 serting in lieu thereof the following:  
 6 " . By striking page 1, line 22 through page  
 7 2, line 16, and inserting in lieu thereof the words  
 8 "per annum, and the interest shall be compounded  
 9 annually. This rate of interest shall be the  
 10 maximum interest or penalty charged by all public  
 11 utilities for utility service provided in the past  
 12 on which customers have not made payment.  
 13 2. a. The public utility shall not place into"."

Roll call was requested by Rapp of Black Hawk and Avenson of Fayette.

On the question "Shall amendment H—6073 be adopted?"

The ayes were, 37:

Arnould	Avenson	Bina	Binneboese
Brandt	Bruner	Chiodo	Cochran
Connolly	Cusack	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Horn	Howell	Hullinger	Jay
Jesse	Jochum	Kirkenslager	Lloyd-Jones
McKean	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Rapp
Ritsema	Sherzan	Spear	Wells
Woods			

The nays were, 47:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind
Maulsby	Menke	Millen	Mullins
Pellett	Poffenberger	Pope	Renken
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	West	Mr. Speaker	

Absent or not voting, 16:

Anderson, R.	Byerly	Clark, J.H.	Connors
Daggett	Davitt	Dieleman	Hinkhouse
Krewson	Larsen	Lonergan	Lorenzen
Lura	Pelton	Perkins	Welsh

Amendment H—6073 lost.

Bruner of Story offered the following amendment H—6057, to amendment H—6032A (to the Senate amendment H—5879) filed by him and moved its adoption:

H—6057

- 1 Amend the amendment, H—6032, to the Senate
- 2 amendment H—5879 to House File 2492 as amended,
- 3 passed and reprinted by the House as follows:
- 4 1. Page 1, line 7, by striking the numeral
- 5 "16" and inserting in lieu thereof the numeral
- 6 "24".
- 7 2. Page 1, by inserting after line 41 the
- 8 following lettered subdivision of the subparagraph:
- 9 "d. "Annual inflation factor" means the
- 10 annual percent change in the implicit gross
- 11 national product price deflator as calculated and
- 12 published by the United States department of com-
- 13 merce, bureau of economic analysis. As used in
- 14 subdivisions a and b of this subparagraph, the
- 15 annual inflation factor shall mean this annual
- 16 percent change in the implicit price deflator as
- 17 most recently published prior to the date on which
- 18 the respective portion of the suspended rates,
- 19 charges, schedules or regulations is actually
- 20 placed into effect."

Roll call was requested by Bruner of Story and Avenson of Fayette.

On the question "Shall amendment H—6057 be adopted?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Chiodo	Cochran
Connolly	Connors	Cusack	Davitt
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Howell	Jay	Jesse	Jochum
Johnson, R.	Lloyd-Jones	McKean	Miller

O'Kane	Oxley	Patchett	Pavich
Rapp	Ritsema	Sherzan	Spear
Walter	Wells	Woods	

The nays were, 51:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Husak	Johnson, J.	Johnson, W.	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Maulsby	Menke	Millen	Mullins
Norland	Pellett	Pelton	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Shjmanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	West	Mr. Speaker	

Absent or not voting, 10:

Brandt	Danker	Dieleman	Hullinger
Kirkenslager	Loneragan	Lura	Perkins
Welden	Welsh		

Amendment H—6057 lost.

Poffenberger of Dallas offered the following amendment H—6054, to amendment H—6032A, (to the Senate amendment H—5879) filed by her and moved its adoption:

H—6054

- 1 Amend amendment H—6032 to Senate amendment H—5879 to
- 2 House File 2492 as amended, passed and reprinted by the
- 3 House as follows:
- 4 1. Page 1, line 11, by striking the words "result
- 5 in" and inserting in lieu thereof the word "constitute".
- 6 2. Page 1, line 24, by striking the words "result
- 7 in" and inserting in lieu thereof the word "constitute".

Amendment H—6054 was adopted.

Bruner of Story asked and received unanimous consent to withdraw amendment H—6061, to amendment H—6032A, (to the Senate amendment H—5879) filed by him on April 14, 1980.

Schroeder of Pottawattamie moved the adoption of amendment H—6032A, as amended, (to the Senate amendment H—5879).

Roll call was requested by Schroeder of Pottawattamie and O'Kane of Woodbury.

On the question "Shall amendment H—6032A, as amended, be adopted?"

The ayes were, 15:

Clark, B.J.	Clark, J.H.	Crawford	Danker
Egenes	Halvorson, R.A.	Hanson, D.	Hibbs
Mullins	Poffenberger	Ritsema	Schroeder
Shimanek	Stromer	Mr. Speaker	

The nays were, 78:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Cusack	Daggett
Davitt	De Groot	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hansen, I.	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Loneragan
Lorenzen	McKean	Menke	Millen
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Pellet	Pelton
Pope	Rapp	Renken	Schneklath
Sherzan	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Wells	Welsh
West	Woods		

Absent or not voting, 7:

Dieleman	Krewson	Lloyd-Jones	Lura
Maulsby	Perkins	Welden	

Amendment H—6032A, as amended, lost.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H—6060, to amendment H—6032K, (to the Senate amendment H—5879) filed by him on April 14, 1980.

Bruner of Story asked and received unanimous consent to withdraw amendment H—6066, to amendment H—6032K, (to the Senate amendment H—5879) filed by him on April 14, 1980.

Schroeder of Pottawattamie offered the following amendment H-6048, to amendment H-6032K, (to the Senate amendment H-5879) filed by him and moved its adoption:

H-6048

- 1 Amend amendment H-6032 to the Senate amendment
- 2 H-5879 to House File 2492 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1: Page 8, line 50, by striking the words and
- 5 figure "section fifty (50)" and inserting in lieu
- 6 thereof the words and figures "sections one (1), forty
- 7 (40), forty-one (41), forty-two (42), twenty-one (21)
- 8 through thirty-four (34), forty-four (44) and fifty
- 9 (50)".

Amendment H-6048 was adopted.

On motion by Schroeder of Pottawattamie, amendment H-6032K, as amended, was adopted.

The Speaker announced that amendment H-5960, (to the Senate amendment H-5879) filed by Schroeder of Pottawattamie on April 9, 1980, was out of order, placing the following amendments to amendment H-5960 (to the Senate amendment H-5879) also out of order:

- H-5961 filed by Schroeder of Pottawattamie on April 9, 1980.
- H-6033 filed by Bruner of Story on April 11, 1980.
- H-6034 filed by Jochum of Dubuque on April 11, 1980.
- H-6035 filed by Jochum of Dubuque on April 11, 1980.
- H-6044 filed by Chiodo of Polk on April 11, 1980.
- H-6050 filed by Chiodo of Polk on April 11, 1980.
- H-6051 filed by Bruner of Story on April 11, 1980.
- H-6052 filed by Bruner of Story on April 11, 1980.
- H-6053 filed by Howell of Floyd on April 11, 1980.

The following amendments, to the Senate amendment H-5879, were withdrawn by unanimous consent:

- H-5928 filed by Jochum of Dubuque on April 8, 1980.
- H-5934 filed by Bruner, et al., on April 9, 1980.
- H-5927 filed by Rapp of Black Hawk on April 8, 1980.
- H-5926 filed by Rapp of Black Hawk on April 8, 1980.
- H-6045 filed by Chiodo of Polk on April 11, 1980.

H—5969 filed by Howell of Floyd on April 10, 1980.

H—5905 filed by Connolly of Dubuque on April 8, 1980.

H—5949 filed by Connolly of Dubuque on April 9, 1980.

H—5920 filed by Bruner of Story and Chiodo of Polk on April 8, 1980.

H—5906 filed by Connolly of Dubuque on April 8, 1980.

H—5942 filed by Connolly of Dubuque on April 9, 1980.

H—5924 filed by Rapp of Black Hawk on April 8, 1980.

H—5925 filed by Jochum of Dubuque on April 8, 1980.

H—5970 filed by Howell of Floyd on April 10, 1980.

H—6058 filed by Chiodo of Polk on April 14, 1980.

West of Marshall offered the following amendment H—5910, to the Senate amendment H—5879, filed by him and Chiodo of Polk and moved its adoption:

H—5910

- 1 Amend the Senate amendment, H—5879, to House
- 2 File 2492, as amended, passed and reprinted by
- 3 the House, as follows:
- 4 1. Page 2, by striking line 17.

Amendment H—5910 was adopted.

The following amendments, to the Senate amendment H—5879, were withdrawn by unanimous consent:

H—5953 filed by Chiodo of Polk on April 9, 1980.

H—5921 filed by Chiodo of Polk on April 8, 1980, placing out of order amendment H—5957 (to amendment H—5921) filed by Chiodo of Polk on April 9, 1980.

H—5936 filed by Chiodo of Polk on April 9, 1980.

H—5933 filed by Chiodo of Polk on April 9, 1980.

H—5935 filed by Chiodo of Polk on April 9, 1980.

H—5923 filed by Bruner of Story on April 8, 1980.

H—5941 filed by Chiodo, et al., on April 9, 1980.

H—5937 filed by Jochum of Dubuque on April 9, 1980.

H—5919 filed by Chiodo of Polk on April 8, 1980.

H—5938 filed by Jochum of Dubuque on April 9, 1980.

Crawford of Story offered the following amendment H—6046, to the Senate amendment H—5879, filed by Crawford, et al. :

H—6046

- 1 Amend the Senate amendment, H—5879, to House File  
2 2492 as amended, passed and reprinted by the House as  
3 follows:  
4 1. By striking Page 5, line 45 through Page 6,  
5 line 16, and inserting in lieu thereof the following:  
6 "Sec. 11. Section five hundred thirty-five point  
7 two (535.2), subsection four (4), Code 1979 Supplement,  
8 is amended to read as follows:  
9 4. Notwithstanding the provisions of subsection 3,  
10 with respect to any agreement which was executed prior  
11 to August 3, 1978, and which contained a provision for  
12 the adjustment of the rate of interest specified in  
13 that agreement, the maximum lawful rate of interest  
14 which may be imposed under that agreement shall be nine  
15 cents on the hundred by the year, or two-and-one-half  
16 percentage points above the original rate agreed to,  
17 whichever is higher, and any excess charge shall be  
18 a violation of section 535.4.

(House File 2492 and amendment H—6046, to the Senate amendment H—5879, pending at recess.)

On motion by Halvorson of Clayton, the House was recessed at 12:13 p.m., until 1:30 p.m.

The New Concert Choir from City High in Iowa City entertained in the House chamber during the noon hour. The choir, featuring the Fourth Avenue Jazz Company, was under the direction of Larry Monson. Those present responded with a standing ovation in appreciation.

#### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lura of Marshall on request of Hansen of O'Brien.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:



Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2504, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid.

Also: That the Senate has on April 15, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2546, a bill for an act providing for an exemption for livestock sales from implied warranty provisions of uniform commercial code.

Also: That the Senate has on April 15, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2002, a bill for an act relating to the expenditure of profits from auxiliary services by area schools.

Also: That the Senate has on April 15, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2123, a bill for an act relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

Also: That the Senate has on April 15, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2189, a bill for an act amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO HOUSE FILE 2504

H-6084

- 1 Amend House File 2504, as passed by the House,
- 2 as follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Sec. . Section three hundred seventy-two point
- 6 thirteen (372.13), subsection eight (8), Code 1979,
- 7 is amended to read as follows:
- 8 8. By ordinance, the council shall prescribe the
- 9 compensation of the mayor, council members, and other
- 10 elected city officers, but a change in the compensation
- 11 of the mayor shall not become effective during the
- 12 term in which the change is adopted, and the council
- 13 shall not adopt such an ordinance changing the

14 compensation of the mayor or council members during  
 15 the months of November and December immediately  
 16 following a regular city election. A change in the  
 17 compensation of council members shall become effective  
 18 for all council members at the beginning of the term  
 19 of the council members elected at the election next  
 20 following the change in compensation. No Except as  
 21 provided in section one (1) of this Act, an elected  
 22 city officer shall not receive any other compensation  
 23 for any other city office or city employment during  
 24 that officer's term of office, but may be reimbursed  
 25 for actual expenses incurred. However, if the mayor  
 26 pro tem performs the duties of the mayor during the  
 27 mayor's absence or disability for a continuous period  
 28 of fifteen days or more, the mayor pro tem may be  
 29 paid for that period such compensation as determined  
 30 by the council, based upon the mayor pro tem's  
 31 performance of the mayor's duties and upon the  
 32 compensation of the mayor."

33 2. By numbering sections to conform with this  
 34 amendment.

SENATE AMENDMENT TO  
 HOUSE FILE 2546

H-6085

1 Amend House File 2546 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1 Page 1, line 18, by striking the word  
 4 "commingled" and inserting in lieu thereof the words  
 5 "confined with livestock from another source".  
 6 2. Page 1, by striking lines 23 through 31 and  
 7 inserting in lieu thereof the following:  
 8 "(2) If the livestock have been confined with  
 9 livestock from another source or assembled from two  
 10 or more sources within the previous thirty days, the  
 11 livestock shall be represented as being "assembled  
 12 livestock". As used in this subparagraph, "confined  
 13 with livestock from another source" means the placement  
 14 of livestock in a livestock auction market, yard,  
 15 or other unitary facility in which livestock from  
 16 another source are confined, but does not include  
 17 livestock confined at the facility where the sale  
 18 takes place if such confinement is for less than  
 19 forty-eight hours prior to the day of sale; provided  
 20 that livestock which are not sold after being confined  
 21 with livestock from another source at a facility and  
 22 offered for sale shall be deemed "assembled livestock"  
 23 for the thirty-day period following the day when  
 24 offered for sale."

- 25 3. Page 1, by adding after line 31 the following  
26 new unnumbered paragraph:  
27 "If the livestock are represented as being  
28 "assembled livestock", the name and address of the  
29 present owner shall be disclosed."  
30 4. Page 1, line 34, by inserting after the word  
31 "sale" the words "by the owner, an agent for the  
32 owner, or the person who is conducting the auction".  
33 5. Page 1, line 34, by inserting after the period  
34 the following: "The exclusion of warranties shall  
35 not apply if the disclosure contains representations  
36 that are untrue except as to the person who is  
37 conducting the auction, unless he or she knew that  
38 the disclosures were untrue."

### BUSINESS PENDING AT RECESS Senate Amendment Further Considered

The House resumed consideration of **House File 2492**, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, and amendment H—6046 to the Senate amendment H—5879, received from the Senate on April 3, 1980 and found on pages 1354 through 1360 of the House Journal.

Crawford of Story asked and received unanimous consent to temporarily defer action on amendment H—6046, to the Senate amendment H—5879.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H—5954, to the Senate amendment H—5879, filed by him on April 9, 1980.

Johnson of Howard offered the following amendment H—6067, to the Senate amendment H—5879, filed by Smalley of Polk and him:

H—6067

- 1 Amend amendment H—5879 to House File 2492 as  
2 follows:  
3 1. Page 6, by inserting after line 46 the fol-  
4 lowing:  
5 " Page 10, by inserting after line 1, the  
6 following:  
7 Sec. . Section six hundred forty-two point  
8 twenty-one (642.21), subsection one (1), Code 1979,

9 is amended by striking the subsection and inserting  
10 in lieu thereof the following:

11 "1. The disposable earnings of an individual,  
12 as defined in section five hundred thirty-seven  
13 point five thousand one hundred five (537.5105),  
14 subsection one (1), paragraph a, Code 1979, shall  
15 be subject to garnishment to the extent that the  
16 debtor's weekly disposable earnings exceed the  
17 greater of forty times the federal minimum hourly  
18 wage prescribed by the Fair Labor Standards Act of  
19 1938, 29 U. S. C. s. 206 (a) (1) in effect at the  
20 time the earnings are payable or seventy-five per-  
21 cent of the debtor's weekly disposable earnings.  
22 However, if the debtor's annual earnings are less  
23 than three thousand times the federal minimum hour-  
24 ly wage prescribed by the Fair Labor Standards Act  
25 of 1938, 29 U. S. C. s. 206 (a) (1) in effect at  
26 the beginning of the calendar year, then the deb-  
27 tor's earnings shall not be garnished for more than  
28 two hundred times the federal minimum hourly wage  
29 prescribed by the Fair Labor Standards Act of 1938,  
30 29 U. S. C. s. 206 (a) (1) in effect at the begin-  
31 ning of the calendar year for each judgment credi-  
32 tor, except as provided in section six hundred twen-  
33 ty seven point twelve (627.12) of the Code." "

Schroeder of Pottawattamie rose on a point of order that amend-  
ment H—6067 was not germane.

The Speaker ruled the point well taken and amendment  
H—6067 not germane.

The following amendments, to the Senate amendment H—5879,  
were withdrawn by unanimous consent:

H—5951 filed by Chiodo of Polk on April 9, 1980.

H—5959 filed by Chiodo of Polk and Johnson of Linn on April 9,  
1980.

H—5922 filed by Bruner of Story on April 8, 1980.

Halvorson asked and received unanimous consent to temporary-  
ly defer action on House File 2492.

### SENATE AMENDMENT CONSIDERED

Diemer of Black Hawk called up for consideration **House File  
2305**, a bill for an act to allow county conservation boards to

exchange property, amended by the Senate, and moved that the House concur in Senate amendment H—5899, received from the Senate on April 8, 1980 and found on page 1398 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—5899.

Diemer 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. 2305)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Maulsby
McKean	Menke	Millen	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Wells	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Connors	Groth	Hummel	Jesse
Lorenzen	Lura	Miller	Patchett
Perkins	Walter	Welsh	West

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 2230)

Hummel of Benton called up for consideration the motion to reconsider Senate File 2230, filed on April 11, 1980, and moved to reconsider the vote by which Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city, passed the House on April 11, 1980 and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 52, nays 41.

The motion prevailed placing out of order the motions to reconsider by Connolly of Dubuque, Krewson of Polk and Halvorson of Webster all filed on April 11, 1980.

**SENATE AMENDMENT FURTHER CONSIDERED**

The House resumed consideration of **House File 2492**, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit, and the Senate amendment H-5879, received from the Senate on April 3, 1980 and found on pages 1354 through 1360 of the House Journal.

Smalley of Polk offered the following amendment H-6086, to the Senate amendment H-5879, filed from the floor by him and Crawford of Story and moved its adoption:

H-6086

- 1 Amend amendment H-5879 to House File 2492 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 5, line 49, by inserting after "1978,"
- 4 the following: "which has a single payment of over
- 5 50% of the principal balance,"

A non-record roll call was requested.

The ayes were 30, nays 63.

Amendment H-6086 lost.

The House resumed consideration of amendment H—6046, to the Senate amendment H—5879.

Crawford of Story moved the adoption of amendment H—6046, to the Senate amendment H—5879.

Roll call was requested by Walter of Pottawattamie and Bina of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—6046 be adopted?"

The ayes were, 49:

Arnould	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Cochran
Connolly	Connors	Crawford	Cusack
Davitt	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.N.	Hanson, D.
Hibbs	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Krewson
Larsen	Lloyd-Jones	McKean	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Pelton	Poffenberger	Rapp
Ritsema	Shimanek	Smalley	Spear
Tyrrell	Walter	Wells	Welsh
Woods			

The nays were, 50:

Anderson, J.	Anderson, R.	Bennett	Branstad
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Corey	Crabb	Daggett	Danker
De Groot	Dieleman	Diemer	Halvorson, R.A.
Hansen, I.	Hinkhouse	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lonergan	Lorenzen	Maulsby	Menke
Millen	Mullins	Pellett	Perkins
Pope	Renken	Schnekloth	Schroeder
Sherzan	Shull	Stromer	Swearingen
Thompson	Tofte	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 1:

Lura

Amendment H—6046 lost.

On motion by Schroeder of Pottawattamie, the House concurred in the Senate amendment H—5879, as amended.

Schroeder of Pottawattamie 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. 2492)

The ayes were, 78:

Anderson, J.	Anderson, R.	Bennett	Bina
Brandt	Branstad	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Groth	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Hullinger	Hummel
Husak	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lonergan	Lorenzen
Maulsby	McKean	Menke	Millen
Miller	Mullins	O'Kane	Oxley
Patchett	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shergan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Welsh	West
Woods	Mr. Speaker		

The nays were, 21:

Arnould	Avenson	Binneboese	Bruner
Byerly	Connolly	Connors	Doyle
Gettings	Hall	Halvorson, R.N.	Horn
Howell	Jesse	Jochum	Lloyd-Jones
Norland	Pavich	Rapp	Walter
Wells			

Absent or not voting, 1:

Lura

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.



IMMEDIATE MESSAGE  
(House File 2492)

Halvorson of Clayton asked and received unanimous consent that House File 2492 be immediately messaged to the Senate.

Ways and Means Calendar

**House File 2457**, a bill for an act to extend the property tax levy for flood and erosion control under chapter four hundred sixty-seven B (467B) of the Code to all taxable property outside the corporate limits of a city, was taken up for consideration.

Spear of Lee offered the following amendment H-6081 filed by him from the floor:

H-6081

- 1 Amend House File 2457 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "city" the words "and residential property on a parcel
- 4 of one acre or less located outside the corporate
- 5 limits of a city".

Spear of Lee offered the following amendment H-6083, to amendment H-6081, filed by him from the floor and moved its adoption:

H-6083

- 1 Amend amendment H-6081 to House File 2457 as
- 2 follows:
- 3 1. Page 1, lines 3 and 4, by striking the words
- 4 "on a parcel of one acre or less".

A non-record roll call was requested.

The ayes were 29, nays 59.

Amendment H-6083 lost.

Spear of Lee moved the adoption of amendment H-6081.

A non-record roll call was requested.

The ayes were 31, nays 58.

Amendment H—6081 lost.

Perkins of Greene asked for unanimous consent to temporarily defer action on House File 2457.

Objection was raised.

Perkins of Greene moved that action on House File 2457 be temporarily deferred for the preparation of an amendment.

A non-record roll call was requested.

The ayes were 24, nays 62.

The motion lost.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2457)

The ayes were, 64:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Brandt	Branstad	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hinkhouse	Hoffmann	Holt
Hullinger	Hummel	Husak	Jay
Jesse	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Larsen	Lind	McKean
Millen	Miller	Mullins	O'Kane
Oxley	Patchett	Pellett	Pope
Renken	Ritsema	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Wells	Welsh	West	Mr. Speaker

The nays were, 28:

Arnould	Bina	Bruner	Byerly
Cochran	Connolly	Connors	Cusack
Dieleman	Halvorson, R.N.	Horn	Howell
Jochum	Krewson	Loneragan	Lorenzen

Maulsby	Norland	Pavich	Pelton
Perkins	Poffenberger	Rapp	Schneklath
Sherzan	Spear	Walter	Woods

Absent or not voting, 8:

Davitt	Egenes	Hibbs	Lageschulte
Lloyd-Jones	Lura	Menke	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2577**, a bill for an act relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund and making the Act retroactive, was taken up for consideration.

The House stood at ease at 3:37 p.m., until the fall of the gavel.

The House resumed session at 4:08 p.m., Speaker Harbor in the chair.

Hibbs of Johnson asked and received unanimous consent that he be listed as "absent or not voting" on House File 2457, and the request was so recorded.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

Under the provisions of Rule 81, Hansen of O'Brien refrained from voting.

On the question "Shall the bill pass?" (H.F. 2577)

The ayes were, 89:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Gettings	Groth

Hall	Halvorson, R.A.	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	Welsh	Woods
Mr. Speaker			

The nays were, 1:

Welden

Absent or not voting, 10:

Arnould	Branstad	Cusack	Egenes
Hansen, I.	Holt	Jesse	Lageschulte
Lura	West		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2569**, a bill for an act allowing special income tax treatment for the receipt of a lump sum distribution from an employees' pension, retirement or annuity plan, was taken up for consideration.

Howell of Floyd offered the following amendment H-6090 filed by him and Chiodo of Polk from the floor and moved its adoption:

H-6090

- 1 Amend House File 2569 as follows:
- 2 1. Page 5, by striking lines 20 through 22 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 8. This Act is retroactive to January 1,
- 5 1980 for tax years beginning on or after January 1,
- 6 1980 and to this extent the provisions of this Act
- 7 are retroactive."

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 41, nays 48.

Amendment H—6090 lost.

Shull 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.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2569)

The ayes were, 92:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker

The nays were, 1:

Clark, J.H.

Absent or not voting, 7:

Arnould	Daggett	Davitt	Holt
Jesse	Lura	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2314 WITHDRAWN

O'Kane of Woodbury asked and received unanimous consent to withdraw House File 2314 from further consideration by the House.

### IMMEDIATE MESSAGE (House Files 2569, 2577 and 2457)

Halvorson of Clayton asked and received unanimous consent that House Files 2569, 2577 and 2457 be immediately messaged to the Senate.

### CONFERENCE COMMITTEE APPOINTED (Senate File 205)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 205: Stromer of Hancock, Chair; Crawford of Story, Cusack of Scott, Miller of Buchanan and Welden of Hardin.

### INTRODUCTION OF BILL

**House File 2580**, by committee on appropriations, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking people's commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial

retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services.

**Read first time and placed on the appropriations calendar.**

### PRESENTATION OF VISITORS

Krewson of Polk presented to the House the Honorable Fred Schwengel, former member of the House representing Scott County and United States Congressman from District 1.

The Speaker presented to the House the following young men who have won the Boy of the Year Award presented by the Boys' Club of America.

Bill Lathan, Ames, accompanied by Mark Albaugh. By Representatives Bruner and Crawford of Story.

Michael Bell, Des Moines, accompanied by Jim Chesnik. By Representatives Smalley and Connors of Polk.

Larry Reagan, Dubuque, accompanied by Dan Ryder and Al Lange. By Representatives Jochum and Connolly of Dubuque.

The Speaker announced that the following visitors were present in the House chamber:

Forty-five seventh and eighth grade students from St. Bernard Grade School, Breda, accompanied by Bennett of Ida and Maulsby of Calhoun.

Thirty-eight fifth and sixth grade students from Wellsburg Elementary School, Wellsburg, accompanied by Ardella Geerdes, Karen Meyer, Harris Harrenstein, Don Willis and Pam Gavin. By Renken of Grundy.

Thirty sixth grade students from Martensdale-St. Marys School District, St. Marys, accompanied by Barbara Kreamer. By Davitt of Warren.

Forty-one students from Alden Community School, Alden, accompanied by Janet Ziesman. By Welden of Hardin.

Eighty students from Iowa City High School, Iowa City. By Hibbs of Johnson.

Six Y-Teens from Atlantic, accompanied by Miss Julie Duscheck. By Pellett of Cass.

Seventeen eighth grade students from Lutheran Inter-Parish School, Williamsburg, accompanied by Duane Miller. By Tyrrell of Iowa.

Forty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Steve J. Schwemm, Larry Crow, Mrs. Carl Recker and Virginia Schoenenberger. By Avenson of Fayette.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber for a short time Tuesday morning, April 15, 1980. Had I been present, I would have voted "nay" on amendment H-6057, to amendment H-6032A, (to the Senate amendment H-5879), to House File 2492.

DANKER of Pottawattamie



## COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

### THE SECRETARY OF STATE OF ARIZONA

Senate Concurrent Memorial 1004, urging the Congress of the United States to propose an amendment to the Constitution of the United States to limit federal expenditures to a percentage of the gross national product, passed by the Arizona State Legislature, Second Regular Session, 1980.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**BRUCE GRAHAM**  
Assistant Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**House File 2535**, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

**Recommended Amend and Do Pass.**

H-6093

1 Amend House File 2535 as follows:

2 1. Page 2, line 26, by inserting after the word  
3 "beneficiaries" the words "who are disabled prior  
4 to attaining fifty-five years of age".

5 2. Page 2, by inserting after line 34 the following  
6 sections:

7 "Sec. . . Section ninety-seven A point fifteen  
8 (97A.15), subsection two (2), Code 1979, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. "Member who became vested" and  
11 "vested member" mean a member who has been a member  
12 of the retirement system fifteen or more years and  
13 is entitled to benefits under this chapter.

14 Sec. . . Section ninety-seven A point fifteen  
15 (97A.15), subsections five (5) and seven (7), Code  
16 1979, are amended to read as follows:

17 5. A member of the retirement system prior to  
18 July 1, 1979 with fifteen or more years of service  
19 whose employment was terminated prior to retirement,

20 other than by death or disability, ~~shall be~~ is entitled  
 21 to receipt of his or her accumulated contributions  
 22 upon retirement together with other retirement benefits  
 23 provided in the law on the date of the member's  
 24 retirement. However, the member shall not be eligible  
 25 for a service retirement allowance under section 97A.6  
 26 if he or she has chosen to withdraw his or her  
 27 accumulated contributions from the annuity savings  
 28 fund prior to the member's retirement.

29 7. Notwithstanding the provisions of subsections  
 30 1, 3, 4, 5, and 6 of this section, an active or vested  
 31 member may request in writing and receive from the  
 32 board of trustees, his or her accumulated contributions  
 33 from the annuity savings' fund at the discretion of  
 34 the board of trustees, except that and remain eligible  
 35 to receive benefits under section ninety-seven A point  
 36 six (97A.6) of the Code. However, a member with  
 37 fifteen or more years of service prior to July 1,  
 38 1979, is not eligible for a service retirement  
 39 allowance under section four hundred eleven point  
 40 six (411.6) of the Code if he or she withdrew his  
 41 or her accumulated contributions from the annuity  
 42 savings fund prior to July 1, 1979. However, the  
 43 board shall not liquidate securities at a loss for  
 44 the sole purpose of returning the accumulated  
 45 contributions to the members. All requested  
 46 accumulated contributions shall be returned prior  
 47 to July 1, 1984."

48 3. Page 2, by inserting after line 34 the following  
 49 section:

50 "Sec. . . Section ninety-seven B point forty-

**Page 2**

1 one (97B.41), subsection three (3), paragraph a, Code  
 2 1979, as the section is amended by Acts of the Sixty-  
 3 eighth General Assembly, 1979 Session, chapter thirty-  
 4 four (34), section five (5), is amended to read as  
 5 follows:

6 3. a. "Employer" means the state of Iowa, the  
 7 counties, municipalities, and public school districts  
 8 therein and all of the political subdivisions thereof  
 9 and all of their departments and instrumentalities,  
 10 including joint planning commissions created under  
 11 the provisions of chapter 473A, all hereinafter called  
 12 political subdivisions as of July 4, 1963.

13 If an interstate agency is established under chapter  
 14 twenty-eight E (28E) of the Code and similar enabling  
 15 legislation in an adjoining state, and a city had  
 16 made contributions to the system for employees  
 17 performing functions which are transferred to the  
 18 interstate agency, the employees of the interstate

19 agency who perform those functions shall be considered  
 20 to be employees of the city for the sole purpose of  
 21 membership in the system, although the employer  
 22 contributions for those employees are made by the  
 23 interstate agency."

24 4. Page 6, line 16, by striking the word "forty-  
 25 eight" and inserting in lieu thereof the word "forty-  
 26 seven".

27 5. Page 7, line 5, by striking the word "forty-  
 28 eight" and inserting in lieu thereof the word "forty-  
 29 seven".

30 6. Page 8, line 2, by striking the word "forty-  
 31 eight" and inserting in lieu thereof the word "forty-  
 32 seven".

33 7. By striking page 8, line 11 through page 9,  
 34 line 4.

35 8. Page 13, line 31, by striking the words  
 36 "eligible for" and inserting in lieu thereof the words  
 37 "eligible for receiving".

38 9. Page 14, line 10, by inserting after the word  
 39 "beneficiaries" the words "who are disabled prior  
 40 to attaining fifty-five years of age".

41 10. Page 14, by inserting after line 18 the  
 42 following sections:

43 "Sec. . Section four hundred eleven point  
 44 twenty-one (411.21), subsection two (2), Code 1979,  
 45 as the section is amended by Acts of the Sixty-eighth  
 46 General Assembly, 1979 Session, chapter thirty-four  
 47 (34), section nineteen (19), is amended by adding  
 48 the following subsection:

49 NEW SUBSECTION. "Member who became vested" and  
 50 "vested member" mean a member who has been a member

### Page 3

1 of the retirement system fifteen or more years and  
 2 is entitled to benefits under this chapter.

3 Sec. . Section four hundred eleven point twenty-  
 4 one (411.21), subsection five (5), Code 1979, as the  
 5 section is amended by Acts of the Sixty-eighth General  
 6 Assembly, 1979 Session, chapter thirty-four (34),  
 7 section nineteen (19), is amended to read as follows:

8 5. A member of the retirement system prior to  
 9 July 1, 1979 with fifteen or more years of service  
 10 whose employment was terminated prior to retirement,  
 11 other than by death or disability, shall be is entitled  
 12 to receipt of his or her accumulated contributions  
 13 upon retirement together with other retirement benefits  
 14 provided in the law on the date of the member's  
 15 retirement. However, the member shall not be eligible  
 16 for a service retirement allowance under section 411.6  
 17 if he or she has chosen to withdraw his or her  
 18 accumulated contributions from the annuity savings

19 fund.

20 Sec. . Section four hundred eleven point twenty-  
21 one (411.21), subsection seven (7), unnumbered  
22 paragraph one (1), Code 1979, as the subsection is  
23 amended by Acts of the Sixty-eighth General Assembly,  
24 1979 Session, chapter thirty-four (34), section  
25 nineteen (19), is amended to read as follows:

26 7. Notwithstanding the provisions of subsections  
27 1, 3, 4, 5, 6 of this section, beginning January 1,  
28 1981, an active or vested member may request in writing  
29 and receive from the board of trustees, his or her  
30 accumulated contributions from the annuity savings  
31 fund and remain eligible to receive benefits under  
32 section four hundred eleven point six (411.6) of the  
33 Code. However, a member with fifteen or more years  
34 of service prior to July 1, 1979, is not eligible  
35 for a service retirement allowance under section four  
36 hundred eleven point six (411.6) of the Code if he  
37 or she withdrew his or her accumulated contributions  
38 from the annuity savings fund prior to July 1, 1979.  
39 Accumulated contributions shall be paid according  
40 to the following schedule:"

41 11. Page 18, by striking lines 9 through 18.

42 12. By numbering and renumbering sections and  
43 correcting internal references as necessary.

**Committee Bill**, a bill for an act for 1981 supplemental appropriations for various state departments.

**Recommended Do Pass.**

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2282**, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, and including a correlating amendment removing the limitation on the tax levy authorized by section three hundred fifty-eight point twenty-one (358.21) of the Code with respect to interest-bearing obligations issued under that section.

**Recommended Amend and Do Pass.**

H-6089

1 Amend Senate File 2282, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 45, by inserting after line 1 the  
4 following:

5 "Sec. . Commencing on December 1, 1980, the  
6 rate of interest payable on the unpaid balance of  
7 a special assessment which was levied on or after  
8 November 1, 1979, and prior to the effective date

- 9 of Acts of the Sixty-eighth General Assembly, 1980
- 10 Session, Senate File 500, shall be increased to the
- 11 rate of ten percent per annum."
- 12 2. By renumbering sections.

**Senate File 2296**, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a loss of miscellaneous income, and making an appropriation.

**Recommended Amend and Do Pass.**

H-6088

- 1 Amend Senate File 2296, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 8 the following
- 4 section:
- 5 "Sec. . Section four hundred forty-two point
- 6 nine (442.9), subsection one (1), paragraph a, Code
- 7 1979, is amended by adding the following new paragraph:
- 8 **NEW PARAGRAPH.** However, district cost per pupil
- 9 does not include additional allowable growth added
- 10 by the state comptroller under section three (3),
- 11 of this Act due to reduction in miscellaneous income
- 12 of a school district."
- 13 2. Page 4, line 9, by inserting after the word
- 14 "district" the words "for the year requested".
- 15 3. By numbering and renumbering sections and
- 16 correcting internal references as necessary.

**Committee Bill** (Formerly House File 2507, as amended), a bill for an act to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances.

**Recommended Do Pass.**

**AMENDMENTS FILED**

H-6087	H.F. 2567	West of Marshall Norland of Worth
H-6091	H.F. 2567	Pope of Polk Thompson of Polk Byerly of Polk Woods of Polk

On motion by Halvorson of Clayton, the House adjourned at 4:36 p.m., until 9:00 a.m., Wednesday, April 16, 1980.

# JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day—Sixty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 16, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by Father A. E. McCoy, pastor of the Immaculate Conception Catholic Church, Cherokee.

The Journal of Tuesday, April 15, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. X. Latella, Webster City.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jay of Appanoose, for a portion of the morning, on request of Halvorson of Webster.

## 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 8, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 315, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property.

Also: That the Senate has on April 14, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 717, a bill for an act relating to timber buyers and providing penalties.

Also: That the Senate has on April 14, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2464, a bill for an act relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base.

Also: That the Senate has on April 14, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2490, a bill for an act relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 28, a bill for an act to delete all placement investigation requirements in stepparent adoptions.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 89, a bill for an act relating to borrow pits.

Also: That the Senate has on April 14, 1980, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 185, a bill for an act relating to the distribution of interest of permanent school fund.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 430, a bill for an act to provide multipurpose service centers for displaced homemakers.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2051, a bill for an act relating to the registration and licensing of class A motor homes.

Also: That the Senate has on April 14, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2090, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2114, a bill for an act relating to access to certain sealed records for the purpose of locating county of adoption and disclosure of certain medical information concerning an adopted person.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2219, a bill for an act to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2272, a bill for an act relating to the movement of vehicles of excessive size and weight.

Also: That the Senate has on April 14, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2316, a bill for an act relating to the disposition of property by counties.

Also: That the Senate has on April 14, 1980, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 315

H-6095

- 1 Amend House File 315 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, by striking line 15.
- 4 2. Page 1, line 16, by inserting after the
- 5 word "property." the words "This Act does not apply
- 6 to nuclear power facilities."

SENATE AMENDMENT TO  
HOUSE FILE 717

H-6094

- 1 Amend House File 717 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 8, by inserting after the word



4 "rule." the words "A timber buyer whose bond has been  
5 forfeited shall not engage in the business of buying  
6 timber for one year after the forfeiture."

7 2. Page 3, by striking line 35 through page 4,  
8 line 5, and inserting in lieu thereof the following:

9 "4. a. With the written consent of timber buyer,  
10 the commission, its agents and other employees may  
11 inspect the premises and records of the timber buyer.

12 b. If the timber buyer refuses admittance, or  
13 if prior to such refusal the director demonstrates  
14 the necessity for a warrant, the director may make  
15 application under oath to the district court of the  
16 county in which the premises or records are located  
17 for the issuance of a search warrant.

18 c. In the application the director shall state  
19 that an inspection of the premises or record designated  
20 in the application may result in evidence tending  
21 to reveal the existence of violations of the provisions  
22 of this Act or rule issued by the commission pursuant  
23 to this Act. The application shall describe the  
24 premises or records to be inspected, give the date  
25 of the last inspection if known, give the date and  
26 time of the proposed inspection, declare the need  
27 for such inspection, recite that notice-of desire  
28 to make an inspection has been given to affected  
29 persons and that admission was refused if that be  
30 the fact, and state that the inspection has no purpose  
31 other than to carry out the purpose of the statute  
32 or rule pursuant to which inspection is to be made.

33 d. The court may issue a search warrant, after  
34 examination of the applicant and any witnesses, if  
35 the court is satisfied that there is probable cause  
36 to believe the existence of the allegations contained  
37 in the application.

38 e. In making investigations, examinations or  
39 surveys pursuant to the authority of this subsection,  
40 the director must execute the warrant in a reasonable  
41 manner within ten days after its date of issuance."

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 2090

H-6096

1 Amend the House amendment, S-5684, to Senate File  
2 2090 as amended, passed and reprinted, as follows:

3 1. Page 2, by inserting after line 9 the following:

4 "Sec. 4. Section four hundred twenty-five point  
5 seventeen (425.17), subsection eleven (11), Code 1979,  
6 as amended by Acts of the Sixty-eighth General  
7 Assembly, 1979 Session, chapter forty-three (43),

8 section three (3), is amended by striking the  
9 subsection and inserting in lieu thereof the following:

10 11. "Base year" means the calendar year last  
11 ending before the claim is filed.

12 Sec. 5. Section four hundred twenty-five point  
13 twenty (425.20), Code 1979, as amended by Acts of  
14 the Sixty-eighth General Assembly, 1979 Session,  
15 chapter forty-three (43), section six (6), is amended  
16 to read as follows:

17 425.20 FILING DATE. A claim for reimbursement  
18 for rent constituting property taxes paid shall not  
19 be paid or allowed, unless the claim is actually filed  
20 with and in the possession of the department of revenue  
21 on or before October thirty-first of the year following  
22 the base year.

23 A claim for credit for property taxes due shall  
24 not be paid or allowed unless the claim is actually  
25 filed with the county treasurer on or before September  
26 ~~thirtieth~~ of between January first and July first  
27 immediately preceding the fiscal year during which  
28 the property taxes are due and contains an affidavit  
29 of the claimant's intent to occupy the homestead for  
30 six months or more during the fiscal year for beginning  
31 in the calendar year in which the claim is filed.

32 The county treasurer shall submit the claim to the  
33 director of revenue on or before October fifteenth  
34 August first of each year.

35 In case of sickness, absence, or other disability  
36 of the claimant or if, in the judgment of the director  
37 of revenue, good cause exists and the claimant requests  
38 an extension prior to November first, or July first  
39 in the case of claim for credit for property taxes  
40 due, the director may extend the time for filing a  
41 claim for reimbursement or credit for a period not  
42 to exceed two months."

43 2. Page 2, line 10, by striking the quotation  
44 marks.

45 3. Page 2, by inserting after line 43 the  
46 following:

47 " . Page 3, line 9, by inserting after the word  
48 "Act" the words ", except for sections four (4) and  
49 five (5) of this Act".

50 " . Page 3, line 13, by inserting after the

**Page 2**

1 period the words "Sections four (4) and five (5) of  
2 this Act are effective January 1, 1981." "

3 4. By numbering and renumbering as is necessary.

## HOUSE RULE 43 SUSPENDED

Halvorson of Clayton moved to suspend House Rule 43 for the consideration of House File 2580 on Thursday, April 17, 1980 and to substitute the title of House File 2580.

Roll call was requested by Anderson of Jasper and Avenson of Fayette.

On the question "Shall the motion prevail?"

The ayes were, 56:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

The nays were, 38:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Cochran
Connolly	Connors	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Lloyd-Jones	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Rapp	Sherzan	Spear
Wells	Woods		

Absent or not voting, 6:

Chiodo	Jay	Lonergan	Perkins
Walter	Welsh		

The motion prevailed, the rules were suspended, and the title of House File 2580, found on pages 1612 and 1613 of the House Journal was corrected to reflect the substitute title.

**CONSIDERATION OF BILLS**  
**Ways and Means Calendar**

**House File 2578**, a bill for an act relating to the extension of deadlines for filing claims and the confidentiality of the information on the claims for property tax credit and rent reimbursement of the elderly and disabled persons, was taken up for consideration.

Krewson of Polk offered the following amendment H—6072 filed by him:

H—6072

1 Amend House File 2578 as follows:

2 1. Page 1, by inserting before line 1 the follow-  
3 ing:

4 "Section 1. Chapter four hundred twenty-two (422),  
5 Code 1979, is amended by adding sections two (2)  
6 through thirteen (13) of this Act as a new division.

7 Sec. 2. **NEW SECTION. DEFINITIONS.** As used in  
8 this division unless the context otherwise requires:

9 1. "Claimant" means an individual filing for  
10 credit under this division.

11 2. "Calendar year" means the calendar year  
12 immediately preceding the year in which the claim  
13 for credit under this division is filed.

14 3. "Family" means the claimant's spouse and any  
15 person related to the claimant or claimant's spouse  
16 by blood, marriage or adoption who is eligible to  
17 be claimed by the claimant as a dependent for the  
18 tax year.

19 4. "Tax year" means the tax year as defined in  
20 section four hundred twenty-two point four (422.4)  
21 of the Code beginning in the calendar year.

22 Sec. 3. **NEW SECTION. CREDIT AND REIMBURSEMENT.**

23 Subject to the limitations provided in this division,  
24 a claimant may file a claim for a renter's credit  
25 under this division if the claimant has rented the  
26 same residential dwelling unit in the state for use  
27 as the principal residence of the claimant or the  
28 claimant's family for six months or more during the  
29 calendar year. However, a claimant shall not file  
30 for or be entitled to receive a renter's credit for  
31 the renting of a residential dwelling unit if the  
32 claimant or a member of the claimant's family has  
33 received or has filed for that unit a claim for  
34 reimbursement for rent constituting property taxes  
35 paid under sections four hundred twenty-five point  
36 sixteen (425.16) through four hundred twenty-five  
37 point thirty-nine (425.39) of the Code. After audit

38 or certification by the director, the credit shall  
39 be deducted from the claimant's income tax liability  
40 for that tax year if any. If the credit allowed  
41 exceeds the claimant's tax liability or there is no  
42 liability, any excess shall be paid to the claimant  
43 in the same manner as individual income tax refunds  
44 are paid under this chapter.

45 **Sec. 4. NEW SECTION. FILING DATE.** A claim for  
46 a renter's credit for the renting of the claimant's  
47 principal residence shall not be allowed unless the  
48 claim is filed with the claimant's income tax return  
49 for the tax year and within the time required for  
50 the filing of such return as provided in section four

**Page 2**

1 hundred twenty-two point twenty-one (422.21) of the  
2 Code. However, if an income tax return is not required  
3 to be filed, the claim shall be filed within the time  
4 required for the filing of income tax returns for  
5 the tax year as provided in section four hundred  
6 twenty-two point twenty-one (422.21) of the Code.

7 **Sec. 5. NEW SECTION. ONE CLAIMANT PER RESIDENTIAL**  
8 **DWELLING UNIT.** Only one claimant per residential  
9 dwelling unit per calendar year is entitled to a  
10 credit under sections two (2) through thirteen (13)  
11 of this Act. When two persons are able to meet the  
12 qualifications for a claimant for the same residential  
13 dwelling unit, they may determine between them who  
14 will be the claimant. If they are unable to agree,  
15 the matter shall be referred to the director of revenue  
16 not later than the time required for filing a claim  
17 for credit under this division and the director's  
18 decision shall be final.

19 **Sec. 6. NEW SECTION. DETERMINATION OF THE AMOUNT**  
20 **OF CREDIT.** The amount of the renter's credit is equal  
21 to the greater of fifty dollars or three percent of  
22 the total amount of rent paid during the calendar  
23 year by the claimant for all residential dwelling  
24 units within the state which were used as the prin-  
25 cipal residence of the claimant or the claimant's  
26 family. However, the credit granted shall not exceed  
27 one hundred dollars.

28 **Sec. 7. NEW SECTION. ADMINISTRATION.** The director  
29 shall make available suitable forms with instructions  
30 for claimants or provide on regular individual income  
31 tax returns for the filing of a claim under this  
32 division.

33 **Sec. 8. NEW SECTION. AUDIT OF CLAIM.** If on the  
34 audit of any claim for credit under this division,  
35 the director determines the amount of the claim to  
36 have been incorrectly calculated or that the claim

37 is not allowable, the director shall recalculate the  
38 claim and notify the claimant of the recalculation  
39 or denial and the reasons for it. The director shall  
40 not adjust any claim after the period provided in  
41 section four hundred twenty-two point twenty-five  
42 (422.25) of the Code. If the claim for credit has  
43 resulted in a payment to the claimant, the amount  
44 so paid may be recovered in the same manner that  
45 income taxes are assessed and collected under sections  
46 four hundred twenty-two point twenty-five (422.25),  
47 four hundred twenty-two point twenty-six (422.26)  
48 and four hundred twenty-two point thirty (422.30)  
49 of the Code. The recalculation of the claim is final  
50 unless appealed as provided in section eleven (11)

**Page 3**

1 of this Act. The provisions of section four hundred  
2 twenty-two point seventy (422.70) of the Code are  
3 applicable with respect to this division.

4 **Sec. 9. NEW SECTION. FALSE CLAIM—PENALTY.** A  
5 person making a false claim for the purpose of  
6 obtaining the credit provided for in this division  
7 or who knowingly receives a payment under this division  
8 without being legally entitled to it is guilty of  
9 a simple misdemeanor. The claim for credit shall  
10 be disallowed in full and if the claim for credit  
11 has resulted in a payment to the claimant, the amount  
12 so paid may be recovered by assessment in the manner  
13 that income taxes are assessed pursuant to sections  
14 four hundred twenty-two point twenty-six (422.26)  
15 and four hundred twenty-two point thirty (422.30)  
16 of the Code. The director of revenue shall send a  
17 notice of disallowance of the claim.

18 **Sec. 10. NEW SECTION. NOTICES.** Section four  
19 hundred twenty-two point twenty-five (422.25),  
20 subsection one (1) of the Code applies to all notices  
21 under this division.

22 **Sec. 11. NEW SECTION. APPEALS.** A person aggrieved  
23 by an act or decision of the director or the department  
24 under this division has the same rights of appeal  
25 and review as provided in sections four hundred twenty-  
26 one point one (421.1) and four hundred twenty-two  
27 point twenty-nine (422.29) of the Code and the rules  
28 of the department.

29 **Sec. 12. NEW SECTION. DISALLOWANCE OF CERTAIN**  
30 **CLAIMS.** A claim for credit shall be disallowed if  
31 the department finds that the claimant has rented  
32 the residential dwelling unit primarily for the purpose  
33 of receiving benefits under this division.

34 **Sec. 13. NEW SECTION. RULES.** The director shall  
35 adopt rules in accordance with chapter seventeen A

36 (17A) of the Code for the interpretation and proper  
 37 administration of this division, including rules to  
 38 prevent and disallow duplication of benefits and to  
 39 prevent an unreasonable hardship or advantage to any  
 40 person.

41 Sec. 14. Section four hundred twenty-two point  
 42 twelve (422.12), unnumbered paragraph one (1), Code  
 43 1979, as the section is amended by Acts of the Sixty-  
 44 eighth General Assembly, 1979 Session, chapter ninety-  
 45 three (93), section six (6), is amended to read as  
 46 follows:

47 There shall be deducted from the tax, but in an  
 48 amount not to exceed the tax except as provided in  
 49 section fifteen (15) of this Act, after the same shall  
 50 have tax has been computed as provided in this

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1 division, the following:

2 Sec. 15. Section four hundred twenty-two point  
 3 twelve (422.12), Code 1979, as the section is amended  
 4 by Acts of the Sixty-eighth General Assembly, 1979  
 5 Session, chapter ninety-three (93), section six (6),  
 6 is amended by adding the following new subsection:

7 NEW SUBSECTION. The renter's credit provided for  
 8 under the provisions of sections two (2) through  
 9 thirteen (13) of this Act. This credit shall be  
 10 deducted after the deduction of the other credits  
 11 provided in this section. If the deduction of this  
 12 credit exceeds the tax liability, the excess shall  
 13 be paid to the individual as provided in section three  
 14 (3) of this Act."

15 2. Page 1, by inserting after line 32 the follow-  
 16 ing:

17 Sec. . Sections one (1) through fifteen (15)  
 18 of this Act take effect January first following  
 19 enactment for tax years beginning on or after the  
 20 effective date.

21 3. Title page, line 1, by inserting after the  
 22 word "Act" the words "providing for an income tax  
 23 credit and reimbursement for individuals who rent  
 24 their principal residence and".

25 4. By renumbering as is necessary.

Hanson of Delaware rose on a point of order that amendment  
 H-6072 was not germane.

The Speaker ruled the point well taken and amendment  
 H-6072 not germane.

Norland of Worth asked for unanimous consent to take up for consideration amendment H—6072.

Objection was raised.

Norland of Worth moved that the rules governing germaneness be suspended for the consideration of amendment H—6072.

Roll call was requested by Sherzan of Polk and Bina of Scott.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6072?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Miller	Norland
O'Kane	Patchett	Pavich	Perkins
Pope	Rapp	Sherzan	Spear
Walter	Wells	Woods	

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 7:

De Groot	Jay	Krewson	Loneragan
Oxley	Shimanek	Welsh	



The motion lost.

Hanson of Delaware moved that 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 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2578)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Cannolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jay                      Lonergan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2579**, a bill for an act exempting from the real estate transfer tax transfers between members of a family and a family partnership or corporation, was taken up for consideration.

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2579)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Gettings

Lonergan

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2567**, a bill for an act relating to the determination of actual and assessed value of property for tax purposes and defining that property which may not be included within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code and making the Act retroactive, was taken up for consideration.

Pope of Polk offered the following amendment H—6091 filed by Pope, et al., and moved its adoption:

H—6091

- 1 Amend House File.2567 as follows:
- 2 1. Page 1, by striking lines 17 through 24.
- 3 2. Page 2, by striking lines 10 through 18.
- 4 3. By renumbering sections and correcting internal
- 5 references as necessary.

**Amendment H—6091** was adopted.

West of Marshall offered the following amendment H—6087 filed by him and Norland of Worth and moved its adoption:

H—6087

- 1 Amend House File 2567 as follows:
- 2 1. Page 2, by striking lines 22 through 28.

**Amendment H—6087** was adopted.

The following amendment H—6099, filed by Doyle of Woodbury from the floor, was adopted by unanimous consent:

H—6099

- 1 Amend House File 2567 as follows:
- 2 1. Title page, line 3, by striking the word "not".
- 3 2. Title page, line 6, by striking the words "and
- 4 making the Act retroactive".

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. 2567)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Schroeder                      Thompson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 2571**, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more such districts are under the management and control of that board, and to authorize a one-time assessment on land in such districts for the purpose of establishing the fund, was taken up for consideration.

Speaker pro tempore Stromer of Hancock in the chair at 10:18 a.m.

Hummel 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. 2571)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Shimanek	Shull	Spear	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker (Stromer)		

The nays were, 3:

Avenson	Norland	Smalley
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Absent or not voting, 7:

Brandt	Harbor	Horn	Rapp
Schroeder	Sherzan	Thompson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2238**, a bill for an act relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American

soybean association and American soybean institute, and adding a new definition, with report of committee recommending passage was taken up for consideration.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2238)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Branstad	Bruner
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Maulsby	McKean
Menke	Millen	Mullins	Norland
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Shimanek
Shull	Smalley	Spear	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker (Stromer)		

The nays were, 7:

Binneboese	Connolly	Connors	Cusack
Howell	Miller	O'Kane	

Absent or not voting, 7:

Brandt	Jesse	Lura	Rapp
Schroeder	Sherzan	Thompson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## SENATE AMENDMENTS CONSIDERED

Conlon of Muscatine called up for consideration **House File 2513**, a bill for an act creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties, amended by the Senate, and moved that the House concur in the Senate amendment H-5901, received from the Senate on April 8, 1980 and found on pages 1399 and 1400 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-5901.

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. 2513)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	
		(Stromer)	

The nays were, none.

Absent or not voting, 5:

Brandt	Hoffmann	Lura	Rapp
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Pelton of Clinton called up for consideration **House File 54**, a bill for an act relating to district associate judges and judicial magistrates, amended by the Senate, and moved that the House concur in the Senate amendment H—5964, received from the Senate on April 10, 1980 and found on pages 1472 through 1476 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—5964.

Pelton of Clinton 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. 54)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger



Pope	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, 1:

Van Maanen

Absent or not voting, 2:

Byerly

Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Shimanek of Jones called up for consideration **House File 685**, a bill for an act making it a fraudulent practice to knowingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance for which a person is not eligible, granting the department of social services rule-making authority to implement this Act, and providing penalties, amended by the Senate, and moved that the House concur in the Senate amendment H-5965 received from the Senate on April 10, 1980 and found on page 1476 of the House Journal.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 50, nays 49.

The motion prevailed and the House concurred in the Senate amendment H-5965.

(House File 685 pending at recess.)

On motion by Halvorson of Clayton, the House was recessed at 11:32 a.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House recovered, Speaker Harbor in the chair.

**SENATE AMENDMENT FURTHER CONSIDERED**  
**Business Pending At Recess**

The House resumed consideration of **House File 685**, a bill for an act making it a fraudulent practice to knowingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance for which a person is not eligible, granting the department of social services rule-making authority to implement this Act, and providing penalties.

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.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 685)

The ayes were, 94:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Miller	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Anderson, R.	Chiodo	Patchett	Perkins
Rapp	Schroeder		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### SENATE AMENDMENTS CONSIDERED

Hummel of Benton called up for consideration **House File 2463**, a bill for an act relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators, amended by the Senate amendment H-5966, received from the Senate on April 10, 1980 and found on page 1477 of the House Journal.

Pellett of Cass asked and received unanimous consent to withdraw amendment H-5982, to the Senate amendment H-5966, filed by him on April 10, 1980.

Hummel of Benton moved that the House concur in the Senate amendment H-5966.

A non-record roll call was requested.

The ayes were 64, nays 30.

The motion prevailed and the House concurred in the Senate amendment H-5966.

Hummel of Benton moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2463)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly

Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Renken
Ritsema	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Chiodo	Hullinger	Rapp	Schnekloth
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Lonergan of Boone called up for consideration **House File 2533**, a bill for an act to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool, amended by the Senate, and moved that the House concur in the Senate amendment H-5968 received from the Senate on April 10, 1980 and found on page 1478 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-5968.

Lonergan 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. 2533)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Ritsema	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Spear
Stromer	Swearingen	Thompson	Tofte
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 9:

Branstad	De Groot	Johnson, J.	Lorenzen
Lura	Maulsby	Renken	Smalley
Tyrrell			

Absent or not voting, 3:

Binneboese	Chiodo	Rapp
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Johnson of Linn called up for consideration **House File 2495**, a bill for an act relating to strip searches subsequent to arrest, amended by the Senate amendment H-6001, received from the Senate on April 11, 1980 and found on page 1510 of the House Journal.

Spear of Lee offered the following amendment H-6102, to the Senate amendment H-6001, filed by him from the floor and moved its adoption:

H-6102

- 1 Amend the Senate amendment, H-6001, to House File
- 2 2495, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 21, 22, and 23.

A non-record roll call was requested.

The ayes were 37, nays 56.

Amendment H-6102 lost.

On motion by Johnson of Linn, the House concurred in the Senate amendment H-6001.

Johnson 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. 2495)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneran
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek

Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Walter	Welden	Wells	Welsh
West	Mr. Speaker		

The nays were, 5:

Daggett	Johnson, J.	Renken	Van Maanen
Woods			

Absent or not voting, 1:

Chiodo

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 2:17 p.m., until the fall of the gavel.

The House resumed session at 4:48 p.m., Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chiodo of Polk, for the remainder of the day, on request of Woods of Polk.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-four members present, six absent.

### WAYS AND MEANS CALENDAR

**Senate File 2197**, a bill for an act relating to the sale of wine and creating a license therefor, with report of committee recommending passage was taken up for consideration.

Jesse of Polk offered the following amendment H—6098 filed by him from the floor:

H-6098

1 Amend Senate File 2197 as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Section 1. Chapter one hundred twenty-three  
5 (123), Code 1979, is amended by adding sections two  
6 (2) through twenty (20) of this Act as a new division.

7 Sec. 2. NEW SECTION. PERMIT OR LICENSE REQUIRED.

8 A person shall not cause the manufacture, importation,  
9 or sale of wine in this state unless a certificate  
10 or permit as provided in this division, or a liquor  
11 control license as provided in division one (I) of  
12 this chapter, is first obtained which authorizes that  
13 manufacture, importation, or sale.

14 Sec. 3. NEW SECTION. WINE PERMITS—CLASSES.

15 Permits exclusively for the manufacture and sale,  
16 or sale of wine shall be divided into three classes,  
17 and shall be known as either class "A", class "B",  
18 or class "C" wine permits.

19 A class "A" wine permit shall allow the holder  
20 to manufacture and sell or sell at wholesale in this  
21 state, wine as defined in this Act. The holder of  
22 a class "A" wine permit may manufacture in this state  
23 wine having an alcoholic content greater than seventeen  
24 percent by weight, for shipment outside this state  
25 only. A class "B" wine permit shall allow the holder  
26 to sell wine at retail for consumption off the  
27 premises. The holder of a class "B" wine permit shall  
28 be a wine store as defined in this Act. A class "C"  
29 wine permit shall allow the holder to sell wine at  
30 retail for consumption off the premises and may be  
31 issued only to a grocery store.

32 Sec. 4. ISSUANCE OF PERMITS. The director shall  
33 issue class "A", "B" and "C" wine permits as provided  
34 in this chapter, and may suspend or revoke a wine  
35 permit for cause as provided in this chapter.

36 Sec. 5. NEW SECTION. PROHIBITED INTEREST. It  
37 shall be unlawful for a person to be a holder of or  
38 either directly or indirectly interested in more than  
39 one class of wine permit, except that this prohibition  
40 shall not apply to a wholesale supplier who is an  
41 owner of one or more retail grocery stores.

42 Sec. 6. NEW SECTION. CLASS "A" APPLICATION.

43 Except as otherwise provided in this chapter, a class  
44 "A" wine permit shall be issued to any person who  
45 complies with all of the following:

46 1. Submits a written application for a permit,  
47 which application shall state under oath:

48 a. The name and place of residence of the applicant  
49 and the length of time the applicant has lived at  
50 such place of residence.



## Page 2

- 1 b. That the applicant is a citizen of the state  
2 of Iowa.
- 3 c. The place of birth of the applicant, and if  
4 the applicant is a naturalized citizen, the time and  
5 place of naturalization.
- 6 d. The location of the place or building where  
7 the applicant intends to operate.
- 8 e. The name of the owner of the building and if  
9 that owner is not the applicant, that the applicant  
10 is the actual lessee of the premises.
- 11 2. Establishes all of the following facts:
- 12 a. That the applicant meets the test of good moral  
13 character as provided in subsection eleven (11) of  
14 section one hundred twenty-three point three (123.3)  
15 of the Code.
- 16 b. That the place or building where the applicant  
17 intends to operate conforms to all laws, health and  
18 fire regulations, applicable thereto, and is a safe  
19 and proper place or building.
- 20 3. Submits a bond in the sum of five thousand  
21 dollars, and in the form prescribed and furnished  
22 by the department with good and sufficient sureties  
23 to be approved by the department, which bond is  
24 conditioned upon compliance with the provisions of  
25 this chapter.
- 26 **Sec. 7. NEW SECTION. CLASS "B" APPLICATION.**
- 27 Except as otherwise provided in this chapter, a class  
28 "B" wine permit shall be issued to any person who  
29 complies with all of the following:
- 30 1. Submits a written application for a permit  
31 which application shall state under oath all of the  
32 following information:
- 33 a. The name and place of residence of the  
34 applicant, and the length of time the applicant has  
35 lived at such place of residence.
- 36 b. That the applicant is a citizen of the state  
37 of Iowa.
- 38 c. The place of birth of the applicant, and if  
39 the applicant is a naturalized citizen, the time and  
40 place of naturalization.
- 41 d. The location of the place or building where  
42 the applicant intends to operate.
- 43 e. The name of the owner of the building and if  
44 that owner is not the applicant, that the applicant  
45 is the actual lessee of the premises.
- 46 2. Establishes all of the following facts:
- 47 a. That the applicant is a person of good moral  
48 character as provided in subsection eleven (11) of  
49 section one hundred twenty-three point three (123.3)  
50 of the Code.

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1 b. That the place or building where the applicant  
2 intends to operate conforms to all laws, health and  
3 fire regulations applicable thereto, and is a safe  
4 and proper place or building.

5 3. Submits a bond in the sum of one thousand  
6 dollars in the form prescribed and furnished by the  
7 department with good and sufficient sureties to be  
8 approved by the department, which bond is conditioned  
9 upon compliance with the provisions of this chapter.  
10 The bond shall be further conditioned as a part of  
11 the permit granted, to the effect that the permittee  
12 and each surety shall consent to forfeiture of the  
13 principal sum of the bond in event of suspension or  
14 revocation pursuant to this chapter of the permit.

15 4. Declares that the principal business of the  
16 establishment for which the applicant is making  
17 application for a class "B" wine permit consists of  
18 the sale of wine for consumption off the premises.

19 Sec. 8. NEW SECTION. CLASS "C" APPLICATION.

20 Except as otherwise provided in this chapter, a class  
21 "C" wine permit shall be issued to any person who:

22 1. Submits a written application for a permit,  
23 which application shall state under oath all of the  
24 following:

25 a. The name and place of residence of the applicant  
26 and the length of time the applicant has lived at  
27 such place of residence.

28 b. That the applicant is a citizen of the state  
29 of Iowa.

30 c. The place of birth of the applicant and if  
31 the applicant is a naturalized citizen, the time and  
32 place of naturalization.

33 d. The location of the place or building where  
34 the applicant intends to operate.

35 e. The name of the owner of the building and if  
36 that owner is not the applicant that the applicant  
37 is the actual lessee of the premises.

38 2. Establishes that the applicant is a person  
39 of good moral character as provided in subsection  
40 eleven (11) of section one hundred twenty-three point  
41 three (123.3) of the Code.

42 3. Submits a bond in the sum of five hundred  
43 dollars to the department in the form prescribed and  
44 furnished by the department, with good and sufficient  
45 sureties to be approved by the department, which bond  
46 is conditioned upon compliance with the provisions  
47 of this chapter.

48 4. Declares that the retail establishment for  
49 which application is made is a grocery store whose  
50 principal business consists of the sale of food or

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1 food products for consumption off the premises.

2 Sec. 9. NEW SECTION. AUTHORITY UNDER CLASS "A"

3 WINE PERMIT.

4 1. A person holding a class "A" wine permit may  
5 manufacture and sell, or sell at wholesale, wine for  
6 consumption off the premises. Sales within the state  
7 may be made only to persons holding class "A", class  
8 "B", or class "C" wine permits, and to the department,  
9 and to persons holding a class "A", "B", "C", or "D"  
10 liquor control license. A class "A" wine permittee  
11 having more than one place of business shall be  
12 required to obtain a separate wine permit for each  
13 place of business where wine is to be stored,  
14 warehoused, or sold.

15 2. A class "A" wine permit holder may purchase  
16 and resell only those brands of wine which are  
17 manufactured, fermented, bottled, shipped or imported  
18 by a person holding a certificate of compliance issued  
19 pursuant to section fourteen (14) of this Act.

20 Sec. 10. NEW SECTION. AUTHORITY UNDER CLASS "B"

21 WINE PERMIT.

22 1. A person holding a class "B" wine permit may  
23 sell wine at retail for consumption off the premises.  
24 Wine shall be sold in original containers only.

25 2. A class "B" wine permittee having more than  
26 one place of business where wine is sold shall be  
27 required to obtain a separate wine permit for each  
28 place of business.

29 Sec. 11. NEW SECTION. AUTHORITY UNDER CLASS "C"

30 WINE PERMIT.

31 1. A person holding a class "C" wine permit may  
32 sell wine for consumption off the premises only.

33 Wine shall be sold in original containers only.

34 2. A class "C" wine permittee having more than  
35 one place of business where wine is sold shall be  
36 required to obtain a separate wine permit for each  
37 place of business.

38 Sec. 12. NEW SECTION. NATIVE WINES. Subject

39 to rules of the department, a person who manufactures  
40 native wines either from fruits or other agricultural  
41 products and who holds a class "A" wine permit may  
42 sell, keep, or offer for sale and deliver those wines.  
43 Sales may be made at retail for off the premises  
44 consumption when sold on the premises of the  
45 manufacturer.

46 A manufacturer of native wines shall not sell those  
47 wines otherwise than as permitted in this chapter  
48 or allow any wine sold to be consumed upon the premises  
49 of the manufacturer. Any person may manufacture  
50 native wine for consumption on his or her own premises

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1 when none of the wine is manufactured for sale.

2 Sec. 13. NEW SECTION. WINE PERMIT FEES.

3 1. The annual permit fee for a class "A" wine  
4 permit shall be seven hundred fifty dollars.

5 2. The annual permit fee for a class "B" wine  
6 permit shall be five hundred dollars.

7 3. The annual permit fee for a class "C" wine  
8 permit shall be on a graduated scale based on the  
9 amount of interior floor space which comprises the  
10 retail sales area of the premises covered by the  
11 permit as follows:

12 a. Up to one thousand square feet, the sum of  
13 fifty dollars.

14 b. Over one thousand square feet and up to two  
15 thousand square feet, the sum of seventy-five dollars.

16 c. Over two thousand square feet and up to five  
17 thousand square feet, the sum of one hundred dollars.

18 d. Over five thousand square feet and up to ten  
19 thousand square feet, the sum of one hundred fifty  
20 dollars.

21 e. Over ten thousand square feet, the sum of two  
22 hundred dollars.

23 Sec. 14. NEW SECTION. IMPORTERS CERTIFICATE OF  
24 COMPLIANCE—PROHIBITED ACTS.

25 1. A manufacturer, bottler, or vendor of wine  
26 or any agent desiring to cause the importation of  
27 wine into this state for resale by a class "A" wine  
28 permittee shall first make application for and be  
29 issued by the director a certificate of compliance.

30 A certificate of compliance shall expire at the  
31 end of one year from the date of issuance and shall  
32 be renewed for a like period upon application to the  
33 director unless otherwise revoked for cause.

34 Each application for a certificate of compliance  
35 or a renewal shall be accompanied by a fee of five  
36 hundred dollars payable to the department. Each  
37 applicant and holder of a certificate of compliance  
38 shall furnish to the department any information the  
39 director may require.

40 A person who otherwise holds a class "A" wine  
41 permit to sell wine at wholesale in this state shall  
42 be exempt from the fee, but not from the terms and  
43 conditions provided in this section.

44 2. Any person who within this state is an agent  
45 or employee of the holder of a certificate of  
46 compliance shall register his or her name and address  
47 with the department: However, registration shall  
48 not be required of those persons who either are  
49 employed on the premises of a bottling plant or winery  
50 where wine is manufactured, fermented or bottled in

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1 this state, or who thereafter are engaged in the  
2 transportation of that wine.

3 3. It shall be unlawful for any holder of a  
4 certificate of compliance or an agent, or any class  
5 "A" wine permit holder or an agent, to grant to any  
6 retail wine permit holder either directly or  
7 indirectly, any rebates, free goods, special deals,  
8 allowances, or discounts on wine, or directly or  
9 indirectly to extend credit for more than thirty days  
10 from delivery date.

11 4. It shall be unlawful for any holder of a  
12 certificate of compliance or an agent to discriminate  
13 in price, allowance, rebate, refund, commission,  
14 discount, or service between class "A" wine permittees  
15 authorized to sell wine at wholesale, or directly  
16 or indirectly extend credit for more than thirty days  
17 from delivery date. The term "discriminate" shall  
18 mean the granting of more favorable prices, allowances,  
19 rebates, refunds, commissions, discounts, or services  
20 to one permit holder than to another.

21 5. Notwithstanding any other penalties provided  
22 by this chapter, any holder of a certificate of  
23 compliance or any class "A", class "B", or class "C"  
24 wine permittee who violates any of the provisions  
25 of this section shall be subject to a fine not to  
26 exceed one thousand dollars or be subject to suspension  
27 of the certificate of compliance or permit for a  
28 period not to exceed sixty days or be subject to both  
29 the fine and suspension.

30 Sec. 15. NEW SECTION. GALLONAGE TAX.

31 1. In addition to the annual permit fee to be  
32 paid by each class "A" wine permittee, there shall  
33 be levied and collected from each class "A" wine  
34 permittee on all wine manufactured for sale and sold  
35 in this state at wholesale and on all wine imported  
36 into this state for sale at wholesale and sold in  
37 this state at wholesale, a tax of fifty cents for  
38 every wine gallon, and the like rate for any other  
39 quantity or for the fractional parts of a wine gallon.  
40 A tax shall not be levied or collected on wine shipped  
41 outside this state by a class "A" permittee, on wine  
42 sold by one class "A" permittee to another class "A"  
43 permittee, or on wine sold to the department. All  
44 revenue derived from the wine tax shall be deposited  
45 in the liquor control fund established by section  
46 one hundred twenty-three point fifty-three (123.53)  
47 of the Code and shall be distributed as follows:

48 a. Two-thirds of the revenue derived from the  
49 wine tax shall be distributed in accordance with  
50 subsections three (3), four (4), five (5) and six

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1 (6) of section one hundred twenty-three point fifty-  
2 three (123.53) of the Code; however, the total amount  
3 so distributed shall not exceed an amount equal to  
4 the funds distributed pursuant to those subsections  
5 during the fiscal year ending June 30, 1980, as  
6 adjusted by the percent change in the gross sales  
7 of wine in the state liquor stores in each year  
8 thereafter.

9 b. One-third of the revenue derived from the wine  
10 tax shall be distributed in accordance with subsection  
11 seven (7) of section one hundred twenty-three point  
12 fifty-three (123.53) of the Code; however, the total  
13 amount so distributed shall not exceed an amount equal  
14 to the funds distributed pursuant to such subsection  
15 during the fiscal year ending June 30, 1980, as  
16 adjusted by the percent change in the gross sales  
17 of wine of the state liquor stores in each year  
18 thereafter.

19 c. The revenue derived from the wine tax, remaining  
20 in the fund after the distributions required by  
21 paragraphs a and b of this subsection shall be  
22 transferred by the state comptroller to the general  
23 fund of the state.

24 **Sec. 16. NEW SECTION. REPORT OF GALLONAGE SALES—**  
25 **PENALTY.** Each class "A" wine permit holder on or  
26 before the tenth day of each calendar month commencing  
27 on the tenth day of the calendar month following the  
28 month in which the person is issued a permit, shall  
29 make a report under oath to the department upon forms  
30 to be furnished by the department showing the exact  
31 number of gallons of wine and fractional parts thereof,  
32 sold by that permit holder during the preceding  
33 calendar month. The report also shall state whatever  
34 additional information the director may require.  
35 Each permit holder at the time of filing this report,  
36 shall pay to the department the amount of tax due  
37 at the rate fixed in section fifteen (15) of this  
38 Act. A penalty of ten percent of the amount of the  
39 tax shall be assessed and collected if the report  
40 is not filed and the tax paid within the time required  
41 by this section.

42 **Sec. 17. NEW SECTION. RECORDS REQUIRED.** Each  
43 class "A" wine permittee shall keep books of account  
44 and records showing each sale of wine, which shall  
45 be at all times open to inspection by the director  
46 and agents of the department. Each class "B" and  
47 class "C" wine permittee shall keep proper books of  
48 account and records showing each purchase of wine,  
49 and the date and the amount of each purchase and the  
50 name of the person from whom each purchase was made,

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1 which shall be open to inspection by the director  
2 and agents of the department during normal business  
3 hours of the permittee.

4 Sec. 18. NEW SECTION. PURCHASE FROM A NONPERMIT  
5 HOLDER. It shall be unlawful for the holder of any  
6 class "B" or class "C" wine permit to sell wine,  
7 except wine which is purchased from a person holding  
8 a class "A" wine permit and on which the tax imposed  
9 by section fifteen (15) of this Act has been paid  
10 or wine purchased from the department.

11 Sec. 19. NEW SECTION. DISTRIBUTION OF FUNDS.  
12 All permit fees and taxes collected by the department  
13 pursuant to this division shall accrue to the general  
14 fund of the state, except as otherwise provided.

15 Sec. 20. NEW SECTION. LABELS—CONCLUSIVE EVIDENCE.  
16 The label on any bottle or other container in which  
17 wine is offered for sale in this state, which label  
18 represents the alcoholic content of that wine as being  
19 in excess of seventeen per cent by weight, shall be  
20 conclusive evidence of the alcoholic content of that  
21 wine.

22 Sec. 21. Section one hundred twenty-three point  
23 two (123.2), Code 1979, is amended to read as follows:

24 123.2 GENERAL PROHIBITION. It shall be unlawful  
25 to manufacture for sale, sell, offer or keep for sale,  
26 possess, or transport an alcoholic liquor or beer  
27 beverage except upon the terms, conditions,  
28 limitations, and restrictions enumerated in this  
29 chapter.

30 Sec. 22. Section one hundred twenty-three point  
31 three (123.3), subsection seven (7), Code 1979, is  
32 amended to read as follows:

33 7. "Wine" means any beverage containing alcohol  
34 by weight obtained by the fermentation of the natural  
35 sugar contents of fruits or other agricultural products  
36 and containing more than five percent but not more  
37 than seventeen percent alcohol by weight.

38 Sec. 23. Section one hundred twenty-three point  
39 three (123.3), subsection eight (8), Code 1979, is  
40 amended to read as follows:

41 8. "Alcoholic liquor", "alcoholic beverage" or  
42 "intoxicating liquor" means and includes the three  
43 varieties of liquor defined in subsections 5, 6, and  
44 7, except and beer as defined in subsection 9 but  
45 including all beverages made as described in such  
46 subsection which contain more than four percent of  
47 alcohol by weight, and every other liquid or solid,  
48 patented or not, containing alcohol, spirits, or wine,  
49 and susceptible of being consumed by a human being,  
50 for beverage purposes. "Alcoholic liquor" or

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1 "intoxicating liquor" means and includes every  
2 alcoholic beverage, except beer containing five percent  
3 or less of alcohol by weight, and except wine  
4 containing seventeen percent or less of alcohol by  
5 weight.

6 Sec. 24. Section one hundred twenty-three point  
7 three (123.3), subsection ten (10), Code 1979, is  
8 amended to read as follows:

9 10. "Person" means any individual, association,  
10 partnership, corporation, club, hotel or motel, or  
11 municipal corporation owning or operating a bona fide  
12 airport, marina, park, coliseum, auditorium, or  
13 recreational facility in or at which the sale of  
14 alcoholic liquor or beer beverages is only an  
15 incidental part of such ownership or operation.

16 Sec. 25. Section one hundred twenty-three point  
17 three (123.3), subsection eleven (11), paragraph c,  
18 Code 1979, is amended to read as follows:

19 c. He or she is not prohibited by the provisions  
20 of section 123.40 from obtaining a liquor control  
21 license or beer permit.

22 Sec. 26. Section one hundred twenty-three point  
23 three (123.3), subsection thirteen (13), Code 1979,  
24 is amended to read as follows:

25 13. "Permit" or "license" means an express written  
26 authorization issued by the department for the  
27 manufacture or sale, or both, of alcoholic liquor,  
28 wine, or beer.

29 Sec. 27. Section one hundred twenty-three point  
30 three (123.3), subsection sixteen (16), Code 1979,  
31 is amended by striking the subsection and inserting  
32 in lieu thereof the following:

33 16. "Container" means and includes every vessel  
34 or receptacle used for holding alcoholic liquor or  
35 wine or beer.

36 Sec. 28. Section one hundred twenty-three point  
37 three (123.3), subsections nineteen (19) and twenty  
38 (20), Code 1979, are amended to read as follows:

39 19. "Importer" means the a person transporting  
40 or ordering, authorizing, or arranging the  
41 transportation of alcoholic liquor or beer beverages  
42 into this state whether such or not the person is  
43 a resident of this state or not.

44 20. "Import" means the transporting or ordering  
45 or arranging the transportation of alcoholic liquor  
46 or beer beverages into this state whether by a resident  
47 of this state or not.

48 Sec. 29. Section one hundred twenty-three point  
49 three (123.3), subsections twenty-five (25), twenty-  
50 six (26), and twenty-seven (27), Code 1979, are amended



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1 to read as follows:

2 25. The prohibited "sale" of an alcoholic liquor  
3 or beer beverage under this chapter means and includes  
4 soliciting for sales, taking orders for sales, or  
5 keeping or exposing for sale, delivery or other  
6 trafficking for a valuable consideration promised  
7 or obtained, and procuring or allowing procurement  
8 for any other person.

9 26. "Wholesaler" means any person, other than  
10 a brewer manufacturer or bottler of beer or wine,  
11 who shall sell, barter, exchange, offer for sale,  
12 or have in possession with intent to sell, deal or  
13 traffic in alcoholic liquor or beer beverages. No  
14 wholesaler shall be permitted to sell for consumption  
15 upon the premises.

16 27. "Retailer" means any person licensee or  
17 permittee who shall sell, barter, exchange, offer  
18 for sale, or have in possession with intent to sell  
19 any alcoholic liquor for consumption on the premises  
20 where sold, or beer for consumption either on or off  
21 the premises where sold, or wine for consumption off  
22 the premises where sold.

23 Sec. 30. Section one hundred twenty-three point  
24 three (123.3), subsection thirty-one (31), Code 1979,  
25 is amended to read as follows:

26 31. "Licensed premises" or "premises" means all  
27 rooms, enclosures, contiguous areas, or places  
28 susceptible of precise description satisfactory to  
29 the director where alcoholic beverages or beer is  
30 sold or consumed under authority of a liquor control  
31 license or beer permit. A single licensed premises  
32 may consist of multiple rooms, enclosures, areas or  
33 places if they are wholly within the confines of a  
34 single building or contiguous grounds.

35 Sec. 31. Section one hundred twenty-three point  
36 three (123.3), Code 1979, is amended by adding the  
37 following new subsections:

38 NEW SUBSECTION. "Retail wine permit" means a class  
39 "B" or a class "C" wine permit issued under the  
40 provisions of this chapter.

41 NEW SUBSECTION. "Wine store" means and includes  
42 any retail establishment, the principal business of  
43 which is the sale of wine under the authority of a  
44 class "B" wine permit.

45 Sec. 32. Section one hundred twenty-three point  
46 four (123.4), Code 1979, is amended to read as follows:

47 123.4 DEPARTMENT CREATED—PLACE OF BUSINESS.

48 There is hereby created an Iowa beer and liquor control  
49 department to administer and enforce the laws of this  
50 state concerning beer and alcoholic liquor beverages.

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1 The principal place of business of the department  
2 shall be provided the department by the authority  
3 designated by law to provide such quarters or offices  
4 to state departments or agencies.

5 Sec. 33. Section one hundred twenty-three point  
6 fourteen (123.14), subsections one (1) and three (3),  
7 Code 1979, are amended to read as follows:

8 1. The division of beer and liquor law enforcement  
9 of the department of public safety, created pursuant  
10 to section 80.25, shall be the primary beer and liquor  
11 law enforcement authority for of this state for the  
12 enforcement of laws relating to alcoholic beverages.

13 3. The division of beer and liquor law enforcement  
14 shall be allowed full access to all records, reports,  
15 audits, tax reports and all other documents and papers  
16 in the department pertaining to liquor licensees and  
17 beer permittees and their business businesses.

18 Sec. 34. Section one hundred twenty-three point  
19 fifteen (123.15), Code 1979, is amended to read as  
20 follows:

21 123.15 HEARING BOARD ESTABLISHED. There is hereby  
22 created a three-member hearing board for the purpose  
23 of conducting departmental hearings relating to  
24 controversies concerning the issuance, suspension,  
25 or revocation of special liquor permits, liquor control  
26 licenses, and beer permits authorized under this  
27 chapter. One member shall be appointed by the council  
28 from its membership, which member may be periodically  
29 replaced by appointment of another council member;  
30 one member shall be the attorney general or his  
31 the attorney general's designee; and one member shall  
32 be the commissioner of public safety or his the  
33 commissioner's designee. The hearing board shall  
34 establish and adopt rules and procedures for conducting  
35 departmental hearings under this chapter.

36 Sec. 35. Section one hundred twenty-three point  
37 sixteen (123.16), subsection two (2), paragraphs b  
38 and c, Code 1979, are amended to read as follows:

39 b. The granting or refusing of liquor licenses  
40 and permits, and beer permits, and the suspension  
41 or revocation of such licenses and permits.

42 c. The establishment of retail prices of alcoholic  
43 liquor and wine sold at state liquor stores.

44 Sec. 36. Section one hundred twenty-three point  
45 eighteen (123.18), Code 1979, is amended to read as  
46 follows:

47 123.18 FAVORS FROM LICENSEE OR PERMITTEE. No  
48 A person responsible for the administration or  
49 enforcement of this chapter shall not accept or solicit  
50 donations, gratuities, political advertising, gifts,

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1 or other favors, directly or indirectly, from any  
2 liquor control licensee or beer permittee. A violation  
3 of this section shall subject the violator to the  
4 general penalties provided by this chapter.

5 Sec. 37. Section one hundred twenty-three point  
6 nineteen (123.19), Code 1979, is amended by adding  
7 the following new subsection:

8 **NEW SUBSECTION.** A manufacturer, bottler, vendor  
9 or importer, whether or not holding a certificate  
10 issued pursuant to this section, shall not cause the  
11 importing of wine into this state for sale directly  
12 to a licensee or permittee as permitted by this Act,  
13 unless the person has been issued a certificate  
14 pursuant to section fourteen (14) of this Act.

15 Sec. 38. Section one hundred twenty-three point  
16 twenty (123.20), subsections one (1), six (6), seven  
17 (7) and eight (8), Code 1979, are amended to read  
18 as follows:

19 1. To purchase alcoholic liquors and wines for  
20 resale by the department in the manner set forth in  
21 this chapter.

22 6. To grant and issue beer permits, special  
23 permits, liquor control licenses, and other licenses;  
24 and to suspend or revoke all such permits and licenses  
25 for cause under this chapter.

26 7. To license, inspect, and control the manufacture  
27 of beer and alcoholic liquors beverages and regulate  
28 the entire beer and liquor alcoholic beverage industry  
29 in the state.

30 8. To accept intoxicating liquors alcoholic  
31 beverages ordered delivered to the Iowa beer and  
32 liquor control department pursuant to section 751.31,  
33 subsections 1 and 2, and offer such intoxicating  
34 liquors for sale through the state liquor stores,  
35 unless the director determines that such intoxicating  
36 liquors may be adulterated or contaminated. If,  
37 however, the director determines that such intoxicating  
38 liquors may be adulterated or contaminated he or she  
39 shall order their destruction.

40 Sec. 39. Section one hundred twenty-three point  
41 twenty-one (123.21), subsections six (6), seven (7),  
42 eight (8), nine (9), and ten (10), Code 1979, are  
43 amended to read as follows:

44 6. Providing for the issuing and distributing  
45 of price lists showing the price to be paid by  
46 purchasers for each brand, class, or variety of liquor  
47 alcoholic beverage kept for sale by the department  
48 under this chapter. Provide for the filing or posting  
49 of prices between class "A" beer permit holders and  
50 retailers as provided in this chapter and between

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1 class "A" wine permit holders and retailers, and  
2 establish or control such prices as may be based on  
3 minimum standards of fill, quantity, or alcoholic  
4 content for each individual sale of intoxicating  
5 liquor or beer as deemed necessary for retail or  
6 consumer protection.

7 7. Prescribing the official seals, labels, or  
8 other markings which shall be attached to or stamped  
9 on packages of alcoholic ~~liquor~~ beverages except beer  
10 sold under this chapter.

11 8. Prescribing, subject to this chapter, the days  
12 and hours during which state liquor stores shall be  
13 kept open for the purpose of the sale of alcoholic  
14 ~~liquors~~ beverages except beer.

15 9. Prescribing the place and the manner in which  
16 alcoholic ~~liquor~~ beverages except beer may be lawfully  
17 kept or stored by the licensed manufacturer under  
18 this chapter.

19 10. Prescribing the time, manner, means, and  
20 method by which distillers, vintners, vendors, or  
21 others authorized under this chapter may deliver or  
22 transport alcoholic ~~liquors~~ beverages except beer  
23 and prescribing the time, manner, means, and methods  
24 by which alcoholic ~~liquor~~ beverages except beer may  
25 be lawfully conveyed, carried, or transported.

26 Sec. 40. Section one hundred twenty-three point  
27 twenty-two (123.22), Code 1979, is amended to read  
28 as follows:

29 123.22 STATE MONOPOLY. The department shall have  
30 the sole and exclusive right of importation, into  
31 the state, of all forms of alcoholic liquor and wine,  
32 except as otherwise provided in this chapter, and  
33 no person shall so import any such alcoholic liquor  
34 or wine, except that an individual of legal age may  
35 import and have in his or her possession an amount  
36 of alcoholic liquor and wine not exceeding a total  
37 amount of one quart or, in the case of alcoholic  
38 liquor and wine personally obtained outside the United  
39 States, one gallon for personal consumption only in  
40 a private home or other private accommodation. No  
41 distillery, winery or brewery shall sell any alcoholic  
42 ~~liquor~~ beverage within the state to any person but  
43 only to the department, except as otherwise provided  
44 in this chapter. It is the intent of this section  
45 to vest in the department exclusive control within  
46 the state both as purchaser and vendor of all alcoholic  
47 liquor and wine sold by distilleries within the state  
48 or imported therein, ~~except beer~~, and except as  
49 otherwise provided in this chapter.

50 No person, by himself either personally or through

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1 another acting for him or her shall directly or  
2 indirectly, or upon any pretense, or by any device,  
3 manufacture, sell, exchange, barter, dispense, give  
4 in consideration of the purchase of any property or  
5 of any services or in evasion of this chapter, or  
6 keep for sale, or have possession of any intoxicating  
7 liquor or wine, except as provided in this chapter;  
8 or own, keep, or be in any way concerned, engaged,  
9 or employed in owning or keeping, any intoxicating  
10 liquor or wine with intent to violate any provision  
11 of this chapter, or authorize or permit the same to  
12 be done; or manufacture, own, sell, or have possession  
13 of any manufactured or compounded article, mixture  
14 or substance, not in a liquid form, and containing  
15 alcohol which may be converted into a beverage by  
16 a process of pressing or straining the alcohol  
17 therefrom, or any instrument intended for use and  
18 capable of being used in the manufacture of  
19 intoxicating liquor or wine; or own or have possession  
20 of any material used exclusively in the manufacture  
21 of intoxicating liquor or wine; or use or have  
22 possession of any material with intent to use it in  
23 the manufacture of intoxicating liquors; however or  
24 wine. However, alcohol may be manufactured for  
25 industrial and non-beverage purposes by persons who  
26 have qualified for that purpose as provided by the  
27 laws of the United States and the laws of this state.  
28 Such alcohol, so manufactured, may be denatured,  
29 transported, used, possessed, sold, and bartered and  
30 dispensed, subject to the limitations, prohibitions  
31 and restrictions imposed by the laws of the United  
32 States and this state. Any person may manufacture,  
33 sell, or transport ingredients and devices other than  
34 alcohol for the making of home-made wine.

35 Sec. 41. Section one hundred twenty-three point  
36 twenty-three (123.23), Code 1979, is amended to read  
37 as follows:

38 123.23 STATE LIQUOR STORES. The department shall  
39 establish and maintain in any city which the director  
40 may deem advisable, a state liquor store or stores  
41 for the storage and sale of alcoholic liquor and wine  
42 in accordance with the provisions of this chapter.  
43 The department may, from time to time, as determined  
44 by the director, fix the prices of the different  
45 classes, varieties, or brands of alcoholic liquor  
46 and wine to be sold.

47 Sec. 42. Section one hundred twenty-three point  
48 twenty-four (123.24), unnumbered paragraph one (1),  
49 Code 1979, is amended to read as follows:

50 1. In the conduct and management of state liquor

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1 stores, the director is empowered to employ a person  
2 who shall be known as a "vendor" who shall, subject  
3 to the directions of the director, observe all  
4 provisions of this chapter and the rules and  
5 regulations policies of the department. No vendor  
6 of any state liquor store shall sell alcoholic liquor  
7 merchandise to any person except for cash or traveler's  
8 check.

9 Sec. 43. Section one hundred twenty-three point  
10 twenty-four (123.24), unnumbered paragraph two (2),  
11 Code 1979, is amended by striking the paragraph and  
12 inserting in lieu thereof the following:

13 2. a. Notwithstanding the preceding paragraph,  
14 a vendor may accept from a class "A", "B", "C" or  
15 "D" liquor control licensee, a cashier's check which  
16 shows the licensee is the remitter or a check issued  
17 by the licensee, in payment of merchandise purchased  
18 for resale. In the event a check is subsequently  
19 dishonored, the vendor shall cause a notice of  
20 nonpayment and penalty to be served upon the licensee  
21 or upon any person in charge of the licensed premises.  
22 The notice shall state that if payment or satisfaction  
23 for the dishonored check is not made within ten days  
24 of the service of notice, the licensee's liquor control  
25 license shall be suspended by the procedures of section  
26 one hundred twenty-three point thirty-nine (123.39)  
27 of the Code. The notice of nonpayment and penalty  
28 shall be in a form prescribed by the director, and  
29 shall be served by a peace officer.

30 b. If upon notice and hearing under the procedures  
31 specified in section one hundred twenty-three point  
32 thirty-nine (123.39) of the Code and pursuant to the  
33 provisions of chapter seventeen A (17A) of the Code  
34 concerning a contested case hearing, the director  
35 determines that the licensee failed to satisfy the  
36 obligation for which the check was issued within ten  
37 days after the notice of nonpayment and penalty was  
38 served on the licensee as provided in paragraph a  
39 of this subsection, the director shall suspend the  
40 licensee's liquor control license for not less than  
41 three days but not more than thirty days.

42 Sec. 44. Section one hundred twenty-three point  
43 twenty-five (123.25), Code 1979, is amended to read  
44 as follows:

45 123.25 CONSUMPTION ON PREMISES. No vendor,  
46 officer, clerk, agent, or employee of the department  
47 employed in any state liquor store or state-owned  
48 warehouse shall allow any alcoholic liquor or wine  
49 to be consumed on such premises, nor shall any person  
50 consume any alcoholic liquor or wine on such premises.

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1 Sec. 45. Section one hundred twenty-three point  
2 twenty-six (123.26), Code 1979, is amended to read  
3 as follows:

4 123.26 RESTRICTIONS ON SALES—SEALS—LABELING.

5 No alcoholic liquor or wine shall be sold by the  
6 department to any purchaser except in a sealed  
7 container with such identifying markers as shall be  
8 prescribed by the director and affixed on the premises  
9 of a state warehouse or store and no such container  
10 shall be opened upon the premises of any state  
11 warehouse or store. Possession of alcoholic liquors  
12 or wines which do not carry the prescribed identifying  
13 markers shall be a violation of this chapter except  
14 as provided in section 123.22.

15 Sec. 46. Section one hundred twenty-three point  
16 twenty-seven (123.27), unnumbered paragraph one (1),  
17 Code 1979, is amended to read as follows:

18 It shall be unlawful to transact the sale or  
19 delivery of any alcoholic liquor or wine in, on, or  
20 from the premises of any state liquor store or  
21 warehouse:

22 Sec. 47. Section one hundred twenty-three point  
23 twenty-eight (123.28), Code 1979, is amended to read  
24 as follows:

25 123.28 TRANSPORTATION PERMITTED. It shall be  
26 lawful to transport, carry, or convey alcoholic liquors  
27 or wines from the place of purchase by the department  
28 to any state warehouse, store, or depot established  
29 by the department or from one such place to another  
30 and, when so permitted by this chapter, it shall be  
31 lawful for any common carrier or other person to  
32 transport, carry, or convey alcoholic liquor and wine  
33 sold by a vendor from a state warehouse, store, depot  
34 or point of purchase by the state to any place to  
35 which such liquor may be lawfully delivered under  
36 this chapter. No A common carrier or other person  
37 shall not break or open or allow to be broken or  
38 opened any container or package containing an alcoholic  
39 liquor or wine or use or drink or allow to be used  
40 or drunk any alcoholic liquor or wine while it is  
41 being transported or conveyed, but. However, this  
42 section shall not prohibit a private person from  
43 transporting individual bottles or containers of  
44 alcoholic liquor or wine exempted pursuant to section  
45 123.22 and individual bottles or containers bearing  
46 the identifying mark prescribed in section 123.26  
47 which have been opened previous to the commencement  
48 of such transportation. Nothing in this section shall  
49 affect the right of any special permit or liquor  
50 control license holder to purchase, possess, or

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1 transport alcoholic liquors subject to the provisions  
2 of this chapter.

3 Sec. 48. Section one hundred twenty-three point  
4 twenty-nine (123.29), unnumbered paragraph one (1),  
5 and subsection four (4), paragraph c, Code 1979, are  
6 amended to read as follows:

7 A special permit for the purchase, possession,  
8 or transportation of alcoholic liquors or wines for  
9 the purposes specified in those permits may be issued  
10 by the director upon application being made to the  
11 department in the form and manner prescribed by the  
12 director, accompanied by payment of the prescribed  
13 fee, and upon the director being satisfied that the  
14 applicant has complied with departmental rules  
15 established for the issuance of such permit. Such  
16 These special permits may be issued to the following  
17 persons and for the following purposes:

18 c. That neither the applicant, if he or she is  
19 an individual, nor any members of the firm or officers  
20 of the corporation, if the applicant is not an  
21 individual, has been convicted of any violation of  
22 the laws of this state with reference to the sale  
23 of alcoholic liquors or ~~beer~~ beverages within the  
24 three years preceding the date of the affidavit.

25 Sec. 49. Section one hundred twenty-three point  
26 thirty (123.30), subsection three (3), Code 1979,  
27 is amended to read as follows:

28 3. Liquor control licenses issued under this  
29 chapter shall be of the following classes:

30 a. Class "A". A class "A" liquor control license  
31 may be issued to a club and shall authorize the holder  
32 to purchase alcoholic liquors from the department  
33 only, to purchase wine from the department and from  
34 class "A" wine permittees, and to purchase beer from  
35 class "A" beer permittees, and to sell such liquors,  
36 and beer, to bona fide members and their guests by  
37 the individual drink for consumption on the premises  
38 only. However, beer and wine also may be sold in  
39 their containers for consumption on the premises only.

40 b. Class "B". A class "B" liquor control license  
41 may be issued to a hotel or motel and shall authorize  
42 the holder to purchase alcoholic liquors from the  
43 department only, to purchase wine from the department  
44 and from class "A" wine permittees, and to purchase  
45 beer from class "A" beer permittees, and to sell such  
46 liquors, and beer, to patrons by the individual drink  
47 for consumption on the premises only; ~~however,~~  
48 However, beer and wine also may be sold in their  
49 containers for consumption on the premises only, and  
50 beer may also be sold for consumption off the premises.



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1 Each such license shall be effective throughout the  
2 premises described in the application."

3 2. Page 1, by striking lines 1 through 11 and  
4 inserting in lieu thereof the following:

5 "c. Class "C". A class "C" liquor control license  
6 may be issued to a commercial establishment but must  
7 be issued in the name of the individual or individuals  
8 who actually own the entire business and shall  
9 authorize the holder or holders to purchase alcoholic  
10 liquors from the department only, and to purchase  
11 wine from the department and from class "A" wine  
12 permittees, and to purchase beer from class "A" beer  
13 permittees, and to sell such liquors, and beer, to  
14 patrons by the individual drink for consumption on  
15 the premises only, however, However, beer and wine  
16 also may be sold in their containers for consumption  
17 on the premises only, and beer may also be sold for  
18 consumption off the premises."

19 3. Page 1, by inserting after line 20 the follow-  
20 ing:

21 "d. Class "D". A class "D" liquor control license  
22 may be issued to a railway corporation, to an air  
23 common carrier, and to passenger-carrying boats or  
24 ships for hire with a capacity of twenty-five persons  
25 or more operating in inland or boundary waters, and  
26 shall authorize the holder to sell or furnish alcoholic  
27 beverages ~~and beer~~ to passengers for consumption only  
28 on trains, watercraft as described herein, or aircraft,  
29 respectively. Each such license shall be valid  
30 throughout the state as a state license. Only one  
31 such license shall be required for all trains,  
32 watercraft, or aircraft operated in the state by the  
33 licensee.

34 Sec. 50. Section one hundred twenty-three point  
35 thirty-two (123.32), subsections one (1), two (2),  
36 three (3) and four (4), Code 1979, are amended to  
37 read as follows:

38 1. FILING OF APPLICATION. An application for  
39 a class "A", class "B", or class "C" liquor control  
40 license, ~~and~~ or for a retail beer permit as provided  
41 in sections 123.128 and 123.129, or for a retail wine  
42 permit as provided in sections seven (7) and eight  
43 (8) of this Act, accompanied by the required fee and  
44 bond, shall be filed with the appropriate city council  
45 if the premises for which the license or permit is  
46 sought are located within the corporate limits of  
47 a city, or with the board of supervisors if the  
48 premises for which the license or permit is sought  
49 are located outside the corporate limits of a city.  
50 An application for a class "D" liquor control license

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1 and, or for a class "A" beer permit, or for a class  
2 "A" wine permit, accompanied by the required fee and  
3 bond, shall be filed with the department, which shall  
4 proceed in the same manner as in the case of an  
5 application approved by local authorities.

6 2. ACTION BY LOCAL AUTHORITIES. The local  
7 authority shall either approve or disapprove the  
8 issuance of a liquor control license or retail beer  
9 permit or retail wine permit, and shall endorse such  
10 approval or disapproval on the application and forward  
11 same along with the required fee and bond to the  
12 department. Upon the initial issuance of a liquor  
13 control license or retail beer permit, the fact that  
14 the local authority determines that no liquor control  
15 license or retail beer permit shall be issued shall  
16 not be held to be arbitrary, capricious, or without  
17 reasonable cause. There shall be no limit upon the  
18 number of liquor control licenses or retail beer  
19 permits which may be approved for issuance by local  
20 authorities.

21 3. ACTION BY DIRECTOR. Upon receipt of an  
22 application having been disapproved by the local  
23 authority, the director shall disapprove the  
24 application, so notify the applicant by registered  
25 mail, and return the fee and bond to the applicant.  
26 Upon receipt of an application having been approved  
27 by the local authority, or upon receipt of an  
28 application for a class "D" liquor control license,  
29 or a class "A" beer permit, or a class "A" wine permit,  
30 the director shall make such investigation as he or  
31 she deems necessary and may require the applicant  
32 to appear before him or her and be examined under  
33 oath regarding any matters pertinent to the  
34 application, in which case a record shall be made  
35 of all testimony or evidence and the same shall become  
36 a part of the application. If the application is  
37 approved by the director, the license or permit applied  
38 for shall be issued. If the application is disapproved  
39 by the director, the applicant and in the case of  
40 a retail license or permit the appropriate local  
41 authority shall be so notified by restricted certified  
42 mail, and the fee and bond returned to the applicant.

43 4. APPEAL TO HEARING BOARD. Any applicant for  
44 a liquor control license or beer permit may appeal  
45 to the department hearing board, established pursuant  
46 to section 123.15, from the director's disapproval  
47 of an application for a license or permit. If, upon  
48 such appeal the hearing board shall determine that  
49 the a local authority acted arbitrarily, capriciously,  
50 or without reasonable cause in disapproving the an

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1 application, or that, where the local authority  
2 approved the application, the director's own  
3 disapproval should be reversed, it shall order issuance  
4 of a license or permit. The same right of appeal  
5 to the hearing board shall be afforded a ~~liquor control~~  
6 licensee or ~~beer~~ permittee whose license or permit  
7 has been suspended or revoked under this chapter,  
8 and the hearing board shall reduce the period of  
9 suspension or order reinstatement of such license  
10 or permit for good cause shown.

11 Sec. 51. Section one hundred twenty-three point  
12 thirty-four (123.34), Code 1979, is amended to read  
13 as follows:

14 123.34 EXPIRATION—SEASONAL LICENSE OR PERMIT.

15 All ~~liquor control~~ licenses and ~~beer~~ permits, unless  
16 sooner suspended or revoked, shall expire one year  
17 from date of issuance. The director shall cause sixty  
18 days' notice of such expiration to be given to each  
19 licensee or permittee in writing. However, the  
20 director may issue six-month or eight-month seasonal  
21 licenses or class "B" beer permits or class "B" wine  
22 permits for a proportionate part of the license or  
23 permit fee. ~~No A~~ refund shall not be made for seasonal  
24 licenses or permits. ~~No A~~ seasonal license or permit  
25 shall not be renewed except after a period of two  
26 months.

27 Sec. 52. Section one hundred twenty-three point  
28 thirty-five (123.35), unnumbered paragraph one (1),  
29 Code 1979, is amended to read as follows:

30 The director shall prescribe simplified application  
31 forms for the renewal of ~~liquor control~~ licenses and  
32 ~~beer~~ permits issued under the provisions of this  
33 chapter, which may be filed by licensees and permittees  
34 in lieu of a detailed renewal application form when  
35 qualifications and qualification information have  
36 not changed since the original issuance of the license  
37 or permit. ~~Such~~ This simplified form shall require  
38 the licensee or permittee to verify under oath that  
39 the information contained in the original application  
40 remains current, and that no reason exists for the  
41 department's refusal to renew the license or permit  
42 as originally issued.

43 Sec. 53. Section one hundred twenty-three point  
44 thirty-six (123.36), subsection two (2), Code 1979,  
45 is amended to read as follows:

46 2. Class "A" liquor control licenses, the sum  
47 of six hundred dollars, except that for class "A"  
48 licenses in cities of less than two thousand  
49 population, and for clubs of less than two hundred  
50 fifty members, the license fee shall be four hundred

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1 dollars; however, the fee shall be two hundred dollars  
2 for any club which is a post, branch, or chapter of  
3 a veterans organization chartered by the Congress  
4 of the United States, if such club does not sell or  
5 permit the consumption of alcoholic beverages ~~or beer~~  
6 on the premises more than one day in any week, and  
7 if the application for a license states that such  
8 club does not and will not sell or permit the  
9 consumption of alcoholic beverages ~~or beer~~ on the  
10 premises more than one day in any week.

11 Sec. 54. Section one hundred twenty-three point  
12 thirty-six (123.36), subsection six (6), Code 1979,  
13 is amended to read as follows:

14 6. Any club, hotel, motel, or commercial  
15 establishment holding a liquor control license for  
16 whom the sale of goods and services other than  
17 alcoholic ~~liquor or beer~~ beverages constitutes fifty  
18 percent or more of the gross receipts from the licensed  
19 premises, subject to the provisions of section 123.49,  
20 subsection 2, paragraph "b", may sell and dispense  
21 alcoholic ~~liquor~~ beverages except beer to patrons  
22 on Sunday for consumption on the premises only, and  
23 beer for consumption on or off the premises between  
24 the hours of noon and ten p.m. on Sunday.

25 For the privilege of selling ~~beer and~~ alcoholic  
26 beverages on the premises on Sunday the ~~liquor~~  
27 ~~control~~ license fee of the applicant shall be increased  
28 by twenty percent of the regular fee prescribed for  
29 the license pursuant to this section, and the privilege  
30 shall be noted on the ~~liquor control~~ license. The  
31 department shall prescribe the nature and the character  
32 of the evidence which shall be required of the  
33 applicant under this subsection."

34 3. Page 1, line 21, by striking the figure "2"  
35 and inserting in lieu thereof the figure "55".

36 4. Page 2, by inserting after line 6 the follow-  
37 ing:

38 "Sec. 56. Section one hundred twenty-three point  
39 thirty-seven (123.37), Code 1979, is amended to read  
40 as follows:

41 123.37 POWER TO LICENSE AND LEVY TAXES. The power  
42 to establish licenses and permits and levy taxes as  
43 imposed in title VI of the Code is vested exclusively  
44 with the state. Unless specifically provided, ~~no~~  
45 a local authority shall not levy a local tax on the  
46 sale of alcoholic beverages or beer, nor require the  
47 obtaining of a special local license or permit for  
48 such sale on any establishment, or nor require the  
49 obtaining of a license by any person as a condition  
50 precedent to his or her employment in the sale,

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1 serving, or handling of alcoholic beverages or beer  
2 within an establishment operating under a license  
3 or permit.

4 Sec. 57. Section one hundred twenty-three point  
5 thirty-eight (123.38), unnumbered paragraphs one (1)  
6 and two (2), Code 1979, are amended to read as follows:

7 A special liquor permit, liquor control license,  
8 or beer permit or wine permit shall be a purely  
9 personal privilege and shall be revocable for cause.  
10 It shall not constitute property nor be subject to  
11 attachment and execution nor be alienable nor  
12 assignable, and in any case it shall cease upon the  
13 death of the permittee or licensee. However, the  
14 director may in his or her discretion allow the  
15 executor or administrator of a permittee or licensee  
16 to operate the business of the decedent for a  
17 reasonable time not to exceed the expiration date  
18 of the permit or license. Every permit or license  
19 shall be issued in the name of the applicant and no  
20 person holding a permit or license shall allow any  
21 other person to use same.

22 Any such licensee or permittee, or his or her  
23 executor, administrator, or any person duly appointed  
24 by the court to take charge of and administer the  
25 property or assets of the licensee or permittee for  
26 the benefit of his or her creditors, may voluntarily  
27 surrender such license or permit to the department  
28 and when so surrendered the department shall notify  
29 the local authority, and the department and such local  
30 authority, or the local authority by itself in the  
31 case of a retail beer permit, shall refund to the  
32 person so surrendering the license or permit a  
33 proportionate amount of the fee paid for such license  
34 or permit as follows: If surrendered during the first  
35 three months of the period for which said license  
36 or permit was issued the refund shall be three-fourths  
37 of the amount of the fee; if surrendered more than  
38 three months but not more than six months after  
39 issuance the refund shall be one-half of the amount  
40 of the fee; if surrendered more than six months but  
41 not more than nine months after issuance the refund  
42 shall be one-fourth of the amount of the fee. No  
43 refund shall be made, however, for any special liquor  
44 permit, nor for a liquor control license or, beer  
45 permit, or wine permit surrendered more than nine  
46 months after issuance. No refund shall be made to  
47 any licensee or permittee, upon the surrender of his  
48 or her license or permit, if there is at the time  
49 of said surrender a complaint filed with the department  
50 or local authority, charging him or her with a

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1 violation of the provisions of this chapter. If upon  
 2 hearing on any such complaint the license or permit  
 3 is not revoked or suspended, then the licensee or  
 4 permittee shall be eligible, upon surrender of his  
 5 or her license or permit, to receive a refund as  
 6 herein provided. But if his or her license or permit  
 7 is revoked or suspended upon such hearing he or she  
 8 shall not be eligible for the refund of any portion  
 9 of his the license or permit fee.

10 Sec. 58. Section one hundred twenty-three point  
 11 thirty-nine (123.39), Code 1979, is amended to read  
 12 as follows:

13 123.39 SUSPENSION OR REVOCATION OF LIQUOR LICENSE  
 14 OR BEER PERMIT. Any liquor control certificate license

15 or beer permit issued under this chapter may, after  
 16 notice in writing to the licensee licensee or permit  
 17 holder and reasonable opportunity for hearing, and  
 18 subject to section 123.50 where applicable, be  
 19 suspended for a period not to exceed one year or  
 20 revoked by the local authority having jurisdiction  
 21 or the director for any of the following causes:

22 1. Misrepresentation of any material fact in the  
 23 application for such license or permit.

24 2. Violation of any of the provisions of this  
 25 chapter.

26 3. Any change in the ownership or interest in  
 27 the business operated under a class "A", class "B",  
 28 or class "C" liquor control license, or any wine or  
 29 beer permit which change was not previously reported  
 30 to and approved by the local authority and the  
 31 department.

32 4. An event which would have resulted in  
 33 disqualification from receiving such license or permit  
 34 when originally issued.

35 5. Any sale, hypothecation, or transfer of such  
 36 license or permit.

37 6. The failure or refusal on the part of any  
 38 licensee or permittee to render any report or remit  
 39 any taxes to the department under this chapter when  
 40 due.

41 Local authorities shall have the power to suspend  
 42 any retail wine permit or retail beer permit or liquor  
 43 control license for a violation of any ordinance or  
 44 regulation adopted by such the local authority. Local  
 45 authorities are empowered to adopt ordinances or  
 46 regulations for the location of the premises of retail  
 47 beer, retail wine and liquor control licensed  
 48 establishments and are empowered to adopt ordinances,  
 49 not in conflict with the provisions of this chapter  
 50 and that do not diminish the hours during which beer

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1 or alcoholic beverages may be sold or consumed at  
2 retail, governing any other activities or matters  
3 which may affect the retail sale and consumption of  
4 beer and alcoholic liquor beverages and the health,  
5 welfare and morals of the community involved.  
6 When a liquor license, wine permit or beer permit  
7 is suspended after a hearing as a result of violations  
8 of the provisions of this chapter by the licensee,  
9 permittee or his or her agents or employees, the  
10 premises which were licensed by such license or permit  
11 shall not be relicensed for a new applicant until  
12 the suspension has terminated or time of suspension  
13 has elapsed, or ninety days have elapsed since the  
14 commencement of the suspension, whichever occurs  
15 first. However, nothing in this section shall prohibit  
16 the premises from being relicensed to a new applicant  
17 before the suspension has terminated or before the  
18 time of suspension has elapsed or before ninety days  
19 have elapsed from the commencement of the suspension,  
20 if the premises prior to the time of the suspension  
21 had been purchased under contract, and the vendor  
22 under that contract exercised the person's rights  
23 under chapter 656 and sold the property to a different  
24 person who is not related to the previous licensee  
25 or permittee by marriage or within the third degree  
26 of consanguinity or affinity and if the previous  
27 licensee or permittee does not have a financial  
28 interest in the business of the new applicant.

29 Sec. 59. Section one hundred twenty-three point  
30 forty (123.40), Code 1979, is amended to read as  
31 follows:

32 123.40 EFFECT OF REVOCATION. Any liquor control  
33 licensee or beer permittee whose license or permit  
34 is revoked under this chapter shall not thereafter  
35 be permitted to hold a liquor control license or beer  
36 permit in the state of Iowa for a period of two years  
37 from the date of such the revocation. The spouse  
38 and business associates holding ten percent or more  
39 of the capital stock or ownership interest in the  
40 business of a person whose license or permit has been  
41 revoked shall not be issued a liquor control license  
42 or beer permit, and no liquor control a license or  
43 beer permit shall not be issued which covers any  
44 business in which such person has a financial interest  
45 for a period of two years from the date of such the  
46 revocation. In the event a license or permit is  
47 revoked the premises which had been covered by such  
48 license or permit shall not be relicensed for one  
49 year.

50 Sec. 60. Section one hundred twenty-three point

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1 forty-four (123.44), Code 1979, is amended to read  
2 as follows:

3 123.44 GIFT OF LIQUORS PROHIBITED. ~~No A~~  
4 manufacturer or wholesaler shall not give away any  
5 alcoholic liquor of any kind or description at any  
6 time in connection with his or her business except  
7 for testing or sampling purposes only. ~~No A~~  
8 manufacturer, vintner, wholesaler, or importer, who  
9 is organized as a corporation pursuant to the laws  
10 of this state or any other state, and who deals in  
11 alcoholic liquor or beer beverages subject to this  
12 chapter shall not offer or give any thing of value  
13 to any council member, official or employee of the  
14 department or directly or indirectly contribute in  
15 any manner any money or thing of value to any person  
16 seeking a public or appointive office or any recognized  
17 political party or a group of persons seeking to  
18 become a recognized political party.

19 Sec. 61. Section one hundred twenty-three point  
20 forty-five (123.45), Code 1979, is amended to read  
21 as follows:

22 123.45 INTEREST IN LIQUOR BUSINESS.

23 1. ~~No A~~ council member or department employee  
24 shall not, directly or indirectly, individually, or  
25 as a member of a partnership or shareholder in a  
26 corporation, have any interest in dealing in or in  
27 the manufacture of alcoholic liquor or beer beverages  
28 nor receive any kind of profit nor have any interest  
29 in the purchase or sale of alcoholic liquor or beer  
30 beverages by persons so authorized under this chapter  
31 except that. However, this provision shall not prevent  
32 any such member or employee from lawfully purchasing  
33 and keeping alcoholic liquor or beer beverages in  
34 his or her possession for personal use.

35 2. No person engaged in the business of  
36 manufacturing, bottling, or wholesaling alcoholic  
37 beverages or beer, nor any jobber or agent of such  
38 person, shall directly or indirectly supply, furnish,  
39 give, or pay for any furnishings, fixtures, or  
40 equipment used in the storage, handling, serving,  
41 or dispensing of alcoholic beverages, beer, or food  
42 within the place of business of a licensee or permittee  
43 authorized under the provisions of this chapter, to  
44 sell at retail; nor shall he or she directly or  
45 indirectly extend any credit for alcoholic beverages  
46 or beer or pay for any such license or permit, nor  
47 directly or indirectly be interested in the ownership,  
48 conduct, or operation of the business of another  
49 licensee or permittee authorized under the provisions  
50 of this chapter to sell at retail. Any licensee or



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1 permittee who shall permit or assent or be a party  
2 in any way to any such violation or infringement of  
3 the provisions of this ~~chapter shall be deemed guilty~~  
4 of section commits a violation of the provisions of  
5 this chapter.

6 3. Subsection two (2) of this section shall not  
7 apply to the business organization of, or the business  
8 arrangements and transactions between a wholesale  
9 supplier which holds class "A" wine permit and grocery  
10 stores which hold class "C" wine permits and which  
11 are owned in whole or in part by the class "A"  
12 permittee.

13 Sec. 62. Section one hundred twenty-three point  
14 forty-six (123.46), Code 1979, is amended to read  
15 as follows:

16 123.46 CONSUMPTION IN PUBLIC PLACES—INTOXICATION.

17 It is unlawful for any person to use or consume  
18 alcoholic liquors or beer beverages upon the public  
19 streets or highways, or alcoholic liquors in any  
20 public place, except premises covered by a liquor  
21 control license, or to possess or consume alcoholic  
22 liquors or beer beverages on any public school property  
23 or while attending any public or private school related  
24 functions, and no person shall be intoxicated nor  
25 simulate intoxication in a public place. As used  
26 in this section "school" means a school or that portion  
27 thereof, which provides teaching for any grade from  
28 kindergarten through grade twelve. Any person  
29 violating any provisions of this section shall be  
30 guilty of a simple misdemeanor.

31 Sec. 63. Section one hundred twenty-three point  
32 forty-seven (123.47), Code 1979, is amended to read  
33 as follows:

34 123.47 PERSONS UNDER LEGAL AGE. ~~No~~ A person shall  
35 not sell, give, or otherwise supply alcoholic liquor  
36 or beer beverages to any person knowing or having  
37 reasonable cause to believe ~~him~~ the person to be under  
38 legal age, and ~~no~~ a person or persons under legal  
39 age shall not individually or jointly have alcoholic  
40 liquor or beer beverages in ~~his or their~~ possession  
41 or control, except in the case of liquor or beer  
42 an alcoholic beverage given or dispensed to a person  
43 under legal age within a private home and with the  
44 knowledge and consent of the parent or guardian for  
45 beverage or medicinal purposes or as administered  
46 to him or her by either a physician or dentist for  
47 medicinal purposes, and except to the extent that  
48 a person under legal age may handle alcoholic beverages  
49 ~~and beer~~ during the regular course of his or her  
50 employment by a liquor control licensee or beer

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1 permittee under this chapter.

2 Sec. 64. Section one hundred twenty-three point  
3 forty-eight (123.48), subsection one (1), Code 1979  
4 Supplement, is amended to read as follows:

5 1. Upon attempt to purchase alcoholic liquor or  
6 wine in any state liquor store by any person who  
7 appears to the vendor to be under legal age, ~~such~~  
8 the vendor shall demand and the prospective purchaser  
9 upon such demand shall display satisfactory evidence  
10 that ~~he the~~ prospective purchaser is of legal age.

11 Sec. 65. Section one hundred twenty-three point  
12 forty-nine, (123.49), subsection one (1), Code 1979,  
13 is amended to read as follows:

14 1. ~~No A~~ person shall not sell, dispense, or give  
15 to any intoxicated person, or one simulating  
16 intoxication, any alcoholic liquor or beer beverage.

17 Sec. 66. Section one hundred twenty-three point  
18 forty-nine (123.49), subsection two (2), unnumbered  
19 paragraph one (1), and paragraphs b, c, d, e, f, g,  
20 and h, Code 1979, are amended to read as follows:

21 2. No person or ~~club~~ holding a liquor control  
22 license, retail wine permit or retail beer permit  
23 under this chapter, nor his agents or employees of  
24 the person, shall do any of the following:

25 b. Sell or dispense any alcoholic beverage or  
26 beer on the premises covered by the license or permit,  
27 or permit the consumption thereon between the hours  
28 of two a.m. and six a.m. on any weekday, and between  
29 the hours of two a.m. on Sunday and six a.m. on the  
30 following Monday, however, a holder of a liquor control  
31 license or retail beer permit granted the privilege  
32 of selling alcoholic liquor beverages or beer on  
33 Sunday may sell or dispense such liquor alcoholic  
34 beverages or beer between the hours of noon and ten  
35 p.m. on Sunday.

36 c. Sell alcoholic beverages or beer to any person  
37 on credit, except with a bona fide credit card. This  
38 provision shall not apply to sales by a club to its  
39 members nor to sales by a hotel or motel to bona fide  
40 registered guests.

41 d. Keep on any premises covered by a liquor control  
42 license any alcoholic liquor beverage in any container  
43 except other than the original package purchased from  
44 the department container in which purchased, except  
45 still wines placed in dispensing or serving containers  
46 for temporary storage wine and beer served on the  
47 premises for immediate consumption, and except mixed  
48 drinks or cocktails mixed on the premises for  
49 immediate consumption. This prohibition shall not  
50 apply to common carriers holding a class "D" liquor

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1 control license.

2 e. Reuse for packaging alcoholic liquor or wine  
3 any container or receptacle used originally for  
4 packaging alcoholic liquor or wine; or adulterate,  
5 by the addition of any substance, the contents or  
6 remaining contents of an original package container  
7 of an alcoholic liquor or wine; or knowingly possess  
8 any original package container which has been so  
9 reused or adulterated.

10 f. Any person under eighteen years of age shall  
11 not be employed in the sale or serving of alcoholic  
12 liquor or beer beverages for consumption on the  
13 premises where sold.

14 g. Allow any person other than the licensee,  
15 permittee, or employees of such licensee or permittee,  
16 to use or keep on the licensed premises any alcoholic  
17 liquor or wine in any bottle or other container which  
18 is designed for the transporting of such beverages,  
19 except as permitted in section 123.95. This paragraph  
20 shall not apply to the lodging quarters of a class  
21 "B" liquor control licensee or beer permittee, or  
22 to common carriers holding a class "D" liquor control  
23 license.

24 h. Sell, give, or otherwise supply any alcoholic  
25 beverage or beer to any person knowing or having  
26 reasonable cause to believe him the person to be under  
27 legal age, or permit any person knowing or having  
28 reasonable cause to believe him the person to be under  
29 legal age, to consume any alcoholic beverage or beer.

30 Sec. 67. Section one hundred twenty-three point  
31 forty-nine (123.49), subsections three (3) and four  
32 (4), Code 1979, are amended to read as follows:

33 3. No A person under legal age shall not  
34 misrepresent his or her age for the purpose of  
35 purchasing or attempting to purchase any alcoholic  
36 beverage or beer from any licensee or permittee.  
37 If any person under legal age shall misrepresent his  
38 or her age, and the licensee or permittee establishes  
39 that he the licensee or permittee made reasonable  
40 inquiry to determine whether such prospective purchaser  
41 was over legal age, such licensee or permittee shall  
42 not be found guilty of selling alcoholic liquor or  
43 beer beverages to minors.

44 4. No The privilege of selling alcoholic liquor  
45 or beer beverages on Sunday as provided in sections  
46 123.36, subsection 6, and 123.134, subsection 5, shall  
47 not be granted to a club or other organization which  
48 places restrictions on admission or membership in  
49 the club or organization on the basis of sex, race,  
50 religion, or national origin. However, the privilege

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1 may be granted to a club or organization which places  
2 restrictions on membership on the basis of sex, if  
3 the club or organization has an auxiliary organization  
4 open to persons of the other sex.

5 Sec. 68. Section one hundred twenty-three point  
6 fifty (123.50), subsection two (2), Code 1979, is  
7 amended to read as follows:

8 2. The conviction of any ~~liquor control~~ licensee  
9 or ~~beer~~ permittee ~~for~~ of a violation of any of the  
10 provisions of section 123.49 shall, subject to  
11 subsection 3 of this section, be grounds for the  
12 suspension or revocation of the license or permit  
13 by the department or the local authority. However,  
14 if any liquor control licensee is convicted of any  
15 violation of subsection 2, paragraphs "a", "d" or  
16 "e", of such section, or any wine permittee or beer  
17 permittee is convicted of a violation of paragraph  
18 "a", the ~~liquor control~~ license or ~~beer~~ permit shall  
19 be revoked and shall immediately be surrendered by  
20 the holder, and the bond of the license or permit  
21 holder shall be forfeited to the department.

22 Sec. 69. Section one hundred twenty-three point  
23 fifty (123.50), subsection three (3), Code 1979, is  
24 amended to read as follows:

25 3. If any licensee, ~~beer~~ or permittee, or any  
26 employee of ~~such~~ the licensee or permittee ~~shall be~~  
27 ~~is~~ convicted of a violation of section 123.49,  
28 subsection 2, paragraph "h", or if a retail beer  
29 permittee ~~shall be~~ ~~is~~ convicted of a violation of  
30 paragraph "i" of ~~such~~ the subsection, the director  
31 or local authority shall, in addition to the other  
32 penalties fixed for such violations by this section,  
33 assess a penalty as follows:

34 a. Upon a first conviction, the violator's ~~liquor~~  
35 ~~control~~ license or ~~beer~~ permit shall be suspended  
36 for a period of fourteen days.

37 b. Upon a second conviction within a period of  
38 two years, the violator's ~~liquor control~~ license or  
39 ~~beer~~ permit shall be suspended for a period of thirty  
40 days.

41 c. Upon a third conviction within a period of  
42 five years, the violator's ~~liquor control~~ license  
43 or ~~beer~~ permit shall be suspended for a period of  
44 sixty days.

45 d. Upon a fourth conviction within a period of  
46 five years, the violator's ~~liquor control~~ license  
47 or ~~beer~~ permit shall be revoked.

48 Sec. 70. Section one hundred twenty-three point  
49 fifty-two (123.52), Code 1979, is amended to read  
50 as follows:

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1 123.52 PROHIBITED SALE. No A person not expressly  
2 authorized by this chapter to deal in alcoholic liquors  
3 ~~shall within the state beverages shall not keep for~~  
4 sale or offer for sale anything which is capable of  
5 being mistaken for a package containing an alcoholic  
6 liquor beverage and which is either labeled or branded  
7 with the name of any kind of alcoholic liquor beverage,  
8 whether the same contains any alcoholic liquor beverage  
9 or not.

10 Sec. 71. Section one hundred twenty-three point  
11 fifty-five (123.55), subsections eight (8) and nine  
12 (9), Code 1979, are amended to read as follows:

13 8. The number of liquor control licenses and beer  
14 permits issued, by class, the number in effect on  
15 the last day included in the report, and the number  
16 which have been suspended or revoked during the period  
17 covered by the report.

18 9. Amount of fees paid to the department from  
19 liquor control licenses and beer permits, in gross,  
20 and the amount of liquor control license fees returned  
21 to local subdivisions of government as provided under  
22 this chapter.

23 Sec. 72. Section one hundred twenty-three point  
24 fifty-nine (123.59), Code 1979, is amended to read  
25 as follows:

26 123.59 BOOTLEGGING. Any person who, by himself  
27 personally, or through another acting for him or her,  
28 shall keep or carry on his or her person, or in a  
29 vehicle, or leave in a place for another to secure,  
30 any alcoholic liquor or beer beverage with intent  
31 to sell or dispense of such liquor or beer by gift  
32 or otherwise in violation of law, or who shall, within  
33 this state, in any manner, directly or indirectly,  
34 solicit, take, or accept any order for the purchase,  
35 sale, shipment, or delivery of such alcoholic liquor  
36 or beer alcoholic beverages in violation of law, or  
37 aid in the delivery and distribution of any alcoholic  
38 liquor or beer beverages so ordered or shipped, or  
39 who shall in any manner procure for, sell, or give  
40 any alcoholic liquor or beer beverage to any person  
41 under legal age, for any purpose except as authorized  
42 and permitted in this chapter, shall be a bootlegger  
43 and shall be subject to the general penalties provided  
44 by this chapter.

45 Sec. 73. Section one hundred twenty-three point  
46 fifty-one (123.51), Code 1979, is amended by adding  
47 the following new subsection:

48 NEW SUBSECTION. No ~~signs~~ Signs or other matter  
49 advertising any brand of wine shall not be erected  
50 or placed upon the outside of any premises occupied

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1 by a licensee or permittee authorized to sell wine  
2 at retail. This subsection shall not prohibit the  
3 use of signs or other matter inside a fence or similar  
4 enclosure which wholly or partially surrounds the  
5 premises.

6 Sec. 74. Section one hundred twenty-three point  
7 sixty (123.60), Code 1979, is amended to read as  
8 follows:

9 123.60 NUISANCES. The premises where the unlawful  
10 manufacture or sale, or keeping with intent to sell,  
11 use or give away, of alcoholic liquors or beer  
12 beverages is carried on, and any vehicle or other  
13 means of conveyance used in transporting such liquor  
14 or beer alcoholic beverages in violation of law, and  
15 the furniture, fixtures, vessels and contents, kept  
16 or used in connection with such these activities are  
17 nuisances and shall be abated as provided in this  
18 chapter.

19 Sec. 75. Section one hundred twenty-three point  
20 seventy-one (123.71), Code 1979, is amended to read  
21 as follows:

22 123.71 CONDITIONS. In no case shall a bootlegger  
23 injunction proceeding, as provided in this chapter,  
24 be maintained unless it be shown to the court that  
25 efforts in good faith have been made to discover the  
26 base of supplies or place where the defendant charged  
27 as a bootlegger conducts his the unlawful business  
28 or receives or manufactures the alcoholic liquor or  
29 beer, beverage of which he the defendant is charged  
30 with bootlegging.

31 Sec. 76. Section one hundred twenty-three point  
32 seventy-two (123.72), Code 1979, is amended to read  
33 as follows:

34 123.72 ORDER OF ABATEMENT. If the existence of  
35 a nuisance is established in a civil or criminal  
36 action, an order of abatement shall be entered as  
37 a part of the judgment in the case. Such This order  
38 shall direct the confiscation of all alcoholic liquor  
39 or beer beverages by the state; the removal from the  
40 premises involved of all fixtures, furniture, vessels,  
41 or movable property used in any way in conducting  
42 the unlawful business; the sale of all such the removed  
43 property as well as any vehicle or other means of  
44 conveyance which has been abated, such sale to be  
45 conducted in the manner provided for the sale of  
46 chattels under execution; and the effective closing  
47 of the premises against use for the purpose of  
48 manufacture, sale, or consumption of alcoholic liquor  
49 or beer beverages for a period of one year, unless  
50 sooner released by the court.

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1 Sec. 77. Section one hundred twenty-three point  
2 eighty-one (123.81), Code 1979, is amended to read  
3 as follows:

4 123.81 FORFEITURE OF BOND. If the owner of a  
5 property who has filed an abatement bond as provided  
6 in this chapter fails to abate the ~~liquor or beer~~  
7 nuisance on the premises covered by the bond, or fails  
8 to prevent the maintenance of ~~any liquor or beer the~~  
9 nuisance on ~~said~~ the premises at any time within a  
10 period of one year after entry of the abatement order,  
11 the court shall, after a hearing in which such fact  
12 is established, direct an entry of ~~such the~~ violation  
13 of the terms of the owner's bond, to be made on the  
14 record and the undertaking of his or her bond thereupon  
15 forfeited.

16 Sec. 78. Section one hundred twenty-three point  
17 eighty-four (123.84), Code 1979, is amended to read  
18 as follows:

19 123.84 JUDGMENT. If the court after hearing finds  
20 a ~~liquor or beer~~ nuisance has been maintained on the  
21 premises covered by the abatement bond and that ~~liquor~~  
22 ~~or beer~~ has alcoholic beverages have been sold or  
23 kept for sale on the premises contrary to law within  
24 one year from the date of the giving of ~~such the~~ bond,  
25 then the court shall order the forfeiture of the bond  
26 and enter judgment for the full amount of ~~such the~~  
27 bond against the principal and sureties thereof, and  
28 the lien on the real estate created pursuant to section  
29 123.79 shall be decreed foreclosed and the court shall  
30 provide for a special and general execution for the  
31 enforcement of ~~such the~~ decree and judgment.

32 Sec. 79. Section one hundred twenty-three point  
33 ninety-one (123.91), subsection two (2) and subsection  
34 three (3), unnumbered paragraph one (1), Code 1979,  
35 are amended to read as follows:

36 2. Any provision of the prior laws of this state  
37 relating to ~~intoxicating liquors or beer~~ alcoholic  
38 beverages which were in force prior to the enactment  
39 of this chapter.

40 Any provision of the laws of the United States  
41 or of any other state relating to ~~intoxicating liquors~~  
42 ~~or beer~~ alcoholic beverages, and who is thereafter  
43 convicted of a subsequent criminal offense against  
44 any provision of this chapter shall be punished as  
45 follows:

46 Sec. 80. Section one hundred twenty-three point  
47 ninety-two (123.92), unnumbered paragraph one (1),  
48 Code 1979, is amended to read as follows:

49 123.92 CIVIL LIABILITY APPLICABLE TO SALE OR GIFT  
50 OF BEER OR INTOXICANTS BY LICENSEES. Every husband,

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1 wife, child, parent, guardian, employer or other  
2 person who shall be injured in person or property  
3 or means of support by any intoxicated person or  
4 resulting from the intoxication of any such person,  
5 shall have a right of action, severally or jointly,  
6 against any licensee or permittee, who shall sell  
7 or give any ~~beer or intoxicating liquor~~ alcoholic  
8 beverage to any such person while he or she is  
9 intoxicated, or serve any such person to a point where  
10 such person is intoxicated, for all damages actually  
11 sustained.

12 If the injury was caused by an intoxicated person,  
13 a permittee or licensee may establish as an affirmative  
14 defense that the intoxication did not contribute to  
15 the injurious action of the person.

16 Sec. 81. Section one hundred twenty-three point  
17 ninety-five (123.95), Code 1979, is amended to read  
18 as follows:

19 123.95 PREMISES MUST BE LICENSED—EXCEPTION AS  
20 TO CONVENTIONS AND SOCIAL GATHERINGS. It is unlawful  
21 for any person to allow the dispensing or consumption  
22 of ~~intoxicating liquor~~ alcoholic beverages, except  
23 sacramental wines and beer, in any establishment  
24 unless such the establishment is licensed has been  
25 issued a retail license or permit under this chapter.

26 However, bona fide conventions or meetings may  
27 bring their own legal ~~liquor~~ alcoholic beverages onto  
28 the licensed premises if ~~the liquor~~ it is served to  
29 delegates or guests without cost. All other provisions  
30 of this chapter shall be applicable to such premises.  
31 The provisions of this section shall have no  
32 application to private social gatherings of friends  
33 or relatives in a private home or a private place  
34 which is not of a commercial nature nor where goods  
35 or services may be purchased or sold nor any charge  
36 or rent or other thing of value is exchanged for the  
37 use of such premises for any purpose other than for  
38 sleeping quarters.

39 Sec. 82. Section one hundred twenty-three point  
40 ninety-six (123.96), subsection one (1), Code 1979,  
41 is amended to read as follows:

42 1. There is imposed on every person licensed to  
43 sell ~~alcoholic beverages~~ liquor for consumption on  
44 the premises where sold, a special tax equivalent  
45 to fifteen percent of the price established by the  
46 department on all ~~alcoholic beverages~~ liquor for  
47 general sale to the public. ~~Such~~ This tax shall be  
48 paid by all licensees at the point of purchase from  
49 the state on all ~~alcoholic beverages~~ liquor intended  
50 or used for resale for consumption on the premises



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1 of retail establishments. ~~Such~~ This tax shall be  
2 in lieu of any other sales tax applied at the state  
3 store and shall be shown as a separate item on special  
4 sales slips provided by the department for purchases  
5 by licensees.

6 Sec. 83. Section one hundred twenty-three point  
7 ninety-eight (123.98), Code 1979, is amended to read  
8 as follows:

9 123.98 LABELING SHIPMENTS. It shall be unlawful  
10 for any common carrier or for any person to transport  
11 or convey by any means, whether for compensation or  
12 not, within this state, any intoxicating liquors or  
13 wines, unless the vessel or other package containing  
14 ~~such those~~ liquors shall be or wines is plainly and  
15 correctly identified, showing the quantity and kind  
16 of liquors or wines contained therein, the name of  
17 the party to whom they are to be delivered, and the  
18 name of the shipper, or unless ~~such~~ this information  
19 is shown on a bill of lading or other document  
20 accompanying the shipment. ~~No~~ A person shall not  
21 be authorized to receive or keep ~~such~~ alcoholic liquors  
22 or wines unless the same be marked or labeled as  
23 required by this section. The violation of any  
24 provision of this section by any common carrier, or  
25 any agent or employee of any carrier, or by any person,  
26 shall be punished under the provisions of this chapter.

27 ~~Liquors~~ Alcoholic liquors or wines conveyed,  
28 carried, transported, or delivered in violation of  
29 this section, whether in the hands of the carrier  
30 or someone to whom they shall have been delivered,  
31 shall be subject to seizure and condemnation, as  
32 ~~liquors alcoholic beverages~~ kept for illegal sale.

33 Sec. 84. Section one hundred twenty-three point  
34 ninety-nine (123.99), Code 1979, is amended to read  
35 as follows:

36 123.99 FALSE STATEMENTS. If any person, for the  
37 purpose of procuring the shipment, transportation,  
38 or conveyance of any intoxicating liquors or wines  
39 within this state, shall make to any person, company,  
40 corporation, or common carrier, or to any agent  
41 thereof, any false statements as to the character  
42 or contents of any box, barrel, or other vessel or  
43 package containing such alcoholic liquors or wines;  
44 or shall refuse to give correct and truthful  
45 information as to the contents of any such box, barrel,  
46 or other vessel, or package so sought to be transported  
47 or conveyed; or shall falsely mark, brand, or label  
48 such box, barrel, or other vessel or package in order  
49 to conceal the fact that the same contains intoxicating  
50 liquors or wines; or shall by any device or concealment

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1 procure or attempt to procure the unlawful conveyance  
2 or transportation of such liquors as herein prohibited  
3 or wines, the person shall be guilty of a simple  
4 misdemeanor.

5 Sec. 85. Section one hundred twenty-three point  
6 one hundred (123.100), Code 1979, is amended to read  
7 as follows:

8 123.100 PACKAGES IN TRANSIT. Any peace officer  
9 of the county under process or warrant to ~~him~~ directed  
10 shall have the right to open any box, barrel, or other  
11 vessel or package for examination, if ~~he~~ the peace  
12 officer has reasonable ground for believing that it  
13 contains intoxicating liquors or wines, either before  
14 or while the same is being so transported or conveyed.

15 Sec. 86. Section one hundred twenty-three point  
16 one hundred one (123.101), Code 1979, is amended to  
17 read as follows:

18 123.101 RECORD OF SHIPMENTS. It shall be the  
19 duty of all common carriers, or corporations, or  
20 persons who ~~shall~~ for hire carry any intoxicating  
21 liquors or wines into the state, or from one point  
22 to another within the state, for the purpose of  
23 delivery, and who shall deliver such intoxicating  
24 liquor or wine to any person, company, or corporation,  
25 to keep, at each station or office where it employs  
26 an agent or other person to make delivery of freight  
27 and keep records relative thereto, a record book,  
28 wherein such carrier shall, promptly upon receipt  
29 and prior to delivery, enter in ink, in legible  
30 writing, in full, the name of the consignor of each  
31 shipment of intoxicating liquor or wine to be delivered  
32 from or through such station, from where shipped,  
33 the date of arrival, the quantity and kind of liquor  
34 or wine, so far as disclosed by lettering on the  
35 package or by the carrier's records, and to whom and  
36 where consigned, and the date delivered.

37 Sec. 87. Section one hundred twenty-three point  
38 one hundred three (123.103), Code 1979, is amended  
39 to read as follows:

40 123.103 RECORD RECEIPT UPON DELIVERY. No shipment  
41 billed in whole or in part as intoxicating liquor  
42 or wine shall be delivered to the consignee until  
43 such the consignee upon such record book enters in  
44 ink, in legible writing, his or her full name and  
45 residence or place of business, giving the name of  
46 the city, and the street name and number if any, and  
47 certifies that such the liquor or wine is for his  
48 or her own lawful purposes.

49 Sec. 88. Section one hundred twenty-three point  
50 one hundred four (123.104), Code 1979, is amended

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1 to read as follows:

2 123.104 UNLAWFUL DELIVERY. It shall be a simple  
3 misdemeanor for any corporation, common carrier,  
4 person, or any agent or employee thereof:

5 1. To deliver any intoxicating liquors or wines  
6 to any person other than to the consignee.

7 2. To deliver any intoxicating liquors or wines  
8 without having the same receipted for as provided  
9 in section 123.103.

10 3. To deliver any intoxicating liquors or wines  
11 where there is reasonable ground to believe that such  
12 liquor or wine is intended for unlawful use.

13 Sec. 89. Section one hundred twenty-three point  
14 one hundred six (123.106), Code 1979, is amended to  
15 read as follows:

16 123.106 FEDERAL STATUTES. The requirements of  
17 this chapter relative to the shipment and delivery  
18 of intoxicating liquors or wines and the records to  
19 be kept thereof shall be construed in harmony with  
20 federal statutes relating to interstate commerce in  
21 such liquors and wines.

22 Sec. 90. Section one hundred twenty-three point  
23 one hundred seven (123.107), subsection one (1), Code  
24 1979, is amended to read as follows:

25 1. To set out exactly the kind or quantity of  
26 intoxicating liquors and wines manufactured, sold,  
27 given in evasion of the statute, or kept for sale.

28 Sec. 91. Section one hundred twenty-three point  
29 one hundred eleven (123.111), Code 1979, is amended  
30 to read as follows:

31 123.111 PURCHASER AS WITNESS. The person  
32 purchasing any intoxicating liquor or wine sold in  
33 violation of this chapter shall in all cases be a  
34 competent witness to prove such sale.

35 Sec. 92. Section one hundred twenty-three point  
36 one hundred fifteen (123.115), Code 1979, is amended  
37 to read as follows:

38 123.115 DEFENSE. In any prosecution under this  
39 chapter for the unlawful transportation of intoxicating  
40 liquors or wines it shall be a defense that the  
41 character and contents of the shipment or thing  
42 transported were not known to the accused or to his  
43 or her agent or employee.

44 Sec. 93. Section one hundred twenty-three point  
45 one hundred sixteen (123.116), Code 1979, is amended  
46 to read as follows:

47 123.116 RIGHT TO RECEIVE LIQUORS. The consignee  
48 of intoxicating liquors or wines shall, on demand  
49 of the carrier transporting such liquors or wines,  
50 furnish the carrier, at the place of delivery, with

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1 legal proof of the consignee's legal right to receive  
2 such liquors or wines at the time of delivery, and  
3 until such proof is furnished the carrier shall not  
4 be under ~~no~~ a legal obligation to make delivery nor  
5 be liable for failure to deliver.

6 Sec. 94. Section one hundred twenty-three point  
7 one hundred seventeen (123.117), Code 1979, is amended  
8 to read as follows:

9 123.117 DELIVERY TO SHERIFF. If such proof is  
10 not furnished the carrier within ten days after demand,  
11 the carrier may deliver such liquors or wines to the  
12 sheriff of the county embracing the place of delivery,  
13 and such delivery shall absolve the carrier from all  
14 liability pertaining to such liquors or wines.

15 Sec. 95. Section one hundred twenty-three point  
16 one hundred eighteen (123.118), Code 1979, is amended  
17 to read as follows:

18 123.118 DESTRUCTION. The sheriff shall, on receipt  
19 of such liquors and wines from the carrier, report  
20 the receipt to the district court of his or her county,  
21 and the court shall proceed to summarily enter an  
22 order for the destruction or forfeiture to the state  
23 of such liquors or wines.

24 Sec. 96. Section one hundred twenty-three point  
25 one hundred nineteen (123.119), Code 1979, is amended  
26 to read as follows:

27 123.119 EVIDENCE. In all actions, civil or  
28 criminal, under the provisions of this chapter, the  
29 finding of intoxicating liquors or wines or of  
30 instruments or utensils used in the manufacture of  
31 intoxicating liquors or wines, or materials which  
32 are being used, or are intended to be used in the  
33 manufacture of intoxicating liquors or wines, in the  
34 possession of or under the control of any person,  
35 under and by authority of a search warrant or other  
36 process of law, and which shall have been finally  
37 adjudicated and declared forfeited by the court, shall  
38 be competent evidence of maintaining a nuisance or  
39 bootlegging, or of illegal transportation of  
40 intoxicating liquors or wines, as the case may be,  
41 by such person.

42 Sec. 97. Section one hundred twenty-three point  
43 one hundred twenty (123.120), Code 1979, is amended  
44 to read as follows:

45 123.120 ATTEMPT TO DESTROY. The destruction of  
46 or attempt to destroy any liquid by any person while  
47 in the presence of peace officers or while a property  
48 is being searched by a peace officer, shall be  
49 competent evidence that such liquid is intoxicating  
50 liquor or wine and intended for unlawful purposes.

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1 Sec. 98. Section one hundred twenty-three point  
2 one hundred twenty-one (123.121), Code 1979, is amended  
3 to read as follows:

4 123.121 VENUE. In any prosecution under this  
5 chapter for the unlawful sale of alcoholic liquor  
6 or beer beverages, a sale of alcoholic liquor or beer  
7 which requires a shipment or delivery of such liquor  
8 or beer the alcoholic beverage shall be deemed to  
9 be made in the county in which such delivery is made  
10 by the carrier to the consignee, or to his or her  
11 agent, or employee.

12 In any prosecution under this chapter for the  
13 unlawful transportation of intoxicating liquor or  
14 wine, the offense shall be held to have been committed  
15 in any county in which such liquor or wine is received  
16 for transportation, through which it is transported,  
17 or in which it is delivered.

18 Sec. 99. Section one hundred twenty-three point  
19 one hundred twenty-four (123.124), Code 1979, is  
20 amended to read as follows:

21 123.124 PERMITS—CLASSES. Permits for the  
22 manufacture and sale, or sale of beer shall be divided  
23 into three classes, and shall be known as either class  
24 "A", "B", or "C" permits, sell beer at wholesale.  
25 The holder of a class "A" permit may manufacture beer  
26 of more than four five percent of alcohol by weight  
27 for shipment outside this state only. However, a  
28 class "A" beer permit does not grant authority to  
29 manufacture wine as defined in section one hundred  
30 twenty-three point three (123.3), subsection seven  
31 (7) of the Code. A class "B" permit shall allow the  
32 holder to sell beer at retail for consumption on or  
33 off the premises. A class "C" permit shall allow  
34 the holder to sell beer at retail for consumption  
35 off the premises.

36 Sec. 100. Section one hundred twenty-three point  
37 one hundred forty-one (123.141), Code 1979, is amended  
38 to read as follows:

39 123.141 KEEPING LIQUOR WHERE BEER IS SOLD. No  
40 alcoholic liquor for beverage purposes and no wine  
41 shall be used, or kept for any purpose in the place  
42 of business of class "B" permittees, or on the premises  
43 of such class "B" permittees, at any time. A violation  
44 of any provision of this section shall be grounds  
45 for suspension or revocation of the permit pursuant  
46 to section 123.50, subsection 3. This section shall  
47 not apply in any manner or in any way, to any railway  
48 car of any dining car company, sleeping car company,  
49 railroad company or railway company, having a special  
50 class "B" permit; to the premises of any hotel or

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1 motel for which a class "B" permit has been issued,  
2 other than that part of such premises regularly used  
3 by the hotel or motel for the principal purpose of  
4 selling beer or food to the general public; or to  
5 drug stores regularly and continuously employing a  
6 registered pharmacist, from having alcohol in stock  
7 for medicinal and compounding purposes.  
8 Sec. 101. Section one hundred twenty-three point  
9 one hundred fifty (123.150), unnumbered paragraph  
10 one (1), Code 1979, is amended to read as follows:  
11 Notwithstanding ~~sections~~ section 123.2, section  
12 123.36, subsection 6, section 123.49, subsection 2,  
13 paragraph "b", and section 123.134, subsection 5,  
14 a holder of any class of liquor control license or  
15 the holder of a class "B" beer permit or a holder  
16 of a retail wine permit may sell or dispense such  
17 liquor, wine or beer to patrons for consumption on  
18 the premises between the hours of noon on Sunday and  
19 two a.m. on Monday when that Monday is New Years Day  
20 and beer or wine for consumption off the premises  
21 between the hours of noon Sunday and ten p.m. Sunday  
22 when that Sunday is the day before New Years Day.  
23 ~~The liquor control license fee or beer permit fee.~~  
24 of licensees and permittees permitted to sell or  
25 dispense such liquor, wine or beer on a Sunday when  
26 that saturday is the day before New Years Day shall  
27 not be increased because of this privilege.  
28 Sec. 102. Section one hundred twenty-three point  
29 fifty-six (123.56), Code 1979, is repealed.  
30 Sec. 103. This Act takes effect on January 1,  
31 1981."

Dieleman of Marion rose on a point of order that amendment H-6098 was not germane.

The Speaker ruled the point not well taken and amendment H-6098 germane.

Jesse of Polk moved the adoption of amendment H-6098.

Roll call was requested by Dieleman of Marion and Perkins of Greene.

### On the question "Shall amendment H—6098 be adopted?"

The ayes were, 41:

Arnould	Avenson	Bina	Brandt
Bruner	Byerly	Clark, J.H.	Cochran
Connors	Cusack	Doyle	Gettings
Hall	Halvorson, R.N.	Hanson, D.	Hibbs
Horn	Jesse	Jochum	Johnson, R.
Krewson	Lind	Lloyd-Jones	Lonergan
Lorenzen	Norland	O'Kane	Patchett
Pavich	Perkins	Pope	Rapp
Schroeder	Sherzan	Shimanek	Tofte
Walter	Welden	Wells	Welsh
Woods			

The nays were, 56:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Branstad	Clark, B.J.	Conlon	Connolly
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Groth	Halvorson, R.A.
Hansen, I.	Hinkhouse	Hoffmann	Holt
Howell	Hullinger	Hummel	Husak
Jay	Johnson, J.	Johnson, W.	Kirkenslager
Lageschulte	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Oxley	Pellett	Pelton	Poffenberger
Renken	Ritsema	Schneklath	Shull
Smalley	Spear	Swearingen	Thompson
Tyrrell	Van Maanen	West	Mr. Speaker

Absent or not voting, 3:

Chiodo	Larsen	Stromer
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Amendment H—6098 lost.

Woods of Polk offered the following amendment H—6097 filed by him from the floor and moved its adoption:

H—6097

- 1 Amend Senate File 2197 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "Sec. . Section one hundred twenty-three point
- 5 thirty-four (123.34), Code 1979, is amended by adding
- 6 the following new unnumbered paragraph:

7 **NEW UNNUMBERED PARAGRAPH.** A class "B" beer permit  
 8 holder who wishes to convert to a special class "C"  
 9 liquor control license for the unexpired portion of  
 10 the class "B" beer permit may apply to the department.  
 11 The fee for the special class "C" liquor control  
 12 license for the unexpired portion of the beer permit  
 13 shall be computed by taking the difference between  
 14 the applicable full fee for the permit holder's class  
 15 "B" permit and the applicable full fee for the special  
 16 class "C" liquor control license and prorating the  
 17 difference so the person who receives the converted  
 18 license pays an additional fee proportionate to the  
 19 unexpired term of the new license."

Amendment H—6097 was adopted.

Woods of Polk offered the following amendment H—6113 filed  
 by him from the floor and moved its adoption:

H—6113

1 Amend Senate File 2197 as follows:  
 2 1. Page 2, by inserting after line 6 the following:  
 3 "Sec. . Section one hundred twenty-three point  
 4 thirty-six (123.36), subsection seven (7), Code 1979,  
 5 is amended to read as follows:  
 6 7. The department shall credit all fees to the  
 7 beer and liquor control fund ~~and~~. The department  
 8 shall remit to the appropriate local authority, a  
 9 sum equal to sixty-five percent of the fees collected  
 10 for each class "A", class "B", or class "C" license  
 11 except special class "C" licenses, covering premises  
 12 located within their respective jurisdictions. The  
 13 department shall remit to the appropriate local  
 14 authority a sum equal to seventy-five percent of the  
 15 fees collected for each special class "C" license  
 16 covering premises located within their respective  
 17 jurisdictions. However, that amount remitted to the  
 18 appropriate local authority out of the fee collected  
 19 for the privilege authorized under subsection 6 shall  
 20 be deposited in the county mental health and  
 21 institutions fund to be used only for the care and  
 22 treatment of persons admitted or committed to the  
 23 alcoholic treatment center at Oakdale or any facilities  
 24 as provided in chapter 125."

Amendment H—6113 was adopted.

Clark of Lee in the chair at 5:20 p.m.



Connolly 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.

Under the provisions of Rule 81, Diemer of Black Hawk refrained from voting.

On the question "Shall the bill pass?" (S.F. 2197)

The ayes were, 74:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Conlon	Connolly	Connors
Corey	Crawford	Cusack	Davitt
Doyle	Egenes	Gettings	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Holt
Horn	Hummel	Husak	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pelton	Perkins	Poffenberger
Pope	Rapp	Sherzan	Shimanek
Shull	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Walter
Welden	Wells	Weish	West
Woods	Mr. Speaker (Clark of Lee)		

The nays were, 24:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Crabb	Daggett	Danker	De Groot
Dieleman	Groth	Hinkhouse	Howell
Hullinger	Jay	Lageschulte	Maulsby
McKean	Pellett	Renken	Ritsema
Schneklloth	Schroeder	Smalley	Van Maanen

Absent or not voting, 2:

Chiodo	Diemer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE REFUSED TO CONCUR

Johnson of Woodbury called up for consideration **House File 2475**, a bill for an act relating to the determination of the salaries for the area education agency administrators, amended by the Senate, and moved that the House concur in the Senate amendment H-5903, received from the Senate on April 8, 1980 and found on pages 1407 and 1408 of the House Journal.

The motion lost and the House refused to concur in the Senate amendment H-5903.

## SENATE AMENDMENTS CONSIDERED

Ritsema of Sioux called up for consideration **Senate File 2102**, a bill for an act relating to the hospitalization of mentally ill persons, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-5776, to the House amendment, received from the Senate on March 31, 1980 and found on page 1265 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-5776.

Ritsema of Sioux 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. 2102)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager

Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker (Clark of Lee)			

The nays were, 1:

Maulsby

Absent or not voting, 2:

Chiodo

West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Menke of O'Brien called up for consideration **House File 2105**, a bill for an act relating to the loading and unloading of pupils from school buses, amended by the Senate, and moved that the House concur in the Senate amendment H — 5426, received from the Senate on March 11, 1980 and found on page 849 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H — 5426.

Menke of O'Brien moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2105)

The ayes were, 96:

Anderson, J.  
Bennett

Anderson, R.  
Bina

Arnould  
Binneboese

Avenson  
Brandt

Branstad	Bruner	Byerly	Clark, B.J.
Cochran	Conlon	Cannolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Miller	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Weiden
Wells	Welsh	Woods	Mr. Speaker (Clark of Lee)

The nays were, 1:

Pelton

Absent or not voting, 3:

Chiodo

Connors

West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Halvorson of Clayton asked and received unanimous consent that the following bills be immediately messaged to the Senate:

House Files 2475, 2578, 2579, 2567 and 2571 and Senate Files 2238 and 2197.

Halvorson of Clayton asked and received unanimous consent that the Senate be notified immediately of the action taken on the following bills:

House Files 2513, 54, 685, 2463, 2533, 2495 and 2105 and Senate File 2102.

## INTRODUCTION OF BILLS

**House File 2581**, by committee on ways and means, a bill for an act to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances.

Read first time and **placed on the ways and means calendar**.

**House File 2582**, by committee on appropriations, a bill for an act relating to public contracts by providing for the manner in which payments may be made to contractors and making an appropriation.

Read first time and **placed on the appropriations calendar**.

**House File 2583**, by committee on appropriations, a bill for an act relating to the duties of the county finance committee and making an appropriation.

Read first time and **placed on the appropriations calendar**.

**House File 2584**, by committee on appropriations, a bill for an act to make appropriations to certain persons in settlement of claims made against the state of Iowa.

Read first time and **placed on the appropriations calendar**.

**House File 2585**, by Halvorson of Clayton and Avenson, a bill for an act relating to strategy discussions by a school board in negotiating with school employees who are not under a collective bargaining agreement.

Read first time and referred to committee on **ways and means**.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 733, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of property occurs.

Also: That the Senate has on April 11, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 736, a bill for an act to permit distributors and dealers to purchase fuel from other than the franchisor.

Also: That the Senate has on April 16, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2536, a bill for an act requiring cities to establish a housing code or be subject to the uniform housing code.

Also: That the Senate has on April 16, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 432, a bill for an act relating to the licensing and regulation of child foster care facilities.

Also: That the Senate has on April 16, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2368, a bill for an act relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 733

H-6117

- 1 Amend House File 733 as follows:
- 2 1. Page 1, by striking line 1 through page 4,
- 3 line 21.
- 4 2. Renumber sections to conform to this
- 5 amendment.

SENATE AMENDMENT TO  
HOUSE FILE 736

H-6116

- 1 Amend House File 736, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, lines 2 and 3, by striking the word
- 4 and figure "four (4)" and inserting in lieu thereof
- 5 the word and figure "five (5)".
- 6 2. Page 2, line 8, by inserting after the word
- 7 "delivered" the words "and the franchisor has given
- 8 the franchisee notice that the franchisor is unable
- 9 to provide the requested motor fuel".

- 10 3. Page 2, by striking lines 24 through 27 and  
11 inserting in lieu thereof the following:  
12 "c. The franchisee has requested motor fuel from  
13 the set-aside program administered by the energy  
14 policy council under section ninety-three, point seven  
15 (93.7), subsection nine (9), of the Code and allocation  
16 from the set-aside program has been denied and the  
17 director of the energy policy council determines that  
18 the franchisee has demonstrated that a special hardship  
19 exists in the community served by the franchisee  
20 relating to the public health, safety and welfare,  
21 as specified under the rules of the energy policy  
22 council."  
23 4. Page 3, by inserting after line 7 the following  
24 new subsection:  
25 "5. A franchisee who sells motor fuel supplied  
26 from a source other than the franchisor shall also  
27 fully indemnify the franchisor against any claims  
28 asserted by a user arising out of the sale of motor  
29 fuel not acquired from the franchisor."  
30 5. Page 3, by striking lines 8 through 12.  
31 6. Page 3, by striking lines 13 through 17 and  
32 inserting in lieu thereof the following:  
33 "Sec. . The provisions of this Act shall be  
34 applicable only to franchise agreements entered into  
35 after the effective date of this Act."

SENATE AMENDMENT TO  
HOUSE FILE 2536

H-6118

- 1 Amend House File 2536, as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 5, by inserting after the word  
4 "ordinance" the words "the latest version of".  
5 2. Page 1, by striking lines 11 and 12 and in-  
6 serting in lieu thereof the following:  
7 "c. The basic housing code promulgated by the  
8 building officials conference of America."  
9 3. Page 1, line 31, by inserting after the word  
10 "which" the words "shall include a program for regular  
11 rental inspections, rental inspections upon receipt  
12 of complaints, and certification of inspected rental  
13 housing, and".  
14 4. Page 1, by striking lines 33 and 34, paragraph  
15 a.  
16 5. By relettering the remaining paragraphs of  
17 subsection 3.  
18 6. Page 2, by inserting after line 18, the  
19 following new lettered paragraph:  
20 "i. Authority by ordinance to provide that no

- 21 rent shall be recoverable by the owner or lessee of  
 22 any dwelling which does not comply with the housing  
 23 code adopted by the city until such time as the  
 24 dwelling does comply with the housing code adopted  
 25 by the city."  
 26 7. Page 2, line 29, by inserting before the word  
 27 "housing" the word "model".  
 28 8. Page 2, line 32, by striking the word "shall"  
 29 and inserting in lieu thereof the word "may".

SENATE AMENDMENT TO  
 HOUSE AMENDMENT TO  
 SENATE FILE 432

H-6119

- 1 Amend the House amendment, S-5230, to Senate File  
 2 432 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, by striking lines 9 through 12.  
 5 2. Page 2, line 7, by inserting after the word  
 6 "child" the words "provided that foster children shall  
 7 not be counted in determining the maximum number of  
 8 children allowed".  
 9 3. Page 2, by striking lines 18 through 34.  
 10 4. Page 2, by inserting before line 35 the  
 11 following:  
 12 "Sec. . **NEW SECTION.** A facility licensed under  
 13 this Act or a facility subject to the licensing  
 14 requirements of chapter two hundred thirty-seven A  
 15 (237A) of the Code, if providing child day care, shall  
 16 be exempt for a period of two hours or less in any  
 17 day from the limitation of simultaneously providing  
 18 child day care for a maximum of six children."

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Thirty students from Hoyt Middle School, Des Moines, accompanied by Garrett Nyman. By Sherzan of Polk.

Forty-nine fourth, fifth and sixth grade students from Meservey Thornton Elementary School, Meservey, accompanied by Mrs. Langlitz, Mrs. Johnson and Mr. Frank. By Clark of Cerro Gordo and Stromer of Hancock.



Fifty sixth grade students from Dexfield Elementary School, Dexter, accompanied by Dorothy Sanborn. By Davitt of Warren and Poffenberger of Dallas.

Forty-nine sixth grade students from Manson Middle School, Manson, accompanied by Gary Mays. By Maulsby of Calhoun.

Forty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Steven Peik and Fred Tuffel. By Avenson of Fayette.

Forty-two seniors from Adel-De Soto High School, Adel, accompanied by Mike Myers. By Davitt of Warren and Poffenberger of Dallas.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 16, 1980. Had I been present, I would have voted "aye" on Senate File 2238, House Files 2571 and 2567.

THOMPSON of Polk

#### STUDY BILL COMMITTEE ASSIGNMENTS

##### **S.B. 755 Ways and Means**

Authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

#### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

BRUCE GRAHAM

Assistant Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Senate File 2306**, a bill for an act providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in an amount not exceeding a maximum set by the supreme court by rule when required to travel.

Recommended **Do Pass**.

**Committee Bill**, a bill for an act relating to public contracts by providing for the manner in which payments may be made to contractors and making an appropriation.

Recommended **Do Pass**.

**Study Bill 753**, to make appropriations to certain persons in settlement of claims made against the state of Iowa.

Recommended **Do Pass**.

**Study Bill 754**, allowing county finance committee to develop a pilot project to allow certain counties to participate in the implementation of a uniform budgeting and accounting system and for an appropriation.

Recommended **Do Pass**.

## AMENDMENTS FILED

H-6100	H.F. 2562	Tofte of Winneshiek
H-6101	H.F. 700	Van Maanen of Mahaska
H-6103	H.F. 2550	Schroeder of Pottawattamie
		Byerly of Polk
H-6104	H.F. 700	Kirkenslager of Des Moines
H-6105	H.F. 2550	Schroeder of Pottawattamie
		Byerly of Polk
		Johnson of Linn
H-6106	H.F. 2550	Bruner of Story
H-6107	S.F. 2361	Kirkenslager of Des Moines
H-6108	H.F. 2443	Crawford of Story
H-6109	H.F. 695	Hullinger of Decatur
H-6110	H.F. 2580	Bina of Scott
		Gettings of Wapello
		Walter of Pottawattamie
		Wells of Linn
		Hall of Linn
		Cusack of Scott
		Byerly of Polk
		Doyle of Woodbury
		Pavich of Pottawattamie
		Arnould of Scott
		O'Kane of Woodbury

H-6111	H.F. 2580	Lageschulte of Bremer Lorenzen of Scott Dieleman of Marion
H-6112	H.F. 2580	Daggett of Taylor Bruner of Story Clark of Cerro Gordo Cusack of Scott
H-6114	H.F. 2580	Ritsema of Sioux
H-6115	H.F. 2580	Doyle of Woodbury Bina of Scott O'Kane of Woodbury Pavich of Pottawattamie Walter of Pottawattamie
H-6120	H.F. 2580	Horn of Linn
H-6121	H.F. 2580	Horn of Linn
H-6122	H.F. 2580	Welden of Hardin Schroeder of Pottawattamie Bennett of Ida
H-6123	H.F. 2580	Jesse of Polk Thompson of Polk Johnson of Woodbury Johnson of Linn Connors of Polk Cusack of Scott Byerly of Polk Woods of Polk Diemer of Black Hawk Brandt of Black Hawk
H-6124	H.F. 2580	Patchett of Johnson Horn of Linn Connors of Polk Husak of Tama Anderson of Jasper Doyle of Woodbury Hullinger of Decatur Binneboese of Plymouth Norland of Worth Pavich of Pottawattamie Hall of Linn Bina of Scott Gettings of Wapello
		Davitt of Warren Lonergan of Boone Perkins of Greene Brandt of Black Hawk Cochran of Webster O'Kane of Woodbury Hinkhouse of Cedar Connolly of Dubuque Woods of Polk Wells of Linn Halvorson of Webster Walter of Pottawattamie

Dieleman of Marion		Cusack of Scott
Groth of Buena Vista		Spear of Lee
Rapp of Black Hawk		Jochum of Dubuque
Welsh of Dubuque		Arnould of Scott
Jay of Appanoose		Byerly of Polk
H-6125	H.F. 2580	Avenson of Fayette
H-6126	H.F. 2580	Daggett of Taylor
H-6127	H.F. 2580	Doyle of Woodbury
		Horn of Linn
		Byerly of Polk
		Clark of Cerro Gordo
		Krewson of Polk
		Poffenberger of Dallas
		Lonergan of Boone
		Cusack of Scott
		Norland of Worth
		De Groot of Lyon
H-6128	H.F. 2580	Daggett of Taylor
		Krewson of Polk
		Cusack of Scott
		Mullins of Kossuth
		Poffenberger of Dallas
		McKean of Jones
		Byerly of Polk
H-6129	H.F. 2580	Horn of Linn
H-6130	H.F. 2580	Horn of Linn
H-6131	H.F. 2580	Horn of Linn
H-6132	H.F. 2580	Horn of Linn
H-6133	H.F. 2580	Anderson of Audubon
		Byerly of Polk
		Welden of Hardin
		Pelton of Clinton
		Johnson of Woodbury
		Walter of Pottawattamie
		Wells of Linn
H-6134	H.F. 2580	Horn of Linn
H-6135	H.F. 2580	Horn of Linn
H-6136	H.F. 2580	Welden of Hardin
H-6137	H.F. 2580	Horn of Linn
H-6138	H.F. 2580	Horn of Linn
H-6139	H.F. 2580	Horn of Linn
H-6140	H.F. 2580	Bina of Scott
		Walter of Pottawattamie

H-6141

S.F. 2282

Norland of Worth  
Miller of Buchanan

H-6142

H.F. 2580

Bruner of Story  
Jochum of Dubuque

On motion by Halvorson of Clayton, the House adjourned at 6:08 p.m., until 10:00 a.m., Thursday, April 17, 1980.

# JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day — Sixty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 17, 1980

The House met pursuant to adjournment, Speaker pro tempore Stromer of Hancock in the chair.

Prayer was offered by the Reverend Gordon E. Riffle, pastor of the First Evangelical Free Church, Sioux City.

The Journal of Wednesday, April 16, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Maplethorpe, Toledo.

## SENATE MESSAGE CONSIDERED

**Senate File 2368**, by committee on ways and means, a bill for an act relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties.

Read first time and referred to committee on **ways and means**.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 654, a bill for an act to prohibit operating a motor vehicle while having a certain percentage of alcohol in the blood, and to apply penalties.

Also: That the Senate has on April 15, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2493, a bill for an act to amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee.

Also: That the Senate has on April 15, 1980, amended the House amendment, con-

curred in the House amendment as amended, 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 of ophthalmic dispensers and making penalties.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 654

H-6144

1 Amend House File 654 as amended, passed and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 24 and  
4 inserting in lieu thereof the following:

5 "Section 1. Section three hundred twenty-one point  
6 two hundred eighty-one (321.281), Code 1979, is amended  
7 by adding the following new unnumbered paragraphs:

8 NEW UNNUMBERED PARAGRAPH. Whoever operates a motor  
9 vehicle upon the public highways of this state while  
10 having thirteen hundredths or more of one percent  
11 by weight of alcohol in the blood shall, upon  
12 conviction or a plea of guilty, be guilty of a serious  
13 misdemeanor for the first offense and shall be  
14 imprisoned in the county jail for not less than two  
15 days; be guilty of an aggravated misdemeanor for the  
16 second offense and shall be imprisoned in the county  
17 jail not less than seven days; and be guilty of a  
18 class "D" felony for a third offense and each offense  
19 thereafter.

20 NEW UNNUMBERED PARAGRAPH. The crime of operating  
21 a motor vehicle under the influence of alcohol is  
22 an offense separate and distinct from the offense  
23 of operating a motor vehicle while having thirteen  
24 hundredths or more of one percent by weight of alcohol  
25 in the blood. A person shall not be convicted and  
26 sentenced for both offenses under this section.

27 Sec. 2. Section three hundred twenty-one point  
28 two hundred eighty-one (321.281), unnumbered paragraph  
29 five (5), Code 1979, is amended to read as follows:

30 For the purposes of this section, evidence that  
31 there was, at the time, more than ten hundredths but  
32 less than thirteen hundredths of one percentum by  
33 weight of alcohol in his the blood shall be admitted  
34 as presumptive evidence that the defendant was under  
35 the influence of an alcoholic beverage. No previous  
36 conviction for, or plea of guilty to, an offense under  
37 this section occurring more than six years prior to  
38 the date of the violation being charged shall be used  
39 to determine that the violation being charged is a  
40 second, third or subsequent offense."

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 358

H-6143

- 1 Amend the House amendment, S-5711, to Senate File 358  
2 as passed by the Senate as follows:  
3 1. Page 1, by inserting after line 26, the follow-  
4 ing:  
5 " . Page 1, line 23, by striking the words ", or  
6 ophthalmic dispensers".  
7 . Page 1, line 24, by inserting after the  
8 word "state" the words "or an ophthalmic dispenser  
9 certified under this Act"."

**CONSIDERATION OF BILLS**  
Ways and Means Calendar

**Senate File 2282**, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, and including a correlating amendment removing the limitation on the tax levy authorized by section three hundred fifty-eight point twenty-one (358.21) of the Code with respect to interest-bearing obligations issued under that section, with report of committees recommending amendment and passage was taken up for consideration.

Conlon of Muscatine offered amendment H-5803 filed by the committee on commerce on April 1, 1980 and found on pages 1309 through 1311 of the House Journal.

Conlon of Muscatine asked and received unanimous consent to defer action on amendment H-6141, to amendment H-5803.

Conlon of Muscatine offered amendment H-6089, filed by the committee on ways and means on April 15, 1980 and found on pages 1618 and 1619 of the House Journal and moved its adoption.

The committee amendment H-6089 was adopted.

Norland of Worth offered the following amendment, to the committee on commerce amendment H-5803, filed by him and Miller of Buchanan and moved its adoption:



H-6141

1 Amend amendment H-5803 to Senate File 2282 as  
2 amended, passed and reprinted by the Senate, as  
3 striking everything after page 1, line 2, and inserting  
4 in lieu thereof the following:

5 1. Page 1, line 13, by inserting after the word  
6 "municipalities" the words "and cities".

7 2. Page 2, by striking line 13 and inserting in  
8 lieu thereof the words and figures "tion seventy-four  
9 point one (74.1), subsection one (1) of the Code shall  
10 bear".

11 3. Page 2, line 31, by striking the word "must"  
12 and inserting in lieu thereof the words "shall".

13 4. Page 4, line 3, by striking the word and figure  
14 "seven (7)" and inserting in lieu thereof the word  
15 and figure "nine (9)".

16 5. By striking page 4, line 34 through page 7,  
17 line 12 and inserting in lieu thereof the following:

18 "Sec. 11. NEW SECTION. MAXIMUM RATES FOR PUBLIC  
19 OBLIGATIONS. Except as otherwise provided by law,  
20 the maximum rates of interest on obligations issued  
21 by this state, or by a county, school district, city  
22 special improvement district, or any other governmental  
23 body or agency are as follows:

24 1. General obligation bonds, warrants, or other  
25 evidences of indebtedness which are payable from  
26 general taxation or from the state's sinking fund  
27 for public deposits may bear interest at a rate not  
28 exceeding the maximum rate in effect at the time the  
29 obligation is issued, as established by rule pursuant  
30 to section fourteen (14) of this Act.

31 2. Revenue bonds, warrants, pledge orders or other  
32 obligations, the principal and interest of which are  
33 to be paid solely from the revenue derived from the  
34 operations of the publicly owned enterprise or utility  
35 for which the bonds or obligations are issued, may  
36 bear interest at a rate not exceeding the maximum  
37 rate in effect at the time the obligation is issued,  
38 as established by rule pursuant to section fourteen  
39 (14) of this Act. This limitation does not apply  
40 to revenue bonds issued pursuant to chapter four  
41 hundred nineteen (419) of the Code.

42 3. Special assessment bonds, certificates, warrants  
43 or other obligations, the principal and interest of  
44 which are payable from special assessments levied  
45 against benefited property may bear interest at a  
46 rate not exceeding the maximum rate in effect at the  
47 time the obligation is issued, as established by rule  
48 pursuant to section fourteen (14) of this Act.

49 Sec. 12. NEW SECTION. MAXIMUM RATES ON SPECIAL  
50 ASSESSMENTS. Except as otherwise provided by law,

**Page 2**

1 the rate of interest payable on unpaid balances of  
2 special assessments levied against benefited properties  
3 shall not exceed the maximum rate in effect at the  
4 time of adoption of the final assessment schedule,  
5 as established by rule pursuant to section fourteen  
6 (14) of this Act.

7 **Sec. 13. NEW SECTION. RELATIVE RATE ON ASSESSMENT**  
8 **BONDS.** Bonds payable from special assessments shall  
9 not be sold bearing a higher rate of interest than.  
10 is payable on the assessments from which those bonds  
11 are made payable.

12 **Sec. 14. NEW SECTION. RULES TO ESTABLISH RATES.**

13 1. The rule-making authority contained in this  
14 section shall be exercised by a committee composed  
15 of the treasurer of state, the superintendent of  
16 banking and the commissioner of insurance.

17 2. The committee shall adopt rules pursuant to  
18 chapter seventeen A (17A) of the Code establishing  
19 the following:

20 a. The annual interest rate to be applicable to  
21 obligations referred to in section ten (10) of this  
22 Act.

23 b. The maximum annual interest rate to be  
24 applicable to obligations referred to in section  
25 eleven (11), subsection one (1) of this Act.

26 c. The maximum annual interest rate to be  
27 applicable to obligations referred to in section  
28 eleven (11), subsection two (2) of this Act.

29 d. The maximum annual interest rate to be  
30 applicable to obligations referred to in section  
31 eleven (11), subsection three (3) of this Act.

32 e. The maximum annual interest rate to be  
33 applicable to obligations referred to in section  
34 twelve (12) of this Act.

35 3. The committee shall establish and from time  
36 to time modify one or more of the interest rates  
37 referred to in subsection two (2) of this section  
38 as may be necessary in the opinion of the committee  
39 to permit the orderly financing of governmental  
40 activities, and to minimize interest costs to  
41 governmental bodies while permitting a fair return  
42 to persons whose funds are used to finance governmental  
43 activities. The committee shall consider relevant  
44 indices of actual interest rates in the economy when  
45 establishing rates under this section, including but  
46 not necessarily limited to maximum lawful interest  
47 rates payable by depository financial institutions  
48 on customer deposits, interest rates payable on  
49 obligations issued by the United States government,  
50 and interest rates payable on obligations issued by

## Page 3

1 governmental bodies other than those of this state.  
2 4. An interest rate established by the committee  
3 under this section shall be in effect commencing on  
4 the date specified in the rule, and until superseded  
5 by a subsequent rule.

6 5. The committee shall not establish interest  
7 rates for types or categories of obligations other  
8 than as specified in subsection two (2) of this  
9 section. The committee shall not establish  
10 subcategories within any of the categories referred  
11 to in paragraphs a through e of subsection two (2)  
12 of this section.

13 **Sec. 15. NEW SECTION. EMERGENCY VARIANCE.**

14 1. If following the adoption of an ordinance or  
15 resolution authorizing the issuance of interest-bearing  
16 obligations, the issuing governmental body or agency  
17 finds that the obligations are not marketable because  
18 of the interest-rate limitations contained in section  
19 eleven (11) or thirteen (13) of this Act, the  
20 governmental body or agency, upon compliance with  
21 the requirements of subsection two (2) of this section,  
22 may by special resolution authorize the sale of those  
23 obligations at a rate of interest not more than two  
24 percentage points above the rate otherwise permitted  
25 under section eleven (11) or thirteen (13) of this  
26 Act.

27 2. A governmental body or agency may use the  
28 emergency authority contained in subsection one (1)  
29 of this section upon satisfaction of the following  
30 conditions:

31 a. The governmental agency or body receives from  
32 bond counsel a written certification based upon good  
33 faith efforts to sell the obligations that it is  
34 reasonable to conclude that the obligations are not  
35 marketable at the maximum lawful rate of interest.

36 b. The governmental agency or body publishes a  
37 notice of its intended action, specifying the date,  
38 time and place of the meeting at which the intended  
39 action is to be taken, the reason for the intended  
40 action, the rate of interest originally authorized,  
41 and the proposed rate of interest.

42 c. The governmental body or agency maintains for  
43 public inspection on and after the date of publication  
44 of the notice of its intended action, and until the  
45 date action is taken, a copy of the statement of bond  
46 counsel referred to in paragraph a of this subsection.

47 d. The governmental body or agency receives and  
48 considers oral or written objections which may be  
49 presented by affected taxpayers at the meeting as  
50 scheduled or at any adjournment thereof.

## Page 4

1 3. The notice specified in subsection two (2)  
2 of this section shall be published in the manner  
3 provided by law for the publication by the governing  
4 body of a notice of intent to institute original  
5 proceedings for the issuance of the obligations.

6 4. This section does not apply to anticipatory  
7 warrants issued by a school district.

8 Sec. 16. NEW SECTION. SCHOOL DISTRICT WARRANTS.

9 1. The treasurer of a school district shall sell  
10 anticipatory warrants authorized by section one (1),  
11 subsection two (2) of this Act at the maximum rate  
12 of interest provided in section eleven (11) of this  
13 Act or at a lower rate of interest.

14 2. Each bank or other business entity authorized  
15 by law to loan money which refuses to purchase warrants  
16 at a rate of interest permitted by subsection one  
17 (1) of this section shall submit a certificate of  
18 refusal to the treasurer of the school district.

19 3. If the treasurer of a school district is unable  
20 to sell the warrants at a rate of interest permitted  
21 by subsection one (1) of this section and receives  
22 at least two certificates of refusal, the treasurer  
23 may offer the warrants for public sale at par, by  
24 publishing notice of the sale for two consecutive  
25 weeks in a newspaper of general circulation in the  
26 jurisdiction of the school district issuing the  
27 warrants, giving not less than ten days' notice of  
28 the time and place of the sale. The notice shall  
29 include a statement of the amount of the warrants  
30 offered for sale."

31 6. Page 13, line 27, by striking the word "under"  
32 and inserting in lieu thereof the words "for  
33 obligations referred to in".

34 7. Page 45, by striking lines 4 through 6 and  
35 inserting in lieu thereof the words "fourteen (14)  
36 of this Act supersede the provisions of Acts of the  
37 Sixty-eighth General Assembly, 1980 Session, Senate  
38 File five hundred (500) insofar as that Act establishes  
39 interest rates or maximum".

40 8. By renumbering sections.

A non-record roll call was requested.

The ayes were 41, nays 51.

Amendment H - 6141 lost.

Bruner of Story offered the following amendment H—6153, to the committee on commerce amendment H—5803, filed from the floor by him and Miller of Buchanan and moved its adoption:

H—6153

1 Amend amendment H—5803 to Senate File 2282 as  
2 follows:

3 1. Page 1, line 26, by inserting after the word  
4 "Act." the following: "A rule adopted by the com-  
5 mittee may be rescinded by a resolution adopted  
6 by either house of the general assembly. The reso-  
7 lution shall be included in the next publication of  
8 the Iowa administrative bulletin."

9 2. Page 1, line 32, by inserting after the word  
10 "Act." the following: "A rule adopted by the com-  
11 mittee may be rescinded by a resolution adopted  
12 by either house of the general assembly. The reso-  
13 lution shall be included in the next publication of  
14 the Iowa administrative bulletin."

Amendment H—6153 lost.

Miller of Buchanan moved to reconsider the vote by which amendment H—6141, to the committee on commerce amendment H—5803, failed to be adopted by the House.

A non-record roll call was requested.

The ayes were 43, nays 49.

The motion lost.

On motion by Conlon of Muscatine, the committee on commerce amendment H—5803 was adopted.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2282)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Byerly	Clark, B.J.	Clark, J.H.

Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenlager	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Mr. Speaker (Stromer)		

The nays were, 2:

Bruner	Chiodo
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Absent or not voting, 4:

Harbor	Larsen	Lind	Woods
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

(Senate File 2282)

Halvorson of Clayton asked and received unanimous consent that Senate File 2282 be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Bennett of Ida called up for consideration **House File 2546**, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code, amended by the Senate.

Jesse of Polk asked and received unanimous consent to defer action on House File 2546 for the preparation of an amendment.

**HOUSE INSISTS**  
(Senate File 108)

Crawford of Story called up for consideration Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

**SENATE AMENDMENT CONSIDERED**

Crawford of Story called up for consideration **House File 2443**, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa, amended by the Senate amendment H-5900, received from the Senate on April 8, 1980 and found on pages 1398 and 1399 of the House Journal.

Crawford of Story offered the following amendment H-6108, to the Senate amendment H-5900, filed by him and moved its adoption:

H-6108

- 1 Amend the Senate amendment H-5900 to House File
- 2 2443 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 9, by striking the words "may establish"
- 5 and inserting in lieu thereof the words "shall establish".
- 6 2. Page 1, line 10, by inserting after the word
- 7 "standards" the words "requiring at least thirty hours
- 8 of instruction".

Amendment H-6108 was adopted.

On motion by Crawford of Story, the House concurred in the Senate amendment H-5900, as amended.

Crawford of Story 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. 2443)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Mr. Speaker (Stromer)		

The nays were, none.

Absent or not voting, 6:

Chiodo	Cochran	Groth	Harbor
Lind	Woods		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Halvorson of Clayton, the House was recessed at 11:29 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.



HOUSE CONCURRENT RESOLUTION 130  
By Committee on Ethics

1 *Be It Resolved by the House of Representatives,*  
2 *The Senate Concurring,* That the joint rules of the  
3 general assembly be amended by adding the following  
4 new rule:

5 19. a. As used in this rule, the word "gift" and  
6 the phrases "immediate family member" and "public  
7 disclosure" have the meaning provided in Acts of the  
8 Sixty-eighth General Assembly, 1980 Session, House  
9 File six hundred eighty-seven (687), section six (6),  
10 and the words "legislative employee" means an employee  
11 of the legislative department of the state government  
12 who is not an employee of the house of representatives  
13 or an employee of the senate.

14 b. Legislative employees shall report the acceptance  
15 of any gift made to them or their family members which  
16 exceeds fifteen dollars in value in any one occurrence.  
17 The report shall show the nature, amount, date and  
18 donor of the gift. The reports shall be filed by the  
19 fifteenth of the month following the month in which a  
20 gift is received which is required to be reported.

21 c. The appointing authority of the legislative  
22 employee shall approve forms for the making of the  
23 reports and designate a lawful custodian with whom the  
24 reports are to be filed. The reports shall be maintained  
25 by that lawful custodian and be available for public in-  
26 spection as provided in chapter sixty-eight A (68A) of  
27 the Code. The appointing authority may authorize the  
28 lawful custodian to prepare and make available to the  
29 public summaries of the reports filed under this rule.

Laid over under Rule 30.

HOUSE RESOLUTION 110  
By Committee on Ethics

1 *Be It Resolved by the House of Representatives,* That  
2 the code of ethics of the house of representatives be  
3 amended by adding the following new rule:

4 10. a. As used in this rule, the word "gift" and the  
5 phrases "immediate family member" and "public disclosure"  
6 have the meaning provided in Acts of the Sixty-eighth  
7 General Assembly, 1980 Session, House File six hundred  
8 eighty-seven (687), section six (6).

9 b. The members, officers or employees of the house of  
10 representatives shall report the acceptance of any gift  
11 made to them or their immediate family members  
12 which exceeds fifteen dollars in value in any one  
13 occurrence. The report shall show the nature, amount,  
14 date and donor of the gift. The report shall be filed

15 in the office of the chief clerk of the house of repre-  
16 sentatives by the fifteenth day of the month following  
17 the month in which a gift is received which is required  
18 to be reported.

19 c. Subject to the approval of the committee on ethics,  
20 the chief clerk of the house shall prepare forms for the  
21 filing of these reports and make them available to the  
22 members, officers and employees of the house of representa-  
23 tives. The reports filed shall be maintained by the chief  
24 clerk of the house and be available for public inspection  
25 as provided in chapter sixty-eight A (68A) of the Code.  
26 The committee on ethics may authorize the chief clerk of  
27 the house to prepare and make available to the public  
28 summaries of the reports filed under this rule.

Laid over under Rule 30.

### CONSIDERATION OF BILLS Appropriations Calendar

**House File 2580**, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking people's commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community-based

corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services, was taken up for consideration.

Crawford of Story offered the following amendment H-6165 filed from the floor by Crawford, Hibbs, Poffenberger, Krewson, Diemer, Kirkenslager, Lloyd-Jones, Miller, Bruner, Cusack and Larsen:

H-6165

1 Amend House File 2580 as follows:

2 1. Page 1, by inserting after the enacting clause  
3 the following:

4 "Section 1. There is appropriated from the general  
5 fund of the state to the salary adjustment fund created  
6 in section eight point forty-three (8.43) of the Code,  
7 the following amount\*or so much thereof as is  
8 necessary, to be used and distributed to the various  
9 departments and agencies in the manner provided in  
10 this Act:

11 For the fiscal year  
12 beginning July 1, 1980 . . . . . \$ 8,926,000

13 Sec. 2. The funds appropriated in section one  
14 (1) of this Act are in addition to the funds  
15 appropriated in the Acts of the Sixty-eighth General  
16 Assembly, 1979 Session, chapter two (2), section  
17 twenty-two (22), subsection one (1), and shall be  
18 used to fund the following and section six (6) of  
19 this Act:

20 1. An annual pay adjustment of two percent for  
21 the fiscal year beginning July 1, 1980, which shall  
22 be available for adding to the funds appropriated  
23 in the Acts of the Sixty-eighth General Assembly,  
24 1979 Session, chapter two (2), section twenty-two  
25 (22), subsection one (1) and making a combined  
26 adjustment for employees who will receive adjustments  
27 in the fiscal year beginning July 1, 1980 provided  
28 for in this section and the Acts of the Sixty-eighth  
29 General Assembly, 1979 Session, chapter two (2),  
30 section twenty-two (22), subsections one (1) and two

31 (2). However, this subsection does not apply to  
32 employees covered under section six (6) of this Act.  
33 Funds appropriated by this Act shall not be added  
34 to the funds appropriated by the Acts of the Sixty-  
35 eighth General Assembly, 1979 Session, chapter two  
36 (2), sections twenty-three (23) and twenty-four (24).  
37 However, employees covered under sections twenty-three  
38 (23) and twenty-four (24) of that Act are eligible  
39 to receive the two percent pay adjustment payable  
40 from funds appropriated by those sections in the same  
41 manner as other employees.

42 2. Adjustments to the various pay plans as de-  
43 termined by the merit employment commission and the  
44 executive council which may be made in addition to  
45 the adjustments provided for in subsection one (1)  
46 of this section.

47 Sec. 3. There is appropriated from the general  
48 fund of the state for the fiscal year beginning July  
49 1, 1980 and ending June 30, 1981 to the state  
50 comptroller for allocation as additional general state

## Page 2

1 financial aid for salary adjustment purposes of merged  
2 areas as defined in section two hundred eighty A point  
3 two (280A.2) of the Code, the sum of one million three  
4 hundred sixty thousand (1,360,000) dollars, or so  
5 much thereof as is necessary.

6 Sec. 4. Funds appropriated from the general fund  
7 of the state in this Act shall relate to salaries  
8 supported from general fund appropriations and shall  
9 not be used to replace revolving, federal, trust,  
10 or special funds where applicable.

11 Sec. 5. To departmental revolving, trust, or  
12 special funds, except for the primary road fund or  
13 the road use tax fund, for which the general assembly  
14 has established an operating budget, a supplemental  
15 authorization is provided to use the funds in an  
16 amount necessary to fund salary adjustments at the  
17 level authorized in subsection one (1) of section  
18 two (2) of this Act.

19 Sec. 6. Acts of the Sixty-eighth General Assembly,  
20 1979 Session, chapter two (2), section twenty-eight  
21 (28), is amended by striking the section and inserting  
22 in lieu thereof the following:

23 SEC. 28. For the fiscal year beginning July 1,  
24 1980 and ending June 30, 1981, the funds allocated  
25 to the state board of regents by chapter two (2) of  
26 Acts of the Sixty-eighth General Assembly, 1979  
27 Session, this Act, and other funds which may be  
28 available for the purpose of providing increases for

29 employees not covered by a collective bargaining  
30 agreement and employees in the university of northern  
31 Iowa faculty bargaining unit, shall be used as follows:

32 1. Employees in the university of northern Iowa  
33 faculty bargaining unit shall receive a one percent  
34 increase in salary as their salaries exist for the  
35 fiscal year ending June 30, 1980, and an additional  
36 one percent of such salaries shall be available for  
37 salary increases for such persons at the discretion  
38 of the state board of regents. These increases shall  
39 be in addition to salary increases otherwise authorized  
40 by Acts of the Sixty-eighth General Assembly, 1979  
41 Session, chapter two (2), section twenty-two (22),  
42 subsection two (2), paragraph g, and shall be paid  
43 at the same time and administered in the same manner  
44 as other salary adjustments provided for in section  
45 two (2) of this Act. This subsection shall not be  
46 construed as a violation of a collective bargaining  
47 agreement negotiated pursuant to chapter twenty (20)  
48 of the Code.

49 2. The amount necessary to fund for the fiscal  
50 year an average base salary increase of nine percent

### Page 3

1 of base salaries for faculty members paid during the  
2 preceding fiscal year, to be allocated to faculty  
3 members at the discretion of the state board of  
4 regents.

5 3. The amount necessary to fund for the fiscal  
6 year a salary increase of five percent of the base  
7 salary, plus an additional one percent to be allocated  
8 at the discretion of the state board of regents, of  
9 each professional and scientific staff member, except  
10 board office employees, paid during the preceding  
11 fiscal year. The percentage increases authorized  
12 for salaries under this subsection do not preclude  
13 a professional and scientific staff member from  
14 receiving an additional salary increase authorized  
15 by the state board of regents consistent with chapter  
16 two (2) of Acts of the Sixty-eighth General Assembly,  
17 1979 Session, and this Act and appropriations made  
18 by the general assembly.

19 4. For employees under the state board of regents'  
20 merit system who are not included in the collective  
21 bargaining agreement made final under chapter twenty  
22 (20) of the Code, except board office employees, the  
23 amount necessary to increase the state board of  
24 regents' merit pay plan as it exists for the fiscal  
25 year ending June 30, 1980, an average amount equal  
26 to seven and four-tenths percent. The percentage  
27 increase authorized for the pay plan in this subsection

28 does not preclude an employee under the state board  
29 of regents' merit system who is not under a collective  
30 bargaining agreement and not a board office employee,  
31 from receiving any additional salary increase  
32 authorized under the state board of regents' merit  
33 rules. The merit pay plan adjustment shall be rounded  
34 to the nearest whole dollar for the fiscal year.

35 Sec. 7.

36 1. The state comptroller shall determine the  
37 actual authorized employee positions in state  
38 government payable in whole or in part from the general  
39 fund or trust funds of the state, on July 1, 1980,  
40 as authorized by the executive council or the board  
41 of regents for the executive branch, by the chief  
42 justice of the supreme court for the judicial branch,  
43 or by the legislative council for the legislative  
44 branch. The positions shall be categorized as full-  
45 time, intermittent, or part-time positions. During  
46 the fiscal year beginning on July 1, 1980, the state  
47 comptroller shall monitor the positions and shall  
48 report to the governor, the chief justice of the  
49 supreme court, and the legislative council, the ap-  
50 plicable number of positions in each category

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1 authorized and filled on the last day of each quarter.

2 2. a. As used in this section, "appropriate  
3 official or agency" means the governor, for a position  
4 in the executive branch of state government other  
5 than a position which is at an institution governed  
6 by the state board of regents and is not on the  
7 centralized payroll system; the president or super-  
8 intendent of an institution governed by the state  
9 board of regents for a position in that institution  
10 which is not on the centralized payroll system; the  
11 chief justice of the supreme court for a position  
12 in the judicial branch of state government; or the  
13 legislative council for a position in the legislative  
14 branch of state government.

15 b. During the fiscal year beginning July 1, 1980,  
16 a vacancy in an employee position in state government,  
17 other than a position which is independent of state  
18 funding, shall not be filled unless the appropriate  
19 official or agency reviews the need for filling the  
20 vacancy and gives written authorization for it to  
21 be filled.

22 3. In reviewing need and authorizing the filling  
23 of vacancies, the appropriate official or agency shall  
24 consider, to the extent practicable, the following  
25 criteria among others:

26 a. Recommendations of the governor's economy

27 committee '79.

28 b. Economic predictions for the economy of the  
29 nation, this state, the general fund of the state  
30 and other funds applicable to the agency or position  
31 reviewed.

32 c. Work loads and job descriptions of other  
33 positions in the agency.

34 d. Efficiency measures adopted by or recommended  
35 for the agency.

36 e. Special skills or training required for the  
37 position.

38 f. An increase or decrease in employees of the  
39 agency during the preceding three fiscal years.

40 g. An increase or decrease in duties delegated  
41 to the agency during the preceding three fiscal years.

42 h. An increase or decrease in the number of persons  
43 served by the agency during the preceding three fiscal  
44 years.

45 As used in this subsection, "agency" may mean a  
46 commission, department or other division of the  
47 executive branch, an institution governed by the state  
48 board of regents, a department or portion of the  
49 judicial branch, either house of the legislature,  
50 or a legislative agency, as applicable.

**Page 5**

1 4. Subsections one (1), two (2), and three (3)  
2 of this section do not apply to positions held by  
3 inmates, patients or students at state institutions.

4 5. The general assembly intends that the  
5 implementation of this section will reduce the number  
6 of actual authorized employee positions in state  
7 government payable in whole or in part from the general  
8 fund or trust funds of the state, in each category  
9 of full-time, intermittent, or part-time positions,  
10 on June 30, 1981, by at least two percent below the  
11 number of such positions on July 1, 1980.

12 Sec. 8. Acts of the Sixty-eighth General Assembly,  
13 1979 Session, Chapter ninety-three (93), section one  
14 (1), paragraph a of the new subsection is amended  
15 to read as follows:

16 a. "Annual inflation factor" means an index,  
17 expressed as a percentage, determined by the department  
18 each year to reflect the purchasing power of the  
19 dollar as a result of inflation or deflation during  
20 the preceding calendar year. In determining the  
21 annual inflation factor, the department shall use  
22 the annual percent change in the consumer price index  
23 produced by the bureau of labor statistics of the  
24 United States department of labor and shall add one-  
25 fourth for the 1979 calendar year and ~~two-fourths~~

26 thirty-five percent for the 1980 calendar year of  
 27 that percent change to one hundred percent, except  
 28 that the amount of the percent change added to the  
 29 one hundred percent shall not exceed the greater of  
 30 zero or the difference between the percent change  
 31 and three percent. The annual inflation factor and  
 32 the cumulative inflation factor shall each be expressed  
 33 as a percentage rounded to the nearest one-tenth of  
 34 one percent.

35 Sec. 9. Funds appropriated for the fiscal year  
 36 beginning July 1, 1980 and ending June 30, 1981 by  
 37 sections one (1) through seven (7) of this Act are  
 38 not obligated funds for the purpose of determining  
 39 the unobligated state general fund balance under Acts  
 40 of the Sixty-eighth General Assembly, 1979 Session,  
 41 chapter ninety-three (93), section one (1), paragraph  
 42 e of the new subsection, with respect to the  
 43 computation of the annual inflation factor for the  
 44 1980 calendar year.

45 Sec. 10. Section eight (8) of this Act is  
 46 retroactive to January 1, 1980 for tax years beginning  
 47 on or after January 1, 1980 and to this extent is  
 48 retroactive.

49 Sec. 11. The intent of section eight (8) of this  
 50 Act is to provide the funding for sections one (1)

**Page 6**

1 through seven (7) of this Act."

2 2. By renumbering to conform with this amendment.

Welden of Hardin rose on a point of order that amendment H-6165 was not germane.

Avenson of Fayette requested division of amendment H-6165.

The Speaker ruled the request for division not in order under Section 316.4 of Mason's Manual of Legislative Procedure.

On the point of order, the Speaker ruled the point well taken and amendment H-6165 not germane.

Crawford of Story moved that the rules governing germaneness be suspended to consider and adopt amendment H-6165.

Roll call was requested by Hibbs of Johnson and O'Kane of Woodbury.

Rule 80 was invoked.



On the question "Shall the rules be suspended to consider and adopt amendment H-6165?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Crawford	Cusack	Davitt	Dieleman
Diemer	Doyle	Egenes	Gettings
Hall	Halvorson, R.N.	Hibbs	Horn
Howell	Hullinger	Husak	Jochum
Lloyd-Jones	Loneragan	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Poffenberger	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Groth
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

Absent or not voting, 3:

Hinkhouse	Jesse	Kirkenslager
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The motion lost, placing the following amendments, to amendment H-6165, filed from the floor, out of order:

H-6172 filed by Schnekloth of Scott.

H-6174 filed by Horn of Linn.

H-6175 filed by Brandt of Black Hawk.

Welden of Hardin offered the following amendment H-6136 filed by him and moved its adoption:

## H-6136

- 1 Amend House File 2580 as follows:
- 2 1. Page 1, line 2, by striking the figure "(5)"
- 3 and inserting in lieu thereof the figure "(V)".
- 4 2. Page 6, line 19, by inserting after the figure
- 5 "(6)," the words and figure "unnumbered paragraph
- 6 one (1),".
- 7 3. Page 6, by striking lines 20 and 21.
- 8 4. Page 6, line 27, by striking the word "purposes"
- 9 and inserting in lieu thereof the word "purposes".
- 10 5. Page 15, line 31, by striking the word "sary"
- 11 and inserting in lieu thereof the word "sary,".
- 12 6. Page 19, line 6, by striking the figure "1979"
- 13 and inserting in lieu thereof the figure "1980".
- 14 7. Page 24, line 2, by striking the word
- 15 "citizen's" and inserting in lieu thereof the word
- 16 "citizens'".
- 17 8. Page 24, line 33, by inserting after the word
- 18 "screening" the word "services".
- 19 9. Page 27, line 18, by striking the words "as
- 20 amended by this Act".
- 21 10. Page 29, line 35, by striking the word "hundrd"
- 22 and inserting in lieu thereof the word "hundred".

Amendment H-6136 was adopted.

Menke of O'Brien offered the following amendment H-6152 filed by him from the floor and moved its adoption:

## H-6152

- 1 Amend House File 2580 as follows:
- 2 1. Page 1, line 7, by striking the word
- 3 "communications" and inserting in lieu thereof the
- 4 words "noncommercial production or reproduction".
- 5 2. Page 1, line 11, by striking the words "the
- 6 communications" and inserting in lieu thereof the
- 7 word "such".

Amendment H-6152 was adopted.

Horn of Linn offered the following amendment H-6135 filed by him:

## H-6135

- 1 Amend House File 2580 as follows:
- 2 1. Page 1, by inserting after line 28 the following
- 3 section:

4 "Sec. . Section two hundred fifty-seven point  
5 ten (257.10), subsection fourteen (14), Code 1979,  
6 as the section is amended by Acts of the Sixty-eighth  
7 General Assembly, 1979 Session, chapter fifty-eight  
8 (58), section one (1), is amended to read as follows:

9 14. Approve, co-ordinate, and supervise Coordinate  
10 the use of electronic data processing by local school  
11 districts, area education agencies and merged areas.  
12 A committee, consisting of the state superintendent  
13 of public instruction, the director of the department  
14 of general services, the state comptroller, or their  
15 designees, and two persons knowledgeable in the area  
16 of administrative instructional computer systems to  
17 be appointed by the governor, shall assist and advise  
18 the state board of public instruction in approving,  
19 co-ordinating and supervising the use of electronic  
20 data processing computers by local school districts,  
21 area education agencies and merged areas. The  
22 committee shall further inventory current practice  
23 and prepare and recommend a state-wide plan for the  
24 use of electronic data processing computers in order  
25 to prevent the unnecessary proliferation of computers.  
26 These recommendations shall be submitted to the general  
27 assembly by December 1 of each year. For purposes  
28 of this subsection the term "electronic data processing  
29 computers" shall refer to equipment having as a  
30 component thereof a memory core to store information."

31 2. Amend the title, page 1, line 5, by inserting  
32 after the word "commission;" the words "department  
33 of public instruction;"

34 3. By numbering and renumbering sections as  
35 necessary.

Welden of Hardin rose on a point of order that amendment H-6135 was not germane.

The Speaker ruled the point well taken and amendment H-6135 not germane.

Horn of Linn asked for unanimous consent to consider amendment H-6135.

Objection was raised.

Horn of Linn offered the following amendment H-6138 filed by him and moved its adoption:

H-6138

1 Amend House File 2580 as follows:

2 1. Page 1, by inserting after line 28 the  
3 following:

4 "Sec. . Chapter eighteen (18), division five  
5 (V), Code 1979, is amended by adding the following  
6 new section"

7 NEW SECTION. TRUSTS. Notwithstanding section  
8 six hundred thirty-three point sixty-three (633.63)  
9 of the Code, the state educational radio and television  
10 facility board may accept and administer trusts and  
11 may authorize nonprofit foundations acting solely  
12 for the support of the educational radio and television  
13 facility to accept and administer trusts deemed by  
14 the board to be beneficial to the operation of the  
15 educational radio and television facility. The board  
16 and such foundations may act as trustees in such  
17 instances."

18 2. By numbering and renumbering sections as  
19 necessary.

A non-record roll call was requested.

The ayes were 65, nays 29.

Amendment H-6138 was adopted.

Horn of Linn offered the following amendment H-6126 filed by  
him and Byerly of Polk:

H-6126

1 Amend House File 2580 as follows:

2 1. Page 2, by inserting after line 1 the following:

3 "Sec. . Section two hundred eighty-three A  
4 point one (283A.1), Code 1979, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. "School breakfast program" means  
7 a program under which breakfasts are served by a  
8 public school on a nonprofit basis to children in  
9 attendance, including a program that receives federal  
10 financial assistance. The breakfast must comply with  
11 federal regulations.

12 Sec. . Section two hundred eighty-three A point  
13 two (283A.2), Code 1979, is amended to read as follows:

14 283A.2 SCHOOL BOARDS LUNCH AND BREAKFAST PROGRAMS-  
15 RULES. School boards shall have power to operate  
16 or provide for the operation of school lunch programs

17 in schools under their jurisdiction, and may use  
 18 therefor funds disbursed to them under the provisions  
 19 of this chapter, gifts, funds received from sale of  
 20 school lunches under such programs, and any other  
 21 funds legally available.

22 ~~All school~~ School districts shall operate or provide  
 23 for the operation of school lunch programs at all  
 24 public schools in each district; ~~which. School~~  
 25 districts shall operate or provide for the operation  
 26 of school breakfast programs in those public elementary  
 27 schools in the district where the number of free or  
 28 reduced price school lunches served during the second  
 29 preceding school year was forty percent or more of  
 30 the total school lunches served during the school  
 31 year. The programs shall be operated in compliance  
 32 with the rules of the department of public instruction  
 33 and pertinent federal rules; for all and shall be  
 34 available to students in each district who attend  
 35 public school four or more hours each school day and  
 36 wish to participate in a the school breakfast program  
 37 or school lunch program, and school or both. School  
 38 districts may provide such programs for other students.  
 39 School boards may use for this purpose funds disbursed  
 40 to them under this chapter, gifts, funds from the  
 41 sale of school breakfasts and lunches and other funds  
 42 legally available for school lunch and breakfast  
 43 programs.

44 For the purpose of this section, the term "public  
 45 elementary school" means a public school which contains  
 46 all or a portion of grades kindergarten through six.

47 Sec. . Section two hundred eighty-three A point  
 48 three (283A.3), Code 1979, is amended to read as  
 49 follows:

50 283A.3 EXPENDITURE OF FEDERAL FUNDS. The

Page 2

1 superintendent of public instruction is hereby  
 2 authorized to may accept and direct the disbursement  
 3 of funds appropriated by any Act of Congress and  
 4 appropriated allocated to the state of Iowa for use  
 5 in connection with school breakfast programs or school  
 6 lunch programs. The superintendent of public  
 7 instruction shall deposit ~~all such federal funds~~  
 8 received with the treasurer of the state of Iowa,  
 9 who shall make disbursements therefrom upon the  
 10 direction of the superintendent of public instruction.

11 Sec. . Section two hundred eighty-three A point  
 12 four (283A.4), Code 1979, is amended to read as  
 13 follows:

14 283A.4 ADMINISTRATION OF PROGRAM. The  
 15 superintendent of public instruction may enter into

16 such agreements with any an agency of the federal  
 17 government, with any a school board, or with any other  
 18 agency or person, prescribe such regulations rules,  
 19 employ such personnel, and take such other action  
 20 as he may deem deemed necessary to provide for the  
 21 establishment, maintenance, operation, and expansion  
 22 of any a school breakfast or school lunch program,  
 23 and to direct the disbursement of federal and state  
 24 funds, in accordance with any applicable provisions  
 25 of federal or state law. The superintendent of public  
 26 instruction may give technical advice and assistance  
 27 to any a school board in connection with the  
 28 establishment and operation of any a school breakfast  
 29 or school lunch program and may assist in training  
 30 such personnel engaged in the operation of such the  
 31 program. The superintendent of public instruction  
 32 and any school board may accept any gift for use in  
 33 connection with any a school breakfast or school lunch  
 34 program.

35 Sec. . Section two hundred eighty-three A point  
 36 five (283A.5), Code 1979, is amended to read as  
 37 follows:

38 **283A.5 ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS.**  
 39 The superintendent of public instruction shall  
 40 prescribe regulations rules for the keeping of accounts  
 41 and records and the making of reports by or under  
 42 the supervision of school boards. Such The accounts  
 43 and records shall at all times be available for  
 44 inspection and audit by authorized officials and shall  
 45 be preserved for such a period of time, not in excess  
 46 of five years, as the superintendent of public  
 47 instruction may lawfully prescribe. The superintendent  
 48 of public instruction shall conduct or cause to be  
 49 conducted such audits and inspections with respect  
 50 to school breakfast programs and school lunch programs

Page 3

1 as may be necessary to determine whether its agreement  
 2 with school boards and regulations rules made pursuant  
 3 to this chapter are being complied with, and to insure  
 4 that school breakfast and school lunch programs are  
 5 effectively administered.

6 Sec. . Section two hundred eighty-three A point  
 7 eight (283A.8), Code 1979, is amended to read as  
 8 follows:

9 **283A.8 USE OF SCHOOL BREAKFAST AND LUNCH FACILITIES**  
 10 **BY SENIOR CITIZENS.** Boards of directors of school  
 11 corporations may authorize the use by senior citizen  
 12 organizations of school breakfast and lunch facilities  
 13 subject to reasonable rules and regulations of the  
 14 board. Such The use shall not interfere with the

15 use of the facilities for public school purposes.  
 16 The board may charge for such use an amount not to  
 17 exceed the cost to the district.

18 Sec. . Section two hundred eighty-three A point  
 19 nine (283A.9), Code 1979, is amended to read as  
 20 follows:

21 283A.9. BUILDING FOR SCHOOL LUNCH FACILITY.

22 School districts ~~are authorized to may~~ purchase,  
 23 erect, or otherwise acquire a building for use as  
 24 a school breakfast or lunch facility, ~~and to equip~~  
 25 ~~such a the building~~ for such use, and may pay for  
 26 ~~same the building~~ from unencumbered funds on hand  
 27 in the schoolhouse fund derived from taxes voted under  
 28 authority of sections 278.1, subsection 7, or 275.32,  
 29 subject to the terms of this section, or ~~may pay for~~  
 30 ~~same~~ from the proceeds of the sale of school property  
 31 sold under section 297.22, or from surplus remaining  
 32 in the schoolhouse fund after retirement of a bond  
 33 issue, or from a tax voted for said purposes.

34 Sec. . Section two hundred eighty-three A point  
 35 ten (283A.10), Code 1979, is amended to read as  
 36 follows:

37 283A.10 SCHOOL BREAKFAST AND LUNCH IN NONPUBLIC

38 SCHOOLS. The authorities in charge of nonpublic  
 39 schools may operate or provide for the operation of  
 40 school breakfast and lunch programs in schools under  
 41 their jurisdiction and may use funds appropriated  
 42 to them by the general assembly, gifts, funds received  
 43 from sale of school breakfasts and lunches under such  
 44 programs, and ~~any other funds~~ available to the  
 45 nonpublic school. However, school breakfast and lunch  
 46 programs ~~shall not be are not required~~ in nonpublic  
 47 schools. The department of public instruction shall  
 48 direct the disbursement of state funds to nonpublic  
 49 schools for school breakfast and lunch programs in  
 50 the same manner as state funds are disbursed to public

Page 4

1 schools.

2 Sec. . The sections amending chapter two hundred  
 3 eighty-three A (283A) of the Code are effective January  
 4 1, 1981 for the school year beginning July 1, 1981."

5 2. Amend the title, page 1, line 5, by inserting  
 6 after the word "commission;" the words "department  
 7 of public instruction;".

8 3. By numbering and renumbering sections as  
 9 necessary.

Welden of Hardin rose on a point of order that amendment  
 H-6126 was not germane.

The Speaker ruled the point well taken and amendment H—6126 not germane, placing out of order amendment H—6169 (to amendment H—6126) filed by Hoffmann of Muscatine from the floor.

Horn of Linn asked for unanimous consent to consider amendment H—6126.

Objection was raised.

Horn of Linn offered the following amendment H—6147 filed by him from the floor and moved its adoption:

H—6147

1 Amend House File 2580 as follows:

2 1. Page 2, by inserting after line 8 the following:

3 "Sec. Acts of the Sixty-eighth General

4 Assembly, 1979 Session, chapter thirteen (13), section

5 four (4), is amended to read as follows:

6 SEC. 4.

7 1. There is appropriated from the general fund

8 of the state to the Iowa college aid commission for

9 each fiscal year of the fiscal biennium beginning

10 July 1, 1979 and ending June 30, 1981 the sum of one

11 million ~~two three~~ hundred thousand ~~(1,200,000)~~

12 (1,300,000) dollars, or so much thereof as may be

13 necessary, to be paid to the college of osteopathic

14 medicine and surgery for the subvention program created

15 pursuant to sections two hundred sixty-one point

16 eighteen (261.18) and two hundred sixty-one point

17 nineteen (261.19) of the Code. The subvention shall

18 be used for the admission and education of not more

19 than thirty percent of each of the three classes of

20 students in the college of osteopathic medicine and

21 surgery for the fiscal years beginning July 1, 1979

22 and July 1, 1980. Funds shall only be expended for

23 resident students and funds expended on behalf of

24 each class each year shall not exceed four hundred

25 thousand (400,000) dollars except in the case of the

26 first class for which funds shall not exceed five

27 hundred thousand (500,000) dollars."

28 2. Renumber as required.

Amendment H—6147 lost.

Tyrrell of Iowa offered the following amendment H—6160 filed by him from the floor and moved its adoption:



H-6160

- 1 Amend House File 2580 as follows:
- 2 1. Page 2, by striking lines 16 through 18 and
- 3 inserting in lieu thereof the words "the sum of fifty
- 4 thousand (50,000) dollars, or so".

A non-record roll call was requested.

The ayes were 25, nays 61.

Amendment H-6160 lost.

Horn of Linn asked and received unanimous consent to withdraw H-6148 filed by him from the floor.

Horn of Linn offered the following amendment H-6173 filed by him from the floor and moved its adoption:

H-6173

- 1 Amend House File 2580 as follows:
- 2 1. Page 2, by inserting after line 29 the
- 3 following:
- 4 "Sec. . Acts of the Sixty-eighth General
- 5 Assembly, chapter thirteen (13), section two (2),
- 6 subsection three (3), is amended to read as follows:
- 7 3. VOCATIONAL TECHNICAL TUITION
- 8 GRANT PROGRAM
- 9 To supplement the appropriation
- 10 provided in subsection three (3) of
- 11 section two hundred sixty-one point
- 12 twenty-five (261.25) of the Code for
- 13 tuition grants to full-time resident
- 14 students in a vocational-technical
- 15 program in Iowa as provided in section
- 16 two hundred sixty-one point seventeen
- 17 (261.17) of the Code ... \$50,000 \$100,000
- 18 150,000
- 19 Sec. . Section two hundred sixty-one point
- 20 seventeen (261.17), subsection three (3), Code 1979,
- 21 is amended to read as follows:
- 22 3. The amount of vocational-technical tuition
- 23 grant shall not exceed the lesser of ~~four~~ five hundred
- 24 dollars per year or the amount of the student's
- 25 established financial need."
- 26 2. Renumber as required.

Amendment H-6173 lost.

Ritsema of Sioux offered the following amendment H-6114 filed by him:

H-6114

- 1 Amend House File 2580 as follows:
- 2 1. Page 3, by striking lines 9 through 16
- 3 and inserting in lieu thereof the following:
- 4 " 4,801,000".
- 5 2. Renumbering section numbers as necessary.

Tyrrell of Iowa offered the following amendment H-6156, to amendment H-6114, filed by him from the floor and moved its adoption:

H-6156

- 1 Amend H-6114, the Ritsema amendment to House File
- 2 2580, as follows:
- 3 1. Page 1, by striking line 4 and inserting in
- 4 lieu thereof the following:
- 5 " 4,801,000
- 6 Sec. 6. Acts of the Sixty-eighth General Assembly,
- 7 1979 Session, chapter thirteen (13), section seven
- 8 (7), subsection eleven (11), is amended by adding
- 9 the following new paragraph:
- 10 NEW PARAGRAPH. Merged area
- 11 V shall sell its radio station to a
- 12 private enterprise."

Amendment H-6156 lost.

Halvorson of Clayton moved the previous question on the filing of amendments, amendments to amendments and motions filed thereto on House File 2580.

A non-record roll call was requested.

Rule 80 was invoked.

The yeas were 55, nays 44.

The motion prevailed.

Ritsema of Sioux moved the adoption of amendment H—6114.

Roll call was requested by Halvorson of Webster and Cochran of Webster.

On the question "Shall amendment H—6114 be adopted?"

The ayes were, 17:

Clark, B.J.	Conlon	Corey	De Groot
Hanson, D.	Hibbs	Johnson, J.	Larsen
Lura	Mullins	O'Kane	Perkins
Ritsema	Smalley	Spear	Thompson
Tyrrell			

The nays were, 78:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, J.H.
Cochran	Connolly	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jesse
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Lorenzen	Maulsby	McKean
Menke	Millen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Poffenberger	Pope	Rapp	Renken
Schnekloth	Sherzan	Shimanek	Shull
Stromer	Swearingen	Tofte	Van Maanen
Walter	Welden	Wells	Welsh
Woods	Mr. Speaker		

Absent or not voting, 5:

Avenson	Jay	Miller	Schroeder
West			

Amendment H—6114 lost.

Avenson of Fayette offered amendment H—6167 filed from the floor by Avenson, Davitt, Jesse, Anderson of Jasper, Cusack, Jochum, Rapp, Bruner, Hullinger, Doyle, Miller, Wells, Dieleman, Connolly, Horn, Spear, Loneragan, Connors, Lloyd-Jones, Jay,

Norland, Halvorson of Webster, Perkins, Walter, Brandt, Woods, Oxley, Patchett, Sherzan, Bina, Cochran, Hall, Binneboese, Welsh, Pavich, Gettings, Arnould, O'Kane, Howell and Groth and requested division as follows:

H-6167

1 Amend House File 2580 as follows:

H-6167A

2 1. Page 3, by striking line 9 and inserting in  
3 lieu thereof the figure "4,801,000".

H-6167B

4 2. Page 3, by inserting after line 9 the following:  
5 "Sec. Acts of the Sixty-eighth General As-  
6 sembly, 1979 Session, chapter thirteen (13), section  
7 seven (7), subsection ten (10), paragraph a, is amended  
8 to read as follows:

9 10. SCHOOL BUDGET

10 REVIEW COMMITTEE . . . . \$ 300,000 ~~\$ 1,300,000~~  
11 800,000

12 a. From the funds appropriated to the school  
13 budget review committee for fiscal year 1980-1981  
14 ~~nine four~~ hundred thousand (~~900,000~~) (400,000) dollars  
15 shall be used exclusively for transportation costs  
16 unusually increased above the normal rate of inflation,  
17 including costs arising because of the need for  
18 replacement vehicles and the repair of vehicles and  
19 two hundred thousand (200,000) dollars or as much  
20 thereof as necessary shall be used exclusively for  
21 grants to public schools and for nonpublic school  
22 pupils for programs for instruction in the English  
23 language, a transitional bilingual program, or other  
24 special instruction program within the requirements  
25 of sections eighteen (18) and nineteen (19) of this  
26 Act. From the two hundred thousand (200,000) dollars  
27 for a transitional bilingual, instruction in the  
28 English language or other special instruction program,  
29 the school budget review committee may allocate an  
30 amount not to exceed ten thousand (10,000) dollars  
31 to the department of public instruction to cover the  
32 actual and necessary costs of administering the program  
33 as required in section nineteen (19) of this Act."

H-6167C

34 3. Page 3, by inserting after line 9 the following:  
 35 "Sec. . There is appropriated from the general  
 36 fund of the state to the department of public  
 37 instruction for the fiscal year 1980-1981, for  
 38 allocation to merged areas as defined in section two  
 39 hundred eighty A point two (280A.2) of the Code, the  
 40 sum of four hundred thousand (400,000) dollars, or  
 41 so much thereof as may be necessary, to pay actual  
 42 costs for the purchase of fuel and electricity which  
 43 exceed funds budgeted for fuel or electricity purposes.  
 44 The funds, or any portion of the funds, shall not  
 45 be allocated unless the department of public  
 46 instruction determines that actual costs for the  
 47 purchase of fuel or electricity exceed funds budgeted  
 48 for fuel or electricity purposes and the state  
 49 comptroller approves the allocation of the funds  
 50 appropriated by this section."

Page 2

H-6167D

1 4. Page 3, by striking line 16 and inserting in  
 2 lieu thereof the following:  
 3 "station ..... \$ \$ 100,000"

H-6167E

4 5. Page 3, by inserting after line 16 the following  
 5 section:  
 6 "Sec. . Acts of the Sixty-eighth General  
 7 Assembly, 1979 Session, chapter thirteen (13), section  
 8 seven (7), subsection twelve (12), is amended to read  
 9 as follows:  
 10 12. PROGRAMS FOR GIFTED  
 11 AND TALENTED CHILDREN.  
 12 a. For programs for  
 13 gifted and talented  
 14 children approved by  
 15 the department under  
 16 section four hundred  
 17 forty-two point thirty-  
 18 four (442.34) of the  
 19 Code .....\$ \$ 100,000  
 20 b. For support ser-  
 21 vices for programs for  
 22 gifted and talented  
 23 children approved by  
 24 the department under

25 section four hundred  
 26 forty-two point thirty-  
 27 four (442.34) of the  
 28 Code . . . . . \$ \$ 31,000

29 If federal  
 30 funds become available for the purpose for which funds  
 31 are appropriated by this paragraph, the appropriation  
 32 in this paragraph shall be reduced by the amount of  
 33 federal funds received and the amount the appropriation  
 34 is reduced shall revert to the general fund of the  
 35 state."

H-6167F

36 6. Page 4, by inserting after line 14 the  
 37 following:  
 38 "Sec. . Acts of the Sixty-eighth General  
 39 Assembly, 1979 Session, chapter nine (9), section  
 40 one (1), is amended by adding the following new  
 41 subsection:  
 42 5. For the older  
 43 Iowans model legis-  
 44 lature . . . . . \$ \$ 14,000"

H-6167G

45 7. Page 5, by striking line 22 and inserting in  
 46 lieu thereof the figure "225,442".

H-6167H

47 8. Page 6, by inserting after line 5 the fol-  
 48 lowing:  
 49 "Sec. . Acts of the Sixty-eighth General As-  
 50 ssembly, 1979 Session, chapter nine (9), section four

Page 3

1 (4), subsection two (2), paragraph a, is amended to  
 2 read as follows:

3 a. Health facilities  
 4 service.

5 For salaries and sup-  
 6 port of not more than  
 7 sixty-eight point four  
 8 full-time equivalent  
 9 positions annually,  
 10 maintenance and mis-

11 cellaneous purposes . . . \$ 554,102 \$ 548,903  
 12 713,903"

## H-6167I

13 9. Page 6, by striking line 28 and inserting in  
14 lieu thereof the following:  
15 " \$ 995,373  
16 Of the appropriation for the 1980-1981 fiscal year  
17 the sum of one hundred thousand (100,000) dollars  
18 is allocated for family planning and the sum of  
19 fourteen thousand (14,000) dollars is allocated for  
20 genetic counseling."

## H-6167J

21 10. Page 11, by striking from lines 16 and 17  
22 the words and figure "nine hundred seventy-nine  
23 thousand four hundred (979,400)" and inserting in  
24 lieu thereof the words and figure "one million nine  
25 hundred seventy-nine thousand four hundred  
26 (1,979,400)".

## H-6167K

27 11. Page 11, by inserting after line 28 the  
28 following new section:  
29 "Sec. . There is appropriated from the general  
30 fund of the state to the Iowa state university of  
31 science and technology agricultural experiment station  
32 for the fiscal year beginning July 1, 1980 and ending  
33 June 30, 1981, the sum of fifty thousand (50,000)  
34 dollars, or so much thereof as may be necessary, to  
35 be used by the university to continue the study and  
36 research of grain grading, testing and price in Iowa.  
37 Such study and research shall include but is not  
38 limited to the effects on grain grading, testing and  
39 pricing in Iowa of weight shrinkage factors, price  
40 discounts, grain product quality, moisture meters  
41 and present harvest techniques."

## H-6167L

42 12. Page 11, by striking lines 30 through 32 and  
43 inserting in lieu thereof the following:  
44 "Sec. 26. The appropriation provided in this  
45 section is to be allocated to departments and agencies  
46 of state government during the fiscal year beginning  
47 July 1, 1980 for the exclusive purpose of implementing  
48 the governor's economy committee recommendations.  
49 The objectives of implementation are to increase the  
50 effectiveness and efficiency of state government and

Page 4

1 to maximize the reversion of appropriated funds to  
2 the state general fund.

3 The amounts reasonably attributable to being saved  
4 by the various agencies as a result of this  
5 appropriation shall be identified and reverted to  
6 the general fund in time to be included in the balance  
7 of June 30, 1981.

8 The state comptroller, in implementing  
9 recommendations of the governor's economy committee,  
10 shall give special consideration to the following:"

11 13. Page 13, by inserting after line 1 the  
12 following:

13 "The comptroller  
14 shall furnish a de-  
15 tailed report of the  
16 use and results of  
17 this appropriation  
18 to the general assem-  
19 bly by January 1, 1982,  
20 including the specific  
21 recommendations of the  
22 governor's economy  
23 committee which were  
24 implemented, the  
25 amounts saved and  
26 reverted . . . . . \$ \$ 100,000"

H-6167M

27 14. Page 13, by inserting after line 1 the  
28 following new section:

29 "Sec. . Notwithstanding any conflicting  
30 sections of the Code the governor and the comptroller  
31 shall implement the following recommendations of the  
32 Governor's Economy Committee:

33 Governor's  
34 Economy Com-  
35 mittee Recom  
36 mendation No.

Agency  
Name  
Department of  
Agriculture

Description  
Permit promotional  
boards to collect  
their own program  
moneys.  
Adjust staff to  
reflect work loads.  
Create a Stores and  
Inventory Control  
Section.  
Implement a preven-

37 13  
38  
39  
40  
41 18  
42  
43 40  
44  
45  
46 56

Auditor  
General  
Services  
General



47		Services	tive maintenance
48			program for building
49			steam traps.
50	57	General	Adjust custodial

Page 5

1		Services	staff levels to
2			reflect appropriate
3			work standards.
4	75	General	Establish appropri-
5		Services	ate criteria for
6			vehicle purchases.
7	79	General	Block route selec-
8		Services	tion so long dis-
9			tance calls cannot
10			be placed at regular
11			telephone rates.
12	80	General	Inventory existing
13		Services	telephone equipment
14			and establish appro-
15			prpriate usuage re-
16			strictions.
17	88	Comptroller	Elevate the Data
18			Processing Division
19			to department
20			status.
21	118	Department of	Deposit sales and
22		Revenue	use tax receipts
23			on a same day basis.
24	138	Board of	Improve cost-
25		Regents	effectiveness of the
26			board's fleet
27			operations.
28	303	Beer and	Install automatic
29		Liquor	timers on store
30		Department	thermostats.
31	318	Department of	Increase the cost-
32		Transportation	effectiveness of
33			department fleet
34			operations.
35	376	Professional	Consolidate adminis-
36		Licensing	trative support for
37		Agencies	state licensing
38			functions and estab-
39			lish biennial re-
40			newal requirements."

H-6167N

41 15. Page 14, by inserting after line 25 the follow-  
42 ing:

43 "Sec. . There is appropriated from the general  
 44 fund of the state for the fiscal year beginning July  
 45 1, 1980 and ending June 30, 1981 to the department  
 46 of revenue the sum of twenty-seven thousand five  
 47 hundred (27,500) dollars, or so much thereof as is  
 48 necessary, for the purpose of performing a study to  
 49 determine methods and procedures for the market value  
 50 assessment and equalization of agricultural dwellings

Page 6

1 as a separate and distinct property tax entity as  
 2 required by House File two thousand seventy-two (2072),  
 3 as amended by the Sixty-eighth General Assembly, 1980  
 4 Session.  
 5 The study shall also include an analysis of the  
 6 availability, reliability and use of data affecting  
 7 agricultural valuations including but not limited  
 8 to corn suitability ratings, land use as reflected  
 9 by cropping patterns, crop price differentials, and  
 10 production costs.  
 11 The study is intended to culminate in the  
 12 development of specific methodologies for determination  
 13 and issuance of formal equalization adjustment orders  
 14 in 1981 for agricultural dwellings and other  
 15 agricultural realty as required by law."

H-61670

16 16. Page 16, by inserting after line 8 the follow-  
 17 ing:  
 18 "Sec. . Acts of the Sixty-eighth General  
 19 Assembly, 1979 Session, chapter three (3), section  
 20 three (3), subsection one (1), paragraph c, is amended  
 21 to read as follows:  
 22 c. For rural com-  
 23 munity development,  
 24 including not more  
 25 than ten thousand  
 26 (10,000) dollars to  
 27 be expended for ad-  
 28 ministration expenses,  
 29 pursuant to chapter  
 30 three hundred eighty-  
 31 seven (387) of the  
 32 Code ..... \$ 250,000 \$ 250,000"

H-6167P

33 17. Page 17, by inserting after line 15 the  
 34 following new section:

35 "Sec. . Acts of the Sixty-eighth General  
36 Assembly, 1979 Session, chapter three (3), section  
37 two (2), subsection one (1), is amended by striking  
38 the subsection."

H-6167Q

39 18. By striking page 17, line 31 through page  
40 18, line 8.

H-6167R

41 19. By striking page 18, line 32 through page  
42 19, line 3.

H-6167S

43 20. Page 19, by inserting after line 3 the  
44 following new section:  
45 "Sec. . Acts of the Sixty-eighth General  
46 Assembly, 1979 Session, chapter eleven (11), section  
47 four (4), subsection two (2), is amended to read as  
48 follows:  
49 2. For the mass  
50 transit project for

Page 7

1 state employees ..... \$ 75,000 \$ 75,000"

H-6167T

2 21. Page 19, by inserting after line 3 the  
3 following new section:  
4 "Sec. . Acts of the Sixty-eighth General  
5 Assembly, 1979 Session, chapter eleven (11), section  
6 four (4), subsection three (3), unnumbered paragraph  
7 one (1), is amended to read as follows:  
8 3. For public  
9 transit purposes to  
10 implement a state  
11 assistance plan ..... \$ 2,000,000 \$ 2,000,000  
12 2,300,000"

H-6167U

13 22. Page 19, by inserting after line 3 the  
14 following new section:  
15 "Sec. . There is appropriated from the general  
16 fund of the state to the department of public safety  
17 for the fiscal year beginning July 1, 1980 and ending  
18 June 30, 1981, one hundred thousand (100,000) dollars.

19 or so much as may be necessary, to pay actual costs  
20 for the purchase of fuel which exceed funds budgeted  
21 for fuel purchases for the state highway patrol."

H-6167V

22 23. Page 22, by inserting after line 22 the  
23 following:

24 "Sec. . Acts of the Sixty-eighth General  
25 Assembly, 1979 Session, chapter eight (8), section  
26 three (3), subsection four (4), is amended to read  
27 as follows:

28	4. For operation		
29	of the Iowa veterans		
30	home, including salaries		
31	and support, mainte-		
32	nance and miscellaneous		
33	purposes . . . . .	\$10,400,000	<del>\$10,600,000</del>
34			<u>10,750,000"</u> .

H-6167W

35 24. Page 25, line 30 by striking the figure  
36 "55,100,000" and inserting in lieu thereof the figure  
37 "56,100,000".

H-6167X

38 25. Page 26, line 5 by striking the figure  
39 "97,750,000" and inserting in lieu thereof the figure  
40 "98,250,000".

H-6167Y

41 26. Page 26, line 35, by striking the figure  
42 "6,520,000" and inserting in lieu thereof the  
43 following:

44			"\$ 6,520,000
45			<u>6,920,000"</u>

46 27. Page 27, line 5, by striking the words "and  
47 fifty cents" and inserting in lieu thereof the words  
48 "and fifty cents".

H-6167Z

49 28. Page 27, line 33, by striking the figure  
50 "2,200,000" and inserting in lieu thereof the figure

Page 8

1 "2,800,000".

## H-6167AA

2 29. Page 29, by inserting after line 8 the  
3 following:  
4 "Sec. . Acts of the Sixty-eighth General  
5 Assembly, 1979 Session, chapter eight (8), is amended  
6 by adding the following section:  
7 SEC. 31. It is the intent of the general assembly  
8 that the monthly personal needs allowance for Title  
9 XIX recipients residing in intermediate care facilities  
10 be raised from twenty-five dollars per month to thirty  
11 dollars per month for the fiscal year beginning July  
12 1, 1980 and ending June 30, 1981."

## H-6167BB

13 30. Page 29, line 16, by striking the word and  
14 figure "March 31" and inserting in lieu thereof the  
15 word and figure "June 30".  
16 31. Page 29, line 18, by striking the word  
17 "February" and inserting in lieu thereof the word  
18 "May".

## H-6167CC

19 32. Page 30, by inserting after line 20 the  
20 following:  
21 "NEW SECTION. It is the intent of the general  
22 assembly that the department proceed with the  
23 systematic phase down of the state mental health  
24 institute at Clarinda to be completed by November  
25 1, 1980. The department shall make reasonable efforts  
26 to identify other sources of mental health services  
27 to individuals who would have been served at Clarinda.  
28 NEW SECTION. The department shall revert to the  
29 general fund by June 30, 1981 not less than four  
30 million eight hundred thousand (4,800,000) dollars  
31 as a result of a department employee hiring freeze,  
32 increased employee vacancy factor and reductions in  
33 travel and support services."

## H-6167DD

34 33. Page 30, by inserting after line 26 the  
35 following:  
36 "NEW SECTION. It is the intent of the general  
37 assembly that upon approval of the federal department  
38 of health, education and welfare the department shall  
39 implement a Title XIX medically needy pilot project  
40 in selected counties for the purpose of studying the  
41 cost and benefits of a statewide medically needy  
42 program. The department may use no more than two

43 hundred fifty thousand (250,000) dollars of the  
 44 appropriation made by Acts of the Sixty-eighth General  
 45 Assembly, 1979 Session, chapter eight (8), section  
 46 eight (8), subsection four (4), as amended by this  
 47 Act, for the fiscal year beginning July 1, 1980 and  
 48 ending June 30, 1981 for pilot projects. The  
 49 department shall report to the general assembly in  
 50 January of 1982 indicating projected utilization and

**Page 9**

1 costs, possible savings and client impact, and the  
 2 feasibility of a state program."

**H-6167EE**

3 34. Page 33, by inserting after line 5 the  
 4 following:  
 5 "Sec. . Acts of the Sixty-eighth General  
 6 Assembly, 1979 Session, chapter eight (8), section  
 7 five (5), is amended by striking subsection fourteen  
 8 (14)."

**H-6167FF**

9 35. Renumber as required.

Avenson of Fayette asked for unanimous consent to include amendment H-6166 as amendment H-6167GG.

Objection was raised.

Speaker pro tempore Stromer of Hancock in the chair at 3:59 p.m.

Norland of Worth moved the adoption of amendment H-6167A.

Roll call was requested by Anderson of Jasper and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall amendment H-6167A be adopted?"

The ayes were, 44:

Anderson, R.  
 Binneboese

Arnould  
 Brandt

Avenson  
 Bruner

Bina  
 Byerly

Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jochum
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Shimanek
Shull	Smalley	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Stromer)		

Absent or not voting, 2:

Jesse	Schroeder
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Amendment H—6167A lost.

Menke of O'Brien rose on a point of order that amendment H—6167B was not germane.

The Speaker ruled the point well taken and amendment H—6167B not germane.

Patchett of Johnson moved that the rules be suspended to consider amendment H—6167B.

Roll call was requested by Avenson of Fayette and Branstad of Winnebago.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H-6167B?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jochum
Lloyd-Jones	Lonergan	Miller	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker (Stromer)		

Absent or not voting, 3:

Jesse	Norland	West
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The motion lost.

Welden of Hardin rose on a point of order that amendment H-6167C was not germane.

The Speaker ruled the point well taken and amendment H-6167C not germane.

Woods of Polk moved that the rules be suspended to consider and adopt amendment H-6167C.



Roll call was requested by Anderson of Jasper and Avenson of Fayette.

On the question "Shall the rules be suspended to consider and adopt amendment H-6167C?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Spears
Walter	Wells	Welsh	Woods

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimaneck	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker (Stromer)		

Absent or not voting, 2:

O'Kane                      West

The motion lost.

Welden of Hardin rose on a point of order that amendment H-6167D was subject matter previously considered and, therefore, not in order.

The Speaker ruled the point not well taken and amendment H-6167D in order.

Horn of Linn moved the adoption of amendment H—6167D.

A non-record roll call was requested.

The ayes were 36, nays 56.

Amendment H—6167D lost.

Menke of O'Brien rose on a point of order that amendment H—6167E was not germane.

The Speaker ruled the point well taken and amendment H—6167E not germane.

Patchett of Johnson moved that the rules be suspended to consider and adopt amendment H—6167E.

Roll call was requested by Patchett of Johnson and Bina of Scott.

On the question "Shall the rules be suspended to consider and adopt amendment H—6167E?"

The ayes were, 42:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Lonergan	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Danker	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen

Miller	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker (Stromer)

Absent or not voting, 6:

Arnould	Daggett	De Groot	Hoffmann
Jesse	West		

Halvorson of Clayton asked for unanimous consent to suspend House Rule 2.

Objection was raised.

Halvorson of Clayton moved that House Rule 2 be suspended to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 52, nays 38.

The motion prevailed and House Rule 2 was suspended.

Bennett of Ida rose on a point of order that amendment H-6167F was not germane.

The Speaker ruled the point well taken and amendment H-6167F not germane.

Lonergan of Boone moved that the rules be suspended to consider and adopt amendment H-6167F.

Roll call was requested by Anderson of Jasper and Davitt of Warren.

On the question "Shall the rules be suspended to consider and adopt amendment H—6167F?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Lonergan	McKean	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Walter	Wells
Welsh	Woods		

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenlager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	Menke
Millen	Miller	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker (Stromer)		

Absent or not voting, 4:

Groth	Harbor	Jesse	West
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The motion lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oxley of Linn, for the remainder of the day, on request of Hullinger of Decatur.

Horn of Linn asked and received unanimous consent to withdraw amendment H—6139 filed by him on April 16, 1980.

The Speaker ruled the following amendments out of order:

H—6124 filed by Patchett, et al., on April 16, 1980.

H—6132 filed by Horn of Linn on April 16, 1980.

H—6134 filed by Horn of Linn on April 16, 1980.

Horn of Linn offered the following amendment H—6137 filed by him and moved its adoption:

H—6137

1 Amend House File 2580 as follows:

2 1. Page 3, by inserting after line 16 the following  
3 section:

4 "Sec. . Acts of the Sixty-eighth General  
5 Assembly, 1979 Session, chapter thirteen (13), section  
6 seven (7), subsection ten (10), unnumbered paragraph  
7 one (1) and paragraph a, are amended to read as  
8 follows:

9 SCHOOL BUDGET

10 REVIEW COMMITTEE . . . . . \$ 300,000 \$ ~~1,300,000~~  
11 1,400,000

12 a. From the funds appropriated to the school  
13 budget review committee for fiscal year 1980-1981  
14 nine hundred thousand (900,000) dollars shall be used  
15 exclusively for transportation costs unusually  
16 increased above the normal rate of inflation, including  
17 costs arising because of the need for replacement  
18 vehicles and the repair of vehicles and two three  
19 hundred thousand (~~200,000~~) (300,000) dollars or as  
20 much thereof as necessary shall be used exclusively  
21 for grants to public schools and for nonpublic school  
22 pupils for programs for instruction in the English  
23 language, a transitional bilingual program, or other  
24 special instruction program within the requirements  
25 of sections eighteen (18) and nineteen (19) of this  
26 Act Acts of the Sixty-eighth General Assembly, 1979  
27 Session, chapter thirteen (13). From the two three  
28 hundred thousand (~~200,000~~) (300,000) dollars for a  
29 transitional bilingual, instruction in the English  
30 language or other special instruction program, the  
31 school budget review committee may allocate an amount  
32 not to exceed ten thousand (10,000) dollars to the  
33 department of public instruction to cover the actual  
34 and necessary costs of administering the program as  
35 required in section nineteen (19) of this Act Acts  
36 of the Sixty-eighth General Assembly, 1979 Session,  
37 chapter thirteen (13)."

38 2. Amend the title, line 5, by inserting after  
39 the word "commission;" the words "department of public

40 instruction;”  
 41 3. By numbering and renumbering sections as  
 42 necessary.

Amendment H—6137 lost.

Horn of Linn offered the following amendment H—6146 filed by him from the floor:

H—6146

1 Amend House 2580 as follows:  
 2 1. Page 3, by inserting after line 16 the  
 3 following:  
 4 “Sec. . Acts of the Sixty-eighth General  
 5 Assembly, 1979 Session, chapter thirteen (13), section  
 6 seven (7), subsection eleven (11), paragraph d, is  
 7 amended to read as follows:  
 8 d. For added enrollment in  
 9 merged area schools to be allocated  
 10 on the basis of the following  
 11 priorities:  
 12 (1) To add additional sections  
 13 of preparatory vocational programs in  
 14 merged area schools where the number  
 15 of students seeking enrollment exceed  
 16 the number of spaces available;  
 17 (2) To add new sections of  
 18 preparatory vocational programs  
 19 in merged area schools to accommodate  
 20 students seeking enrollment that could  
 21 not be accommodated in similar programs  
 22 in other merged area schools;  
 23 (3) To add sections of preparatory  
 24 career programs in merged area schools  
 25 that are not currently available in the  
 26 state if student interest and a survey  
 27 of employers indicate a definite need  
 28 for such new programs . . . . . \$200,000 \$200,000  
 29 600,000”  
 30 2. First title page, line 5, by striking the words  
 31 “area V” and inserting in lieu thereof the words  
 32 “areas V and XII”.  
 33 3. Renumber as required.

Menke of O'Brien rose on a point of order that amendment H—6146 was not germane.

The Speaker ruled the point well taken and amendment H—6146 not germane.

Anderson of Jasper asked and received unanimous consent to suspend House Rule 15, which prohibits food from the House chamber while in session.

Egenes of Story offered the following amendment H—6176 filed by her from the floor and moved its adoption:

H—6176

1 Amend House File 2580 as follows:  
2 1. Page 3, by inserting after line 34 the following  
3 section:  
4 "Sec. . The state board of regents and the  
5 state board of public instruction shall formulate  
6 policies guiding the enrollment of foreign students  
7 at institutions of higher education administered by  
8 the state board of regents and area schools.  
9 Considerations may include but not be limited to the  
10 following:  
11 1. The educational value of interaction with  
12 students from many nations.  
13 2. The potential effects of enrolling a large  
14 block of students from any one foreign nation.  
15 3. That academic standards not be unfairly lowered  
16 to accommodate foreign students.  
17 4. Assurances that Iowa students not be denied  
18 entry into limited-size classes, research and teaching-  
19 assistant positions, and not denied campus housing  
20 or financial assistance because of unreasonable  
21 competition from foreign students.  
22 5. That faculty not be burdened with extraordinary  
23 demands because of responsibilities to foreign  
24 students.  
25 6. Prevention of an overload by families of foreign  
26 students upon the schools and tax-supported medical  
27 and social assistance programs within college  
28 communities."

A non-record roll call was requested.

The ayes were 17, nays 63.

Amendment H—6176 lost.

Horn of Linn offered the following amendment H—6120 filed by him:

H—6120

- 1 Amend House File 2580 as follows:
- 2 1. Page 4, by striking lines 15 through 34.
- 3 2. Page 8, by striking lines 21 through page 9,
- 4 line 2, and inserting in lieu thereof the following:
- 5 "Sec. . Acts of the Sixty-eighth General
- 6 Assembly, 1979 Session, chapter nine (9), section
- 7 seven (7), is amended to read as follows:
- 8 SEC. 7. There is appropriated from the general
- 9 fund of the state to the Spanish-speaking people's
- 10 peoples commission for the fiscal year beginning July
- 11 1, 1979 and ending June 30, 1980 the sum of forty-
- 12 five thousand seven hundred fifteen (45,715) dollars
- 13 or so much thereof as ~~may be is~~ necessary and for
- 14 the fiscal year beginning July 1, 1980 and ending
- 15 June 30, 1981 the sum of thirty-one thousand (31,000)
- 16 dollars or so much thereof as is necessary, for
- 17 salaries and support of not more than two full-time
- 18 equivalent positions, maintenance and miscellaneous
- 19 purposes."
- 20 3. Renumber sections and internal references as
- 21 necessary in accordance with this amendment.

Horn of Linn offered the following amendment H—6121, to amendment H—6120, filed by him and moved its adoption:

H—6121

- 1 Amend H—6120, the Horn amendment to House File
- 2 2580, as follows:
- 3 1. Page 1, line 15, by striking the words and
- 4 figures "thirty-one thousand (31,000)" and inserting
- 5 in lieu thereof the words and figures "fifty thousand
- 6 (50,000)".

Amendment H—6121 was adopted.

Horn of Linn moved the adoption of amendment H—6120, as amended.

Amendment H—6120, as amended, lost.

Tyrrell of Iowa offered the following amendment H—6159 filed by him from the floor:

H—6159

- 1 Amend House File 2580 as follows:
- 2 1. Page 4, by inserting after line 34 the



3 following:

4 "Sec. . Section six hundred one A point three  
5 (601A.3), unnumbered paragraph three (3), Code 1979,  
6 is amended to read as follows:

7 The governor with the consent of two-thirds of  
8 the members of the senate shall appoint a director  
9 who shall serve as the executive officer of the  
10 commission. The director may be removed from office  
11 by the governor for cause.

12 Sec. . Section six hundred one A point fifteen  
13 (601A.15), subsection one (1), Code 1979, is amended  
14 to read as follows:

15 1. Any person claiming to be aggrieved by a  
16 discriminatory or unfair practice may, by himself  
17 or his attorney, make, sign, and file with the  
18 commission a verified, written complaint in triplicate  
19 which shall state the name and address of the person,  
20 employer, employment agency, or labor organization  
21 alleged to have committed the discriminatory or unfair  
22 practice of ~~which complained~~, shall set forth the  
23 particulars thereof, and shall contain ~~such~~ other  
24 information as ~~may be~~ required by the commission.  
25 The commission, a commissioner, or the attorney general  
26 may in like manner make, sign, and file ~~such a~~  
27 complaint. A private individual who files a com-  
28 plaint shall post a bond with sureties to be approved  
29 by the director of the commission for the payment  
30 of costs of the complaint resolution process. The  
31 amount of the bond shall be determined on an annual  
32 basis and shall be reviewed at the end of each fiscal  
33 year by the commission. The bond shall be for an  
34 amount determined by dividing the annual expenses  
35 of the commission attributable to investigating  
36 complaints for which a finding of no probable cause  
37 is made by the number of such complaints, but not  
38 to exceed one thousand dollars.

39 Sec. . Section six hundred one A point fifteen  
40 (601A.15), subsection three (3), paragraph c, Code  
41 1979, is amended to read as follows:

42 c. If the hearing officer concurs with the  
43 investigating official that probable cause exists  
44 regarding the allegations of the complaint, the staff  
45 of the commission shall promptly endeavor to eliminate  
46 the discriminatory or unfair practice by conference,  
47 conciliation, and persuasion. If the hearing officer  
48 finds that no probable cause exists, the hearing  
49 officer shall issue a final order dismissing the  
50 complaint and shall promptly mail a copy to the

Page 2

1 complainant and to the respondent by certified mail.

- 2 When a finding of no probable cause is made the  
 3 complainant is liable for the amount of actual expense  
 4 incurred by the commission in investigating the  
 5 complaint, up to the amount of the bond filed. The  
 6 final order shall include notice of the amount of  
 7 costs due. A finding of probable cause shall not  
 8 be introduced into evidence in an action brought under  
 9 section 601A.16.
- 10 Sec. . Section six hundred one A point eighteen  
 11 (601A.18), Code 1979, is repealed.”  
 12 2. By renumbering as necessary.

Anderson of Jasper rose on a point of order that amendment H—6159 was not germane.

The Speaker ruled the point well taken and amendment H—6159 not germane.

Horn of Linn asked and received unanimous consent to withdraw amendment H—6130 filed by him on April 16, 1980.

Horn of Linn offered the following amendment H—6171 filed by him from the floor:

H—6171

- 1 Amend House File 2580 as follows:  
 2 1. Page 5, line 11, by striking the figure “76,570”  
 3 and inserting in lieu thereof the figures “76,570  
 4 81,570”.

Tyrrell of Iowa offered the following amendment H—6182, to amendment H—6171, filed by him from the floor:

H—6182

- 1 Amend amendment H—6171 to House File 2580 as follows:  
 2 1. Page 1, lines 3 and 4, by striking the word  
 3 and figures “figures “76,570 81,570” and inserting in  
 4 lieu thereof the word and figure “figure “76,570”.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Perkins of Greene, for the remainder of the day, on request of Stromer of Hancock.

Tyrrell of Iowa moved the adoption of amendment H—6182, to amendment H—6171.

Roll call was requested by Sherzan of Polk and Walter of Pottawattamie.

On the question "Shall amendment H—6182 be adopted?"

The ayes were, 12:

Branstad	Danker	De Groot	Holt
Johnson, J.	Lind	Lorenzen	Maulsby
O'Kane	Renken	Ritsema	Tyrrell

The nays were, 76:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lloyd-Jones	Lonergan	McKean	Menke
Miller	Mullins	Norland	Patchett
Pavich	Pellet	Poffenberger	Pope
Rapp	Schneklath	Schroeder	Sherzan
Shimaneck	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Van Maanen
Walter	Wells	Welsh	Mr. Speaker (Stromer)

Absent or not voting, 12:

Cochran	Doyle	Jesse	Johnson, R.
Lura	Millen	Oxley	Pelton
Perkins	Welden	West	Woods

Amendment H—6182 lost.

Horn of Linn moved the adoption of amendment H—6171.

Amendment H—6171 lost.

Horn of Linn offered the following amendment H—6170 filed by him from the floor:

H-6170

- 1 Amend House File 2580 as follows:
- 2 1. Page 5, line 11, by striking the figure "76,570"
- 3 and inserting in lieu thereof the figures "76,570
- 4 78,170".

Bennett of Ida rose on a point of order that amendment H-6170 was subject matter previously considered and, therefore, not in order.

The Speaker ruled the point well taken pursuant to Section 401 of Mason's Manual of Legislative Procedure and amendment H-6170 not in order.

Horn of Linn asked for unanimous consent to consider amendment H-6170.

Objection was raised.

Horn of Linn moved that the rules be suspended to consider amendment H-6170.

A non-record roll call was requested.

The ayes were 36, nays 51.

The motion lost.

Horn of Linn asked and received unanimous consent to defer action on amendment H-6129.

The House resumed consideration of amendment H-6167G.

Rapp of Black Hawk offered the following amendment H-6183, to amendment H-6167G, filed by him from the floor and moved its adoption:

H-6183

- 1 Amend amendment H-6167 to House File 2580
- 2 as follows:
- 3 1. Page 2, by inserting after line 44 the
- 4 following:
- 5 " . Page 5, by striking line 18 and in-

- 6 setting in lieu thereof the words "of not more  
7 than seven ~~eight~~ full-"  
8 2. By renumbering the sections as necessary.

Amendment H—6183 was adopted.

Rapp of Black Hawk moved the adoption of amendment H—6167G, as amended.

A non-record roll call was requested.

The ayes were 42, nays 52.

Amendment H—6167G, as amended, lost, placing out of order amendment H—6129 filed by Horn of Linn on April 16, 1980.

Clark of Cerro Gordo offered the following amendment H—6127 filed by Clark, et al. :

H—6127

- 1 Amend House File 2580 as follows:  
2 1. Page 5, by inserting after line 33 the  
3 following:  
4 "If legislation prescribing the title,  
5 administrative structure, and specific powers and  
6 duties of the unified state mental health agency has  
7 not been approved prior to July 1, 1980 and  
8 notwithstanding the provisions of sections two hundred  
9 twenty-five B point two (225B.2) and two hundred  
10 twenty-five B point eight (225B.8), Code 1979, as  
11 amended by Acts of the Sixty-eighth General Assembly,  
12 1979 Session, chapter fifty-four (54), sections one  
13 (1) and two (2), the division of mental health  
14 resources of the department of social services and  
15 the Iowa mental health authority shall continue to  
16 be governed respectively by sections two hundred  
17 seventeen point ten (217.10) through two hundred  
18 seventeen point twelve (217.12), Code 1979 and chapter  
19 two hundred twenty-five B (225B), Code 1977, until  
20 July 1, 1981. The Iowa mental health authority shall  
21 continue to be the designated state agency for the  
22 purpose of directing the benefits of United States  
23 Pub. L. No. 79-487, 60 Stat. L. 538 (1946) and  
24 amendments thereto."

Clark of Cerro Gordo offered the following amendment H—6145, to amendment H—6127, filed by her from the floor and moved its adoption:

H-6145

- 1 Amend amendment H-6127 to House File 2580 as
- 2 follows:
- 3 1. Page 1, line 19, by striking the numeral
- 4 "1979" and inserting in lieu thereof the numeral
- 5 "1977".

Amendment H-6145 was adopted.

Clark of Cerro Gordo moved the adoption of amendment H-6127, as amended.

Amendment H-6127, as amended, was adopted.

The House resumed consideration of amendment H-6167H.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for the remainder of the evening, on request of Mullins of Kossuth.

Welsh of Dubuque moved the adoption of amendment H-6167H.

Roll call was requested by Anderson of Jasper and Avenson of Fayette.

On the question "Shall amendment H-6167H be adopted?"

The ayes were, 41:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Patchett	Pavich	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker (Stromer)

Absent or not voting, 7:

Arnould	Clark, B.J.	Crawford	Harbor
Oxley	Perkins	West	

Amendment H—6167H lost.

The House resumed consideration of amendment H—6167I.

The following amendment H—6206, to amendment H—6167I, filed by Jochum of Dubuque from the floor, was adopted by unanimous consent:

H—6206

- 1 Amend amendment H—6167I, to House File 2580 as
- 2 follows:
- 3 1. Page 3, line 18, by striking the word "the"
- 4 and inserting in lieu thereof the words "an additional".

Jochum of Dubuque moved the adoption of amendment H—6167I, as amended.

Roll call was requested by Anderson of Jasper and Chiodo of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—6167I, as amended, be adopted?"

## The ayes were, 44:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	De Groot	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Patchett	Pavich
Rapp	Sherzan	Spear	Swearingen
Walter	Wells	Welsh	Woods

## The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker (Stromer)		

## Absent or not voting, 6:

Arnould	Clark, B.J.	Krewson	Oxley
Perkins	West		

Amendment H—6167I, as amended, lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnould of Scott, for the remainder of the evening, on request of Cusack of Scott.

Krewson of Polk offered amendment H—6128 filed by Krewson, et al. Division was requested as follows:

H—6128

1 Amend House File 2580 as follows:



H-6128A

2 1. Page 9, by striking line 27 and inserting  
3 in lieu thereof the following: "which provide  
4 significant matching effort either".

H-6128B

5 2. Page 10, line 2 by inserting after the word  
6 "commission" the following: ", but shall give  
7 priority in funding to local projects which provide  
8 two dollars in local match to every state dollar".

Krewson of Polk moved the adoption of amendment H-6128A.

A non-record roll call was requested.

The ayes were 71, nays 20.

Amendment H-6128A was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H-6128B.

(House File 2580 pending at adjournment.)

### INTRODUCTION OF BILLS

**House File 2586**, by committee on ways and means, a bill for an act to allow the department of revenue to credit tax refunds against outstanding taxes due.

Read first time and **placed on the ways and means calendar**.

**House File 2587**, by committee on ways and means, a bill for an act relating to the administration of the motor fuel and special fuel tax laws.

Read first time and **placed on the ways and means calendar**.

### CONFERENCE COMMITTEE APPOINTED (Senate File 108)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate

concerning Senate File 108: Johnson of Woodbury, Chair; Daggett of Taylor, Menke of O'Brien, Perkins of Greene and Spear of Lee.

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Assistant Chief Clerk of the House submitted the following report:

Mr. Speaker: The Assistant 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 17th day of April, 1980: House Files 225, 357, 402, 690, 2163, 2169, 2245, 2410, 2461, 2478, 2479, 2488, 2491, 2521, 2522, 2529, 2540, 2572, and 2573.

BRUCE GRAHAM

Assistant Chief Clerk of the House

Report adopted.

### COMMUNICATION FROM SECRETARY OF STATE

April 16, 1980

Bruce J. Graham  
Assistant Chief Clerk and Legal Counsel  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 747, was published in the Globe-Gazette, Mason City, Iowa on March 28, 1980, and republished April 11, 1980, and published in The Sioux City Journal, Sioux City, Iowa on March 29, 1980 and republished April 11, 1980.

Also, I certify that Senate File 2060, was published in the West Des Moines Express, West Des Moines, Iowa on April 10, 1980 and in the Urbandale News, Urbandale, Iowa on April 10, 1980.

Also, pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1979, there being no newspaper by the name of The Anamosa Eureka, published in Anamosa, Iowa, I hereby designate The Anamosa Journal-Eureka, published in Anamosa, Iowa to publish Senate File 2118.

Respectfully submitted,

MELVIN D. SYNHORST  
Secretary of State

## PRESENTATION OF VISITORS

Hullinger of Decatur presented to the House the Honorable Walter McNamara and the Honorable Keith Kennedy, former members of the House representing Linn County.

Van Maanen of Mahaska presented the Honorable George Pierson, former member of the House representing Mahaska County.

The Speaker announced that the following visitors were present in the House chamber:

Sixteen students from the Intensive English Orientation Program at Iowa State University, Ames, accompanied by Marsha Olson. By Crawford of Story.

Forty seventh and eighth grade students from Readlyn Community Lutheran School, Readlyn, accompanied by Mr. Miller and Mrs. Rich. By Avenson of Fayette.

Twenty-five students from Bellevue Community School, Bellevue, accompanied by Marion and Jean Junk. By Welsh of Dubuque.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Terry Travis. By Jay of Appanoose.

Fifty-four eighth grade students from Pisgah Elementary School, Pisgah, accompanied by Darlene Hime. By Crabb of Crawford.

Forty-three Camp Fire Girls from Cedar Rapids, accompanied by Judy Heilers. By Patchett of Johnson.

Twenty-five senior students from Nesco Community School, Zearing, accompanied by Mr. Roberts. By Egenes of Story and West of Marshall.

Thirty-five students from Rockwell-Swaledale High School, accompanied by Jim Hendrickson. By Clark of Cerro Gordo.

Forty-four twelfth grade students from Columbus High School, Waterloo, accompanied by Sister Rose Ann Ficken. By Brandt, Lind and Rapp of Black Hawk.

Forty-one eighth grade students from St. John High School, Bancroft, accompanied by Mrs. Madeline Summitt, Al Dole, Sister Jean Ann and Clark Koob. By Branstad of Winnebago.

### EXPLANATIONS OF VOTE

I inadvertently pushed the "aye" button when the vote was taken on amendment H-6182 to House File 2580. I meant to vote "nay."

O'KANE of Woodbury

I was necessarily absent from the House chamber on Tuesday morning, April 15, 1980. Had I been present, I would have voted "aye" on amendment H-6057 to House File 2492 and "nay" on amendments H-6032A and H-6073 to House File 2492.

DIELEMAN of Marion

### STUDY BILL COMMITTEE ASSIGNMENTS

#### **S.F. 756 Ways and Means**

To provide for a temporary one-year delay in the phaseout of personal property taxes.

### COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

#### **CAMPAIGN FINANCE DISCLOSURE COMMISSION**

The 1979 Annual Report of the Campaign Finance Disclosure Commission.

### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**BRUCE GRAHAM**  
Assistant Chief Clerk of the House

## COMMITTEE ON ETHICS

**House Concurrent Resolution**, pertaining to gift reporting rules as they apply to legislative employees.

**Recommended Do Pass.**

Fiscal Note is not required.

**House Resolution**, pertaining to gift reporting rules as they apply to the donee, immediate family members, employees of the House of Representatives.

**Recommended Do Pass.**

Fiscal Note is not required.

## COMMITTEE ON WAYS AND MEANS

**Senate File 2343**, a bill for an act relating to exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under chapter one hundred twenty-three (123) of the Code.

**Recommended Do Pass.**

**Senate File 2361**, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties.

**Recommended Amend and Do Pass.**

H-6199

- 1 Amend Senate File 2361 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 13, by striking the words "of
- 4 transportation".
- 5 2. Page 3, lines 14 and 15, by striking the words
- 6 "of transportation".
- 7 3. Page 3, line 18, by striking the words "of
- 8 transportation".

9 4. Page 3, line 22, by inserting after the word  
10 "dollars" the words "which shall be in addition to  
11 the regular annual registration fee".

12 5. Page 3, line 23, by striking the words "of  
13 transportation".

14 6. Page 3, line 32, by striking the words "of  
15 transportation".

16 7. Page 3, line 33, by striking the words "of  
17 transportation".

18 8. Page 4, lines 1 and 2, by striking the words  
19 "of transportation".

20 9. Page 4, line 5, by inserting after the word  
21 "shall" the words "be five dollars which shall".

22 10. Page 4, by striking lines 6 and 7 and inserting  
23 in lieu thereof the following: "be in addition to  
24 the regular annual registration fee. The department  
25 shall validate the special plates in the same".

26 11. Page 8, by inserting before line 30 the  
27 following:

28 "Sec. . Chapter three hundred twenty-one (321),  
29 Code 1979, is amended by adding the following new  
30 section as section three hundred twenty-one point  
31 one hundred nineteen (321.119) of the Code:

32 NEW SECTION. 321.119 CHURCH BUSES. For motor  
33 vehicles designed to carry nine passengers or more  
34 which are owned and used exclusively by a church or  
35 religious organization to transport passengers to  
36 and from activities of or sponsored by the church  
37 or religious organization and not operated for rent  
38 or hire for purposes unrelated to the activities of  
39 the church or religious organization, the annual fee  
40 shall be twenty-five dollars. At the initial  
41 registration and at every other annual registration  
42 thereafter, the county treasurer shall not register  
43 a motor vehicle under this section unless there is  
44 affixed to the motor vehicle a valid certificate of  
45 inspection issued for the motor vehicle within the  
46 last sixty days."

47 12. Page 12, line 17, by striking the word "two"  
48 and inserting in lieu thereof the words "~~two~~ one".

49 13. Page 12, lines 18 and 19, by striking the  
50 words "shall revoke" and inserting in lieu thereof

## Page 2

1 the words "shall revoke may suspend".

2 14. Page 12, line 20, by inserting after the word  
3 "for" the words "one violation and shall revoke the  
4 license upon receiving a record of conviction for".

5 15. Page 13, by striking lines 14 through 22.

6 16. Page 21, by striking lines 5 through 11.

7 17. Page 24, by inserting after line 18 the

8 following:

9 "Sec. . Section three hundred twenty-one point  
10 one hundred nineteen (321.119) of the Code takes  
11 effect December first following enactment of this  
12 Act for vehicles registered for the 1981 or succeeding  
13 calendar years."

14 18. Page 24, by inserting after line 18 the  
15 following:

16 "Sec. . Sections one (1), eleven (11) and  
17 thirty-eight (38) of this Act, being deemed of  
18 immediate importance, take effect from and after their  
19 publication in the Fort Dodge Messenger, a newspaper  
20 published in Fort Dodge, Iowa, and in The Humboldt  
21 Independent, a newspaper published in Humboldt, Iowa."

22 19. By renumbering sections and internal references  
23 as necessary.

**House File 2483**, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter four hundred nineteen (419) of the Code for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste.

**Recommended Amend and Do Pass.**

H-6189

1 Amend House File 2483 as follows:

2 1. Page 1, line 34, by striking the words "for  
3 recycling" and inserting in lieu thereof the words  
4 "or recycling".

**Study Bill 693**, relating to the administration of the motor fuel and special fuel tax laws.

**Recommended Amend and Do Pass.**

**Study Bill 750**, to allow the department of revenue to credit tax refunds against outstanding taxes due.

**Recommended Do Pass.**

**AMENDMENTS FILED**

H-6149	H.F. 2580	Horn of Linn
H-6150	H.F. 2580	Cusack of Scott
H-6151	H.F. 2580	Horn of Linn
		Cusack of Scott
H-6154	H.F. 2580	Pelton of Clinton
H-6155	H.F. 2580	Pelton of Clinton
H-6157	H.F. 2580	Tyrrell of Iowa

H-6158	H.F. 2546	Jesse of Polk
H-6161	H.F. 2580	Jochum of Dubuque
H-6162	H.F. 2546	Conlon of Muscatine
H-6164	H.F. 2580	Tyrrell of Iowa
H-6166	H.F. 2580	Byerly of Polk
Brandt of Black Hawk		Pavich of Pottawattamie
Bruner of Story		Rapp of Black Hawk
Hullinger of Decatur		O'Kane of Woodbury
Doyle of Woodbury		Jesse of Polk
Cusack of Scott		Cochran of Webster
Horn of Linn		Connolly of Dubuque
Binneboese of Plymouth		Wells of Linn
Spear of Lee		Lloyd-Jones of Johnson
Norland of Worth		Jay of Appanoose
Howell of Floyd		Welsh of Dubuque
Avenson of Fayette		Dieleman of Marion
Hall of Linn		Lonergan of Boone
		Davitt of Warren
H-6177	H.F. 2580	Schroeder of Pottawattamie
		Welden of Hardin
		Crabb of Crawford
		Pope of Polk
H-6178	H.F. 2580	Davitt of Warren
H-6179	H.F. 2580	Davitt of Warren
H-6180	H.F. 2580	Bruner of Story
H-6181	H.F. 2580	Jochum of Dubuque
H-6185	H.F. 2580	Jochum of Dubuque
		Bruner of Story
		Brandt of Black Hawk
		Anderson of Jasper
		Cusack of Scott
		Connors of Polk
		Rapp of Black Hawk
		Lloyd-Jones of Johnson
		Halvorson of Webster
H-6186	H.F. 2580	Welsh of Dubuque
		Schroeder of Pottawattamie
		Johnson of Linn
H-6187	H.F. 2580	Daggett of Taylor
H-6188	H.F. 2580	Byerly of Polk
H-6190	H.F. 2582	Krewson of Polk
H-6191	H.F. 2535	Byerly of Polk
H-6192	H.F. 2581	De Groot of Lyon



H-6193	H.F. 2582	Ritsema of Sioux
H-6194	S.F. 2361	Hall of Linn
Schneklath of Scott		Kirkenslager of Des Moines
Bina of Scott		Pelton of Clinton
Lorenzen of Scott		Jochum of Dubuque
Welsh of Dubuque		Clark of Lee
Spear of Lee		Corey of Louisa
Hoffmann of Muscatine		Conlon of Muscatine
H-6195	H.F. 2550	Connolly of Dubuque
H-6196	S.F. 2361	O'Kane of Woodbury
H-6197	H.F. 736	Davitt of Warren
H-6198	H.F. 2537	O'Kane of Woodbury
		Bruner of Story
		Pope of Polk
		Schroeder of Pottawattamie
		Johnson of Linn
		Avenson of Fayette
		Halvorson of Clayton
		Chiodo of Polk
H-6200	H.F. 2535	Crawford of Story
H-6201	H.F. 2582	Pelton of Clinton
H-6202	H.F. 2535	Hansen of O'Brien
		McKean of Jones
		Shimanek of Jones
		Clark of Lee
		Stromer of Hancock
H-6203	S.F. 2361	Shimanek of Jones
H-6204	H.F. 2535	Brandt of Black Hawk
		Lind of Black Hawk
		Hibbs of Johnson
		Larsen of Wapello
		Gettings of Wapello
		Bina of Scott
H-6205	H.F. 2535	Brandt of Black Hawk
		Kirkenslager of Des Moines
		Larsen of Wapello
		Hibbs of Johnson
		Gettings of Wapello
		Bina of Scott
		Byerly of Polk
H-6207	H.F. 2535	Bruner of Story

On motion by Halvorson of Clayton, the House adjourned at 7:42 p.m., until 9:00 a.m., Friday, April 18, 1980.

# JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day—Sixty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 18, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

The Lord's Prayer was sung by Dan Knight, Ottumwa, who is attending seminary. Mr. Knight also beautifully entertained those present in the House chamber preceding session. The House expressed its appreciation with a standing ovation.

The Journal of Thursday, April 17, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson on request of Jochum 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 16, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 439, a bill for an act relating to the alcoholic content of beer and alcoholic liquor.

Also: That the Senate has on April 16, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2015, a bill for an act relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state.

Also: That the Senate has on April 16, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2320, a bill for an act correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

FRANK J. STORK, Secretary

**BUSINESS PENDING AT ADJOURNMENT**  
**Appropriations Calendar**

The House resumed consideration of **House File 2580**, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking people's commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services.

The House resumed consideration of amendment H—6167J.

Davitt of Warren offered the following amendment H—6179, to amendment H—6167J, filed by him and moved its adoption:

H—6179

- 1 Amend amendment H—6167 to House File 2580  
 2 as follows:  
 3 1. Page 3, by inserting after line 26 the  
 4 following:  
 5 " . Page 11, by inserting after line 28  
 6 the following: Of the appropriation for the 1980-  
 7 1981 fiscal year up to eight hundred thousand  
 8 (800,000) dollars may be spent for the computer-  
 9 ization of the soil survey data."  
 10 2. By renumbering the sections as necessary.

Roll call was requested by Davitt of Warren and Cochran of Webster.

On the question "Shall amendment H—6179, to amendment H—6167J, be adopted?"

The ayes were, 41:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Cochran
Conlon	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Horn	Howell	Hullinger	Jay
Lloyd-Jones	Loneragan	MCKean	Miller
Norland	O'Kane	Oxley	Pavich
Pelton	Perkins	Rapp	Sherzan
Shull	Spear	Walter	Wells
Woods			

The nays were, 47:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lorenzen	Maulsby	Menke
Millen	Mullins	Pellett	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Welden	West	Mr. Speaker	

Absent or not voting, 12:

Arnould	Chiodo	Daggett	Egenes
Husak	Jesse	Jochum	Krewson
Lura	Patchett	Stromer	Welsh

Amendment H—6179 lost.

Cochran of Webster asked for unanimous consent to defer action on amendment H—6167J.

Objection was raised.

Cochran of Webster moved to defer action on amendment H—6167J.

The Speaker ruled the motion out of order under the previous question motion adopted April 17, 1980.

Avenson of Fayette moved that the rules be suspended to defer action on amendment H—6167J until amendment H—6167R has been considered.

A non-record roll call was requested.

The ayes were 42, nays 52.

The motion lost.

Cochran of Webster moved the adoption of amendment H—6167J.

Roll call was requested by Cochran of Webster and Davitt of Warren.

Rule 80 was invoked.

On the question "Shall amendment H—6167J be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle

Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Lloyd-Jones	Loneragan
Miller	Norland	O'Kane	Oxley
Pavich	Perkins	Rapp	Sherzan
Walter	Wells	Welsh	Woods

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 2:

Patchett                      Schroeder

Amendment H—6167J lost.

The House resumed consideration of amendment H—6167K.

Hinkhouse of Cedar moved the adoption of amendment H—6167K.

Roll call was requested by Anderson of Jasper and Perkins of Greene.

On the question "Shall amendment H—6167K be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Chiodo
Cochran	Connolly	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum

Lloyd-Jones	Loneragan	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Van Maanen	Welden	West
Mr. Speaker			

Absent or not voting, 4:

Byerly	Patchett	Shimanek	Tyrrell
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Amendment H—6167K lost.

The House resumed consideration of amendment H—6167L.

O'Kane of Woodbury moved the adoption of amendment H—6167L.

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H—6167L lost.

Schroeder of Pottawattamie offered the following amendment H—6177 filed by Schroeder, et al., and moved its adoption:

H—6177

- 1 Amend House File 2580 as follows:
- 2 1. Page 12, by inserting after line 1 the
- 3 following:
- 4 "5 Office for plan- Highway safety
- 5 ning and program- unit to be assign-
- 6 ming ed to state depart-
- 7 ment of transporta-
- 8 tion."

Amendment H—6177 was adopted.

Horn of Linn offered the following amendment H—6131 filed by him:

H—6131

- 1 Amend House File 2580 as follows:
- 2 1. Page 12, by striking lies 4, 5, and 6.

Horn of Linn asked for unanimous consent to withdraw amendment H—6131.

Objection was raised.

On motion by Horn of Linn, amendment H—6131 lost.

The following amendment H—6212 filed by Bruner of Story from the floor was adopted by unanimous consent:

H—6212

- 1 Amend House File 2580 as follows:
- 2 1. Page 12, line 10, by striking the figure "88"
- 3 and inserting in lieu thereof the figure "133".
- 4 2. Page 12, line 18, by striking the figure "183"
- 5 and inserting in lieu thereof the figure "193".

Bruner of Story asked for unanimous consent to further amend House File 2580.

Objection was raised.

(House File 2580 pending at recess.)

On motion by Halvorson of Clayton, the House was recessed at 11:40 a.m., until 1:00 p.m.

Mr. Dan Knight again entertained during the noon hour.

#### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.



## 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.

## HOUSE CONCURRENT RESOLUTION 131

By Pavich, Walter, Gettings, Binneboese, Wells, Horn, Cusack, Hinkhouse, Doyle, Cochran, Welsh, Hullinger, Miller, Groth, Anderson of Jasper, Connolly, Connors, Bina, Hall, Avenson, Davitt, Sherzan, Woods, Byerly, Chiodo, Halvorson of Webster, Jochum, Patchett, Jesse, Lloyd-Jones, Norland, Dieleman, Brandt, Bruner, Husak, Jay, O'Kane, Rapp, Spear, Oxley, Howell, Lonergan, Perkins and Arnould

- 1 *Whereas*, the report of the Governor's Economy
- 2 Committee 1979 contains recommendations for government
- 3 reorganization which its authors say could cause the
- 4 state of Iowa to realize an annual gain of \$85,482,000;
- 5 and
- 6 *Whereas*, more than 200 organizations contributed
- 7 both management and staff assistance or cash contribu-
- 8 tions to allow for this detailed study of government
- 9 efficiency; and
- 10 *Whereas*, although some recommendations of the
- 11 Economy Committee have been adopted, many, many more
- 12 need to be seriously studied, their true cost savings
- 13 analyzed and their effect on the number of state em-
- 14 ployees determined; *Now Therefore*,
- 15 *Be It Resolved by the House of Representatives*,
- 16 *the Senate Concurring*, That the legislative council
- 17 be requested to create a study committee composed of
- 18 members of the appropriations committees of both houses
- 19 and their standing subcommittees to analyze the recommendations
- 20 of the Governor's Economy Committee 1979 and make recommenda-
- 21 tions on the implementation of the Economy Committee's report.
- 22 *Be It Further Resolved*, That the study committee shall
- 23 report its findings and recommendations, with legislative
- 24 bill drafts required to implement its recommendations, to
- 25 the standing appropriations committees of both houses and
- 26 to their subcommittees, the legislative council and the
- 27 general assembly convening in January of 1981.

Laid over under Rule 30.

## HOUSE CONCURRENT RESOLUTION 132

By Bina, Krewson, Larsen, Walter, Brandt, Pavich,  
Cusack, Cochran, Gettings and O'Kane

- 1 *Whereas*, the general assembly of the state of Iowa
- 2 realizes the expanded need for conserving energy and
- 3 encouraging mass transit development in Iowa's urban

4 and rural areas; and

5 *Whereas*, the mass transportation appropriation for  
6 the Iowa department of transportation has not been  
7 increased for a significant number of years; and

8 *Whereas*, the purchasing power of the mass transit  
9 program of the department of transportation has been cut  
10 in half; and

11 *Whereas*, the spiraling rise in the costs of fuel  
12 has had a detrimental impact upon the existing urban  
13 mass transit facilities in Iowa's metropolitan areas;  
14 and

15 *Whereas*, federal dollars for transportation may not  
16 be forthcoming; and

17 *Whereas*, the state of Iowa may not be able to continue  
18 to meet urban mass transportation needs; *Now Therefore*,

19 *Be It Resolved by the House of Representatives, the*  
20 *Senate Concurring*, That the legislative council is  
21 requested to authorize an interim study by a joint  
22 subcommittee of the standing committees on cities of  
23 both houses, consisting of five members of the house of  
24 representatives and five members of the senate, including  
25 representatives of the majority and minority parties.

26 *Be It Further Resolved*, That the interim subcommittee  
27 develop legislative recommendations for funding alternatives  
28 to assist municipal and regional mass transportation  
29 systems in providing efficient and adequate transportation  
30 for Iowans.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 133  
By Committee on Human Resources

1 *Whereas*, 1977 statistics indicate that seven out  
2 of every eight people in the United States reside in a  
3 nuclear family; and

4 *Whereas*, these statistics further show that only  
5 thirteen percent of the population live in the type of  
6 nuclear family considered normal, i.e. a family group  
7 with two parents, one of whom is a wage earner, with  
8 children; and

9 *Whereas*, sixteen percent of the population live in  
10 families where both parents work; and

11 *Whereas*, the nature of the American family is under-  
12 going significant change as indicated by these statistics;  
13 and

14 *Whereas*, the attendance at and participation in the  
15 activities connected with the White House Conference on  
16 the Family indicate a high level of concern about the  
17 future of the family in Iowa; and

18 *Whereas*, studies have shown that governmental action  
19 affects the nature of the relationships between family

20 members as well as the ability of the family to cope  
 21 as an economic unit; and  
 22 *Whereas*, the impact of various laws passed by the  
 23 general assembly on the Iowa family is unknown and no  
 24 policy statement currently exists for evaluating the effects  
 25 of proposed and existing legislation; and  
 26 *Whereas*, the numerous state departments and agencies  
 27 have no criteria or statement of legislative direction  
 28 regarding the family to apply to their policies and  
 29 rules; *Now Therefore*,  
 30 *Be It resolved by the House of Representatives, the*

**Page 2**

1 *Senate Concurring*, That the legislative council is requested  
 2 to authorize an interim study by a joint subcommittee of  
 3 the standing committees on human resources of both houses  
 4 for the purpose of developing a policy statement of legislative  
 5 goals regarding the effect of state government actions on the  
 6 family by which future legislation and policy can be  
 7 evaluated; and  
 8 *Be It Further Resolved*, That the study committee be  
 9 authorized to conduct public hearings around the state  
 10 on the policy statement developed by the committee; and  
 11 *Be It Further Resolved*, That the study committee  
 12 shall prepare a report of its findings and recommendations  
 13 for the legislative council prior to the convening of  
 14 the Sixty-ninth General Assembly; and  
 15 *Be It Further Resolved*, That the study committee  
 16 shall prepare a concurrent resolution setting forth a  
 17 state family policy statement for submission to the  
 18 Sixty-ninth General Assembly.

Laid over under Rule 30.

**HOUSE CONCURRENT RESOLUTION 134**  
 By Committee on Appropriations

1 *Whereas*, the state revenue projections for the  
 2 current fiscal year and for the 1981 fiscal year require  
 3 a prompt response of cost-saving measures; and  
 4 *Whereas*, the governor has announced a series of  
 5 actions designed to save state funds within the  
 6 executive branch; and  
 7 *Whereas*, the legislature has previously taken a  
 8 responsive approach to hold down the legislative costs  
 9 during the session and interim by adopting resolutions  
 10 which establish budget guidelines; *Now Therefore*,  
 11 *Be It Resolved by the House of Representatives, the*  
 12 *Senate Concurring*, That the administration committees in  
 13 the house of representatives and the senate be directed  
 14 to establish a freeze on the hiring of new employees and

15 that requests to fill vacant positions be carefully  
16 reviewed; and

17 *Be It Further Resolved*, That the speaker of the house  
18 and the president of the senate be urged to restrict out-  
19 of-state travel for legislators and staff unless they  
20 determine that the failure to authorize the travel will  
21 impair the ability of the general assembly to fulfill its  
22 functions; and

23 *Be It Further Resolved*, That each member of the  
24 general assembly make every effort to reduce interim  
25 costs of travel, copying, telephone and postage as his  
26 or her individual effort to reduce the costs of the  
27 operation of the legislature and maintain the general fund.

Laid over under Rule 30.

#### HOUSE RESOLUTION 111

By De Groot

1 *Whereas*, The Interfaith Church of the Land, at  
2 Living History Farms, Des Moines, was conceived as a  
3 constant reminder of our soil stewardship; and

4 *Whereas*, construction of the Church was given  
5 impetus by the visit of His Holiness, Pope John Paul II,  
6 at the Living History Farms, on October 4, 1979; and

7 *Whereas*, the appearance of Pope John Paul II,  
8 drawing an estimated 340,000 persons, constituted an  
9 endorsement of soil stewardship; and

10 *Whereas*, it was an invitation by an Iowa farmer  
11 which helped lead to the Papal visit and the outpouring  
12 of support for soil stewardship; and

13 *Whereas*, ground breaking for The Interfaith Church of the Land  
14 is scheduled for May 3, 1980, and dedication anticipated  
15 on the anniversary of Pope John Paul II's visit, October  
16 4, 1980; and

17 *Whereas*, one-quarter of the estimated \$200,000.00  
18 required for completion of the church has been raised;  
19 *Now Therefore*,

20 *Be It Resolved by the House of Representatives*, That  
21 the Iowa House of Representatives urges support for The  
22 Interfaith Church of the Land by private donations to  
23 Living History Farms.

Laid over under Rule 30.

#### 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 18, 1980, insisted on its amendment to House File 2475, a bill for an act relating

to the determination of the salaries for the area education agency administrators, and the members of the conference committee on the part of the Senate are: The Senator from Woodbury, Senator Carney, Chair; the Senator from Dubuque, Senator Carr; the Senator from Marshall, Senator Miller; the Senator from Poweshiek, Senator Orr; and the Senator from Buena Vista, Senator Waldstein.

Also: That the Senate has on April 16, 1980, 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 2492, a bill for an act relating to the regulation of terms and conditions of certain loans, advances and extensions of credit.

Also: That the Senate has on April 17, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2561, a bill for an act relating to the powers and duties of soil conservation districts.

Also: That the Senate has on April 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2370, a bill for an act relating to the term of office of certain county supervisors.

Also: That I am directed to inform your honorable body that the members of the conference committee on the part of the Senate, appointed April 18, 1980, to Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, are: The Senator from Floyd, Senator Gratius, Chair; the Senator from Adams, Senator Briles; the Senator from Poweshiek, Senator Brown; the Senator from Bremer, Senator Jensen; and the Senator from Polk, Senator Palmer.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 2561

H-6209

- 1 Amend House File 2561 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking line 1 and inserting in
- 4 lieu thereof the following:
- 5 "Section 1. Section four hundred sixty-seven A
- 6 point four (467A.4), subsection one (1), Code 1979,
- 7 as amended by Acts of the Sixty-eighth General
- 8 Assembly, 1980 Session, Senate File two thousand three
- 9 hundred one (2301), section seventy-one (71), is
- 10 amended to read as follows:
- 11 1. There is hereby established, to serve as an

12 agency of the state and to perform the functions  
 13 conferred upon it in this chapter, the department  
 14 of soil conservation. The department shall be  
 15 administered in accordance with the policies of the  
 16 state soil conservation committee, which shall approve  
 17 administrative rules proposed by the department before  
 18 the rules are promulgated pursuant to chapter seventeen  
 19 A (17A) of the Code. The state soil conservation  
 20 committee shall consist of a chairperson and twelve  
 21 members. The following shall serve as ex officio  
 22 nonvoting members of the committee: The director  
 23 of the state agricultural extension service, or the  
 24 director's designee, the secretary of agriculture,  
 25 or the secretary's designee, the director of the state  
 26 conservation commission or the director's designee,  
 27 and the director of the Iowa natural resources council  
 28 or the director's designee. Eight voting members  
 29 shall be appointed by the governor subject to  
 30 confirmation by the senate. Six of the appointive  
 31 members shall be persons engaged in actual farming  
 32 operations, one of whom shall be a resident of each  
 33 of the six conservancy districts established by section  
 34 467D.3, and no more than one of whom shall be a  
 35 resident of any one county. The seventh and eighth  
 36 appointive members shall be chosen by the governor  
 37 from the state at large with one appointed to be a  
 38 representative of cities and one appointed to be a  
 39 representative of the mining industry. The committee  
 40 may invite the secretary of agriculture of the United  
 41 States to appoint one person to serve with the above-  
 42 mentioned members, and the president of the Iowa  
 43 county engineers association may designate a member  
 44 of the association to serve in the same manner, but  
 45 these persons shall have no vote and shall serve in  
 46 an advisory capacity only. The director of the  
 47 department of environmental quality shall be an ex  
 48 officio nonvoting member. The committee shall adopt  
 49 a seal, which seal shall be judicially noticed, and  
 50 may perform acts, hold public hearings, and promulgate

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1 rules as provided in chapter 17A as necessary for  
 2 the execution of its functions under this chapter.  
 3 Sec. 2. Section four hundred sixty-seven A point  
 4 four".  
 5 2. Page 1, by inserting after line 35 the  
 6 following:  
 7 "(9) A member of the state soil conservation  
 8 committee.  
 9 (10) The state conservationist of the United  
 10 States soil conservation service, or that officer's

11 designee".

12 3. Page 2, line 2, by striking the words and  
13 figures "sixteen (16), Code 1979, is" and inserting  
14 in lieu thereof the words and figures "four (4) and  
15 sixteen (16), Code 1979, are".

16 4. Page 2, by striking line 8 and inserting in  
17 lieu thereof the following: "and file, in the office  
18 of the soil conservation district of the county".

19 5. Page 2, line 30, by inserting after the word  
20 "subsection." the following: "The agreement to refund  
21 shall not create a lien on the land, but shall be  
22 a charge personally against the owner of the land  
23 at the time of removal, alteration or modification  
24 which gives rise to the need for a refund."

25 6. Page 2, line 30, by inserting after the word  
26 "subsection." the words "Each soil conservation  
27 district which has entered into agreements under this  
28 subsection shall file in the office of the county  
29 recorder a statement that there are in effect in that  
30 county certain agreements covenanted under this  
31 subsection which place upon owners of agricultural  
32 land the obligation to maintain permanent soil  
33 conservation practices established with public cost  
34 sharing money, and that failure to do so may result  
35 in an obligation to refund a portion of the public  
36 cost sharing money used to establish the practices."

37 7. Page 3, by striking lines 6 through 10 and  
38 inserting in lieu thereof the following:

39 "NEW SUBSECTION. To enter into special funding  
40 agreements which, notwithstanding subsection four  
41 (4) of this section, provide for cost sharing up to  
42 sixty percent of the cost of a project including five  
43 or more contiguous farm units which have at least  
44 five hundred or more acres of farmland and which  
45 constitute at least seventy-five percent of the  
46 agricultural land lying within a watershed or  
47 subwatershed, where the owners jointly agree to a  
48 watershed conservation plan in conjunction with their  
49 respective farm unit soil conservation plans."

50 8. Page 3, line 22, by inserting after the word

### Page 3

1 "practices" the words ", provided that the  
2 commissioners of a soil conservation district shall  
3 not use state cost sharing funds to pay such incentives  
4 in any fiscal year when requests which seek cost  
5 sharing for eligible permanent soil and water  
6 conservation practices, but which do not seek incentive  
7 payments under this subsection, are sufficient to  
8 use all of the state cost sharing funds made available  
9 to the district for that year."

10 9. Page 3, line 23, by striking the words "shall  
11 be" and inserting in lieu thereof the words "may,  
12 notwithstanding subsection four (4) of this section,  
13 provide for cost sharing up to sixty percent of the  
14 cost of establishing any permanent soil and water  
15 conservation practice where the establishment of that  
16 practice involves a construction project which begins  
17 after June first but before August fifteenth of any  
18 calendar year. Incentive payments under this  
19 subsection may also include, or may be limited to".

20 10. Page 4, line 8, by inserting after the word  
21 "purchasing" the words "or renting".

22 11. Page 4, by striking line 9 and inserting in  
23 lieu thereof the words "by his or her tenant or  
24 tenants. If a landowner has multiple farm tenants,  
25 the land on which farming operations are being  
26 conducted by each tenant shall constitute a separate  
27 farm unit. This definition does".

28 12. Page 4, line 29, by striking the word "or"  
29 and inserting in lieu thereof the words "and, if  
30 appropriate, the".

31 13. Page 5, lines 6 and 7, by striking the words  
32 ", conditioned on the furnishing by" and inserting  
33 in lieu thereof the words "or, with the approval of  
34 the commissioners of".

35 14. Page 5, line 8, by inserting after the word  
36 "located" the words ", a portion of a farm unit soil  
37 conservation plan. The commitment shall be conditioned  
38 on the furnishing by the soil conservation district".

39 15. Page 5, line 11, by inserting after the word  
40 "plan" the words ", or a portion of the plan".

41 16. Page 6, line 28, by striking the words "at  
42 least" and inserting in lieu thereof the words "at  
43 least".

44 17. Page 13, line 7, by inserting after the word  
45 "them." the words "Each person who identifies himself  
46 or herself to the commissioners or staff of a soil  
47 conservation district as a prospective purchaser of  
48 agricultural land in the district shall be given  
49 information, prepared in accordance with rules of  
50 the department of soil conservation, which clearly

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1 explains the provisions of section thirteen (13) of  
2 this Act."

3 18. Striking page 14, line 33 through page 15,  
4 line 3 and inserting in lieu thereof the following:

5 "1. It is the intent of this Act that, effective  
6 January 1, 1981, each tract of agricultural land which  
7 has not been plowed or used for growing row crops  
8 at any time within fifteen years prior to that date,



9 shall for purposes of this section be considered  
10 classified as agricultural”.

11 19. Page 15, line 6, by inserting after the word  
12 “commissioners” the words “of the soil conservation  
13 district in which the land is located”.

14 20. Page 15, lines 10 and 11, by striking the  
15 words “had not previously been” and inserting in lieu  
16 thereof the words “were not considered”.

17 21. Page 15, by inserting after line 20 the  
18 following:

19 “2. When receiving an application for state cost  
20 sharing funds to pay a part of the cost of establishing  
21 a permanent or temporary soil and water conservation  
22 practice, the commissioners of the soil conservation  
23 district to which the application is submitted shall  
24 require the applicant to state in writing whether,  
25 to the best of the applicant’s knowledge, the land  
26 on which the proposed practice will be established  
27 is land considered to be classified as agricultural  
28 land under conservation cover, as defined in subsection  
29 one (1) of this section. An applicant who knowingly  
30 makes a false statement of material facts or who  
31 falsely denies knowledge of material facts in  
32 completing the written statement required by this  
33 subsection commits a simple misdemeanor and, in  
34 addition to the penalty prescribed therefor by law,  
35 shall be required to repay to the department of soil  
36 conservation any cost sharing funds made available  
37 to the applicant in reliance on the false statement  
38 or false denial.”

39 22. Page 15, by inserting after line 20 the  
40 following:

41 “Sec. . Chapter four hundred sixty-seven A  
42 (467A), Code 1979, is amended by adding the following  
43 new section:

44 **NEW SECTION. PROCEDURE WHEN COMMISSIONER IS**  
45 **COMPLAINANT.** A soil conservation district commissioner  
46 who is an owner or occupant of land being damaged  
47 by sediment has the same right as any other person  
48 in like circumstances to file a complaint under section  
49 four hundred sixty-seven A point forty-seven (467A.47)  
50 of the Code, however a commissioner who is the

Page 5

1 complainant shall not vote on the question whether,  
2 on the basis of the inspection made pursuant to the  
3 complaint, the commissioners shall issue an  
4 administrative order under section four hundred sixty-  
5 seven A point forty-seven (467A.47) of the Code.”

6 23. Page 15, by inserting after line 27 the  
7 following:

8 "Sec. . . As soon as reasonably possible after  
9 July 1, 1980, the commissioners of each soil  
10 conservation district in the state shall publish,  
11 in a newspaper of general circulation in the district,  
12 a notice advising owners and operators of agricultural  
13 land in the district of the provisions of section  
14 thirteen (13) of this Act. The notice shall be drawn  
15 up in accordance with rules of the department of soil  
16 conservation."

17 24. Page 15, line 29, by striking the word and  
18 figure "twelve (12)" and inserting in lieu thereof  
19 the word and figure "thirteen (13)".

20 25. Title, line 7, by inserting after the word  
21 "resources" the words ", and prescribing a penalty  
22 for knowingly making a false statement of material  
23 facts or falsely denying knowledge of material facts  
24 on a cost sharing application".

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, thirteen absent.

### BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2580**, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking people's commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of

general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services.

Lageschulte of Bremer offered the following amendment H-6111 filed by Lageschulte, et al. :

H-6111

- 1 Amend House File 2580 as follows:
- 2 1. Page 12, by inserting after line 6 the
- 3 following:
- 4 "79 General Services to block calls
- 5 at regular long
- 6 distance rates."
- 7 2. Renumber sections and correct internal
- 8 references as may be necessary in accordance with
- 9 this amendment.

Action on amendment H-6111 was temporarily deferred.

The House resumed consideration of amendment H-6167M.

Anderson of Jasper moved the adoption of amendment H-6167M.

Roll call was requested by Avenson of Fayette and Davitt of Warren.

On the question "Shall amendment H—6167M be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Cochran
Connolly	Connors	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Loneragan	Miller	Norland	O'Kane
Oxley	Pavich	Perkins	Rapp
Sherzan	Spear	Wells	Welsh
Woods			

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Mullins	Pellet	Pelton
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 5:

Byerly	Chiodo	Millen	Patchett
Walter			

Amendment H—6167M lost.

The House resumed consideration of amendment H—6111.

Lageschulte of Bremer moved the adoption of amendment H—6111.

Roll call was requested by Pope of Polk and Schroeder of Pottawattamie.

On the question "Shall amendment H—6111 be adopted?"

The ayes were, 60:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Clark, B.J.	Cochran	Conlon
Connolly	Corey	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Doyle	Egenes	Gettings	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hullinger	Jay
Jochum	Johnson, W.	Krewson	Lageschulte
Lloyd-Jones	Lorenzen	Lura	Maulsby
McKean	Mullins	Norland	O'Kane
Pavich	Pellet	Pelton	Perkins
Renken	Ritsema	Schneklath	Sherzan
Shimanek	Smalley	Spear	Thompson
Welden	Welsh	West	Mr. Speaker

The nays were, 31:

Byerly	Clark, J.H.	Crabb	Cusack
Diemer	Groth	Hall	Hansen, I.
Hibbs	Hinkhouse	Hummel	Husak
Johnson, J.	Johnson, R.	Kirkenslager	Lind
Lonergan	Menke	Millen	Miller
Oxley	Pope	Schroeder	Shull
Stromer	Swearingen	Tofte	Tyrrell
Van Maanen	Wells	Woods	

Absent or not voting, 9:

Avenson	Chiodo	Connors	Jesse
Larsen	Patchett	Poffenberger	Rapp
Walter			

Amendment H—6111 was adopted.

Anderson of Audubon offered the following amendment H—6133 filed by Anderson, et al., and moved its adoption:

H—6133

- 1 Amend House File 2580 as follows:
- 2 1. Page 13, lines 28 and 29, by striking the words
- 3 and figures "subsections three (3) and fourteen (14),
- 4 are" and inserting in lieu thereof the words and
- 5 figure "subsection three (3), is".
- 6 2. Page 14, by inserting after line 9 the follow-
- 7 ing:
- 8 "Sec. Chapter one hundred twenty-three (123),
- 9 Code 1979, is amended by adding the following new
- 10 sections as a new division:

11 **NEW SECTION. 123.153 DEFINITIONS.** As used in  
12 this division, unless the context otherwise requires:

13 1. "Project" means acquisition, construction,  
14 reconstruction, improvement, repair and equipment  
15 of land, buildings, facilities and property of every  
16 kind except inventory, deemed necessary by the council  
17 for use as a warehouse, which shall include office  
18 space.

19 2. "Gross revenue" means all income or receipts  
20 derived from the operation of liquor sale activities.

21 3. "Net revenues" means gross revenues less  
22 operating expense.

23 4. "Operating expense" means salaries, wages,  
24 costs of maintenance and operation, materials,  
25 supplies, inventories, insurance, and other items  
26 in relation to liquor sale activities included under  
27 recognized public agency accounting practices, but  
28 does not include allowances for depreciation in the  
29 value of physical property.

30 5. "Revenue bond" or "bond" means a negotiable  
31 bond issued by the state and payable from the net  
32 revenues of liquor sale activities or of any part  
33 or project thereof.

34 6. "Liquor sale activities" means any activities  
35 conducted by the council and the department with  
36 reference to the sale of alcoholic liquor.

37 **NEW SECTION. 123.154 PROJECT—REVENUE BONDS.**

38 On behalf of the state, the council shall carry out  
39 a project, issue revenue bonds in an amount not to  
40 exceed four million dollars to pay all or part of  
41 the cost of the project, or refund at or before  
42 maturity a like principal amount of revenue bonds  
43 or other obligations issued under this division and  
44 sell revenue bonds at public or private sale in the  
45 discretion of the council. The cost of the project  
46 may include interest on the bonds during construction  
47 and for one year after completion, costs of sale and  
48 issuance of bonds, professional services and provision  
49 for contingencies.

50 **NEW SECTION. 123.155 PROCEEDINGS.** Revenue bonds

**Page 2**

1 shall be issued pursuant to one or more resolutions  
2 of the council adopted at a regular or special meeting  
3 by a majority of the members in attendance. Revenue  
4 bonds may bear interest at such rates, be in one or  
5 more series, bear such dates, mature at times not  
6 exceeding thirty years from their respective dates,  
7 be payable at places within or without the state,  
8 carry registration privileges, be subject to terms  
9 of redemption, with or without premium, be executed

10 and contain terms, limitations, covenants and condi-  
11 tions as the resolution provides.

12 The bonds shall be executed by the governor and  
13 attested by the treasurer of state. The facsimile  
14 signature of either the governor or treasurer of state  
15 may be printed on the face of each bond in lieu of  
16 the manual signature of the officer. Interest coupons,  
17 if any, shall be executed by the original or facsimile  
18 signature of the treasurer of state. Bonds bearing  
19 the original or facsimile signature of an officer  
20 in office on the date of the signing are valid for  
21 all purposes, notwithstanding that before delivery  
22 the signer has ceased to hold the office. Each bond  
23 shall state on its face that it is payable solely  
24 from the revenues pledged thereto and that it does  
25 not constitute a debt or charge against the state  
26 of Iowa within the meaning or application of any  
27 constitutional or statutory limitation or provision.

28 The proceedings authorizing the issuance of the  
29 bonds may provide for the establishment of reserve  
30 funds or sinking funds as deemed necessary for the  
31 application of surplus net revenues, and for the  
32 continuation of liquor sale activities on a revenue  
33 producing basis and the maintenance of net revenues  
34 at levels at least sufficient to pay principal of  
35 and interest on the revenue bonds as they become due  
36 and to maintain reserves or sinking funds therefor.

37 **NEW SECTION. 123.156 BONDS NOT DEBT OF STATE.**

38 Revenue bonds shall not be a debt of or charge upon  
39 the state of Iowa within the meaning of any  
40 constitutional or statutory limitation. Taxes or  
41 appropriations shall not be pledged for the payment  
42 of the revenue bonds. The sole remedy for any breach  
43 or default of the terms of any revenue bonds or  
44 proceedings authorizing the bonds shall be a proceeding  
45 in law or equity, to which consent is given, to en-  
46 force and compel performance of the duties required  
47 by this division and the terms of the resolutions  
48 under which the bonds are issued.

49 **NEW SECTION. 123.157 ANTICIPATORY NOTES.** The  
50 council may borrow money and issue notes in

**Page 3**

1 anticipation of the receipt of proceeds of the sale  
2 of revenue bonds. Any such loan shall be paid within  
3 three years. Notes issued for moneys so borrowed  
4 may be renewed from time to time within the three-  
5 year limitation. Notes shall be issued and sold in  
6 the same manner as provided for the issuance of bonds.

7 **NEW SECTION. 123.158 NOTICE.** The council may  
8 publish a notice of its intention to issue revenue

9 bonds in a newspaper published in and with general  
10 circulation in the state. The notice shall include  
11 a statement of the maximum amount of bonds proposed  
12 to be issued, and in general, what net revenues will  
13 be pledged to pay the revenue bonds and interest  
14 thereon. An action which questions the legality of  
15 revenue bonds or the power of the council to issue  
16 the bonds or the effectiveness of any proceedings  
17 adopted for the authorization or issuance of the bonds  
18 shall not be brought after sixty days from the date  
19 of publication of the notice.

20 **NEW SECTION. 123.159 EXEMPTION FROM TAXATION.**

21 Bonds or notes issued under this division are exempt  
22 from taxation by the state of Iowa and the interest  
23 thereon is exempt from state income tax.

24 **NEW SECTION. 123.160 BONDS AS INVESTMENTS. All**

25 banks, trust companies, savings and loan associations,  
26 investment companies and other persons carrying on  
27 a banking or investment business, all insurance  
28 companies, insurance associations, and other persons  
29 carrying on an insurance business and all executors,  
30 administrators, guardians, trustees, and other  
31 fiduciaries may legally invest any sinking funds,  
32 moneys, or other funds belonging to them or within  
33 their control in bonds issued pursuant to this  
34 division. However, this section does not relieve  
35 any persons from a duty of exercising reasonable care  
36 in selecting securities for purchase or investment.

37 **NEW SECTION. 123.161 INDEPENDENT AUTHORIZATION.**

38 This division provides an independent method for the  
39 carrying out of a project and for the sale and issuance  
40 of revenue bonds and notes without reference to any  
41 other statute and is not subject to the provisions  
42 of any other law relating to the issuance of bonds.

43 **NEW SECTION. 123.162 LIMITATION.** The council  
44 shall not carry out more than one project under this  
45 division.

46 Sec. . Acts of the Sixty-eighth General  
47 Assembly, 1979 Session, chapter four (4), section  
48 two (2), subsection fourteen (14), is amended to read  
49 as follows:"

50 3. Renumber sections and internal references as

**Page 4**

1 necessary in accordance with this amendment.

**Amendment H—6133 was adopted.**

**The House resumed consideration of amendment H—6167N.**



Anderson of Audubon rose on a point of order that amendment H-6167N was not germane.

The Speaker ruled the point well taken and amendment H-6167N not germane.

Avenson of Fayette moved that the rules be suspended to adopt amendment H-6167N.

Roll call was requested by Norland of Worth and Avenson of Fayette.

On the question "Shall the rules be suspended to adopt amendment H-6167N?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Bruner
Cochran	Connolly	Connors	Cusack
Daggett	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Horn	Howell	Hullinger
Jay	Jochum	Johnson, J.	Lloyd-Jones
Loneragan	Miller	Norland	O'Kane
Oxley	Pavich	Perkins	Rapp
Sherzan	Spear	Van Maanen	Wells
Welsh			

The nays were, 54:

Anderson, J.	Bennett	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hinkhouse	Hoffmann	Holt	Hummel
Husak	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schneklath	Schroeder	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Welden	West
Woods	Mr. Speaker		

Absent or not voting, 5:

Chiodo	Jesse	Patchett	Shimanek
Walter			

The motion lost.

Tyrrell of Iowa offered the following amendment H—6164 filed by him and moved its adoption:

H—6164

- 1 Amend House File 2580 as follows:
- 2 1. Page 15, by striking lines 20 through page
- 3 16, line 8.
- 4 2. Renumber sections as necessary.

Roll call was requested by Groth of Buena Vista and Davitt of Warren.

On the question "Shall amendment H—6164 be adopted?"

The ayes were, 19:

Anderson, J.	Branstad	De Groot	Hanson, D.
Holt	Johnson, J.	Johnson, R.	Lageschulte
Lorenzen	Lura	Maulsby	McKean
Menke	Pellett	Renken	Ritsema
Tyrrell	Van Maanen	Welden	

The nays were, 73:

Anderson, R.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Danker	Davitt
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hibbs	Hinkhouse
Hoffmann	Horn	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, W.
Kirkenslager	Krewson	Larsen	Lind
Lloyd-Jones	Lonergan	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Perkins	Poffenberger
Pope	Rapp	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Wells	Welsh	Woods
Mr. Speaker			

Absent or not voting, 8:

Chiodo  
Jesse

Cochran  
Patchett

Daggett  
Walter

Howell  
West

Amendment H — 6164 lost.

Byerly of Polk offered the following amendment H — 6166 filed by Byerly, et al. :

H — 6166

1 Amend House File 2580 as follows:  
 2 1. Page 16, by inserting after line 8 the  
 3 following:  
 4 "Sec.  
 5 1. There is appropriated from the general fund  
 6 of the state to the salary adjustment fund created  
 7 in section eight point forty-three (8.43) of the Code,  
 8 the following amount or so much thereof as is  
 9 necessary, to be used and distributed to the various  
 10 departments and agencies in the manner provided in  
 11 this section and the Acts of the Sixty-eighth General  
 12 Assembly, 1979 Session, chapter two (2):  
 13 For the fiscal year  
 14 beginning July 1, 1980 . . . . . \$ 10,286,000  
 15 2. The funds appropriated in subsection one (1)  
 16 of this section are in addition to the funds  
 17 appropriated in the Acts of the Sixty-eighth General  
 18 Assembly, 1979 Session, chapter two (2), section twenty-  
 19 two (22), subsection one (1), and shall be used to  
 20 fund the following:  
 21 a. An annual pay adjustment of two percent for  
 22 the fiscal year beginning July 1, 1980, which shall  
 23 be available for adding to the fund and making a  
 24 combined adjustment for employees who will receive  
 25 adjustments in the fiscal year beginning July 1, 1980  
 26 provided for in this section and the Acts of the  
 27 Sixty-eighth General Assembly, 1979 Session, chapter  
 28 two (2), section twenty-two (22), subsections one  
 29 (1) and two (2). However, the rate of the pay  
 30 adjustment provided by this section for employees  
 31 covered under Acts of the Sixty-eighth General  
 32 Assembly, 1979 Session, chapter two (2), section  
 33 twenty-eight (28), may exceed or be less than two  
 34 percent at the discretion of the state board of  
 35 regents, except that the rate of the pay adjustment  
 36 for employees covered under Acts of the Sixty-eighth  
 37 General Assembly, 1979 Session, chapter two (2),  
 38 section twenty-two (22), subsection two (2), paragraph  
 39 g shall be not less than one and one-third percent.

40 Funds appropriated by this section shall not be added  
 41 to the funds appropriated by the Acts of the Sixty-  
 42 eighth General Assembly, 1979 Session, chapter two  
 43 (2), sections twenty-three (23) and twenty-four (24),  
 44 however, employees covered under sections twenty-three  
 45 (23) and twenty-four (24) of that Act are eligible  
 46 to receive the two percent pay adjustment payable  
 47 from funds appropriated by those sections in the same  
 48 manner as other employees.  
 49 b. Additional general state financial aid to  
 50 merged areas as defined in section two hundred eighty

**Page 2**

1 A point two (280A.2) of the Code as determined by  
 2 the state comptroller. Funds available for this purpose  
 3 shall be deposited in the salary adjustment fund until  
 4 allocated to the merged areas.

5 3. Funds appropriated from the general fund of  
 6 the state in this section relate to salaries supported  
 7 from general fund appropriations and shall not be  
 8 used to replace revolving, federal, trust, or special  
 9 funds where applicable.

10 4. To departmental revolving, trust, or special  
 11 funds, except for the primary road fund or the road  
 12 use tax fund, for which the general assembly has  
 13 established an operating budget, a supplemental  
 14 authorization is provided to use the funds in an  
 15 amount necessary to fund salary adjustments at the  
 16 level authorized in paragraph a of subsection one  
 17 (1) of this section."

18 2. Renumber sections and internal references as  
 19 necessary.

Welden of Hardin rose on a point of order that amendment  
 H-6166 was subject matter previously considered and, therefore,  
 not in order.

The Speaker ruled the point well taken and amendment  
 H-6166 not in order, placing amendment H-6188 (to amendment  
 H-6166) filed by Byerly of Polk on April 17, 1980, out of order.

Byerly of Polk asked for unanimous consent to consider amend-  
 ment H-6166.

Objection was raised.

Byerly of Polk moved that the rules be suspended to adopt  
 amendments H-6166 and amendment H-6188 (to amendment  
 H-6166).

Roll call was requested by Woods of Polk and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall the rules be suspended to adopt amendments H-6166 and H-6188?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Connolly	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Poffenberger	Rapp	Sherzan
Spear	Wells	Welsh	Woods

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 5:

Chiodo	Egenes	Patchett	Walter
West			

The motion lost.

Connolly of Dubuque asked and received unanimous consent to change his vote from "nay" to "aye" on the motion to suspend the rules to adopt amendments H-6166 and H-6168, and the vote was so recorded.

The House resumed consideration of amendment H—61670.

Welden of Hardin rose on a point of order that amendment H—61670 was not germane.

The Speaker ruled the point well taken and amendment H—61670 not germane.

Davitt of Warren moved that the rules be suspended to adopt amendment H—61670.

Roll call was requested by Avenson of Fayette and Spear of Lee.

On the question "Shall the rules be suspended to adopt amendment H—61670?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Connolly	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Halvorson, R.N.	Hinkhouse	Hoffmann
Horn	Hullinger	Husak	Jay
Jesse	Jochum	Lageschulte	Lloyd-Jones
Lonergan	McKean	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Shull	Spear
Van Maanen	Wells	Welsh	Woods

The nays were, 47:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lorenzen	Lura
Maulsby	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Welden	Mr. Speaker	

Absent or not voting, 9:

Chiodo  
Patchett  
West

Connors  
Shimaneck

Egenes  
Smalley

Howell  
Walter

The motion lost placing out of order amendment H-6178, to amendment H-61670, filed by Davitt of Warren on April 17, 1980.

Bruner of Story offered the following amendment H-6180 filed by him:

H-6180

1 Amend House File 2580 as follows:

2 1. Page 16, by inserting after line 8 the follow-  
3 ing:

4 "Sec. 31. If on June 30, 1980 there is in excess  
5 of sixty million (60,000,000) dollars of unobligated  
6 funds in the general fund of the state, there is  
7 appropriated for the fiscal year beginning July 1,  
8 1980 from the general fund of the state to the salary  
9 adjustment fund created in section eight point forty-  
10 three (8.43) of the Code, the following amount or  
11 so much thereof as may be available and necessary,  
12 to be used and distributed to the various departments  
13 and agencies in the manner provided in this Act and  
14 the Acts of the Sixty-eighth General Assembly, 1979  
15 Session, chapter two (2):

16 A maximum of eleven million two hundred eighty-  
17 six thousand (11,286,000) dollars, or so much thereof  
18 as is available, which exceeds sixty million  
19 (60,000,000) dollars of unobligated funds in the  
20 general fund of the state on June 30, 1980.

21 Sec. 32. The funds appropriated in section thirty-  
22 one (31) of this Act are in addition to the funds  
23 appropriated in the Acts of the Sixty-eighth General  
24 Assembly, 1979 Session, chapter two (2), section  
25 twenty-two (22), subsection one (1), and shall be  
26 used to fund the following:

27 1. An annual pay adjustment to be determined by  
28 the amount of funds available but not exceeding two  
29 percent for the fiscal year beginning July 1, 1980,  
30 which shall be available for adding to the fund and  
31 making a combined adjustment for employees who will  
32 receive adjustments in the fiscal year beginning July  
33 1, 1980 provided for in this section and the Acts  
34 of the Sixty-eighth General Assembly, 1979 Session,  
35 chapter two (2), section twenty-two (22), subsections  
36 one (1) and two (2). However, the rate of the pay  
37 adjustment provided by this Act for employees covered

38 under Acts of the Sixty-eighth General Assembly, 1979  
 39 Session, chapter two (2), section twenty-eight (28),  
 40 may exceed or be less than the percent given to other  
 41 state employees at the discretion of the state board  
 42 of regents, but the total funds allocated to the state  
 43 board of regents for eligible employees shall be based  
 44 upon the percentage of adjustment for other state  
 45 employees. Funds appropriated by section thirty-one  
 46 (31) of this Act shall not be added to the funds  
 47 appropriated by the Acts of the Sixty-eighth General  
 48 Assembly, 1979 Session, chapter two (2), sections  
 49 twenty-three (23) and twenty-four (24), however,  
 50 employees covered under sections twenty-three (23)

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1 and twenty-four (24) of that Act shall be eligible  
 2 to receive the same percentage pay adjustment payable  
 3 from funds appropriated by those sections in the same  
 4 manner as other employees.

5 2. Adjustments to the various pay plans as de-  
 6 termined by the merit employment commission and the  
 7 executive council which may be made in addition to  
 8 the adjustments provided for in subsection one (1)  
 9 of this section.

10 3. Additional general state financial aid to  
 11 merged areas as defined in section two hundred eighty  
 12 A point two (280A.2) of the Code as determined by  
 13 the state comptroller. Funds available for this  
 14 purpose shall be deposited in the salary adjustment  
 15 fund until allocated to the merged areas.

16 Sec. 33. Funds appropriated from the general fund  
 17 of the state in section thirty-one (31) of this Act  
 18 shall relate to salaries supported from general fund  
 19 appropriations and shall not be used to replace re-  
 20 volving, federal, trust, or special funds where  
 21 applicable.

22 Sec. 34. To departmental revolving, trust, or  
 23 special funds, except for the primary road fund or  
 24 the road use tax fund, for which the general assembly  
 25 has established an operating budget, a supplemental  
 26 authorization is provided to use the funds in an  
 27 amount necessary to fund salary adjustments at the  
 28 level authorized in section thirty-one (31) of this  
 29 Act."

30 2. Renumber sections and internal references as  
 31 required.

Welden of Hardin rose on a point of order that amendment  
 H-6180 was not germane.



The Speaker ruled the point well taken and amendment H-6180 not germane.

Bruner of Story moved that the rules be suspended to consider amendment H-6180.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 46, nays 49.

The motion lost.

The House resumed consideration of amendment H-6167P.

Jesse of Polk moved the adoption of amendment H-6167P.

Amendment H-6167P lost.

Avenson of Fayette asked and received unanimous consent to withdraw amendment H-6167Q.

Pelton of Clinton offered the following amendment H-6155 filed by him:

H-6155

- 1 Amend House File 2580 as follows:
- 2 1. Page 18, by inserting after line 8 the
- 3 following:
- 4 "Sec. 34. Section eighteen point three (18.3),
- 5 subsection one (1), unnumbered paragraph one (1),
- 6 Code 1979, is amended to read as follows:
- 7 Establishing and developing, in co-operation with
- 8 the various state agencies, a system of uniform
- 9 standards and specifications for purchasing. When
- 10 the system is developed, all items of general use
- 11 shall be purchased through the department, except
- 12 items used by the state department of transportation,
- 13 institutions under the control of the board of regents,
- 14 the commission for the blind, and any other agencies
- 15 exempted by law. The purchasing system developed
- 16 under this subsection and purchasing systems of
- 17 agencies exempt from centralized purchasing shall
- 18 include procedures for purchasing energy consuming
- 19 items that promote energy conservation and the

20 procurement of energy efficient products.

21 Sec. 35. Section eighteen point one hundred fifteen  
22 (18.115), subsection four (4), Code 1979, is amended  
23 to read as follows:

24 4. a. The state vehicle dispatcher shall purchase  
25 all new motor vehicles for all branches of the state  
26 government, except the state department of  
27 transportation, institutions under the control of  
28 the state board of regents, the commission for the  
29 blind, and any other agencies exempted by law. Before  
30 purchasing any motor vehicle ~~he~~ the state vehicle  
31 dispatcher shall make requests for public bids by  
32 advertisement ~~ad~~ he shall purchase the vehicles from  
33 the lowest responsible bidder for the type and make  
34 of motor vehicle designated at a purchase price  
35 approved by the executive council.

36 b. Commencing in 1981, the average combined city  
37 and highway estimated miles per gallon for all new  
38 cars purchased by the state vehicle dispatcher, the  
39 state department of transportation, institutions under  
40 the state board of regents, the commission for the  
41 blind and other state agencies that purchase new cars  
42 for their own use during the calendar year shall be  
43 at least twenty-five. The estimated miles per gallon  
44 as computed by the United States environmental  
45 protection agency shall be used in determining the  
46 miles per gallon rating for a particular new car.

47 c. The state vehicle dispatcher and purchasing-  
48 agents for the state department of transportation,  
49 institutions under the state board of regents, the  
50 commission for the blind and other state agencies

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1 that purchase their own new cars shall report the  
2 number of gallons of fuel purchased and the miles  
3 driven annually in January to the general assembly.

4 d. The general assembly shall consider each session  
5 whether the average combined city and highway estimated  
6 miles per gallon should be increased.

7 e. Vehicles purchased for use by the department  
8 of public defense and the department of public safety  
9 may be excluded in computing the average miles per  
10 gallon rating for the state motor vehicle fleet."

11 2. By renumbering the sections to conform with  
12 this amendment.

Schroeder of Pottawattamie rose on a point of order that amend-  
ment H-6155 was not germane.

The Speaker ruled the point well taken and amendment  
H-6155 not germane.

Anderson of Jasper moved that the rules be suspended to adopt amendment H—6155.

Roll call was requested by Anderson of Jasper and Davitt of Warren.

Rule 80 was invoked.

On the question "Shall the rules be suspended to adopt amendment H—6155?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Lloyd-Jones	Lonergan	Lorenzen
McKean	Miller	Norland	O'Kane
Oxley	Pavich	Pelton	Perkins
Rapp	Sherzan	Spear	Wells
Welsh	Woods		

The nays were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lura	Maulsby
Menke	Millen	Mullins	Pellett
Poffenberger	Pope	Renken	Ritsema
Schneklloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 5:

Egenes	Krewson	Patchett	Walter
West			

The motion lost.

Pelton of Clinton offered the following amendment H-6154 filed by him:

H-6154

1 Amend House File 2580 as follows:

2 1. Page 18, by inserting after line 13 the  
3 following:

4 "Sec. . . REDUCTION OF NUMBER OF STATE EMPLOYEES.

5 1. The number of employees in the executive branch  
6 of state government, except employees whose positions  
7 are not funded in whole or in part from the general  
8 fund or trust funds of the state, shall be reduced  
9 by three percent or more between July 1, 1980, and  
10 June 30, 1981, as follows:

11 a. The state comptroller shall determine the  
12 authorized full-time equivalent positions filled in  
13 each department and agency of the executive branch,  
14 except employees of the state board of regents, on  
15 July 1, 1980.

16 b. The state board of regents shall categorize  
17 all positions within its jurisdiction as part-time,  
18 intermittent or full-time, and determine the total  
19 authorized budgeted positions filled within each  
20 category, on July 1, 1980.

21 c. The state comptroller and the board of regents  
22 shall report the total number of filled, authorized,  
23 full-time equivalent and budgeted positions determined  
24 in paragraphs a and b of this subsection to the  
25 legislative council on July 1, 1980.

26 d. Each department and agency, and the state board  
27 of regents, shall leave vacancies unfilled as they  
28 occur, except for vacant positions which must be  
29 filled to maintain the essential functions of the  
30 department, agency, or regents institution, to achieve  
31 a three percent or more reduction in the number of  
32 filled, authorized, full-time equivalent and budgeted  
33 positions between July 1, 1980 and June 30, 1981.

34 2. The number of authorized full-time equivalent  
35 positions within the executive branch, and the number  
36 of authorized budgeted positions within the board  
37 of regents, actually filled on June 30, 1981, shall  
38 be at least three percent less than the number of  
39 authorized full-time equivalent positions and  
40 authorized budgeted positions filled on July 1, 1980.  
41 However, no more than one-fourth of the total reduction  
42 of budgeted positions within the board of regents  
43 shall be faculty positions, and emphasis shall be  
44 placed upon the reduction of administrative positions  
45 in each category.

46 3. This section does not apply to positions held

- 47 by inmates, patients, or students at any state  
48 institution.  
49 4. The state comptroller and the president of  
50 the board of regents shall report the number,

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- 1 classification, and salary level of authorized, full-  
2 time equivalent and budgeted positions unfilled to  
3 the legislative council and the chairpersons of the  
4 senate and house appropriations committees on January  
5 2, 1981, March 1, 1981, and June 30, 1981."  
6 2. Renumber sections in accordance with this  
7 amendment.

Tyrrell of Iowa offered the following amendment H—6157, to amendment H—6154, filed by him and moved its adoption:

**H—6157**

- 1 Amend amendment H—6154 to House File 2580 as follows:  
2 1. Page 1, line 9, by striking the word "three"  
3 and inserting in lieu thereof the word "five".  
4 2. Page 1, line 31, by striking the word "three"  
5 and inserting in lieu thereof the word "five".  
6 3. Page 1, line 38, by striking the word "three"  
7 and inserting in lieu thereof the word "five".

A non-record roll call was requested.

The ayes were, 22, nays 66.

Amendment H—6157 lost.

Halvorson of Webster rose on a point of order that amendment H—6154 was not germane.

The Speaker ruled the point well taken and amendment H—6154 not germane.

Pelton of Clinton moved that the rules be suspended to adopt amendment H—6154.

Roll call was requested by Schnekloth of Scott and Pelton of Clinton.

On the question "Shall the rules be suspended to adopt amendment H—6154?"

## The ayes were, 24:

Anderson, R.	Avenson	Binneboese	Branstad
Conlon	Connolly	De Groot	Dieleman
Halvorson, R.N.	Holt	Howell	Jesse
Johnson, J.	Lorenzen	Lura	Maulsby
Pelton	Perkins	Rapp	Ritsema
Smalley	Spear	Tyrrell	Welsh

## The nays were, 69:

Anderson, J.	Arnould	Bennett	Bina
Brandt	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connors
Corey	Crabb	Crawford	Cusack
Danker	Davitt	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Horn	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Poffenberger	Pope	Renken	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Stromer	Swearingen	Thompson	Tofte
Van Maanen	Welden	Wells	Woods
Mr. Speaker			

## Absent or not voting, 7:

Daggett	Hinkhouse	Hullinger	Husak
Patchett	Walter	West	

## The motion lost.

Bina of Scott offered the following amendment H—6140 filed by him and Walter of Pottawattamie:

H—6140

- 1 Amend House File 2580 as follows:
- 2 1. Page 18, by inserting after line 14 the
- 3 following new sections:
- 4 "Sec. 35. Section eighty C point two (80C.2),
- 5 Code 1979, is amended to read as follows:
- 6 80C.2 COMMISSION COUNCIL ESTABLISHED. There is
- 7 hereby established within the office of the governor
- 8 the Iowa crime commission, hereinafter called criminal
- 9 justice council, referred to in this chapter as the

10 commission. The commission shall be within the office  
11 of the governor council, which shall consist of twelve  
12 members. The governor shall appoint the members of  
13 the council, including its chairperson, pursuant to  
14 the guidelines set forth in the Justice System  
15 Improvement Act of 1979, Pub. L. No. 96-157, s. 402(b).  
16 Members shall be appointed for a term of four years  
17 and are subject to confirmation by two-thirds of the  
18 members of the senate. However, the terms of the  
19 initial appointees shall be as follows: four members  
20 for two years; four members for three years; and four  
21 members for four years. A member of the general  
22 assembly shall not be appointed as a voting member  
23 of the council. Members of the council shall not  
24 receive compensation for their duties but shall be  
25 reimbursed for their actual and necessary expenses.

26 Sec. 36. Section eighty C point three (80C.3),

27 Code 1979, is amended to read as follows:

28 80C.3 COMMISSION COUNCIL FUNCTIONS. The commission  
29 council shall act as the state law enforcement criminal  
30 and juvenile justice system planning agency for  
31 purposes established by state or federal agencies  
32 statutes and shall perform those duties set forth  
33 in the Justice System Improvement Act of 1979, Pub.  
34 L. No. 96-157, s. 402(b). The commission council  
35 may conduct inquiries, investigations, analyses and  
36 studies of all eligible jurisdictions, which include  
37 state, county, and city departments governments and  
38 public and private agencies concerned with the problems  
39 of crime, and the commission may conduct inquiries,  
40 investigations, analyses, and studies into the  
41 incidence and causes of crime in Iowa, in co-operation  
42 with state, area, city and county agencies; and develop  
43 a state-wide program of interagency co-operation,  
44 in association with federal agencies and officials,  
45 and those of other states concerned with the problems  
46 of crime and based thereupon eligible jurisdictions.  
47 The council may make recommendations to the governor,  
48 general assembly, and state agencies to carry out  
49 the policy and purposes of this chapter. The  
50 commission council in co-operation with city, county

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1 and area agencies eligible jurisdictions, and in  
2 conformity with such guidelines as may be promulgated  
3 by federal agencies, and rules adopted pursuant to  
4 chapter seventeen A (17A) of the Code, shall direct  
5 research, planning and action programs in furtherance  
6 of the policy and purpose purposes of this chapter.

7 Sec. 37. Section eighty C point four (80C.4),

8 Code 1979, is amended to read as follows:

9       **80C.4 DUTY TO FILE REPORT.** The commission council  
 10 during the continuance of its operations shall file  
 11 periodic reports of its progress with the governor,  
 12 and shall present a an economically designed and  
 13 printed annual report to each annual session such  
 14 members of the general assembly as request it, which  
 15 report shall include but shall not be limited to  
 16 identification of all grant applications and grants  
 17 awarded, monitoring activities by the council of  
 18 funded projects and the status of relevant federal  
 19 legislation.

20       Sec. 38. Section eighty C point five (80C.5),  
 21 unnumbered paragraph one (1), Code 1979, is amended  
 22 to read as follows:

23       **80C.5 ACCEPTANCE OF GRANTS.** The commission council  
 24 with approval of the governor may accept funds, grants,  
 25 services, facilities and property from any source,  
 26 and all such receipts of the commission council,  
 27 including gifts, grants-in-aid and other revenue,  
 28 are hereby appropriated for carrying out the purposes  
 29 of this chapter. The council may make grants to and  
 30 enter into contracts with eligible jurisdictions  
 31 pursuant to applicable federal and state law and  
 32 regulations. The expenditure of any funds available  
 33 to the commission council shall be by warrant to the  
 34 treasurer of the state, drawn by the state comptroller  
 35 upon vouchers authorized by the executive director  
 36 of the commission. The auditor of state shall audit  
 37 the council's records. The grant recipients shall  
 38 contract with the auditor of state or certified or  
 39 registered public accountants for an audit of federal  
 40 and state funds in conformance with the Justice System  
 41 Improvement Act of 1979, and office of management  
 42 and budget circulars A-102 and A-110. The grant  
 43 recipient shall be responsible for the cost of the  
 44 audit.

45       Sec. 39. Section eighty C point five (80C.5),  
 46 unnumbered paragraph two (2) and subsections one (1),  
 47 two (2), and three (3), Code 1979, are amended by  
 48 striking the unnumbered paragraph and the subsections.

49       Sec. 40. Chapter eighty C (80C), Code 1979, is  
 50 amended by adding the following new section:

**Page 3**

1       **NEW SECTION. ADMINISTRATION.** There is established  
 2 within the department of public safety a division  
 3 of criminal justice planning, which shall provide  
 4 supplies, facilities and staff for the council to  
 5 carry out its functions. The director of the division  
 6 is exempt from the provisions of chapter nineteen  
 7 A (19A) of the Code. The department of public safety



8 is authorized to expend moneys appropriated by the  
9 general assembly or otherwise made available for  
10 study, research, investigation, planning,  
11 implementation and administration of the functions  
12 of this chapter.

13 Sec. 41. Section eighty C point six (80C.6), Code  
14 1979, is repealed."

15 2. Page 18, line 20, by striking the words "Iowa  
16 crime commission" and inserting in lieu thereof the  
17 words "division of criminal justice planning of the  
18 department of public safety".

19 3. Page 34, by inserting after line 5 the following  
20 new section:

21 "Sec. . Sections thirty-five (35) through  
22 forty-one (41) of this Act take effect January first  
23 following their enactment. On the effective date  
24 employees of the Iowa crime commission become em-  
25 ployees of the Iowa department of public safety and  
26 moneys on hand or appropriated to the Iowa crime  
27 commission, equipment and other property under the  
28 commission's control, are transferred to the Iowa  
29 department of public safety. Employees transferred  
30 to the department of public safety shall be classified  
31 by the merit employment department in positions most  
32 equivalent to the positions which they held with the  
33 crime commission. The contracts and other legal  
34 rights and responsibilities of the Iowa crime commission  
35 shall be transferred to the Iowa criminal justice  
36 council."

37 4. Amend the title, line 23, by striking the word  
38 "crime commission" and inserting in lieu thereof the  
39 words "criminal justice council".

40 5. By renumbering and correcting internal  
41 references as made necessary by this amendment.

Welden of Hardin rose on a point of order that amendment  
H-6140 was not germane.

The Speaker ruled the point well taken and amendment  
H-6140 not germane.

Bina of Scott moved that the rules be suspended to adopt amend-  
ment H-6140.

Roll call was requested by Bina of Scott and Gettings of Wapello.

On the question "Shall the rules be suspended to adopt amend-  
ment H-6140?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiado	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Horn	Howell	Hullinger	Jay
Jesse	Jochum	Lind	Lloyd-Jones
Lonergan	Miller	Norland	Oxley
Pavich	Rapp	Sherzan	Spear
Tyrrell	Wells	Woods	

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	O'Kane
Pellett	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimaneck	Shull	Smalley	Stromer
Swearingen	Thompson	Van Maanen	Welden
Welsh	Mr. Speaker		

Absent or not voting, 7:

Hinkhouse	Husak	Patchett	Pelton
Tofte	Walter	West	

The motion lost.

The House resumed consideration of amendment H—6167R.

Pavich of Pottawattamie moved the adoption of amendment H—6167R.

Roll call was requested by Pavich of Pottawattamie and Bina of Scott.

On the question "Shall amendment H—6167R be adopted?"

The ayes were, 36:

Anderson, R.	Arnould	Avenson	Bina
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Byerly	Chiodo	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hanson, D.	Hibbs	Horn
Hullinger	Jay	Jesse	Jochem
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Rapp	Sherzan
Smalley	Wells	Welsh	Woods

The nays were, 55:

Anderson, J.	Bennett	Binneboese	Brandt
Branstad	Bruner	Clark, B.J.	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hoffmann
Holt	Howell	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	Menke	Millen
Mullins	Pellett	Perkins	Poffenberger
Pope	Renken	Ritsema	Schneklloth
Schroeder	Shimaneck	Shull	Spear
Stromer	Swearingen	Thompson	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 9:

Hinkhouse	Husak	McKean	Miller
Patchett	Pelton	Tofte	Walter
West			

Amendment H-6167R lost.

Speaker pro tempore Stromer of Hancock in the chair at 3:58 p.m.

Horn of Linn offered the following amendment H-6151 filed by him and Cusack of Scott and moved its adoption:

H-6151

- 1 Amend House File 2580 as follows:
- 2 1. Page 19, line 1, by striking the words "road
- 3 use tax fund" and inserting in lieu thereof the
- 4 following: "office for planning and programming to
- 5 be used for emergency home heating grants to low-
- 6 income persons".
- 7 2. Amend the title, page 1, line 24, by striking
- 8 the words "road use tax fund" and inserting in lieu

9 thereof the words "office for planning and  
10 programming".

A non-record roll call was requested.

The ayes were 29, nays 52.

Amendment H—6151 lost.

The House resumed consideration of amendment H—6167S.

Tyrrell of Iowa rose on a point of order that amendment H—6167S was not germane.

The Speaker ruled the point not well taken and amendment H—6167S germane.

Davitt of Warren moved the adoption of amendment H—6167S.

Roll call was requested by Bina of Scott and Davitt of Warren.

Rule 80 was invoked.

On the question "Shall amendment H—6167S be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.N.	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Kirkenslager
Krewson	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Oxley	Pavich
Pelton	Perkins	Pope	Rapp
Sherzan	Shull	Spear	Wells
Welsh	Woods		

The nays were, 47:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.

Lageschulte	Larsen	Lind	Lorenzen
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Poffenberger	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Smalley	Swearingen	Thompson	Tyrrell
Van Maanen	Welden	Mr. Speaker (Stromer)	

Absent or not voting, 7:

Hinkhouse	Husak	Lura	Patchett
Tofte	Walter	West	

Amendment H—6167S lost.

The House resumed consideration of amendment H—6167T.

Bina of Scott moved the adoption of amendment H—6167T.

Roll call was requested by Bina of Scott and Arnould of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—6167T be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Horn	Howell	Hullinger	Jay
Jesse	Jochum	Kirkenslager	Krewson
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Pavich	Rapp
Sherzan	Spears	Wells	Welsh
Woods			

The nays were, 50:

Anderson, J.	Bennett	Clark, B.J.	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Larsen
Lind	Lorenzen	Maulsby	McKean
Menke	Millen	Mullins	Pellett

Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Weiden	Mr. Speaker (Stromer)		

Absent or not voting, 9:

Avenson	Branstad	Harbor	Hinkhouse
Husak	Lura	Patchett	Walter
West			

Amendment H—6167T lost.

The House resumed consideration of amendment H—6167U.

Binneboese of Plymouth moved the adoption of amendment H—6167U.

Roll call was requested by Binneboese of Plymouth and Anderson of Jasper.

On the question "Shall amendment H—6167U be adopted?"

The ayes were, 39:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Horn	Howell	Hullinger	Jay
Jesse	Jochum	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Oxley
Pavich	Rapp	Sherzan	Spear
Wells	Welsh	Woods	

The nays were, 48:

Anderson, J.	Bennett	Clark, B.J.	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Maulsby
McKean	Menke	Millan	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Schnekloth	Shimanek	Shull

Smalley  
Tyrrell

Swearingen  
Van Maanen

Thompson  
Welden

Tofte  
Mr. Speaker  
(Stromer)

Absent or not voting, 13:

Avenson  
Husak  
Perkins  
West

Branstad  
Kirkslager  
Ritsemā

Harbor  
Lura  
Schroeder

Hinkhouse  
Patchett  
Walter

Amendment H—6167U lost.

Horn of Linn asked and received unanimous consent to withdraw amendment H—6149 filed by him on April 17, 1980.

Woods of Polk asked for unanimous consent to suspend House Rule 79.

Objection was raised.

Welsh of Dubuque offered the following amendment H—6186 filed by Welsh, et al. :

H—6186

- 1 Amend House File 2580 as follows:
- 2 1. Page 20, by inserting after line 2 the
- 3 following new section:
- 4 "Sec. . NEW SECTION. There shall be no
- 5 provisions in any agreements between the
- 6 department of transportation and political subdiv-
- 7 isions of this state for special improvement projects
- 8 which contain, or have contained, parking or other
- 9 use restrictions upon property which is not within
- 10 the specific area to be improved by actual construc-
- 11 tion or reconstruction of the special improvement
- 12 project. The provisions of this section shall
- 13 apply to all special improvement projects."
- 14 2. Renumber sections and correct internal
- 15 references as are necessary in accordance with this
- 16 amendment.

Hoffmann of Muscatine rose on a point of order that amendment H—6186 was not germane.

The Speaker ruled the point well taken and amendment H—6186 not germane.

Welsh of Dubuque moved that the rules be suspended to adopt amendment H—6186.

Pelton of Clinton rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Halvorson of Webster moved that the rules be suspended to adopt amendment H—6186.

A non-record roll call was requested.

The ayes were 39, nays 51.

The motion lost.

Welden of Hardin offered the following amendment H—6122 filed by him and moved its adoption:

H—6122

- 1 Amend House File 2580 as follows:
- 2 1. Page 20, line 33, by adding after the word
- 3 "obligations." the following sentence: "All such
- 4 transfers shall be repaid prior to January 31, 1981."
- 5 2. Page 21, by striking lines 2 and 3 and
- 6 inserting in lieu thereof the following:
- 7 "This section is applicable only for the period
- 8 July 1, 1980 through January 31, 1981."

Amendment H—6122 was adopted.

Doyle of Woodbury offered the following amendment H—6115 filed by Doyle, et al. :

H—6115

- 1 Amend House File 2580 as follows:
- 2 1. Page 21, by inserting after line 3 the following
- 3 new section:
- 4 "Sec. . . Section four hundred twenty-two point
- 5 twelve (422.12), Code 1979, as amended by Acts of
- 6 the Sixty-eighth General Assembly, chapter ninety-
- 7 three (93), section six (6), is amended by adding
- 8 the following new subsection:



9 **NEW SUBSECTION.** A tax credit in an amount not  
 10 to exceed twenty-five percent of the actual amount  
 11 expended by a taxpayer during the tax year to transport  
 12 dependents of the taxpayer to and from a public school  
 13 on a mass transit system operating in the community  
 14 and where transportation is not provided by the school  
 15 district. In claiming the credit, the taxpayer shall  
 16 provide receipts or other information required by  
 17 the department to verify the expenditure of the amount  
 18 claimed as a credit."

19 2. Renumber sections and correct internal  
 20 references as are necessary in accordance with this  
 21 amendment.

Hoffmann of Muscatine rose on a point of order that amendment  
 H-6115 was not germane.

The Speaker ruled the point well taken and amendment  
 H-6115 not germane.

The House resumed consideration of amendment H-6167V.

Dieleman of Marion moved the adoption of amendment  
 H-6167V.

Roll call was requested by Halvorson of Webster and Anderson  
 of Jasper.

Rule 80 was invoked.

On the question "Shall amendment H-6167V be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Renken	Sherzan	Wells
Welsh	Woods		

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Poffenberger	Pope	Ritsema	Schnekloth
Schroeder	Shimaneck	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker (Stromer)

Absent or not voting, 6:

Avenson	Lura	Patchett	Pelton
Walter	West		

Amendment H—6167V lost.

Jochum of Dubuque offered the following amendment H—6161 filed by him:

H—6161

- 1 Amend House File 2580 as follows:
- 2 1. Page 23 by inserting after line 18 the
- 3 following:
- 4 “The department shall pay supplemental benefits to any
- 5 correctional officer who has been injured in the course
- 6 of employment by a resident of a state correctional
- 7 institution and who is eligible for temporary disability
- 8 benefits under section eighty-five point thirty-three
- 9 (85.33) of the Code. The supplemental benefits shall
- 10 equal the difference between the officer's spendable
- 11 weekly earnings and the officer's weekly benefit amount
- 12 as computed under chapter eighty-five (85) of the Code.”

Welden of Hardin rose on a point of order that amendment H—6161 was not germane.

The Speaker ruled the point well taken and amendment H—6161 not germane.

Jochum of Dubuque moved that the rules be suspended to adopt amendment H—6161.

Roll call was requested by Jochum of Dubuque and Welsh of Dubuque.

Rule 80 was invoked.

On the question "Shall the rules be suspended to adopt amendment H-6161?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, J.H.	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Kirkenslager	Lloyd-Jones
Loneragan	McKean	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Sherzan	Shimanek	Spear	Wells
Welsh	Woods		

The nays were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	Menke	Millen
Mullins	Pellett	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker (Stromer)			

Absent or not voting, 5:

Patchett	Pelton	Rapp	Walter
West			

The motion lost.

Daggett of Taylor offered the following amendment H-6125 filed by him and Doyle of Woodbury and moved its adoption:

H-6125

1 Amend House File 2580 as follows:

2 1. Page 24, line 4, by inserting after the period  
3 the following:

4 "It was and is the intent of the general assembly  
5 that this program was established for and be continued  
6 for expenditure for civil matters of inmates, which  
7 matters occurred outside the state's institutions.  
8 Thus it is the intent of the general assembly that  
9 funds from the appropriation shall not be used for  
10 civil matters in which the inmate and the state of  
11 Iowa are adverse parties."

Amendment H-6125 was adopted.

Jesse of Polk offered the following amendment H-6123 filed by  
Jesse, et al. :

H-6123

1 Amend House File 2580 as follows:

2 1. Page 24, by inserting after line 35 the  
3 following:

4 "Sec. . Acts of the Sixty-eighth General  
5 Assembly, 1979 Session, chapter eight (8), section  
6 six (6), is amended by adding the following new  
7 subsection:

8 **NEW SUBSECTION.**

9 a. It is the intent of the general assembly that  
10 from the funds appropriated by this section for the  
11 fiscal year beginning July 1, 1980, reimbursement  
12 be provided to counties for a portion of the cost  
13 of local inpatient mental health treatment as provided  
14 by this subsection.

15 b. Each county which pays, from county funds  
16 budgeted under section four hundred forty-four point  
17 twelve (444.12) of the Code, the cost of care and  
18 treatment of a mentally ill person who is admitted  
19 pursuant to a preliminary diagnostic evaluation under  
20 sections two hundred twenty-five B point four (225B.4)  
21 through two hundred twenty-five B point seven (225B.7)  
22 of the Code as an inpatient of a hospital facility,  
23 other than a state mental health institute, which  
24 has a distinct psychiatric program of twenty or more  
25 beds and which is accredited by the joint commission  
26 on accreditation of hospitals, is entitled to  
27 reimbursement from the state for a portion of daily  
28 cost so incurred by the county. However, a county  
29 is not entitled to reimbursement under this subsection  
30 for any cost incurred in connection with the

31 hospitalization of a person who is eligible for medical  
32 assistance under chapter two hundred forty-nine A  
33 (249A) of the Code, or who is entitled to have his  
34 or her care or treatment paid for by any other third  
35 party payer, or who is admitted for preliminary  
36 diagnostic evaluation under sections two hundred  
37 twenty-five B point four (225B.4) through two hundred  
38 twenty-five B point seven (225B.7) of the Code. The  
39 amount of reimbursement for the cost of care and  
40 treatment of a local inpatient to which a county is  
41 entitled under this subsection, on a per-patient-per-  
42 day basis, is an amount equal to twenty percent of  
43 the average daily patient costs in the most recent  
44 calendar quarter for the program in which the local  
45 inpatient would have been served if he or she had  
46 been admitted to a state mental health institute.  
47 c. Each county may claim the reimbursement provided  
48 for by paragraph a of this subsection by filing with  
49 the department a claim in a form prescribed by the  
50 director of the division of mental health by

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1 administrative rule. Claims may be filed on a  
2 quarterly basis, and when received shall be verified  
3 expeditiously by the director. The director shall  
4 certify to the state comptroller the amount to which  
5 each county claiming reimbursement under this section  
6 is entitled, and the comptroller shall issue warrants  
7 to the respective counties drawn upon funds  
8 appropriated by the general assembly for the purpose  
9 of this subsection. Each county shall place funds  
10 received under this subsection in the county mental  
11 health and institutions fund. If the appropriation  
12 for any fiscal year is insufficient to pay all claims  
13 arising under this subsection, the comptroller shall  
14 prorate the funds appropriated for that year among  
15 the claimant counties so that an equal proportion  
16 of each county's claim is paid in each quarter for  
17 which proration is necessary."

Welden of Hardin rose on a point of order that amendment  
H-6123 was not germane.

The Speaker ruled the point not well taken and amendment  
H-6123 germane.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd on request of Davitt of Warren; Tofte of Winneshiek on request of Holt of Clay; Arnould of Scott on request of Lloyd-Jones of Johnson; all for the remainder of the day.

The following amendment H-6229, to amendment H-6123, filed by Thompson of Polk from the floor, was adopted by unanimous consent:

H-6229

- 1 Amend amendment H-6123 to page 24 of House File
- 2 2580 as follows:
- 3 1. Page 1, line 22, by striking the word "a" and
- 4 inserting in lieu thereof the words "an Iowa".

Jesse of Polk moved the adoption of amendment H-6123, as amended.

Roll call was requested by Schroeder of Pottawattamie and Norland of Worth.

On the question "Shall amendment H-6123, as amended, be adopted?"

The ayes were, 51:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Conlon	Connolly	Connors
Cusack	Davitt	Dieleman	Diemer
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hinkhouse	Horn	Hullinger
Jay	Jesse	Jochum	Johnson, R.
Johnson, W.	Lind	Lloyd-Jones	Loneran
Lorenzen	Lura	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Pope	Rapp	Schneklath	Sherzan
Shimanek	Smalley	Spear	Thompson
Wells	Welsh	Woods	

The nays were, 41:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Corey	Crabb	Crawford

Daggett	Danker	De Groot	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Holt	Hummel	Husak
Johnson, J.	Kirkenslager	Krewson	Lageschulte
Larsen	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Poffenberger
Renken	Ritsema	Schroeder	Shull
Swearingen	Tyrrell	Van Maanen	Welden
Mr. Speaker (Stromer)			

Absent or not voting, 8:

Arnould	Hoffmann	Howell	Patchett
Pelton	Tofte	Walter	West

Amendment H—6123, as amended, was adopted.

The House resumed consideration of amendment H—6167W.

Cusack of Scott moved the adoption of amendment H—6167W.

Roll call was requested by Cusack of Scott and Pavich of Pottawattamie.

On the question "Shall amendment H—6167W be adopted?"

The ayes were, 35:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Clark, B.J.	Connolly	Connors	Cusack
Davitt	Doyle	Gettings	Hall
Halvorson, R.N.	Hinkhouse	Horn	Husak
Jesse	Jochum	Lind	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Pavich	Rapp	Sherzan	Spear
Wells	Welsh	Woods	

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Dieleman
Diemer	Egenes	Groth	Halvorson, R.A.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hoffmann	Holt	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lorenzen

Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Perkins
Poffenberger	Pope	Renken	Schneklath
Schroeder	Shimanek	Shull	Smalley
Swearingen	Thompson	Tyrrell	Van Maanen
Welden	Mr. Speaker (Stromer)		

Absent or not voting, 11:

Arnould	Cochran	Howell	Hullinger
Oxley	Patchett	Pelton	Ritsema
Tofte	Walter	West	

Amendment H—6167W lost.

Halvorson of Clayton moved that House Rules 2 and 15 be suspended to extend session beyond 6:00 p.m. and allow food in the House chamber while the House is in session.

Halvorson of Webster moved that the House adjourn until 10:00 a.m., Monday, April 21, 1980.

A non-record roll call was requested.

The ayes were 36, nays 51.

The motion lost.

On the motion to suspend House Rules 2 and 15, a non-record roll call was requested.

Rule 80 was invoked.

The ayes were 54, nays 37.

The motion prevailed and House Rules 2 and 15 were suspended.

Avenson of Fayette asked and received unanimous consent to temporarily defer action on amendment H—6167Y.

Daggett of Taylor offered the following amendment H—6112 filed by Daggett, et al., and moved its adoption:



H-6112

1 Amend House File 2580 as follows:

2 1. Page 26, by striking line 30 and inserting  
3 in lieu thereof the words and figures "1981, and shall  
4 be governed by the provisions of Acts of the Sixty-  
5 eighth General Assembly, chapter eight (8), section  
6 four (4), subsection two (2), as added by Acts of  
7 the Sixty-eighth General Assembly, Senate File two  
8 thousand two hundred forty-one (2241), section sixteen  
9 (16), which relate to use by the department of social  
10 services of delayed reversion funds."

11 2. Page 32, by striking lines 15 through 18 and  
12 inserting in lieu thereof the words and figures "used  
13 for the purpose provided by Acts of the Sixty-eighth  
14 General Assembly, 1979 Session, chapter eight (8),  
15 section seventeen (17), subsection two (2).  
16 Notwithstanding section".

17 3. Page 32, line 21, by inserting after the figure  
18 "1981" the words and figures ", and shall be governed  
19 by the provisions of Acts of the Sixty-eighth General  
20 Assembly, chapter eight (8), section four (4),  
21 subsection two (2), as added by Acts of the Sixty-  
22 eighth General Assembly, Senate File two thousand  
23 two hundred forty-one (2241), section sixteen (16),  
24 which relate to use by the department of social  
25 services of delayed reversion funds".

Amendment H-6112 was adopted.

The House resumed consideration of amendment H-6167Y.

Jay of Appanoose moved the adoption of amendment H-6167Y.

Roll call was requested by Avenson of Fayette and Connolly of Dubuque.

On the question "Shall amendment H-6167Y be adopted?"

The ayes were, 42:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Horn	Hullinger	Husak	Jay
Jesse	Jochum	Lloyd-Jones	Loneragan
McKean	Miller	Norland	O'Kane
Oxley	Pavich	Pelton	Perkins

Rapp  
Welsh

Sherzan  
Woods

Spear

Wells

The nays were, 50:

Anderson, J.  
Clark, J.H.  
Crawford  
Egenes  
Harbor  
Hummel  
Krewson  
Lorenzen  
Millen  
Pope  
Schroeder  
Swearingen  
Welden

Bennett  
Conlon  
Daggett  
Halvorson, R.A.  
Hibbs  
Johnson, J.  
Lageschulte  
Lura  
Mullins  
Renken  
Shimanek  
Thompson  
Mr. Speaker  
(Stromer)

Branstad  
Corey  
De Groot  
Hansen, I.  
Hoffmann  
Johnson, W.  
Larsen  
Maulsby  
Pellett  
Ritsema  
Shull  
Tyrrell

Clark, B.J.  
Crabb  
Diemer  
Hanson, D.  
Holt  
Kirkenlager  
Lind  
Menke  
Poffenberger  
Schnekloth  
Smalley  
Van Maanen

Absent or not voting, 8:

Arnould  
Patchett

Danker  
Tofte

Howell  
Walter

Johnson, R.  
West

Amendment H—6167Y lost.

The House resumed consideration of amendment H—6167Z.

Speaker Harbor in the chair at 6:20 p.m.

Connolly of Dubuque moved the adoption of amendment H—6167Z.

Roll call was requested by Connolly of Dubuque and Gettings of Wapello.

Rule 80 was invoked.

On the question "Shall amendment H—6167Z be adopted?"

The ayes were, 41:

Anderson, R.  
Brandt  
Cochran  
Davitt  
Groth

Avenson  
Bruner  
Connolly  
Dieleman  
Hall

Bina  
Byerly  
Connors  
Doyle  
Halvorson, R.N.

Binneboese  
Chiodo  
Cusack  
Gettings  
Hanson, D.

Horn	Hullinger	Husak	Jay
Jesse	Jochum	Lloyd-Jones	Lonergan
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Perkins	Rapp
Sherzan	Spear	Wells	Welsh
Woods			

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Pellet	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Stromer
Swearingen	Thompson	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 9:

Arnould	Hinkhouse	Howell	Johnson, R.
Patchett	Smalley	Tofte	Walter
West			

Amendment H—6167Z lost.

Jochum of Dubuque offered the following amendment H—6181 filed by him and moved its adoption:

H—6181

- 1 Amend House File 2580 as follows:
- 2 1. Page 28, by striking lines 2 through 5 and
- 3 inserting in lieu thereof the following:
- 4 "wide Title XX plan."

A non-record roll call was requested.

The ayes were 41, nays 50.

Amendment H—6181 lost.

Jochum of Dubuque offered amendment H-6185 filed by Jochum, et al., and requested division as follows:

H-6185

1 Amend House File 2580 as follows:

H-6185A

2 1. Page 28, line 29, by striking the words  
3 "~~six~~ four and one-half" and inserting in lieu  
4 thereof the word "six".

H-6185B

5 2. Page 28, line 30, by striking the word  
6 "October" and inserting in lieu thereof the word  
7 "July".

Jochum of Dubuque moved the adoption of amendment H-6185A.

A non-record roll call was requested.

The ayes were 31, nays 51.

Amendment H-6185A lost.

Bruner of Story asked and received unanimous consent to withdraw amendment H-6185B.

The House resumed consideration of amendment H-6167AA.

Avenson of Fayette moved the adoption of amendment H-6167AA.

Roll call was requested by Anderson of Jasper and Davitt of Warren.

On the question "Shall amendment H-6167AA be adopted?"

The ayes were, 36:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings

Hall	Halvorson, R.N.	Horn	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Loneragan	Miller	Norland
O'Kane	Oxley	Pavich	Perkins
Sherzan	Wells	Welsh	Woods

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Spear	Stromer	Swearingen
Thompson	Tyrrell	Van Maanen	Weiden
Mr. Speaker			

Absent or not voting, 11:

Arnould	Groth	Hinkhouse	Howell
Johnson, R.	Patchett	Rapp	Smalley
Tofte	Walter	West	

Amendment H—6167AA lost.

The House resumed consideration of amendment H—6167BB.

Halvorson of Webster moved the adoption of amendment H—6167BB.

Roll call was requested by Halvorson of Webster and O'Kane of Woodbury.

On the question "Shall amendment H—6167BB be adopted?"

The ayes were, 38:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Byerly	Chiodo	Cochran
Connolly	Connors	Corey	Cusack
Davitt	Dieleman	Doyle	Gettings
Hall	Halvorson, R.N.	Hanson, D.	Horn
Hullinger	Husak	Jay	Jesse

Jochum	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Sherzan	Spear	Wells
Welsh	Woods		

The nays were, 52:

Anderson, J.	Bennett	Branstad	Bruner
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hibbs	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 10:

Arnould	Groth	Hinkhouse	Howell
Johnson, R.	Patchett	Rapp	Tofte
Walter	West		

Amendment H—6167BB lost.

The House resumed consideration of amendment H—6167X.

Avenson of Fayette asked and received unanimous consent to withdraw amendment H—6167X.

The House resumed consideration of amendment H—6167CC.

Jesse of Polk moved the adoption of amendment H—6167CC.

Roll call was requested by Avenson of Fayette and Rapp of Black Hawk.

Rule 80 was invoked.

On the question "Shall amendment H—6167CC be adopted?"

## The ayes were, 40:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Conlon	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Hall	Halvorson, R.N.	Hanson, D.
Hibbs	Horn	Jesse	Jochum
Johnson, J.	Lloyd-Jones	Lorenzen	Lura
Miller	Norland	O'Kane	Rapp
Ritsema	Sherzan	Smalley	Spear
Tyrrell	Wells	Welsh	Woods

## The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hoffmann
Holt	Hullinger	Hummel	Husak
Jay	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lonergan
Maulsby	McKean	Menke	Millen
Mullins	Oxley	Pellett	Pelton
Perkins	Poffenberger	Pope	Renken
Schnekloth	Schroeder	Shimaneck	Shull
Stromer	Swearingen	Thompson.	Van Maanen
Welden	Mr. Speaker		

## Absent or not voting, 10:

Arnould	Groth	Hinkhouse	Howell
Johnson, R.	Patchett	Pavich	Tofte
Walter	West		

Amendment H—6167CC lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Groth of Buena Vista on request of Halvorson of Webster; Hinkhouse of Cedar on request of Husak of Tama; both for the remainder of the evening.

The House resumed consideration of amendment H—6167DD.

Jochum of Dubuque moved the adoption of amendment H—6167DD.

Roll call was requested by Jochum of Dubuque and Avenson of Fayette.

On the question "Shall amendment H—6167DD be adopted?"

The ayes were, 35:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Davitt
Dieleman	Doyle	Gettings	Hall
Halvorson, R.N.	Horn	Hullinger	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Loneragan	Norland	O'Kane	Oxley
Pavich	Perkins	Rapp	Sherzan
Wells	Welsh	Woods	

The nays were, 55:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 10:

Arnould	Groth	Hinkhouse	Howell
Johnson, R.	Larsen	Patchett	Tofte
Walter	West		

Amendment H—6167DD lost.

Bruner of Story offered the following amendment H—6142 filed by him and Jochum of Dubuque and moved its adoption:

H—6142

- 1 Amend House File 2580 as follows:
- 2 1. Page 31, by striking lines 17 through 35.
- 3 2. Page 32, by striking lines 1 through 3.



Amendment H—6142 lost.

The House resumed consideration of amendment H—6167EE.

Lloyd-Jones of Johnson moved the adoption of amendment H—6167EE.

Roll call was requested by Avenson of Fayette and Tyrrell of Iowa.

On the question "Shall amendment H—6167EE be adopted?"

The ayes were, 41:

Anderson, R.	Avenson	Bina	Binneboese
Chiodo	Cochran	Conlon	Connolly
Connors	Cusack	Davitt	Dieleman
Gettings	Hall	Halvorson, R.N.	Hibbs
Horn	Hullinger	Husak	Jay
Jesse	Johnson, J.	Lageschulte	Lloyd-Jones
Loneragan	Lorenzen	Lura	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Ritsema	Sherzan
Smalley	Tyrrell	Wells	Weish
Woods			

The nays were, 49:

Anderson, J.	Bennett	Brandt	Branstad
Byerly	Clark, B.J.	Clark, J.H.	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Doyle	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Jochum	Johnson, W.
Kirkenslager	Krewson	Larsen	Lind
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Shimanek	Shull	Spear	Stromer
Swearingen	Thompson	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 10:

Arnould	Bruner	Groth	Hinkhouse
Howell	Johnson, R.	Patchett	Tofte
Walter	West		

Amendment H—6167EE lost.

The House resumed consideration of amendment H—6167FF.

Avenson of Fayette asked and received unanimous consent to withdraw amendment H—6167FF.

Daggett of Taylor offered the following amendment H—6187 filed by him and moved its adoption:

H—6187

- 1 Amend House File 2580 as follows:
- 2 1. Page 33, line 30, by striking the words "optional
- 3 services" and inserting in lieu thereof the words "the
- 4 following optional services - dental, optometry, optical,
- 5 audiology, orthopedic shoes, hearing aids and medical
- 6 equipment."

Amendment H—6187 was adopted.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Linn, for the remainder of the evening, on request of Hanson of Delaware.

Cusack of Scott offered the following amendment H—6150 filed by him:

H—6150

- 1 Amend House File 2580 as follows:
- 2 1. Page 33, by striking lines 30 and 31.

The following amendment H—6242, to amendment H—6150, filed by Daggett of Taylor from the floor, was adopted by unanimous consent:

H—6242

- 1 Amend amendment H—6150 to page 33 of House File
- 2 2580 as follows:
- 3 1. Page 1, line 2, by striking the words and
- 4 figure "lines 30 and" and inserting in lieu thereof
- 5 the word "line".

Cusack of Scott moved the adoption of amendment H—6150, as amended.

Roll call was requested by Sherzan of Polk and Cusack of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—6150, as amended, be adopted.

The ayes were, 39:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Hall	Halvorson, R.N.	Horn
Hullinger	Jay	Jesse	Jochum
Lloyd-Jones	Loneragan	Mullins	Norland
O'Kane	Oxley	Pavich	Perkins
Rapp	Sherzan	Spear	Tyrrell
Wells	Welsh	Woods	

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Hummel
Husak	Johnson, J.	Johnson, W.	Kirkenlager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 9:

Arnould	Groth	Hinkhouse	Howell
Johnson, R.	Patchett	Tofte	Walter
West			

Amendment H—6150, as amended, lost.

Bina of Scott offered the following amendment H—6110 filed by Bina, et al. :

H-6110

1 Amend House File 2580 as follows:

2 1. Page 34, by inserting after line 5 the follow-  
3 ing:

4 "Sec. . NEW SECTION. LOCAL SALES, SERVICES  
5 AND USE TAX. A city may impose by ordinance of the  
6 city council a local sales, services and use tax at  
7 the rate of one-fourth of one percent on the gross  
8 receipts taxed by the state under chapter four hundred  
9 twenty-two (422), division four (IV), of the Code,  
10 and the uses taxed under chapter four hundred twenty-  
11 three (423) of the Code. A local sales, services  
12 and use tax shall be imposed on the same basis as  
13 the state sales, services and use tax and may not  
14 be imposed on the sale or use of any property or on  
15 any service not taxed by the state. A local sales,  
16 services and use tax is applicable only within the  
17 corporate limits of the city where it is imposed and  
18 shall be collected by all persons required to collect  
19 state gross receipts or use taxes.

20 The amount of the sale, for purposes of determining  
21 the amount of the local sales, services and use tax,  
22 does not include the amount of any state gross receipts  
23 or use taxes.

24 A tax permit other than the state tax permit  
25 required under section four hundred twenty-two point  
26 fifty-three (422.53) of the Code shall not be required  
27 by local authorities.

28 A city shall impose a local sales, services and  
29 use tax only after an election at which a majority  
30 of those voting on the question favors imposition.  
31 The election shall be held at the time of that city's  
32 regular election.

33 Sec. . NEW SECTION. ADMINISTRATION. A local  
34 sales, services and use tax shall be imposed on January  
35 first, April first, July first or October first  
36 following a favorable election. Once imposed, the  
37 tax shall remain in effect for a minimum of one year.  
38 The tax shall terminate only on March thirty-first,  
39 June thirtieth, September thirtieth or December thirty-  
40 first.

41 The director of revenue shall administer the  
42 provisions of a local sales, services and use tax  
43 as nearly as possible in conjunction with the  
44 administration of state gross receipts and use tax  
45 laws. The director shall provide appropriate forms  
46 or provide on the regular state tax forms for reporting  
47 local sales, services and use tax liability.

48 An ordinance of a city council imposing a local  
49 sales, services and use tax shall specify the gross  
50 receipts and uses subject to tax and shall adopt by

## Page 2

1 reference the applicable provisions of the appropriate  
2 sections of chapter four hundred twenty-two (422),  
3 division four (IV), of the Code and chapter four  
4 hundred twenty-three (423) of the Code, and all powers  
5 of the director to administer the state gross receipts  
6 and use tax law are applicable to the administration  
7 of a local sales, services and use tax law. Local  
8 officials shall confer with the director of revenue  
9 for assistance in drafting the ordinance imposing  
10 a local sales, services and use tax. A certified  
11 copy of the ordinance imposing a local sales, services  
12 and use tax shall be filed with the director as soon  
13 as possible after passage. The city shall notify  
14 the director at least sixty days before the effective  
15 date of the repeal of the ordinance imposing the tax.

16 The director, in consultation with local officials,  
17 shall collect and account for a local sales, services  
18 and use tax. The director shall retain for the use  
19 of the department of revenue one percent of all local  
20 sales, services and use tax receipts, to cover  
21 administrative expense, and shall credit remaining  
22 local sales, services and use tax receipts to a "local  
23 sales, services and use tax fund" hereby established  
24 in the office of the treasurer of state.

25 Sec. . NEW SECTION. PAYMENT TO LOCAL  
26 GOVERNMENTS. The treasurer of state shall remit  
27 quarterly, pursuant to rules of the director of  
28 revenue, to each city the amount of sales, services  
29 and use tax collected in that city. Moneys received  
30 by a city from this fund shall be credited to a special  
31 fund of that city to be used solely for urban transit  
32 systems operating within that city."

33 2. Amend the title page 2, line 15, by inserting  
34 after the word "services" the words "and authorizing  
35 a local option sales, services and use tax for aid  
36 to urban transit systems".

37 3. By numbering, renumbering and correcting  
38 internal references as may be necessary.

Welden of Hardin rose on a point of order that amendment  
H-6110 was not germane.

The Speaker ruled the point well taken and amendment  
H-6110 not germane.

Bina of Scott asked for unanimous consent to consider amend-  
ment H-6110.

Objection was raised.

Bina of Scott moved that the rules be suspended to adopt amendment H—6110.

Roll call was requested by Pavich of Pottawattamie and Gettings of Wapello.

On the question "Shall the rules be suspended to adopt amendment H—6110?"

The ayes were, 33:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Dieleman	Doyle	Gettings	Hall
Halvorson, R.N.	Hibbs	Horn	Hullinger
Jay	Jesse	Jochum	Larsen
Lloyd-Jones	Loneragan	O'Kane	Pavich
Rapp	Sherzan	Wells	Welsh
Woods			

The nays were, 57:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	Oxley	Pellett	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 10:

Arnould	Groth	Hinkhouse	Howell
Johnson, R.	Patchett	Pelton	Tofte
Walter	West		

The motion lost.

Welsh of Dubuque moved that the rules be suspended to consider amendment H—6241 filed by him and Bruner of Story from the floor.

A non-record roll call was requested.

The ayes were 36, nays 50.

The motion lost.

The following amendment H—6243 filed by Daggett of Taylor from the floor was adopted by unanimous consent:

H—6243

- 1 Amend House File 2580 as follows:
- 2 1. Page 30, by striking lines 29 and 30 and
- 3 inserting in lieu thereof the following: "reimbursement
- 4 for skilled, intermediate and residential care facilities
- 5 and congregate housing and independent group residents.
- 6 The study shall be conducted by an independent".

Welden of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2580)

The ayes were, 66:

Anderson, J.	Bennett	Bina	Binneboese
Branstad	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Hullinger	Hummel
Husak	Jay	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Oxley	Pellett	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	Wells
Woods	Mr. Speaker		

The nays were, 25:

Anderson, R.	Avenson	Brandt	Bruner
Chiodo	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Hibbs	Jesse	Jochum	Lloyd-Jones
Lonergan	Norland	O'Kane	Pavich
Pelton	Perkins	Rapp	Sherzan
Welsh			

Absent or not voting, 9:

Arnould	Groth	Hinkhouse	Howell
Johnson, R.	Patchett	Tofte	Walter
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

(House File 2580)

Halvorson of Clayton asked and received unanimous consent that House File 2580 be immediately messaged to the Senate.

### HOUSE FILE 2581 DEFERRED

Halvorson of Clayton asked and received unanimous consent that House File 2581 be deferred and that the bill retain its place on the calendar.

### APPROPRIATIONS CALENDAR

**House File 2535**, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton moved the previous question on the filing of amendments, amendments to amendments, and motions thereto on House File 2535.

A non-record roll call was requested.

The ayes were 52, nays 34.



The motion prevailed.

(House File 2535 pending at adjournment.)

**CONFERENCE COMMITTEE APPOINTED**  
(House File 2475)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2475: Hansen of O'Brien, Chair; Diemer of Black Hawk, Groth of Buena Vista, Lonergan of Boone and Maulsby of Calhoun.

**INTRODUCTION OF BILL**

**House File 2588**, by committee on appropriations, a bill for an act to delay the scheduled increase in legislative salaries for 1981 for one year and eliminate the increase scheduled for 1982.

Read first time and placed on the appropriations calendar.

**SENATE MESSAGE CONSIDERED**

**Senate File 2370**, by Hultman and Junkins, a bill for an act relating to the term of office of certain county supervisors.

Read first time and referred to committee on ways and means.

**REFERRED TO COMMITTEE ON STATE GOVERNMENT**  
(House File 2588)

Hummel of Benton moved that House File 2588 be referred to the committee on state government.

Roll call was requested by Hansen of O'Brien and Conlon of Muscatine.

Rule 80 was invoked.

On the question "Shall the motion to refer House File 2588 to committee prevail?"

The ayes were, 49:

Anderson, R.	Avenson	Binneboese	Brandt
Bruner	Byerly	Chiodo	Cochran
Connolly	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Egenes
Gettings	Hall	Halvorson, R.N.	Hibbs
Horn	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Kirkenslager
Krewson	Larsen	Lind	Lloyd-Jones
Lonergan	Miller	Mullins	Norland
O'Kane	Pavich	Pelton	Perkins
Poffenberger	Rapp	Schroeder	Sherzan
Shimaneck	Swearingen	Wells	Welsh
Woods			

The nays were, 40:

Anderson, J.	Bennett	Bina	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Corey
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Johnson, J.	Johnson, W.	Lageschulte
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Pellett	Pope
Renken	Ritsema	Schneklath	Shull
Smalley	Spear	Stromer	Thompson
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 11:

Arnould	Crabb	Groth	Hinkhouse
Howell	Johnson, R.	Oxley	Patchett
Tofte	Walter	West	

The motion prevailed and House File 2588 was referred to the committee on state government.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty eighth grade students from St. Patrick School, Cedar Falls, accompanied by Joe Bearns. By Brandt and Diemer of Black Hawk.

Ten members of the Anamosa Future Farmers of America, Anamosa. By McKean of Jones.

Thirty students from Lincoln High School, Des Moines, accompanied by Mr. Hickey. By Chiodo of Polk.

Five students from West Dubuque and Cascade Chapters of Future Farmers of America, accompanied by Al Carlson. By Welsh of Dubuque.

Forty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Bruce Williamsen. By Avenson of Fayette.

Forty-five sixth grade students from Magnolia Elementary School, Magnolia, accompanied by Mrs. Kirkpatrick and Mrs. McGinn. By Crabb of Crawford.

Twenty-six fifth grade students from Lucas Elementary School, Chariton, accompanied by Mary Richmond. By Shull of Warren.

Twenty students from Lakota Junior High School, Lakota, accompanied by Pat Dawson. By Branstad of Winnebago.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 18, 1980 when the vote on amendment H—6167V, to House File 2580, was taken. Had I been present, I would have voted "nay."

LURA of Marshall

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 2368

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

##### House File 2585

Ways and Means: Pope, Chair; Branstad and Hall.

#### STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### Study Bill 756

Ways and Means: West, Chair; Schnekloth and Norland.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Assistant Chief Clerk.

**BRUCE GRAHAM**

Assistant Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill**, a bill for an act to delay the scheduled increase in legislative salaries for 1981 for one year and eliminate the increase scheduled for 1982.

**Recommended Do Pass.**

**House Concurrent Resolution**, pertaining to a freeze on hiring of new employees for the legislature, the restriction of out-of-state travel for legislators and staff, and the general reduction in costs for the interim by members of the general assembly.

**Recommended Do Pass.**

**COMMITTEE ON HUMAN RESOURCES**

**House Concurrent Resolution**, on Family Impact Statement.

**Recommended Do Pass.**

**COMMITTEE ON WAYS AND MEANS**

**Senate File 2247**, a bill for an act relating to the indexing of the state individual income tax.

**Recommended Amend and Do Pass.**

H-6226

- 1 Amend Senate File 2247 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 12, by striking the words "However,
- 4 beginning with" and inserting in lieu thereof the word
- 5 "For".
- 6 2. Page 1, lines 12 and 13, by striking the words
- 7 "and for subsequent calendar years".
- 8 3. Page 1, lines 22 and 23, by striking the words
- 9 "consumer price index produced by the bureau of labor
- 10 statistics" and inserting in lieu thereof the words
- 11 "consumer price index produced by the bureau of labor

12 statistics implicit price deflator for the gross  
 13 national product computed for the whole calendar year  
 14 by the bureau of economic analysis".

15 4. Page 1, line 23, by striking the word "labor"  
 16 and inserting in lieu thereof the words "labor  
 17 commerce".

18 5. Page 1, by striking line 24 and inserting in  
 19 lieu thereof the words "add one-fourth for the 1979  
 20 calendar year and two-fourths".

21 6. Page 1, line 25, by striking the word  
 22 "subsequent" and inserting in lieu thereof the figure  
 23 "1981".

24 7. Page 1, line 29, by inserting after the period  
 25 the words "The annual inflation factor for the 1979  
 26 calendar year is one hundred two point three percent."

27 8. Page 2, by inserting after the period in line  
 28 5 the words "For calendar years beginning on or after  
 29 January 1, 1982, the cumulative inflation factor shall  
 30 be one hundred percent."

31 9. Page 2, lines 17 and 18, by striking the words  
 32 "however, beginning with" and inserting in lieu thereof  
 33 the words ". However, for".

34 10. Page 2, line 18, by striking the words "and  
 35 for subsequent calendar years".

36 11. Page 3, by inserting after line 30, the  
 37 following:

38 "Sec. . This Act is retroactive to January  
 39 1, 1980 for tax years beginning on or after January  
 40 1, 1980 and to this extent is retroactive."

41 12. By numbering as is necessary.

### AMENDMENTS FILED

H-6208	H.F. 2535	Byerly of Polk Hansen of O'Brien
H-6210	H.F. 2535	Kirkenslager of Des Moines Byerly of Polk Schroeder of Pottawattamie Pavich of Pottawattamie Hansen of O'Brien
H-6211	H.F. 700	Halvorson of Clayton Avenson of Fayette
H-6213	H.F. 2535	Crawford of Story Byerly of Polk
H-6214	S.F. 2361	Hummel of Benton
H-6215	S.F. 2361	Johnson of Linn
H-6216	H.F. 2582	Doyle of Woodbury
H-6217	H.F. 2582	Poffenberger of Dallas

H-6218	H.F. 2535	Hansen of O'Brien Byerly of Polk Brandt of Black Hawk Swearingen of Keokuk Shull of Warren
H-6219	H.F. 315	Smalley of Polk Rapp of Black Hawk
H-6220	H.F. 2582	O'Kane of Woodbury Doyle of Woodbury
H-6221	H.F. 2582	O'Kane of Woodbury
H-6222	H.F. 2582	Hall of Linn
H-6223	H.F. 2535	Byerly of Polk
H-6224	S.F. 2293	Avenson of Fayette
H-6225	H.F. 2582	O'Kane of Woodbury
H-6227	S.F. 2361	Egenes of Story
H-6228	H.F. 2535	Tyrrell of Iowa
H-6230	S.F. 2306	Conlon of Muscatine Jesse of Polk
H-6231	H.F. 2535	Connors of Polk Byerly of Polk
H-6232	H.F. 2535	Horn of Linn Connolly of Dubuque Jay of Appanoose Bina of Scott Gettings of Wapello Cochran of Webster Hullinger of Decatur Dieleman of Marion Davitt of Warren Hall of Linn Lonergan of Boone Binneboese of Plymouth
		Byerly of Polk Groth of Buena Vista Woods of Polk Anderson of Jasper Doyle of Woodbury Hinkhouse of Cedar O'Kane of Woodbury Avenson of Fayette Spear of Lee Pavich of Pottawattamie Welsh of Dubuque Perkins of Greene
H-6233	H.F. 2535	Horn of Linn Connolly of Dubuque Jay of Appanoose Anderson of Jasper Pavich of Pottawattamie Brandt of Black Hawk
H-6234	S.F. 2361	Hoffmann of Muscatine Ritsema of Sioux Anderson of Audubon Lonergan of Boone
		Chiodo of Polk Johnson of Woodbury Branstad of Winnebago

Krewson of Polk  
 Clark of Cerro Gordo  
 McKean of Jones  
 Corey of Louisa  
 Tofte of Winneshiek  
 Hansen of O'Brien  
 H-6235                      H.F. 2562

H-6236                      H.F. 2582

H-6237                      S.F. 2361

H-6238                      H.F. 2535

H-6239                      H.F. 2582

H-6240                      H.F. 2483

H-6244                      H.F. 2535

Miller of Buchanan  
 Mullins of Kossuth  
 Schnekloth of Scott  
 Holt of Clay  
 Johnson of Linn  
 Perkins of Greene  
 Pope of Polk  
 Lonergan of Boone  
 Ritsema of Sioux  
 Rapp of Black Hawk  
 Bruner of Story  
 Shimanek of Jones  
 Clark of Lee  
 Crawford of Story  
 Schroeder of Pottawattamie  
 Hummel of Benton  
 Doyle of Woodbury  
 O'Kane of Woodbury  
 Jay of Appanoose  
 Larsen of Wapello  
 Spear of Lee  
 Thompson of Polk  
 Chiodo of Polk  
 Bruner of Story

On motion by Halvorson of Clayton the House adjourned at 10:12  
 p.m., until 10:00 a.m., Monday, April 21, 1980.

# JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day—Sixty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 21, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Allan B. Jones, pastor of the United Methodist Church, Vincent.

The Journal of Friday, April 18, 1980.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Beckman, Kalona.

## INTRODUCTION OF BILL

**House File 2589**, by Halvorson of Clayton and Avenson, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

Read first time and referred to committee on **appropriations**.

## BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2535**, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make an appropriation.

Crawford of Story offered amendment H—6093 filed by the committee on appropriations on April 15, 1980 and found on pages 1615 through 1618 of the House Journal.

Crawford of Story offered the following amendment H—6213, to the committee amendment H—6093, filed by him and Byerly of Polk and moved its adoption:

H—6213

- 1 Amend amendment H-6093, filed by the Committee
- 2 on Appropriations, to House File 2535 as follows:
- 3 1. Page 1, by inserting after line 1 the follow-
- 4 ing:
- 5 " . Page 1, by inserting after line 22 the



6 following section:

7 "Sec. . Section ninety-seven A point four  
8 (97A.4), Code 1979, is amended by adding the following  
9 new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. The board of trustees  
11 shall credit as service for a member of the system  
12 a previous period of service for which the member  
13 had withdrawn the member's accumulated contributions,  
14 as defined in section ninety-seven A point fifteen  
15 (97A.15) of the Code." "

16 2. Page 1, line 42, by inserting after the figure  
17 "1979" the words and figure "except as provided  
18 in section ninety-seven A point four (97A.4) of the  
19 Code".

20 3. Page 2, by inserting after line 34 the follow-  
21 ing:

22 " . Page 13, by inserting after line 6 the  
23 following section:

24 "Sec. . Section four hundred eleven point four  
25 (411.4), Code 1979, is amended by adding the following  
26 new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. The board of trustees  
28 shall credit as service for a member of the system  
29 a previous period of service for which the member  
30 had withdrawn the member's accumulated contributions;  
31 as defined in section four hundred eleven point twenty-  
32 one (411.21) of the Code." "

33 4. Page 3, line 38, by inserting after the figure  
34 "1979" the words and figure "except as provided  
35 in section four hundred eleven point four (411.4)  
36 of the Code".

37 5. By numbering and renumbering sections and  
38 correcting internal references as necessary.

Amendment H—6213 was adopted.

Crawford of Story offered the following amendment H—6200, to the committee amendment H—6093, filed by him and moved its adoption:

H—6200

1 Amend amendment H—6093 to House File 2535 as  
2 follows:

3 1. Page 1, lines 39 and 40, by striking the words  
4 and figures "four hundred eleven point six (411.6)"  
5 and inserting in lieu thereof the words and figures  
6 "ninety-seven A point six (97A.6)".

Amendment H—6200 was adopted.

Brandt of Black Hawk offered the following amendment H-6205, to the committee amendment H-6093 filed by Brandt, et al.:

H-6205

- 1 Amend amendment H-6093, filed by the Committee  
 2 on Appropriations, to House File 2535 as follows:  
 3 1. Page 1, line 49, by striking the word "section"  
 4 and inserting in lieu thereof the word "sections".  
 5 2. Page 1, by inserting after line 49 the follow-  
 6 ing:  
 7 - "Sec. . Section ninety-seven B point eleven  
 8 (97B.11), Code 1979, is amended to read as follows:  
 9 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.  
 10 Each employer shall deduct from the wages of each  
 11 member of the system a contribution in the amount  
 12 of ~~three and six-tenths percent of the covered wages~~  
 13 ~~paid by the employer through June 30, 1979, and~~  
 14 ~~commencing July 1, 1979 in the amount of three and~~  
 15 ~~seven-tenths percent of the covered wages paid by~~  
 16 ~~the employer through December 31, 1981 and commencing~~  
 17 ~~January 1, 1982 in the amount of three and eight-~~  
 18 ~~tenths percent of the covered wages paid by the~~  
 19 ~~employer, until the first of the month in which the~~  
 20 ~~member attains the age of seventy years or the member's~~  
 21 ~~termination or retirement from employment, whichever~~  
 22 ~~is earlier. The contributions of the employer shall~~  
 23 ~~be in the amount of three and one-half percent of~~  
 24 ~~the covered wages of the members for service through~~  
 25 ~~December 31, 1975, and in the amount of five and~~  
 26 ~~twenty-five hundredths percent of the covered wages~~  
 27 ~~of the member for service commencing July 1, 1977~~  
 28 ~~through June 30, 1979, and in the amount of five and~~  
 29 ~~seventy-five hundredths percent of the covered wages~~  
 30 ~~of the member for service commencing July 1, 1979~~  
 31 ~~through December 31, 1981 and in the amount of six~~  
 32 ~~and twenty-five hundredths percent of the covered~~  
 33 ~~wages of the member for service commencing January~~  
 34 ~~1, 1982."~~  
 35 3. Page 2, by striking lines 24, 25, and 26 and  
 36 inserting in lieu thereof the following:  
 37 " . Page 6, by striking lines 12 through 22  
 38 and inserting in lieu thereof the following:  
 39 "5. ~~For Commencing July 1, 1980 until December~~  
 40 ~~31, 1981, for each active member retiring between~~  
 41 ~~July 1, 1978 and June 30, 1979 on or after January~~  
 42 ~~1, 1976, with four or more complete years of service,~~  
 43 ~~a monthly benefit shall be computed which is equal~~  
 44 ~~to one-twelfth of an amount equal to forty-four forty-~~  
 45 ~~seven percent of the five-year average covered wage~~  
 46 ~~multiplied by a fraction of years of service. For~~

47 Commencing January 1, 1982, for each active member  
 48 retiring on or after July 1, 1979 January 1, 1976  
 49 the monthly benefit computed under this subsection  
 50 shall be equal to one-twelfth of an amount equal to

Page 2

1 ~~forty-six~~ forty-eight percent of the five-year average  
 2 covered wage multiplied by a fraction of years of  
 3 service. For the purposes of this subsection.””  
 4 4. Page 2, by striking lines 27, 28, and 29 and  
 5 inserting in lieu thereof the following:  
 6 “ . By striking page 6, line 31 through page  
 7 7, line 13 and inserting in lieu thereof the following:  
 8 “7. Notwithstanding the provisions of this chapter,  
 9 commencing July 1, 1980 until December 31, 1981, a  
 10 member who is or has been employed as a conservation  
 11 peace officer under the provisions of section 107.13  
 12 and who retires ~~between on or after~~ July 1, 1978 and  
 13 June 30, 1979 and at the time of retirement is at  
 14 least sixty years of age and has completed at least  
 15 twenty-five years of membership service as a  
 16 conservation peace officer, may elect to receive,  
 17 in lieu of the receipt of any benefits under subsection  
 18 5 of this section, a monthly retirement allowance  
 19 equal to one-twelfth of ~~forty-four~~ forty-seven percent  
 20 of the member's five-year average covered wage as  
 21 a conservation peace officer ~~multiplied by a fraction~~  
 22 of years of service, with benefits payable ~~during~~  
 23 the member's lifetime. ~~For~~ Commencing January 1,  
 24 1982, for each such member retiring on or after July  
 25 1, ~~1979~~ 1978, the monthly benefit computed under this  
 26 subsection shall be equal to one-twelfth of an amount  
 27 equal to ~~forty-six~~ forty-eight percent of the five-  
 28 year average covered wage as a conservation peace  
 29 officer multiplied by a fraction of years of service.  
 30 There is appropriated from””  
 31 5. Page 2, by striking lines 30, 31, and 32 and  
 32 inserting in lieu thereof the following:  
 33 “ . By striking page 7, line 26 through page  
 34 8, line 10 and inserting in lieu thereof the following:  
 35 “a. Notwithstanding the provisions of this chapter,  
 36 effective July 1, 1979 to be included in county budgets  
 37 for the fiscal year ~~beginning~~ July 1, 1979 commencing  
 38 July 1, 1980 until December 31, 1981, a member who  
 39 is or has been employed as a county sheriff, as defined  
 40 in section 39.17, or as a deputy sheriff appointed  
 41 pursuant to chapter 341, and who retires ~~between on~~  
 42 or after January 1, 1978 and June 30, 1979, and at  
 43 the time of retirement is at least sixty years of  
 44 age and has completed at least twenty-five years of  
 45 membership service as a county sheriff or deputy

46 sheriff, may elect to receive, in lieu of the receipt  
 47 of any benefits under subsection 5 of this section,  
 48 a monthly retirement allowance equal fo one-twelfth  
 49 of ~~forty-four~~ forty-seven percent of the member's  
 50 five-year average covered wage as a sheriff or deputy

**Page 3**

1 sheriff multiplied by a fraction of years of service,  
 2 with benefits payable during the member's lifetime.  
 3 For Commencing January 1, 1981, for each member  
 4 eligible for a monthly retirement allowance under  
 5 this subsection who retires on or after July 1, 1979  
 6 January 1, 1978, the monthly benefit computed under  
 7 this subsection shall be equal to one-twelfth of  
 8 forty-six ~~forty-eight~~ percent of the member's five-  
 9 year average covered wage multiplied by a fraction  
 10 of years of service." "

The House stood at ease at 10:32 a.m., until the fall of the gavel.

The House resumed session at 12:05 p.m., Speaker Harbor in the chair.

(House File 2535 and amendment H-6205, to the committee amendment H-6093, pending at recess.)

On motion by Clark of Lee, the House was recessed at 12:06 p.m., until 1:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Harbor in the chair.

**BUSINESS PENDING AT RECESS**

The House resumed consideration of **House File 2535**, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make an appropriation, and amendment H-6205, to the committee amendment H-6093.

Brandt of Black Hawk moved the adoption of amendment H-6205, to the committee amendment H-6093.

Roll call was requested by Bina of Scott and Brandt of Black Hawk.

Rule 80 was invoked.

On the question "Shall amendment H—6205 be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Husak
Jay	Jesse	Jochum	Kirkenslager
Larsen	Lind	Lloyd-Jones	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lorenzen	Lura	Maulsby	McKean
Menke	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 7:

Chiodo	Daggett	Hullinger	Loneragan
Millen	Patchett	West	

Amendment H—6205 lost.

Hansen of O'Brien offered the following amendment H—6202, to the committee amendment H—6093, filed by Hansen, et al., and moved its adoption:

H—6202

- 1 Amend amendment H—6093, filed by the Committee
- 2 on Appropriations to House File 2535 as follows:
- 3 1. Page 2, by striking lines 33 and 34 and

- 4 inserting in lieu thereof the following:
- 5 " " Page 8, line 20, by striking the figure
- 6 "1981" and inserting in lieu thereof the figure
- 7 "1983"."

Amendment H—6202 was adopted.

Larsen of Wapello offered the following amendment H—6238, to the committee amendment H—6093, filed by her and moved its adoption:

H—6238

- 1 Amend the Appropriations Committee amendment,
- 2 H—6093, to House File 2535 as follows:
- 3 1. Page 3, by striking line 41.

Roll call was requested by Anderson of Jasper and Hullinger of Decatur.

Rule 80 was invoked.

On the question "Shall amendment H—6238 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Hullinger
Husak	Jay	Jesse	Jochum
Larsen	Lloyd-Jones	Lonergan	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Shull
Spear	Swearingen	Walter	Wells
Welsh	Woods		

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen

Miller	Mullins	Pellett.	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Smalley	Stromer
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 4:

Crabb	Howell	Pelton	West
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Amendment H—6238 lost.

Speaker pro tempore Stromer of Hancock in the chair at 2:35 p.m.

Division of the committee amendment H—6093 was requested as follows:

H—6093A, page 1, lines 2 through 4 and page 2, lines 38 through 40.

H—6093B, page 1, lines 5 through 50; page 2, lines 1 through 23, lines 35 through 37 and lines 41 through 50; page 3, lines 1 through 40 and lines 42 and 43.

H—6093C, page 2, lines 24 through 32.

H—6093D, page 2, lines 33 and 34.

H—6093E, page 3, line 41.

Crawford of Story asked and received unanimous consent to withdraw the committee amendment H—6093A.

On motion by Crawford of Story, the committee amendment H—6093B; as amended, was adopted.

On motion by Crawford of Story, the committee amendment H—6093C was adopted.

On motion by Crawford of Story, the committee amendment H—6093D, as amended, was adopted.

Crawford of Story moved the adoption of the committee amendment H—6093E, as amended.

Roll call was requested by Woods of Polk and Chiodo of Polk.

Rule 80 was invoked.

On the question "Shall the committee amendment H—6093E, as amended, be adopted?"

The ayes were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Pellett
Pelton	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Smalley
Thompson	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker (Stromer)		

The nays were, 47:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Jay	Jesse	Jochum
Larsen	Lloyd-Jones	Lonergan	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Poffenberger	Rapp	Sherzan
Shull	Spear	Swearingen	Walter
Wells	Welsh	Woods	

Absent or not voting, 3:

Diemer	Husak	West
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The committee amendment H—6093E, as amended, was adopted.

Kirkenslager of Des Moines offered the following amendment H—6210 filed by Kirkenslager, et al., and moved its adoption:



H-6210

1 Amend House File 2535 as follows:

2 1. Page 1, by inserting after line 22 the fol-  
3 lowing section:

4 "Sec. . Section ninety-seven A point six  
5 (97A.6), subsections four (4) and six (6), Code 1979,  
6 as the section is amended by Acts of the Sixty-eighth  
7 General Assembly, 1979 Session, chapter thirty-four  
8 (34), sections two (2) and three (3), and chapter  
9 thirty-five (35), section two (2), are amended to  
10 read as follows:

11 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.

12 Upon retirement for ordinary disability a member shall  
13 receive a service retirement allowance if the member  
14 has attained the age of fifty-five and has completed  
15 twenty-two years of service, otherwise the member  
16 shall receive an ordinary disability retirement  
17 allowance which shall consist of a pension which shall  
18 equal forty percent of the member's average final  
19 compensation except if the member has not had five  
20 or more years of membership service, the member shall  
21 receive a pension equal to one-fourth of the member's  
22 average final compensation.

23 6. RETIREMENT AFTER ACCIDENT. Upon retirement  
24 for accidental disability a member shall receive a  
25 service retirement allowance if the member has attained  
26 the age of fifty-five and has completed twenty-two  
27 years of service, otherwise the member shall receive  
28 an accidental disability retirement allowance which  
29 shall consist of a pension equal to sixty-six and  
30 two-thirds percent of the member's average final  
31 compensation."

32 2. Page 13, by inserting after line 6 the fol-  
33 lowing section:

34 "Sec. . Section four hundred eleven point six  
35 (411.6), subsections four (4) and six (6), Code 1979,  
36 as the section is amended by Acts of the Sixty-eighth  
37 General Assembly, 1979 Session, chapter thirty-four  
38 (34), sections sixteen (16) and seventeen (17), and  
39 chapter thirty-five (35), section nine (9), is amended  
40 to read as follows:

41 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.

42 Upon retirement for ordinary disability a member shall  
43 receive a service retirement allowance if the member  
44 has attained the age of fifty-five and has completed  
45 twenty-two years of service, otherwise the member  
46 shall receive an ordinary disability retirement  
47 allowance which shall consist of a pension which shall  
48 equal forty percent of the member's average final  
49 compensation except if the member has not had five  
50 or more years of membership service the member shall

## Page 2

- 1 receive a pension equal to one-fourth of the member's  
 2 average final compensation.  
 3 6. RETIREMENT AFTER ACCIDENT. Upon retirement  
 4 for accidental disability a member shall receive a  
 5 service retirement allowance if the member has attained  
 6 the age of fifty-five and has completed twenty-two  
 7 years of service, otherwise the member shall receive  
 8 an accidental disability retirement allowance which  
 9 shall consist of a pension equal to 66 2/3 percent  
 10 of the member's average final compensation."  
 11 3. By numbering and renumbering sections and cor-  
 12 recting internal references as necessary.

Amendment H—6210 was adopted.

Speaker Harbor in the chair at 3:29 p.m.

Tyrrell of Iowa offered the following amendment H—5549 filed by Tyrrell, et al., and moved its adoption:

H—5549

- 1 Amend House File 2535 as follows:  
 2 1. Page 2, by inserting after line 34 the following  
 3 sections:  
 4 "Sec. . Section ninety-seven B point forty-  
 5 one (97B.41), subsection one (1), paragraph a,  
 6 unnumbered paragraph two (2), Code 1979, as the section  
 7 is amended by Acts of the Sixty-eighth General  
 8 Assembly, 1979 Session, chapter thirty-four (34),  
 9 section five (5), is amended by striking the un-  
 10 numbered paragraph.  
 11 Sec. . Section ninety-seven B point forty-one  
 12 (97B.41), subsection three (3), paragraph b,  
 13 subparagraph one (1), Code 1979, as the section is  
 14 amended by Acts of the Sixty-eighth General Assembly,  
 15 1979 Session, chapter thirty-four (34), section five  
 16 (5), is amended to read as follows:  
 17 (1) Elective Members of the general assembly,  
 18 elective officials in positions for which the  
 19 compensation is on a fee basis, elective officials  
 20 of school districts, elective officials of townships,  
 21 and elective officials of other political subdivisions  
 22 who are in part-time positions, graduate medical  
 23 students while serving as interns or resident doctors  
 24 in training at any hospital, or county medical  
 25 examiners and deputy county medical examiners under  
 26 chapter 339."

- 27 2. Page 3, by striking line 5 and inserting in  
 28 lieu thereof the following:  
 29 "(2) Members of the general assembly of Iowa  
 30 and temporary Temporary".  
 31 3. Page 3, line 8, by striking the words "A  
 32 member".  
 33 4. Page 3, by striking lines 9 through 12.  
 34 5. Page 12, by inserting after line 29 the  
 35 following section:  
 36 "Sec. . Chapter ninety-seven B (97B), Code  
 37 1979, is amended by adding the following new section:  
 38 NEW SECTION. GENERAL ASSEMBLY MEMBERSHIP.  
 39 Effective January 12, 1981, a member of the general  
 40 assembly or previous member of the general assembly  
 41 who had made contributions to the system as a member  
 42 of the general assembly shall be considered to have  
 43 terminated employment for the purposes of this chapter  
 44 and section ninety-seven B point fifty-three (97B.53)  
 45 of the Code will apply."  
 46 6. By numbering and renumbering sections as neces-  
 47 sary.

Roll call was requested by Tyrrell of Iowa and Lageschulte of Bremer.

Rule 80 was invoked.

On the question "Shall amendment H—5549 be adopted?"

The ayes were, 44:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Husak	Johnson, J.	Johnson, R.
Lageschulte	Larsen	Lorenzen	Lura
Maulsby	McKean	Menke	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Shimaneck
Shull	Smalley	Spear	Thompson
Tyrrell	Van Maanen	Welden	Mr. Speaker

The nays were, 55:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, J.H.	Cochran	Connolly
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Egenes	Gettings

Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Horn	Howell	Hullinger	Hummel
Jay	Jesse	Jochum	Johnson, W.
Kirkenslager	Krewson	Lind	Lloyd-Jones
Loneragan	Millen	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Schroeder	Sherzan
Stromer	Swearingen	Tofte	Walter
Wells	Welsh	Woods	

Absent or not voting, 1:

West

Amendment H—5549 lost.

Brandt of Black Hawk offered the following amendment H—6204 filed by Brandt, et al., and moved its adoption:

H—6204

1 Amend House File 2535 as follows:  
 2 1. Page 2, by inserting after line 34 the following  
 3 section:  
 4 "Sec. Section ninety-seven B point eleven  
 5 (97B.11), Code 1979, is amended to read as follows:  
 6 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.  
 7 Each employer shall deduct from the wages of each  
 8 member of the system a contribution in the amount  
 9 of three and six-tenths percent of the covered wages  
 10 paid by the employer through June 30, 1979, and  
 11 commencing July 1, 1979 in the amount of three and  
 12 seven-tenths percent of the covered wages paid by  
 13 the employer through December 31, 1981 and commencing  
 14 January 1, 1982 in the amount of three and eight-  
 15 tenths percent of the covered wages paid by the  
 16 employer, until the first of the month in which the  
 17 member attains the age of seventy years or the member's  
 18 termination or retirement from employment, whichever  
 19 is earlier. The contributions of the employer shall  
 20 be in the amount of three and one-half percent of  
 21 the covered wages of the members for service through  
 22 December 31, 1975, and in the amount of five and  
 23 twenty-five hundredths percent of the covered wages  
 24 of the member for service commencing July 1, 1977  
 25 through June 30, 1979, and in the amount of five and  
 26 seventy-five hundredths percent of the covered wages  
 27 of the member for service commencing July 1, 1979  
 28 through December 31, 1981 and in the amount of six  
 29 and twenty-five hundredths percent of the covered  
 30 wages of the member for service commencing January

31 1, 1982."

32 2. Page 2, by inserting after line 34 the following  
33 sections:

34 Sec. 6. Section ninety-seven B point forty-one  
35 (97B.41), subsection one (1), paragraph b, subparagraph  
36 four (4), Code 1979, as that section is amended by  
37 Acts of the Sixty-eighth General Assembly, 1979  
38 Session, chapter thirty-four (34), section five (5),  
39 is amended to read as follows:

40 (4) For each calendar year from January 1, 1976,  
41 and thereafter through December 31, 1981, wages not  
42 in excess of twenty thousand dollars; and for the  
43 calendar year from January 1, 1982 through December  
44 31, 1982, wages not in excess of twenty-one thousand  
45 dollars.

46 Sec. . Section ninety-seven B point forty-one  
47 (97B.41), subsection one (1), paragraph b, Code 1979,  
48 as that section is amended by Acts of the Sixty-eighth  
49 General Assembly, 1979 Session, chapter thirty-four  
50 (34), section five (5), is amended by adding the

**Page 2**

1 following new subparagraph:

2 NEW SUBPARAGRAPH. For the calendar year from  
3 January 1, 1983 through December 31, 1983, wages not  
4 in excess of twenty-two thousand dollars; for the  
5 calendar year from January 1, 1984 through December  
6 31, 1984, wages not in excess of twenty-three thousand  
7 dollars; and for each calendar year from January 1,  
8 1985 and thereafter, wages not in excess of twenty-  
9 four thousand dollars."

10 3. By numbering and renumbering sections and  
11 correcting internal references as necessary.

**A non-record roll call was requested.**

**The ayes were 48, nays 50.**

**Amendment H—6204 lost.**

**Patchett of Johnson asked for unanimous consent to expunge the roll call vote on amendment H—5549.**

**Objection was raised.**

**Bruner of Story asked and received unanimous consent to withdraw amendment H—6207 filed by him on April 17, 1980.**

Horn of Linn offered the following amendment H—6233 filed by Horn, et al., and moved its adoption:

H—6233

- 1 Amend House File 2535 as follows:  
2 1. Page 2, by inserting after line 34 the following  
3 section:  
4 "Sec. . . . Section ninety-seven B point eleven  
5 (97B.11), Code 1979, is amended to read as follows:  
6 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.  
7 Each employer shall deduct from the wages of each  
8 member of the system a contribution in the amount  
9 of three and six-tenths percent of the covered wages  
10 paid by the employer through June 30, 1979, and  
11 commencing July 1, 1979 in the amount of three and  
12 seven-tenths percent of the covered wages paid by  
13 the employer, until the first of the month in which  
14 the member attains the age of seventy years or the  
15 member's termination or retirement from employment,  
16 whichever is earlier completes thirty years of service.  
17 The contributions of the employer shall be in the  
18 amount of three and one-half percent of the covered  
19 wages of the member for service through December 31,  
20 1975, and in the amount of five and twenty-five  
21 hundredths percent of the covered wages of the member  
22 for service commencing July 1, 1977 through June 30,  
23 1979, and in the amount of five and seventy-five  
24 hundredths percent of the covered wages of the member  
25 for service commencing July 1, 1979."  
26 2. Page 3, by inserting after line 26 the following  
27 section:  
28 "Sec. . . . Section ninety-seven B point forty-  
29 one (97B.41), subsection eighteen (18), Code 1979,  
30 as the section is amended by Acts of the Sixty-eighth  
31 General Assembly, 1979 Session, chapter thirty-four  
32 (34), section five (5), is amended to read as follows:  
33 18. "Membership service" means service rendered  
34 by a member after July 4, 1953, and prior to the first  
35 of the month in which the member attains the age of  
36 seventy years for which contributions are made. Years  
37 of membership service shall be counted to the complete  
38 quarter calendar year."  
39 3. By numbering and renumbering sections and  
40 correcting internal references as necessary.

Roll call was requested by Bina of Scott and O'Kane of Woodbury.

On the question "Shall amendment H—6233 be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Rapp	Sherzan
Walter	Wells	Welsh	Woods

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Larsen
Lind	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 5:

Daggett	Jay	Johnson, J.	Schroeder
West			

Amendment H—6233 lost.

Bruner of Story offered the following amendment H—6244 filed by him:

H—6244

- 1 Amend House File 2535 as follows:
- 2 1. Page 2, by inserting after line 34 the following
- 3 section:
- 4 "Sec. . . . Section ninety-seven B point seven
- 5 (97B.7), subsection two (2), paragraph b, Code 1979,
- 6 is amended by adding the following new subparagraph:
- 7 NEW SUBPARAGRAPH. The department shall give

8 priority in the investment of the retirement fund  
 9 to loans secured by real estate mortgages in  
 10 residential or farm property located in this state.  
 11 If investments are made by the department in securities  
 12 issued by federal agencies or federally-regulated  
 13 institutions that purchase real estate mortgage loans  
 14 from originating lenders, the department shall give  
 15 priority to those types of securities which represent  
 16 the greater amount of investment by originating lenders  
 17 in loans secured by real estate located in this  
 18 state. The department shall report to the general  
 19 assembly not later than February first of each year  
 20 information about the amount of investments in  
 21 residential and farm property. Nothing in this  
 22 subparagraph requires the department to make  
 23 investments which will lower the standards adopted  
 24 by the department relating to percent of return or  
 25 the security and liquidity of investments or to the  
 26 diversity of the investment portfolio."  
 27 2. By numbering and renumbering sections and  
 28 correcting internal references as necessary.

Crawford of Story rose on a point of order that amendment H-6244 was not germane.

The Speaker ruled the point well taken and amendment H-6244 not germane.

Bruner of Story asked for unanimous consent to suspend the rules for the consideration of amendment H-6244.

Objection was raised.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H-6228 filed by him on April 18, 1980.

Byerly of Polk offered the following amendment H-6223 filed by him and moved its adoption:

H-6223

- 1 Amend House File 2535 as follows:
- 2 1. Page 3, line 9, by inserting after the word
- 3 "assembly" the words "or temporary employee of the
- 4 general assembly".
- 5 2. Page 3, line 12, by inserting after the word
- 6 "member's" the words "or temporary employee's".

A non-record roll call was requested.



The ayes were 79, nays 17.

Amendment H—6223 was adopted.

Horn of Linn offered the following amendment H—6232 filed by Horn, et al., and moved its adoption:

H—6232

- 1 Amend House File 2535 as follows:
- 2 1. Page 6, lines 23 and 24, by striking the
- 3 words “, not to exceed one,” and inserting in lieu
- 4 thereof the words “, not to exceed one,”.

Roll call was requested by Horn of Linn and Woods of Polk.

On the question “Shall amendment H—6232 be adopted?”

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Husak
Jay	Jochum	Kirkenslager	Lloyd-Jones
Lonergan	O’Kane	Oxley	Patchett
Pavich	Rapp	Spear	Tofte
Walter	Wells	Welsh	Woods

The nays were, 56:

Anderson, J.	Bennett	Brandt	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 4:

Hullinger

Jesse

Perkins

West

Amendment H—6232 lost.

Connors of Polk asked and received unanimous consent to withdraw amendment H—6231 filed by him and Byerly of Polk on April 18, 1980.

Byerly of Polk offered the following amendment H—6208 filed by him and Hansen of O'Brien and moved its adoption:

H—6208

- 1 Amend House File 2535 as follows:
- 2 1. Page 11, by inserting after line 22 the
- 3 following section:
- 4 "Sec. . Section ninety-seven B point fifty-
- 5 nine (97B.59), Code 1979, is amended to read as
- 6 follows:
- 7 97B.59 ACTUARY EMPLOYED. The ~~department~~
- 8 legislative council shall employ an actuary for the
- 9 department to serve as its technical advisor. The
- 10 compensation of the actuary and of other employees
- 11 shall be fixed by the department within the appropria-
- 12 tions made therefor and subject to the approval of
- 13 the legislative council."
- 14 2. By numbering and renumbering sections and
- 15 correcting internal references as necessary.

A non-record roll was requested.

The ayes were 58, nays 30.

Amendment H—6208 was adopted.

Hansen of O'Brien offered the following amendment H—6218 filed by Hansen, et al., and moved its adoption:

H—6218

- 1 Amend House File 2535 as follows:
- 2 1. Page 11, by inserting after line 22 the
- 3 following section:
- 4 "Sec. . Section ninety-seven B point sixty-
- 5 seven (97B.67), Code 1979, is amended by adding the
- 6 following new subsection:

7 **NEW SUBSECTION.** It is the intent of the general  
 8 assembly that the general assembly meeting in 1982  
 9 review whether there is sufficient unobligated revenue  
 10 in the general fund of the state to appropriate funds  
 11 to pay the benefit increases provided in sections  
 12 three (3), eight (8), and fifteen (15) of this Act  
 13 from the general fund of the state, and if sufficient  
 14 revenue is available, the general assembly shall  
 15 appropriate the funds necessary."  
 16 2. By numbering and renumbering sections as  
 17 necessary.

Amendment H—6218 was adopted.

Byerly of Polk asked and received unanimous consent to withdraw amendment H—6191 filed by him on April 17, 1980.

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?" (H.F. 2535)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Weiden	Wells	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jesse

West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2535)

Halvorson of Clayton asked and received unanimous consent that House File 2535 be immediately messaged to the Senate.

**HOUSE FILE 2483 DEFERRED**

Halvorson of Clayton asked and received unanimous consent that House File 2483 be deferred and that the bill retain its place on the calendar.

**Ways and Means Calendar**

**House File 2586**, a bill for an act to allow the department of revenue to credit tax refunds against outstanding taxes due, was taken up for consideration.

Spear of Lee offered the following amendment H—6245 filed by him from the floor and moved its adoption:

H—6245

- 1 Amend House File 2586 as follows:
- 2 1. Page 1, by striking lines 33 and 34.

Amendment H—6245 was adopted.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2586)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Chiodo	Husak	Jesse	West
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2587**, a bill for an act relating to the administration of the motor fuel and special fuel tax laws, was taken up for consideration.

Lura 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. 2587)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Weiden	Wells	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Schneklloth

Absent or not voting, 5:

Chiodo	Connors	Crabb	Jesse
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2343**, a bill for an act exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under chapter one hundred twenty-three (123) of the Code, with report of committee recommending passage was taken up for consideration.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2343)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Chiodo	Connors	Jesse	Stromer
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENT DEFERRED

Lageschulte of Bremer called up for consideration **House File 654**, a bill for an act to prohibit operating a motor vehicle while having a certain percentage of alcohol in the blood, and to apply

penalties, amended by the Senate amendment H—6144, received from the Senate on April 17, 1980 and found on page 1701 of the House Journal.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 2 to extend session beyond the 6:00 p.m. deadline.

Halvorson of Clayton asked and received unanimous consent that House File 654 be deferred and that the bill retain its place on the calendar.

### IMMEDIATE MESSAGES

(House Files 2586 and 2587 and Senate File 2343)

Halvorson of Clayton asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 2586 and 2587 and Senate File 2343.

#### HOUSE RESOLUTION 112

By Crabb, Tofte, Holt, Johnson of Woodbury, Woods,  
Chiodo, Byerly, Johnson of Linn and Schroeder

- 1     *Whereas*, over the past five years appropriations from
- 2 the Iowa legislature to the Iowa state fair have averaged
- 3 \$500,000 per year; and
- 4     *Whereas*, recent economic developments have led to
- 5 substantial decreases in state revenue estimates for the
- 6 current biennium; and
- 7     *Whereas*, an in-depth economic study of the Iowa state
- 8 fair conducted at the behest of the Iowa legislature has
- 9 recommended a \$32.5 million redevelopment program to make
- 10 the Iowa state fair self-supporting on an operating basis;
- 11 and
- 12     *Whereas*, that same economic study concludes that a
- 13 complete redevelopment program for the Iowa state fairgrounds
- 14 can be at least partially financed by the operation of the
- 15 Iowa state fair with a major horse racing program; and
- 16     *Whereas*, many recent opinion polls have shown Iowans
- 17 to be in favor of pari-mutuel betting; and
- 18     *Whereas*, there are many important ancillary issues
- 19 involved in this pari-mutuel issue, including but not limited
- 20 to the advisability of using revenue bonds to start a racing
- 21 program at the Iowa state fair, the location of racetracks,
- 22 the best forms of ownership for such racetracks, the impact
- 23 of pari-mutuel betting on crime within the state, and the
- 24 desirability of conducting various types of racing; *Now*
- 25 *Therefore*,



26 *Be It Resolved by the House of Representatives, That*  
27 the legislative council is requested to authorize an interim  
28 study by a subcommittee composed of members of the House  
29 ways and means committee and the House committee on state  
30 government, to examine the feasibility of pari-mutuel betting

**Page 2**

1 as a means of implementing the redevelopment plan of the  
2 Iowa state fair.  
3 *Be It Further Resolved, That* the study committee shall  
4 submit a report of its findings and recommendations, together  
5 with any bill drafts necessary to implement the recommendations,  
6 to the legislative council and the appropriate committees  
7 of the House.

Laid over under Rule 30.

**UNANIMOUS CONSENT CALENDAR**  
(House Concurrent Resolution 133)

We hereby respectfully request that House Concurrent Resolution 133, filed on Friday, April 18, 1980, and found on page 1776 of the House Journal, be placed on the unanimous consent calendar.

CLARK of Cerro Gordo  
CUSACK of Scott  
MULLINS of Kossuth

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Assistant Chief Clerk of the House submitted the following report:

Mr. Speaker: The Assistant Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of April, 1980: House Files 2042, 2299, 2305 and 2458.

BRUCE GRAHAM  
Assistant Chief Clerk of the House

Report adopted.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 1980 he approved and transmitted to the Secretary of State the following bill:

House File 2305, an act to allow county conservation boards to exchange property.

## PRESENTATION OF VISITORS

Clark of Cerro Gordo presented to the House Lois Walker from Mason City High School, Mason City, who is Girl State Governor 1979-1980.

The Speaker announced that the following visitors were present in the House chamber:

Ten Cadet Girl Scouts from Andrew, accompanied by Mrs. Joyce Till. By Welsh of Dubuque.

Six students from Central Decatur High School, Leon, accompanied by Evone Kouba and Jeff Marshall. By Hullinger of Decatur.

Nineteen senior students from Woodward-Granger High School, Woodward, including foreign exchange student Eefie DeGroot from Holland, accompanied by Dale Barnhill. By Poffenberger of Dallas.

Forty students from Peet Junior High School, Cedar Falls, accompanied by Carolyn Haurum. By Brandt and Diemer of Black Hawk.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, April 11, 1980. Had I been present, I would have voted "aye" on Senate Files 439, 2320, 2148, 2015, 2230, suspension of rules to consider amendment H-5993 to Senate File 2148, suspension of rules to consider amendment H-5998 to Senate File 2320, amendment H-6030, to amendment H-5992 to Senate File 2230, and suspension of rules for the immediate consideration of Senate File 2356;

"nay" on amendment H—5947 to Senate File 439, and suspension of rules to consider and adopt amendment H—5782 to Senate File 2320.

CUSACK of Scott

I was necessarily absent from the House chamber on Thursday, April 10, 1980. Had I been present, I would have voted "aye" on amendment H—5931 to Senate File 2154, and Senate Files 2154, 2123, 2275, 2269, 2168 and 2189.

CUSACK of Scott

I was necessarily absent from the House chamber on April 18, 1980. Had I been present, I would have voted "aye" on House File 2580 and "nay" on motion to refer House File 2588 to committee on state government.

JOHNSON of Linn

I was necessarily absent from the House chamber on April 18, 1980 when the vote on House File 2580 was taken. Had I been present, I would have voted "nay."

HOWELL of Floyd

COMMUNICATION FROM SECRETARY OF STATE

April 21, 1980

Bruce J. Graham  
Assistant Chief Clerk and Legal Counsel  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2275, was published in The Kanawha Reporter, Kanawha, Iowa on April 3, 1980 and in the West Des Moines Express, West Des Moines, Iowa on April 3, 1980.

I further certify that Senate File 500, was published in the Muscatine Journal, Muscatine, Iowa on April 8, 1980, and republished April 12, 1980, and published in the Carroll Daily Times-Herald, Carroll, Iowa on April 2, 1980.

I further certify that Senate File 2241, was published in The Independent, Hawarden, Iowa on April 10, 1980, and in the Oskaloosa Daily Herald, Oskaloosa, Iowa on April 4, 1980.

Respectfully submitted,

MELVIN D. SYNHORST  
Secretary of State

### COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

#### IOWA DEPARTMENT OF JOB SERVICE

The third Actuarial Report of the Iowa Job Insurance System as of December 31, 1979, pursuant to Chapter 54, Section 39.

#### AMENDMENTS FILED

H-6246	H.F. 736	Ritsema of Sioux
H-6247	H.F. 2583	Spear of Lee
H-6249	S.F. 2247	Conlon of Muscatine
H-6250	S.F. 2361	Bruner of Story
H-6251	H.F. 2483	Krewson of Polk
		Bina of Scott
H-6252	H.F. 2536	Rapp of Black Hawk
H-6253	H.F. 2546	Jesse of Polk
H-6254	H.F. 2582	Wells of Linn
H-6255	S.F. 2306	Lonergan of Boone
H-6256	H.F. 315	Ritsema of Sioux
H-6257	H.F. 2584	Spear of Lee
H-6258	H.F. 2483	Krewson of Polk
H-6259	S.F. 2361	Lorenzen of Scott
H-6260	S.F. 2361	Halvorson of Webster
H-6261	H.F. 654	Jay of Appanoose
H-6262	H.F. 654	Welsh of Dubuque
		Woods of Polk
H-6263	S.F. 2361	De Groot of Lyon
H-6264	S.F. 2361	Horn of Linn
H-6265	S.F. 2296	Groth of Buena Vista
		Cochran of Webster

H-6266	H.F. 654	Woods of Polk
H-6267	H.F. 654	Jay of Appanoose
H-6268	H.F. 2584	Miller of Buchanan
		Conlon of Muscatine
		Byerly of Polk
		Schroeder of Pottawattamie
		Welden of Hardin
		Cusack of Scott
H-6269	S.F. 2296	Norland of Worth
H-6270	S.F. 2296	Norland of Worth
		Bina of Scott

On motion by Halvorson of Clayton, the House adjourned at 6:33 p.m., until 10:00 a.m., Tuesday, April 22, 1980.

## **JOURNAL OF THE HOUSE**

One Hundredth Calendar Day—Sixty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 22, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Marvin L. Hulse, pastor of the Immanuel United Methodist Church, Des Moines.

The Journal of Monday, April 21, 1980 was approved.

### **LEGISLATIVE PHYSICIAN FOR THE DAY**

Dr. James H. Coddington, Humboldt.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Millen of Van Buren and Clark of Lee, both for the morning session, on request of Stromer of Hancock; Lonergan of Boone, for a portion of the day, on request of Crabb of Crawford.

### **PETITIONS FILED**

The following petitions were received and placed on file:

By Doyle of Woodbury, from twenty-four Sioux City residents favoring House File 2551, an act relating to the calculation of growth and basic growth per pupil for school foundation aid purposes.

By Husak of Tama, from thirty-two constituents of the seventy-first district favoring House File 2535, an act relating to administration, benefits and funding of certain public retirement systems and to make appropriations.

By Miller of Buchanan, from two hundred seventy-one residents of northeast Iowa requesting the revenue sharing bill (House File 343) be moved out of the appropriation committee to the House floor for debate and acceptance.

## 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 18, 1980, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2282, a bill for an act relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies.

Also: That the Senate has on April 18, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2373, a bill for an act authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

FRANK J. STORK, Secretary

## SENATE MESSAGE CONSIDERED

**Senate File 2373**, by committee on ways and means, a bill for an act authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

Read first time and **passed on file**.

## UNANIMOUS CONSENT

Halvorson of Clayton asked and received unanimous consent to consider bills in the following order:

House File 2583, House File 2584, Senate File 2306, Senate File 2296, Senate File 2361 and House File 2582.

## CONSIDERATION OF BILLS Appropriations Calendar

**House File 2583**, a bill for an act relating to the duties of the county finance committee and making an appropriation, was taken up for consideration.

Spear of Lee offered the following amendment H—6247 filed by him and moved its adoption:

H—6247

1 Amend House File 2583 as follows:

- 2 1. Page 1, by striking lines 8 through 11 and
- 3 inserting in lieu thereof the words "for the project,
- 4 the committee shall select counties which currently
- 5 have manual and computer budgeting and account
- 6 capabilities in order to analyze the suitability and
- 7 adaptability of the budgeting and accounting system."

Amendment H—6247 was adopted.

Spear of Lee asked and received unanimous consent to reconsider the vote by which amendment H—6247 was adopted by the House, to adopt the following amendment H—6273, to amendment H—6247, filed by him from the floor and to adopt amendment H—6247, as amended:

H—6273

1 Amend amendment H—6247, to House File 2583 as follows:

- 2 1. Page 1, line 5, by striking the word "account"
- 3 and inserting in lieu thereof the word "accounting".

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. 2583)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lorenzen



Lura	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Renken
Schnekloth	Schroeder	Sherzan	ShimaneK
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
West	Woods	Mr. Speaker	

The nays were, 2:

Oxley                      Ritsema

Absent or not voting, 7:

Avenson	Clark, J.H.	Groth	Lonergan
Millen	Rapp	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2584**, a bill for an act to make appropriations to certain persons in settlement of claims made against the state of Iowa, was taken up for consideration.

Spear of Lee offered the following amendment H—6257 filed by him and moved its adoption:

H—6257

- 1 Amend House File 2584 as follows:
- 2 1. Page 1, line 9, by striking the words
- 3 "Elk Horn" and inserting in lieu thereof the words
- 4 "Fort Madison".
- 5 2. Page 1, line 12, by striking the words
- 6 "Elk Horn" and inserting in lieu thereof the words
- 7 "Fort Madison".

Amendment H—6257 was adopted.

Miller of Buchanan offered the following amendment H—6268 filed by Miller, et al. :

H—6268

- 1 Amend House File 2584 as follows:
- 2 1. Page 2, by inserting after line 26 the
- 3 following:
- 4 "Sec. . Section one hundred twenty-five point

5 forty-four (125.44), Code 1979, is amended by adding  
6 the following new subsections:

7 **NEW SUBSECTION.** The substance abuser and any  
8 person, firm, corporation, or insurance company bound  
9 by contract to provide support, hospitalization, or  
10 medical services for the substance abuser is legally  
11 liable to the facility for the total amount of the  
12 cost of providing care, maintenance, and treatment  
13 for the substance abuser while a voluntary or committed  
14 patient in a facility. This section does not prohibit  
15 any individual from paying any portion of the cost  
16 of treatment.

17 **NEW SUBSECTION.** The department is liable for the  
18 cost of care, treatment, and maintenance of a substance  
19 abuser admitted to the facility voluntarily or pursuant  
20 to section one hundred twenty-five point thirty-four  
21 (125.34), one hundred twenty-five point thirty-five  
22 (125.35), three hundred twenty-one point two hundred  
23 eighty-one (321.281), three hundred twenty-one point  
24 two hundred eighty-three (321.283), subsection three  
25 (3), two hundred four point four hundred nine  
26 (204.409), subsection two (2) or two hundred twenty-  
27 nine point fifty-two (229.52) of the Code only to  
28 those facilities that have a contract with the  
29 department under section one hundred twenty-five point  
30 forty-four (125.44) of the Code, only for the amount  
31 computed according to and within the limits of  
32 liability prescribed by this section, and only when  
33 the substance abuser is unable to pay such costs and  
34 there is no other person, firm, corporation or  
35 insurance company bound to pay such costs.

36 **NEW SUBSECTION.** The department's maximum liability  
37 for the costs of care, treatment and maintenance of  
38 substance abusers in a contracting facility is limited  
39 to the total amount agreed upon by the parties and  
40 specified in the contract under this section.

41 Sec. . Chapter one hundred twenty-five (125),  
42 Code 1979, is amended by adding the following new  
43 section:

44 **NEW SECTION. LIST OF CONTRACTING FACILITIES.**

45 The department shall provide a current list of  
46 facilities that have a contract with the department  
47 to the clerk of each district court in the state.

48 The clerk shall provide the list to all district court  
49 judges and judicial magistrates in the district.

50 Sec. . Section two hundred four point four

**Page 2**

1 hundred nine (204.409), subsection two (2), Code 1979,  
2 is amended to read as follows:

3 2. Whenever the court finds that a person who  
4 is charged with a violation of section 204.401 and  
5 who consents thereto, or who has entered a plea of  
6 guilty to or been found guilty of a violation of said  
7 that section, and who is addicted to, dependent upon,  
8 or a chronic abuser of any controlled substance and  
9 that such person will be aided by proper medical  
10 treatment and rehabilitative services, it may order  
11 that he the person be committed as an in-patient or  
12 out-patient to a facility approved licensed by the  
13 state department of health substance abuse for such  
14 medical treatment and rehabilitative services. A  
15 The costs of treatment of a person committed under  
16 this subsection who is not possessed of sufficient  
17 income or estate to enable him to make payment of  
18 the costs of such treatment in whole or in part shall  
19 be considered a state patient shall be paid as provided  
20 in section one hundred twenty-five point forty-four  
21 (125.44) of the Code. The determination of ability  
22 to pay shall be made by the court. The court shall  
23 require the patient, or his the patient's parent,  
24 guardian, or custodian to complete under oath a  
25 detailed financial statement. The court may enter  
26 appropriate orders requiring the patient or those  
27 legally liable for his the patient's support to  
28 reimburse the state with the costs, or any part  
29 thereof. In order to obtain the most effective results  
30 from such medical treatment and rehabilitative  
31 services, the court may commit such the person to  
32 the custody of a public or private agency or any other  
33 responsible person and impose such other conditions  
34 upon such the commitment as is necessary to insure  
35 compliance with the court's order and to insure that  
36 such the person will not, during such the period of  
37 treatment and rehabilitation, again violate any  
38 provisions a provision of this chapter. If it is  
39 established thereafter to the satisfaction of the  
40 court that the person has again violated any a  
41 provision of this chapter, he the person may be  
42 returned to custody or sentenced upon his conviction  
43 as provided by law. The public or private agency  
44 or responsible person to whom the accused person was  
45 committed by the court shall immediately report to  
46 the court when the person has received maximum benefit  
47 from the program or has recovered from his addiction,  
48 dependency, or tendency to chronically abuse any  
49 controlled substance. The person shall then be  
50 returned to the court for disposition of his the case.

## Page 3

1 If the person has been charged or indicted, but not  
2 convicted, such charge shall proceed to trial or final  
3 disposition. If the person has been convicted or  
4 is thereafter convicted, the court shall sentence  
5 ~~him~~ the person as provided by law but may remit all  
6 or any part of ~~such~~ the sentence and place the person  
7 on probation upon ~~such~~ terms and conditions as the  
8 court may prescribe.

9 Sec. . Section two hundred twenty-nine point  
10 fifty-two (229.52), subsection three (3), Code 1979,  
11 is amended to read as follows:

12 3. A respondent committed under this section shall  
13 remain in the custody of a facility for treatment  
14 for a period of thirty days unless sooner discharged.  
15 The costs of treatment of a person committed under  
16 this division shall be paid as provided in section  
17 one hundred twenty-five point forty-four (125.44)  
18 of the Code subject to the qualifications of this  
19 subsection. This division shall not be construed  
20 to require the department to pay the cost of any  
21 medication or procedure provided the person during  
22 that period which is not necessary or appropriate  
23 to the specific objectives of detoxification and  
24 treatment of substance abuse. At the end of the  
25 thirty-day period, the respondent shall be discharged  
26 automatically unless the administrator of the facility  
27 before expiration of the period petitions the court  
28 for an order for the respondent's recommitment upon  
29 the grounds set forth in subsection 1 of section  
30 229.51 for a further period not to exceed ninety days.

31 Sec. . Section three hundred twenty-one point  
32 two hundred eighty-one (321.281), unnumbered paragraph  
33 two (2), Code 1979, is amended to read as follows:

34 In lieu of, or prior to imposition of, the  
35 punishment above described for second offense, third  
36 offense and each offense thereafter, the court upon  
37 hearing may commit the defendant for treatment of  
38 alcoholism or drug addiction or dependency to any  
39 hospital or institution in Iowa providing such  
40 treatment. The court may prescribe the length of  
41 time for such treatment or it may request that the  
42 hospital to which the person is committed immediately  
43 report to the court when the person has received  
44 maximum benefit from the program of the hospital or  
45 institution or has recovered from his or her addiction,  
46 dependency or tendency to chronically abuse alcohol  
47 or drugs. A The costs of treatment of a person  
48 committed under this section shall be considered a  
49 state patient paid as provided in section one hundred  
50 twenty-five point forty-four (125.44) of the Code.

## Page 4

1 Sec. . Section three hundred twenty-one point  
 2 two hundred eighty-three (321.283), subsection three  
 3 (3), Code 1979, is amended to read as follows:  
 4 3. REFERRED ON CONVICTION. After any conviction  
 5 for operating a motor vehicle while under the influence  
 6 of an alcoholic beverage under section 321.281, the  
 7 court may refer the defendant for treatment at a  
 8 facility as defined in sections 125.1 to 125.43 and  
 9 designated by the division on alcoholism Iowa  
 10 department of substance abuse. The court may prescribe  
 11 the length of time for treatment or it may be left  
 12 to the discretion of the facility to which the  
 13 defendant was referred. A person referred under this  
 14 section shall be considered a state patient, and  
 15 charges and The costs for treatment of a person  
 16 referred under this section shall be paid for in the  
 17 manner provided for payment for treatment of alcoholics  
 18 who have no legal residence in this state as provided  
 19 in section one hundred twenty-five point forty-four  
 20 (125.44) of the Code.

21 Sec. . Section one hundred twenty-five point  
 22 forty-eight (125.48), Code 1979, is repealed."

23 2. Renumber sections and correct internal  
 24 references as necessary.

25 3. Amend the title, line 1, by striking the words  
 26 "to make" and inserting in lieu thereof the words  
 27 "relating to claims against the state of Iowa by  
 28 providing for payment of certain substance abuse  
 29 claims and making".

Conlon of Muscatine offered the following amendment H—6272,  
 to amendment H—6268, filed by him and Dieleman of Marion from  
 the floor and moved its adoption:

## H—6272

1 Amend the amendment, H—6268, to House File 2584,  
 2 as follows:

3 1. Page 1, line 7, by striking the words "and  
 4 any".

5 2. Page 1, by striking lines 8 through 10, and  
 6 by inserting in lieu thereof the words "is legally".

7 3. Page 1, line 14, by inserting after the period  
 8 the words "The substance abuser shall assign any claim  
 9 for reimbursement under any contract of indemnity, by  
 10 insurance or otherwise, providing for the abuser's  
 11 care, maintenance, and treatment in the facility to  
 12 the department."

Amendment H—6272 was adopted.

On motion by Miller of Buchanan, amendment H—6268, as amended, was adopted.

Byerly of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2584)

The ayes were, 94:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Pope	Rapp
Renken	Ritsema	Schneklloth	Schroeder
Sherzan	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Anderson, R.	Clark, J.H.	Loneragan	Millen
Perkins	Poffenberger		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 2306**, a bill for an act providing that magistrates, judges of the district court, judges of the court of appeals, and supreme court judges may receive actual and necessary expenses in

an amount not exceeding a maximum set by the supreme court by rule when required to travel, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine offered the following amendment H—6230 filed by him and Jesse of Polk and moved its adoption:

H—6230

- 1 Amend Senate File 2306, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 8, by striking the word "Where"
- 4 and inserting in lieu thereof the words "Where Except
- 5 as provided in section six hundred eighty-four point
- 6 fifty-three (684.53) of the Code, where".

Amendment H—6230 was adopted.

Lonergan of Boone offered the following amendment H—6255 filed by her and moved its adoption:

H—6255

- 1 Amend Senate File 2306, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, by inserting after line 15 the
- 4 following new sections:
- 5 "Sec. . NEW SECTION.
- 6 1. As used in this Act, unless the context
- 7 otherwise requires:
- 8 a. "Hearing impaired person" means a person whose
- 9 hearing is impaired so that the person cannot
- 10 understand oral communication when spoken in a normal
- 11 conversational tone and also includes a person who,
- 12 because of a speech or other physical impairment,
- 13 is unable to orally communicate with other persons
- 14 and therefore relies primarily on sign language to
- 15 communicate.
- 16 b. "Interpreter" means an interpreter who is
- 17 fluent in sign language pursuant to rules on
- 18 qualifications of interpreters applying to the
- 19 proceeding.
- 20 c. "Administrative agency" means any department,
- 21 board, commission or agency of the state or any
- 22 political subdivision of the state.
- 23 2. The supreme court, after consultation with
- 24 the department of health, shall adopt rules governing
- 25 the qualifications and compensation of interpreters
- 26 appearing in a proceeding before a court, grand jury

27 or administrative agency under this Act. However,  
28 an administrative agency which is subject to chapter  
29 seventeen A (17A) of the Code may adopt rules differing  
30 from those of the supreme court governing the  
31 qualifications and compensation of interpreters  
32 appearing in proceedings before that agency.

33 Sec. . NEW SECTION. If a hearing impaired  
34 person is a party to, or a witness at, a proceeding  
35 before a grand jury, court or administrative agency  
36 of this state, the court of administrative agency  
37 shall appoint an interpreter without expense to the  
38 hearing impaired person to interpret or translate  
39 the proceedings to the hearing impaired person and  
40 to interpret or translate his or her testimony unless  
41 the hearing impaired person waives the right to an  
42 interpreter.

43 Sec. . NEW SECTION. When a hearing impaired  
44 person is entitled to an interpreter the hearing  
45 impaired person shall notify the presiding official  
46 within three days after receiving notice of the  
47 proceeding, stating the disability and requesting  
48 the services of an interpreter. If the hearing  
49 impaired person receives notification of an appearance  
50 less than five days prior to the proceeding, that

**Page 2**

1 person shall notify the presiding official requesting  
2 an interpreter as soon as practicable or may apply  
3 for a continuance until an interpreter is appointed.

4 Sec. . NEW SECTION. The service program for  
5 the deaf of the state department of health shall  
6 prepare and continually update a listing of qualified  
7 and available interpreters. The courts and  
8 administrative agencies shall maintain a directory  
9 of qualified interpreters for hearing impaired persons  
10 as furnished by the state department of health. The  
11 service program for the deaf shall maintain information  
12 on the qualifications of interpreters which is  
13 confidential except to a court, administrative agency  
14 or interested parties to an action using the services  
15 of such interpreter.

16 Sec. . NEW SECTION. Before participating in  
17 a proceeding, an interpreter shall take an oath that  
18 the interpreter will make a true interpretation in  
19 an understandable manner to the person for whom the  
20 interpreter is appointed and that the interpreter  
21 will interpret or translate the statements of the  
22 hearing impaired person to the best of the  
23 interpreter's skills and judgment.

24 Sec. . NEW SECTION. Communication between  
25 a hearing impaired person and a third party which



26 is privileged under chapter six hundred twenty-two  
27 (622) of the Code in which the interpreter participates  
28 as an interpreter shall be privileged to the  
29 interpreter.

30 Sec. . NEW SECTION. An interpreter appointed  
31 under this Act is entitled to a reasonable fee and  
32 expenses as determined by the rules applying to that  
33 proceeding. This schedule shall be furnished to all  
34 courts and administrative agencies and maintained  
35 by them. If the interpreter is appointed by the  
36 court, the fee and expenses shall be paid out of the  
37 court expense fund and if the interpreter is appointed  
38 by an administrative agency, the fee and expenses  
39 shall be paid out of funds available to the  
40 administrative agency. If a hearing impaired person  
41 is not a party to the action, the fees and expenses  
42 of an interpreter shall be charged to costs.

43 Sec. . NEW SECTION. On motion of a party or  
44 on its own motion, a court or administrative agency  
45 shall inquire into the qualifications and integrity  
46 of an interpreter. A court or administrative agency  
47 may disqualify for good reason any person from serving  
48 as an interpreter in that proceeding. If an  
49 interpreter is disqualified, the court or  
50 administrative agency shall appoint another

Page 3

1 interpreter.

2 Sec. . Section six hundred twenty-two A point  
3 two (622A.2), Code 1979, is amended to read as follows:  
4 622A.2 WHO ENTITLED TO INTERPRETER. Every person  
5 who cannot speak or understand the English language,  
6 ~~or every person who because of hearing, speaking or~~  
7 ~~other impairment has difficulty in communicating with~~  
8 ~~other persons~~, and who is a party to any legal  
9 proceeding or a witness therein, shall be entitled  
10 to an interpreter to assist such person throughout  
11 the proceeding."

Amendment H—6255 was adopted.

The following amendment H—6279 filed by Doyle of Woodbury  
from the floor, was adopted by unanimous consent:

H—6279

1 Amend Senate File 2306, as passed by the Senate,  
2 as follows:  
3 1. Title page, by striking lines 1 through 5 and  
4 inserting in lieu thereof the following: "An Act

- 5 relating to court personnel including magistrates,  
 6 judges of the district court, judges of the court of  
 7 appeals, supreme court justices and court appointed  
 8 interpreters and to the compensation and expenses  
 9 thereof."

Shull 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. 2306)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Conlon	Connolly	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Kirkenslager	Krewson
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 3:

Johnson, W.	Maulsby	Tyrrell
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Absent or not voting, 8:

Avenson	Clark, J.H.	Cochran	Connors
Hoffmann	Lageschulte	Millen	Pope

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**HOUSE FILE 2480 WITHDRAWN**

Shimanek of Jones asked and received unanimous consent to withdraw House File 2480 from further consideration by the House.

**IMMEDIATE MESSAGES**

(House Files 2583 and 2584 and Senate File 2306)

Halvorson of Clayton asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 2583 and 2584 and Senate File 2306.

**SENATE FILE 2296 DEFERRED**

Halvorson of Clayton asked and received unanimous consent that Senate File 2296 be temporarily deferred and that the bill retain its place on the calendar.

**Ways and Means Calendar**

**Senate File 2361**, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Bennett of Ida offered amendment H—6199 filed by the committee on ways and means on April 17, 1980, and found on pages 1763 through 1765 of the House Journal.

Jay of Appanoose offered the following amendment H—6237, to the committee amendment H—6199, filed by him and moved its adoption:

H—6237

- 1 Amend amendment H—6199 to Senate File 2361 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking line 5.
- 5 2. By renumbering internal references as necessary.

Roll call was requested by Lageschulte of Bremer and De Groot of Lyon.

Rule 80 was invoked.

On the question "Shall amendment H—6237, to the committee amendment H—6199, be adopted?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Crawford
Cusack	Davitt	Diemer	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hinkhouse	Horn	Hullinger
Husak	Jay	Jesse	Jochum
Krewson	Lloyd-Jones	Lorenzen	Lura
Miller	Norland	O'Kane	Oxley
Pavich	Pelton	Perkins	Poffenberger
Pope	Rapp	Ritsema	Sherzan
Shimanek	Walter	Wells	Welsh
Woods			

The nays were, 48:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Egenes
Halvorson, R.A.	Hansen, I.	Hibbs	Hoffmann
Holt	Howell	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lonergan	Maulsby
McKean	Menke	Mullins	Patchett
Pellett	Renken	Schneklath	Schroeder
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

Absent or not voting, 3:

Clark, J.H.

Connors

Millen

Amendment H—6237 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, for the remainder of the morning session, on request of Crabb of Crawford.

On motion by Bennett of Ida, the committee amendment H—6199, as amended, was adopted.

Horn of Linn offered the following amendment H—5945 filed by him:

H—5945

- 1 Amend-Senate File 2361, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section two hundred eighty-five point
- 6 fourteen (285.14), Code 1979, is amended by adding
- 7 the following new unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. A vehicle used for an
- 9 approved driver education course in which the driver
- 10 education teacher transports driver education students
- 11 from their residences for street or highway driving
- 12 is not a school bus."
- 13 2. By numbering and renumbering sections as
- 14 necessary.

Bennett of Ida rose on a point of order that amendment H—5945 was not germane.

The Speaker ruled the point well taken and amendment H—5945 not germane.

Horn of Linn asked for unanimous consent to consider amendment H—5945.

Objection was raised.

Kirkenslager of Des Moines offered the following amendment H—6194 filed by Kirkenslager, et al. :

H—6194

- 1 Amend Senate File 2361 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section three hundred seven point
- 6 twelve (307.12), Code 1979, is amended by adding the
- 7 following new subsection:
- 8 **NEW SUBSECTION.** Enter into reciprocal agreements
- 9 relating to motor vehicle inspections with authorized
- 10 officials of any other state, subject to approval
- 11 by the commission. The director may exempt or impose
- 12 requirements upon nonresident motor vehicles consistent
- 13 with those imposed upon vehicles of Iowa residents
- 14 operated in other states."
- 15 2. Page 24, by inserting before line 14 the
- 16 following:
- 17 "Sec. . The director of transportation shall
- 18 investigate the inspection requirements imposed by
- 19 other states on Iowa vehicles displaying a valid
- 20 certificate of inspection issued in Iowa. The director
- 21 may recommend to the Sixty-ninth General Assembly,
- 22 1981 Session, legislation to encourage other states
- 23 to afford equitable treatment to motor vehicles
- 24 displaying a valid certificate of inspection issued
- 25 in Iowa."
- 26 3. By renumbering sections and internal references
- 27 as necessary.

Bennett of Ida rose on a point of order that amendment H—6194 was not germane.

The Speaker ruled the point well taken and amendment H—6194 not germane.

Kirkenslager of Des Moines moved that the rules be suspended to consider amendment H—6194.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 47, nays 47.

The motion lost.

Krewson of Polk offered the following amendment H—5939 filed by Krewson, et al. :

H—5939

1 Amend Senate File 2361, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 12 the following  
4 new section:

5 "Sec. . . Section three hundred twenty-one point  
6 one hundred nine (321.109), Code 1979, as amended  
7 by Acts of the Sixty-eighth General Assembly, 1979  
8 Session, chapter seventy (70), section four (4), is  
9 amended by adding the following new subsection:

10 NEW SUBSECTION. For 1961 and subsequent model  
11 year motor vehicles registered in this state, the  
12 owner of the motor vehicle shall be allowed a credit  
13 against the registration fee as computed under sub-  
14 section one (1) of this section. The credit for such  
15 motor vehicles shall be allowed for each year such  
16 motor vehicles are registered in this state. The  
17 amount of the credit shall be determined on the basis  
18 of the average estimate gasoline mileage rating in  
19 miles per gallon calculated on an average for city  
20 and highway driving as determined by the department.  
21 The amount of credit to be allowed shall be as follows:

22	Average Miles	Percent of
23	<u>Per Gallon</u>	<u>Credit</u>
24	25-28	5
25	29-30	7
26	31-32	9
27	33-35	11
28	36-40	13
29	Over 40	15"

30 2. Renumber sections and correct internal  
31 references as are necessary in accordance with this  
32 amendment.

Bennett of Ida rose on a point of order that amendment H—5939 was not germane.

The Speaker ruled the point well taken and amendment H—5939 not germane.

Avenson of Fayette moved the previous question on amendments, amendments to amendments and motions thereto on Senate File 2361.

A non-record roll call was requested.

The ayes were 31, nays 38.

The motion lost.

(Senate File 2361 pending at recess.)

Halvorson of Clayton asked and received unanimous consent to include Senate File 2247 on today's, Tuesday, April 22, 1980 Daily Debate Calendar.

On motion by Halvorson of Clayton, the House was recessed at 12:01 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee, for the remainder of the day, on request of Millen of Van Buren.

#### HOUSE CONCURRENT RESOLUTION 135

By: Larsen, Thompson, Daggett, Horn, Mullins,  
Byerly, Poffenberger, Norland, Halvorson of Webster,  
Hanson of Delaware, Jay, Lonergan, Diemer, Shull,  
Patchett, Groth, Gettings and Bina

- 1     *Whereas*, elementary and secondary schools are experiencing
- 2     the results of declining enrollment of students; and
- 3     *Whereas*, all post-secondary educational institutions
- 4     including merged area schools and public and private
- 5     colleges and universities in Iowa are beginning to feel
- 6     the effects the declining enrollment; and
- 7     *Whereas*, the total expenditure for education exceeds
- 8     one-half of our state budget; and
- 9     *Whereas*, the state's ability to provide any additional
- 10    support for Iowa's educational programs may be jeopardized;
- 11    *Now Therefore*,
- 12    *Be It Resolved by the House of Representatives, the*
- 13    *Senate Concurring*, That the legislative council establish
- 14    an interim study committee to be composed of members of
- 15    the general assembly who serve on standing committees
- 16    which are directly affected by the results of declining
- 17    enrollment on all educational institutions at the post-
- 18    secondary level. The interim study committee shall review



- 19 alternatives and develop a state policy for post-secondary  
20 education for the 1980's and 1990's and make recommendations  
21 for funding the proposed policy.  
22 *Be It Further Resolved*, That the interim study committee  
23 shall report its recommendations to the legislative council  
24 and to the members of the general assembly no later than  
25 January 15, 1981.

Laid over under Rule 30.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-one members present, nine absent.

The House stood at ease at 1:49 p.m., until the fall of the gavel.

The House resumed session at 2:44 p.m., Speaker pro tempore Stromer of Hancock in the chair.

### BUSINESS PENDING

The House resumed consideration of **Senate File 2361**, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties.

Krewson of Polk asked for unanimous consent to consider amendment H—5939.

Objection was raised.

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—5892 filed by Daggett, et al., on April 3, 1980.

Horn of Linn offered the following amendment H—6280 filed by him from the floor:

H—6280

1 Amend Senate File 2361 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 3, by inserting before line 4 the follow-  
4 ing:  
5 "NEW SUBSECTION. HANDICAPPED PLATES. The owner of  
6 a motor vehicle subject to registration pursuant to  
7 section three hundred twenty-one point one hundred nine  
8 (321.109), subsection one (1), of the Code, light delivery  
9 truck, panel delivery truck or pickup who is a handi-  
10 capped or paraplegic person as defined in section six  
11 hundred one E point one (601E.1) of the Code, may upon  
12 written application to the department, order special  
13 registration plates designed by the department bearing  
14 the international symbol of accessibility. The applica-  
15 tion shall be approved by the department and the special  
16 registration plates shall be issued to the applicant in  
17 exchange for the previous registration plates issued to  
18 the person. The fee for the special plates shall be  
19 five dollars which shall be in addition to the regular  
20 annual registration fee. The department shall validate  
21 the special plates in the same manner as regular registra-  
22 tion plates are validated under this section at the  
23 regular annual registration fee. However, the special  
24 plates shall not be renewed without the applicant  
25 furnishing evidence to the department that the owner  
26 of the motor vehicle is still a handicapped or paraplegic  
27 person as defined in section six hundred one E point one  
28 (601E.1) of the Code. The special registration plates  
29 shall be surrendered in exchange for regular registration  
30 plates when the owner of the motor vehicle no longer  
31 qualifies as a handicapped or paraplegic person as defined  
32 in section six hundred one E point one (601E.1) of the Code."

Bennett of Ida rose on a point of order that amendment H—6280 was not germane.

The Speaker ruled the point not well taken and amendment H—6280 germane.

Horn of Linn moved the adoption of amendment H—6280.

Amendment H—6280 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5916 filed by him on April 8, 1980.

Shimanek of Jones offered the following amendment H—6203 filed by her and moved its adoption:

H—6203

1 Amend Senate File 2361 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 5, by inserting after line 19 the  
4 following:  
5 "Sec. . Section three hundred twenty-one point  
6 fifty-seven (321.57), Code 1979, is amended by in-  
7 serting the following new unnumbered paragraph after  
8 unnumbered paragraph one (1):  
9 NEW UNNUMBERED PARAGRAPH. In addition, while a  
10 service customer is having his or her own vehicle  
11 serviced or repaired by the dealer, the service cus-  
12 tomer of the dealer may operate upon the highways a  
13 motor vehicle owned by the dealer, except a motor truck  
14 or truck tractor, upon which there is displayed a  
15 special plate issued to the dealer, provided all of  
16 the requirements of this section are complied with."

Amendment H—6203 was adopted.

Shimanek of Jones asked and received unanimous consent to withdraw amendment H—5940 filed by her on April 9, 1980.

Howell of Floyd offered the following amendment H—6286 filed by him from the floor and moved its adoption:

H—6286

1 Amend Senate File 2361 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, by inserting after line 2 the following  
4 new section:  
5 "Sec. . Section three hundred twenty-one point  
6 one hundred twenty-two (321.122), Code 1979, as amended  
7 by House File seven hundred forty-seven (747), sections  
8 five (5) and six (6), enacted by the Sixty-eighth  
9 General Assembly, 1980 Session, is amended by adding

10 the following new subsection:

11 **NEW SUBSECTION.** In lieu of annual of semiannual  
12 registration as required in section three hundred  
13 twenty-one point one hundred five (321.105) of the  
14 Code, a motor truck which is used primarily in highway  
15 construction and maintenance may be registered for  
16 a period of nine months for a fee equal to three-  
17 fourths of the annual registration fee. Any motor  
18 truck registered under this subsection shall not be  
19 used during the months of January, February, and March  
20 of the year in which it is registered at three-fourths  
21 of the annual registration fee and shall be stored  
22 on private property. A motor truck only registered  
23 for three quarters in any year shall not be eligible  
24 for a refund of the registration fees. If a motor  
25 truck registered under this subsection is registered  
26 for a nine-month period and the motor truck is used  
27 on the highways of the state during the months of  
28 January, February, or March, the motor truck shall  
29 immediately be registered for the full year and any  
30 penalties or interest for late registration shall  
31 accrue and be payable at the time of registration."

32 2. Renumber sections and correct internal  
33 references as are necessary in accordance with this  
34 amendment.

Amendment H—6286 lost.

Kirkenslager of Des Moines asked and received unanimous consent to suspend the rules to consider amendment H—6194 filed by Kirkenslager, et al., and found on page 1892 of the House Journal.

On motion by Kirkenslager of Des Moines, amendment H—6194 was adopted.

Kirkenslager of Des Moines asked for unanimous consent to withdraw amendment H—5893 filed by him on April 3, 1980.

Objection was raised.

Kirkenslager of Des Moines moved that amendment H—5893 be withdrawn.

Kirkenslager of Des Moines asked and received unanimous consent to withdraw his motion to withdraw amendment H—5893 and offered amendment H—5893 filed by him as follows:

H-5893

1 Amend Senate File 2361 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 10, by inserting after line 25 the follow-  
4 ing:

5 "Sec. . Section three hundred twenty-one point  
6 one hundred seventy-seven (321.177), subsection one  
7 (1), Code 1979, is amended to read as follows:

8 1. To any person, as an operator, who is under  
9 the age of eighteen years, without his or her first  
10 having successfully completed an approved driver  
11 education course, in which case, the minimum age shall  
12 be sixteen years. However, the department may issue  
13 a restricted license as provided in section 321.194,  
14 or an instruction permit as provided in section  
15 321.180, to any person who is at least fourteen years  
16 of age. The department may issue a license restricted  
17 only for use for motorized bicycles as provided in  
18 section 321.189, subsection 2, to any person fourteen  
19 years of age or older who has successfully completed  
20 a written examination on the rules of the road and  
21 a vision test."

22 2. Page 11, by inserting before line 7 the follow-  
23 ing:

24 "Sec. . Section three hundred twenty-one point  
25 one hundred eighty-nine (321.189), subsection one  
26 (1), Code 1979, is amended by adding the following  
27 new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. After July 1, 1981,  
29 a person under the age of eighteen applying for a  
30 motor vehicle license valid for the operation of a  
31 motorcycle shall be required to successfully complete  
32 a motorcycle education course approved and established  
33 by the department of public instruction or successfully  
34 complete an approved motorcycle education course at  
35 a private or commercial driver education school  
36 licensed by the department. A public school district  
37 may charge a student a fee which shall not exceed  
38 the actual cost of instruction.

39 Sec. . Section three hundred twenty-one point  
40 one hundred eighty-nine (321.189), subsection two  
41 (2), paragraph a, Code 1979, is amended to read as  
42 follows:

43 a. The department may issue a motorized bicycle  
44 license to any a person fourteen years of age or older  
45 who has passed a vision test and a written examination  
46 on the rules of the road. After July 1, 1981, persons  
47 under the age of sixteen applying for a motorized  
48 bicycle license shall also be required to successfully  
49 complete a motorized bicycle education course approved  
50 and established by the department of public instruction

## Page 2

1 or successfully complete an approved motorized bicycle  
 2 education course at a private or commercial driver  
 3 education school licensed by the department. A public  
 4 school district may charge a student a fee which shall  
 5 not exceed the actual cost of instruction. A motorized  
 6 bicycle license shall entitle entitles the licensee  
 7 to operate a motorized bicycle upon the highway while  
 8 having the license in the licensee's immediate  
 9 possession on the highways of the state for a period  
 10 of two years. The license is valid for a period of  
 11 two years, subject to termination or cancellation  
 12 as provided in this section."  
 13 3. By renumbering sections as necessary.

Hoffmann of Muscatine offered the following amendment  
 H-6234, to amendment H-5893, filed by Hoffmann, et al. :

## H-6234

1 Amend amendment H-5893 to Senate File 2361 as  
 2 amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 44, by striking the word "fourteen"  
 5 and inserting in lieu thereof the words "fourteen  
 6 sixteen".  
 7 2. Page 1, line 47, by striking the word "sixteen"  
 8 and inserting in lieu thereof the word "eighteen".  
 9 3. Page 2, by inserting after line 12 the  
 10 following:  
 11 " . Page 24, by inserting after line 18 the  
 12 following:  
 13 "Sec. . The minimum age requirement of section  
 14 three hundred twenty-one point one hundred eighty-  
 15 nine (321.189), subsection two (2), paragraph a, Code  
 16 1979, as amended by this Act, does not apply to persons  
 17 who, as of July 1, 1980, possess valid motorized  
 18 bicycle licenses issued under that paragraph, provided  
 19 the licenses are not terminated or canceled. The  
 20 education requirement of that paragraph does not apply  
 21 to persons who, as of July 1, 1981, possess valid  
 22 motorized bicycle licenses issued under that paragraph,  
 23 provided the licenses are not terminated or canceled."

Speaker Harbor in the chair at 3:26 p.m.

Halvorson of Clayton asked and received unanimous consent to defer action on Senate File 2361 to take up for consideration Senate File 2247.

(Amendment H—6234 to amendment H—5893 pending.)

### Ways and Means Calendar

**Senate File 2247**, a bill for an act relating to the indexing of the state individual income tax, with report of committee recommending amendment and passage was taken up for consideration.

Conlon of Muscatine offered amendment H—6226 filed by the committee on ways and means on April 18, 1980, found on pages 1842 and 1843 of the House Journal and requested division as follows:

H—6226A, lines 3 through 7, 21 through 23 and 27 through 35.

H—6226B, lines 8 through 20, 24 through 26 and 36 through 41.

Conlon of Muscatine moved the adoption of the committee amendment H—6226A.

Roll call was requested by Anderson of Jasper and Rapp of Black Hawk.

On the question "Shall the committee amendment H—6226A be adopted?"

The ayes were, 59:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Conlon	Corey	Crabb
Crawford	De Groot	Diemer	Egenes
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Hummel	Husak	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lloyd-Jones	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Pellett	Pelton	Perkins
Poffenberger	Pope	Renken	Schneklath
Schroeder	Sherzan	Shimaneck	Shull

Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Woods	Mr. Speaker	

The nays were, 36:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Bruner	Chiodo	Cochran
Connolly	Connors	Cusack	Davitt
Dieleman	Doyle	Gettings	Groth
Hall	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Lonergan
Lorenzen	Norland	O'Kane	Oxley
Patchett	Pavich	Rapp	Ritsema
Spear	Walter	Wells	Welsh

Absent or not voting, 5:

Avenson	Clark, J.H.	Daggett	Danker
Lind			

The committee amendment H-6226A was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford, for the remainder of the day, on request of Husak of Tama.

Norland of Worth asked and received unanimous consent to withdraw amendment H-6289, to the committee amendment H-6226B, filed by him from the floor.

West of Marshall offered the following amendment H-6276, to the committee amendment H-6226B, filed by him from the floor and moved its adoption:

H-6276

- 1 Amend the Committee amendment, H-6226B, to Senate
- 2 File 2247, as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "year" the words "or for the second quarter of the
- 5 calendar year, in the case of the annual inflation
- 6 factor for the 1981 calendar year."

Amendment H-6276 was adopted.



Bruner of Story offered the following amendment H—6291, to the committee amendment H—6226B, filed by him and Rapp of Black Hawk from the floor:

H—6291

- 1 Amend Committee amendment, H—6226B, to Senate File  
2 2247 as passed by the Senate, as follows:  
3 1. Page 1, line 20, by striking the words "two-  
4 fourths" and inserting in lieu thereof the words "~~two-~~  
5 fourths five-eighths".  
6 2. Page 1, by inserting after line 35 the  
7 following:  
8 " . Page 3, by inserting after line 30 the  
9 following:  
10 "Sec. . Section four hundred twenty-two point  
11 nine (422.9), Code 1979, is amended by adding the  
12 following new subsection:  
13 NEW SUBSECTION. The amount of federal income tax  
14 that can be deducted under subsection one (1) of this  
15 section or the amount that can be added under  
16 subsection two (2), paragraph b of this section shall  
17 not exceed, for a tax year beginning in the 1980  
18 calendar year, the sum of ten thousand dollars plus  
19 eighty percent of the federal income tax in excess  
20 of that amount or for a tax year beginning in the  
21 1981 calendar year, the sum of ten thousand dollars  
22 plus sixty percent of the federal income tax in excess  
23 of that amount." "  
24 3. Number and renumber as is necessary.

Conlon of Muscatine rose on a point of order that amendment H—6291 was not germane.

The Speaker ruled the point well taken and amendment H—6291 not germane.

Bruner of Story moved that the rules be suspended to consider amendment H—6291.

Roll call was requested by Bruner of Story and Rapp of Black Hawk.

On the question "Shall the rules be suspended to consider amendment H—6291?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Lonergan	Miller	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crawford	Daggett
Dankerr	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Norland	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	ShimaneK
Shull	Strömer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 3:

Clark, J.H.	Crabb	Smalley
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The motion lost.

Conlon of Muscatine moved the adoption of the committee amendment H—6226B, as amended.

Roll call was requested by Anderson of Jasper and Groth of Buena Vista.

On the question "Shall the committee amendment H—6226B be adopted?"

The ayes were, 53:

Anderson, J.	Bennett	Brandt	Branstad
Clark, B.J.	Conlon	Corey	Crawford

Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Husak	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Maulsby	Menke	Millen
Miller	Mullins	Pellett	Pelton
Perkins	Poffenberger	Pope	Renken
Schnekloth	Shimanek	Shull	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Welsh	West
Mr. Speaker			

The nays were, 41:

Anderson, R.	Avenson	Bina	Binneboese
Bruner	Byerly	Chiодо	Cochran
Connolly	Connors	Cusack	Dieleman
Doyle	Gettings	Groth	Hall
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Jay	Jochum	Lloyd-Jones
Lonergan	Lorenzo	Lura	McKean
Norland	O'Kane	Oxley	Patchett
Pavich	Rapp	Ritsema	Sherzan
Smalley	Spear	Walter	Wells
Woods			

Absent or not voting, 6:

Arnould	Clark, J.H.	Crabb	Davitt
Jesse	Schroeder		

The committee amendment H-6226B, as amended, was adopted.

Conlon of Muscatine offered the following amendment H-6249 filed by him and moved its adoption:

H-6249

- 1 Amend Senate File 2247, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 26 through 28 and inserting
- 4 in lieu thereof the following: "change to one hundred
- 5 percent, except that the amount of the percent change
- 6 added to the one hundred percent shall not exceed the
- 7 greater of zero or the difference between".
- 8 2. Page 1, line 29, by striking the words "by which
- 9 the percent change and exceeds three percent" and inserting
- 10 in lieu thereof the following: "the percent change and
- 11 three percent".

Amendment H—6249 was adopted.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—6283 filed by him from the floor.

Norland of Worth offered amendment H—6288 filed by him from the floor and requested division as follows:

H—6288

- 1 Amend Senate File 2247 as passed by the Senate
- 2 as follows:

H—6288A

- 3 1. Page 3, line 25, by inserting after the period
- 4 the words "The director shall compute the new dollar
- 5 amounts as specified therein to be adjusted in sec-
- 6 tion four hundred twenty-two point nine (422.9) of
- 7 the Code by the annual inflation factors and round
- 8 off the result to the nearest ten dollars."

- 9 2. Page 3, by inserting after line 30 the
- 10 following:

11 "Sec. . Section four hundred twenty-two point  
12 nine (422.9), Code 1979, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. The director shall adjust for  
15 each calendar year the dollar amounts specified in  
16 subsection one (1) of this section by multiplying  
17 the original dollar amounts by the product of the  
18 annual inflation factor for the 1980 calendar year  
19 and the annual inflation factor for each subsequent  
20 calendar year. The director shall round off the re-  
21 sulting product to the nearest ten dollars and incor-  
22 porate the result into the income tax forms and in-  
23 structions. The adjusted amounts shall apply to tax  
24 years beginning in the calendar year for which the  
25 latest adjustments have been made."

H—6288B

- 26 3. Page 3, by inserting after line 30 the follow-
- 27 ing:

28 "Sec. . Section four hundred twenty-two point  
29 nine (422.9), Code 1979, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. For the 1980 and each subsequent  
32 calendar year, the percentage of the optional standard  
33 deduction specified in subsection one (1) of this  
34 section shall be increased by one percentage point

- 35 for each calendar year. The increased optional  
36 standard deduction percentage shall apply to tax years  
37 beginning in the calendar year for which the latest  
38 increase has been made."  
39 4. Number and renumber as is necessary.

Norland of Worth asked and received unanimous consent to defer action on amendment H—6288A.

Norland of Worth offered the following amendment H—6296, to amendment H—6288B, filed by him from the floor and moved its adoption:

H—6296

- 1 Amend amendment H—6288B, to Senate File 2247 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 "each" the words "of the next four".
- 5 2. Page 1, line 32, by striking the word "year"
- 6 and inserting in lieu thereof the word "years".
- 7 3. Page 1, line 38, by inserting after the period
- 8 the words "The increased optional standard deduction
- 9 percentage determined under this subsection for tax
- 10 years beginning in the 1984 calendar year shall
- 11 continue for succeeding tax years."

Amendment H—6296, to amendment H—6288B, was adopted.

Conlon of Muscatine rose on a point of order that amendment H—6288B, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—6288B, as amended, not germane.

The House resumed consideration of amendment H—6288A.

Norland of Worth asked and received unanimous consent to withdraw amendment H—6288A.

Connolly of Dubuque offered the following amendment H—6281 filed by him from the floor:

H—6281

- 1 Amend Senate File 2247 as passed by the Senate,
- 2 as follows:

- 3 1. Page 3, by inserting after line 30 the  
 4 following:  
 5 "Sec. . Section four hundred twenty-seven A point  
 6 twelve (427A.12), Code 1979, is amended by adding the  
 7 following new subsection:  
 8 **NEW SUBSECTION.** For a county which has had two or  
 9 more private schools close since August 15, 1973, the  
 10 comptroller shall pay to the county for each tax year  
 11 an amount equal to eighty percent of the excess of  
 12 the amount of personal property taxes not collected  
 13 in the tax year over the total amount of the state  
 14 reimbursement paid for the tax year to taxing districts  
 15 in the county under subsections one (1) through eight  
 16 (8) of this section. For purposes of this subsection,  
 17 "amount of personal property taxes not collected in the  
 18 tax year" is the amount equal to the product of the  
 19 levy rate for the tax year times the dollar amount  
 20 of the reduction in the assessed value of all taxable  
 21 personal property in the county as a result of section  
 22 four hundred twenty-seven A point eleven (427A.11) of  
 23 the Code.  
 24 There is appropriated from the state general fund  
 25 to the comptroller an amount sufficient to carry out  
 26 the provisions of this subsection."  
 27 2. Title page, line 2, by inserting after the word  
 28 "tax" the words "and the state personal property tax  
 29 credit".  
 30 3. Number and renumber as is necessary.

Conlon of Muscatine rose on a point of order that amendment H-6281 was not germane.

The Speaker ruled the point well taken and amendment H-6281 not germane.

Cannolly of Dubuque asked and received unanimous consent to withdraw amendment H-6282 filed by him from the floor.

Norland of Worth offered the following amendment H-6292 filed by him from the floor:

H-6292

- 1 Amend Senate File 2247 as passed by the Senate  
 2 as follows:  
 3 1. Page 3, by inserting after line 30 the following  
 4 new section:  
 5 "Sec. . Section four hundred twenty-seven A  
 6 point nine (427A.9), unnumbered paragraph two (2),  
 7 Code 1979, is amended to read as follows:

8 The amount of the additional personal property  
9 tax credit shall be a fixed amount for each tax year.  
10 The amount of the additional personal property tax  
11 credit shall be increased for the extended tax year  
12 beginning January 1, 1974, and ending June 30, 1975,  
13 and shall be increased for each tax year immediately  
14 following a tax year in which the growth of state  
15 general fund revenues, adjusted for changes in rate  
16 or basis, exceeds five and one-half percent, except  
17 that the amount of the additional personal property  
18 tax credit for taxes payable in each year of the  
19 fiscal period beginning July 1, 1977 and ending June  
20 30, 1979 shall not exceed the amount of the additional  
21 personal property tax credit allowed for taxes payable  
22 in the fiscal year beginning July 1, 1976 and ending  
23 June 30, 1977 and the amount of the additional personal  
24 property tax credit for taxes payable in each year  
25 of the fiscal period beginning July 1, 1980 and ending  
26 June 30, 1981 shall not exceed the amount of the  
27 additional personal property tax credit allowed for  
28 taxes payable in the fiscal year beginning July 1,  
29 1979 and ending June 30, 1980. An increase in the  
30 additional personal property tax credit, once granted,  
31 shall continue for each succeeding tax year. For  
32 the purposes of this chapter the state comptroller  
33 may estimate the state percent of growth if necessary  
34 to avoid delay in the collection of taxes. After  
35 nine such increases have been made, all taxes on  
36 personal property shall be repealed as provided in  
37 the following section. The director of revenue and  
38 the state comptroller, jointly, shall determine the  
39 amount of the credit for each such tax year. Such  
40 amount shall be the maximum amount, rounded to the  
41 nearest ten dollars, which will permit complete funding  
42 of the replacement obligation under this division,  
43 including the replacement obligation for the tax  
44 credit granted pursuant to sections 427A.1 to 427A.5,  
45 out of the appropriation provided in this chapter.  
46 2. Renumber sections and correct internal  
47 references as are necessary in accordance with this  
48 amendment.

Conlon of Muscatine rose on a point of order that amendment H-6292 was not germane.

The Speaker ruled the point well taken and amendment H-6292 not germane.

Norland of Worth offered the following amendment H-6293 filed by him from the floor:

H-6293

1 Amend Senate File 2247 as follows:

2 1. Page 3, by inserting after line 30 the  
3 following:

4 "Sec. . Section four hundred twenty-seven A  
5 point nine (427A.9), Code 1979, is amended by adding  
6 the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding  
8 unnumbered paragraph two (2) of this section, the  
9 amount of the additional personal property tax credit  
10 shall not be increased for the tax year during which  
11 the state comptroller certifies pursuant to section  
12 one (1) of this Act the unobligated state general  
13 fund balance is less than seventy-five million dollars  
14 and shall not be increased for the subsequent tax  
15 year. For purposes of this paragraph, the comptroller  
16 may estimate the unobligated state general fund balance  
17 if necessary to avoid delay in the collection of  
18 taxes. However, if the estimate causes a wrong result,  
19 the comptroller shall make adjustments in the second  
20 half payments to the taxing districts to remedy the  
21 wrong result."

22 2. Title page, line 2, by inserting after the  
23 word "tax" the words "and the state personal property  
24 tax credit".

25 3. Number and renumber as necessary.

Conlon of Muscatine rose on a point of order that amendment H-6293 was not germane.

The Speaker ruled the point well taken and amendment H-6293 not germane.

Norland of Worth asked for unanimous consent to consider amendment H-6293.

Objection was raised.

Norland of Worth moved that the rules be suspended to consider amendment H-6293.

Roll call was requested by Norland of Worth and Anderson of Jasper.

On the question "Shall the rules be suspended to consider amendment H-6293?"



## The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Branth	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Jay
Jesse	Jochum	Krewson	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

## The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crawford	Danker
De Groot	Diemer	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

## Absent or not voting, 7:

Clark, J.H.	Crabb	Daggett	Egenes
Hullinger	Husak	Smalley	

## The motion lost.

Perkins of Greene offered the following amendment H-6298 filed by him and Cochran of Webster from the floor:

H-6298

- 1 Amend Senate File 2247 as passed by the Senate,
- 2 as follows:
- 3 1. Page 3, by inserting after line 30 the
- 4 following:
- 5 "Sec. 4. Section four hundred fifty point nine
- 6 (450.9), Code 1979, is amended to read as follows:
- 7 450.9 INDIVIDUAL EXEMPTIONS. In computing the
- 8 tax on the net estate passing to the surviving spouse,
- 9 heirs or beneficiaries of the deceased the following

- 10 credits or exemptions shall be allowed:
- 11 1. Surviving spouse, eighty one hundred twenty  
 12 thousand dollars.
- 13 2. Each son and daughter, including legally adopted  
 14 sons and daughters, or illegitimate sons and daughters  
 15 entitled to inherit under the law of this state,  
 16 thirty fifty thousand dollars.
- 17 3. Father or mother, ten fifteen thousand dollars.
- 18 4. Any other lineal descendant of the deceased,  
 19 ten fifteen thousand dollars.
- 20 Sec. . Section four (4) of this Act is effective  
 21 July 1, 1980 for the estates of decedents dying on  
 22 or after July 1, 1980 only if the unobligated state  
 23 general fund balance on June 30, 1980 as certified  
 24 by the comptroller under section one (1) of this Act  
 25 is sixty-five million dollars."
- 26 2. Number and renumber as is necessary.

Norland of Worth offered the following amendment H-6299, to amendment H-6298, filed by him from the floor and moved its adoption:

H-6299

- 1 Amend the Perkins amendment, H-6298, to Senate  
 2 File 2247 as passed by the Senate as follows:
- 3 1. Page 1, lines 6, by inserting before the word  
 4 "Code" the words and figure "subsection one (1)."  
 5 2. Page 1, by striking lines 7 through 19 and  
 6 inserting in lieu thereof the following:  
 7 "1. Surviving spouse, eighty one hundred fifty  
 8 thousand dollars."

Roll call was requested by Tyrrell of Iowa and Halvorson of Clayton.

On the question "Shall amendment H-6299, to amendment H-6298, be adopted?"

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs

Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, 1:

Krewson

Absent or not voting, 4:

Clark, J.H.	Crabb	Husak	Lorenzen
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Amendment H—6299 was adopted.

Conlon of Muscatine rose on a point of order that amendment H—6298, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—6298, as amended, not germane.

Perkins of Greene moved that the rules be suspended to adopt amendment H—6298.

Roll call was requested by Sherzan of Polk and Perkins of Greene.

Rule 80 was invoked.

On the question "Shall the rules be suspended to adopt amendment H—6298, as amended?"

The ayes were, 47:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Gochran	Connolly	Connors

Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Jay	Jesse	Jochum
Lloyd-Jones	Loneragan	McKean	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Pelton	Perkins	Rapp
Sherzan	Spear	Tyrrell	Walter
Wells	Welsh	Woods	

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	Menke	Millen	Mullins
Pellett	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stromer	Swearingen
Thompson	Tofte	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 3:

Clark, J.H.	Crabb	Husak
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The motion lost.

Brandt of Black Hawk moved that the rules be suspended to adopt amendment H—6293.

A non-record roll call was requested.

The ayes were 41, nays 53.

The motion lost.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2247)

The ayes were, 64:

Anderson, J.	Bennett	Bina	Binneboese
Brandt	Branstad	Clark, B.J.	Cochran
Conlon	Corey	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Howell	Hullinger	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Wells	Welsh	West	Mr. Speaker

The nays were, 33:

Anderson, R.	Arnould	Avenson	Bruner
Byerly	Chiodo	Connolly	Connors
Cusack	Gettings	Groth	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Jay	Jesse	Jochum	Lloyd-Jones
Loneragan	Lorenzen	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Ritsema	Walter
Woods			

Absent or not voting, 3:

Clark, J.H.	Crabb	Husak
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(Senate File 2247)

Halvorson of Clayton asked and received unanimous consent that Senate File 2247 be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2361**, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear

on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, and amendment H—6234, to amendment H—5893.

Hoffmann of Muscatine moved the adoption of amendment H—6234, to amendment H—5893.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 49, nays 47.

Amendment H—6234 was adopted.

Halvorson of Clayton asked and received unanimous consent to suspend House Rules 2 and 15 to continue session beyond 6:00 p.m. and to allow food in the House chamber while in session.

Kirkenslager of Des Moines moved the adoption of amendment H—5893, as amended.

A non-record roll call was requested.

The ayes were 65, nays 30.

Amendment H—5893, as amended, was adopted.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—6214 filed by him on April 18, 1980.

Horn of Linn asked and received unanimous consent to withdraw amendment H-6264 filed by him on April 21, 1980.

Speaker pro tempore Stromer of Hancock in the chair at 6:08 p.m.

Halvorson of Webster offered the following amendment. H-6260 filed by him:

H-6260

1 Amend Senate File 2361, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 11, by inserting after line 6 the follow-  
4 ing:

5 "Sec. . Section three hundred twenty-one point  
6 one hundred eighty-two (321.182), Code 1979, is amended  
7 to read as follows:

8 321.182 APPLICATION FOR LICENSE OR PERMIT -  
9 APPLICANT OFFERED OPPORTUNITY TO REGISTER TO VOTE.

10 1. Every application for an instruction permit,  
11 or an operator's or chauffeur's license, a temporary  
12 driver's permit or a motorized bicycle license shall  
13 be made upon a form furnished by the department and  
14 shall be verified by the applicant before a person  
15 authorized to administer oaths, and officers and  
16 employees of the department are hereby authorized  
17 to administer such oaths without charge. The applicant  
18 shall write his or her usual signature with pen and  
19 ink upon the application in the space provided for  
20 signature.

21 2. Every person who submits an application under  
22 this section, other than an application for an  
23 instruction permit, shall be deemed to have thereby  
24 applied to be registered to vote, if eligible, unless  
25 the applicant signs a statement which shall be provided  
26 on the application form to the effect that he or she  
27 does not desire to be registered to vote in this  
28 manner, in which case the requirements of paragraphs  
29 a through d of this subsection shall not apply. The  
30 method of voter registration established by this  
31 section shall be an alternative to other methods of  
32 voter registration provided by chapter forty-eight  
33 (48) of the Code.

34 a. The applicant shall, in addition to supplying  
35 the information required by section three hundred  
36 twenty-one point one hundred eighty-three (321.183)  
37 of the Code, supply the information required by section  
38 forty-eight point six (48.6), subsections five (5)  
39 through ten (10), of the Code of persons registering  
40 to vote, and shall be given a receipt of registra-

41 tion. He or she shall also receive in writing a  
42 statement in substantially the following form: "If  
43 the date of registration occurs within ten days prior  
44 to an election held in your precinct, the registration  
45 will not be effective for that election. Your county  
46 commissioner of elections can provide further  
47 information about registration." The department of  
48 transportation may not retain or maintain after the  
49 close of any working day any of the information  
50 received during that working day under the provisions

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1 of this subsection, except information required by  
2 section three hundred twenty-one point one hundred  
3 eighty-three (321.183) of the Code.

4 b. The voter registration form, including all  
5 information supplied thereon by the applicant which  
6 is needed to comply with section forty-eight point  
7 six (48.6) of the Code and a copy of the applicant's  
8 handwritten signature, shall at the close of each  
9 working day be sent by first class mail or delivered  
10 personally, whichever is most feasible, by a repre-  
11 sentative of the department of transportation to the  
12 commissioner of registration of the county in which  
13 the applicant resides. The commissioner shall process  
14 voter registrations received by the department of  
15 transportation under the provisions of this section  
16 in the same manner as registrations received by a  
17 mobile deputy registrar.

18 c. If the applicant is found to be an eligible  
19 elector in all respects except that he or she has  
20 not attained the age of eighteen, the commissioner  
21 of registration shall send the applicant notice that  
22 the registration will take effect upon his or her  
23 eighteenth birthday.

24 d. If the commissioner is not satisfied that the  
25 applicant is an eligible elector of the precinct in  
26 which the residence listed on the application is  
27 located, or if for any reason the information supplied  
28 on the application is not sufficient to complete the  
29 applicant's registration to vote, the commissioner  
30 of registration shall, not more than fifteen days  
31 after receiving the copy of the application, so notify  
32 the applicant by restricted certified mail and advise  
33 the applicant in the notice how to present evidence  
34 of status as an eligible elector, or complete the  
35 registration. If the applicant is found to be a  
36 currently registered voter, but at a residence other  
37 than that listed on the application, the commissioner  
38 shall treat the application as a change of address  
39 notice.



40 e. Each application form furnished by the  
41 department of transportation under this section, other  
42 than an application for an instruction permit, shall  
43 provide space for the applicant to supply both the  
44 information specified by paragraph a of this subsection  
45 and the information required by section three hundred  
46 twenty-one point one hundred eighty-three (321.183)  
47 of the Code. The form shall include only one copy  
48 upon which may be entered the information specified  
49 by paragraph a of this subsection. That copy of the  
50 form shall be so arranged that a portion thereof may

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1 serve as the registrant's receipt of registration  
2 to vote. The remainder of that copy of the form,  
3 or the entire copy if the applicant signs the statement  
4 provided on the form to the effect that he or she  
5 does not desire to be registered to vote in this  
6 manner, shall be mailed or delivered to the county  
7 commissioner of registration as required by paragraph  
8 b of this subsection."

O'Kane of Woodbury rose on a point of order that amendment H-6260 was not germane.

The Speaker ruled the point well taken and amendment H-6260 not germane.

Halvorson of Webster moved that the rules be suspended to consider amendment H-6260.

A non-record roll call was requested.

The ayes were 28, nays 51.

The motion lost.

Miller of Buchanan offered the following amendment H-6271 filed by him from the floor:

H-6271

- 1 Amend Senate File 2361, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by inserting after line 27 the
- 4 following new section:
- 5 "Sec. . Section three hundred twenty-one point

6 two hundred nine (321.209), Code 1979, is amended  
7 by adding the following new unnumbered paragraph:  
8 **NEW UNNUMBERED PARAGRAPH.** The department shall  
9 revoke the license or permit of an individual to  
10 operate a motor vehicle on the highways of this state  
11 if the person is not able to demonstrate proof of  
12 financial responsibility as defined in section three  
13 hundred twenty-one A point one (321A.1) of the Code."

14 2. Page 21, by inserting after line 11 the  
15 following new section:  
16 "Sec. . Chapter three hundred twenty-one (321),  
17 Code 1979, is amended by adding the following new  
18 section:

19 **NEW SECTION. PROOF OF FINANCIAL RESPONSIBILITY.**

20 1. Notwithstanding the provisions of chapter three  
21 hundred twenty-one A (321A) of the Code, as it pertains  
22 to who is required to maintain proof of financial  
23 responsibility to operate a motor vehicle on the  
24 highways of this state, a person shall not operate  
25 a motor vehicle, which is required to be registered  
26 in this state, on the highways of this state unless  
27 the person has demonstrated proof of financial  
28 responsibility as defined in section three hundred  
29 twenty-one A point one (321A.1), subsection ten (10)  
30 of the Code.

31 2. The department shall not register a motor  
32 vehicle in this state unless the applicant has  
33 demonstrated proof of financial responsibility in  
34 a manner provided in this section or such other manner  
35 as prescribed by the department to substantiate that  
36 a person has the ability to respond in damages for  
37 liability in the amounts specified in section three  
38 hundred twenty-one A point one (321A.1), subsection  
39 ten (10) of the Code. A certificate of insurance  
40 from an insurance company licensed to conduct business  
41 in Iowa, an appropriate bond or a certificate from  
42 the treasurer of state shall be adequate evidence  
43 of proof of financial responsibility.

44 3. An insurance company operating in the state  
45 shall notify the state department of transportation  
46 in a manner prescribed by the commissioner of insurance  
47 after consultation with the state department of  
48 transportation of a cancellation of an insurance  
49 policy issued to a person to satisfy the requirements  
50 for proof of financial responsibility. The department

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1 shall revoke the motor vehicle license or permit of  
2 a person who is unable to demonstrate proof of  
3 financial responsibility.

- 4 4. The state department of transportation and
- 5 the insurance department shall adopt rules pursuant
- 6 to chapter seventeen A (17A) of the Code to implement
- 7 the provisions of this Act."
- 8 3. Renumber sections and correct internal
- 9 references as are necessary in accordance with this
- 10 amendment.

Bennett of Ida rose on a point of order that amendment H—6271 was not germane.

The Speaker ruled the point well taken and amendment H—6271 not germane.

Miller of Buchanan asked for unanimous consent to consider amendment H—6271.

Objection was raised.

Miller of Buchanan moved that the rules be suspended to adopt amendment H—6271.

Roll-call was requested by Chiodo of Polk and Woods of Polk.

Rule 80 was invoked.

On the question "Shall the rules be suspended to adopt amendment H—6271?"

The ayes were, 50:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Holt	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Lind	Lloyd-Jones	Lonergan
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Poffenberger	Rapp	Sherzan
Spear	Tofte	Walter	Wells
Welsh	Woods		

The nays were, 43:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lorenzen	Lura	Maulsby	Menke
Millen	Pellett	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Thompson	Tyrrell
Van Maanen	Welden	Mr. Speaker (Stromer)	

Absent or not voting, 7:

Clark, J.H.	Crabb	Cusack	Lageschulte
Pelton	Swearingen	West	

The motion, having failed to receive a constitutional majority, lost.

Lorenzen of Scott asked and received unanimous consent to withdraw amendment H—6259 filed by him on April 21, 1980.

Egenes of Story offered the following amendment H—6227 filed by her:

H—6227

- 1 Amend Senate File 2361, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 14, by striking lines 18 through page
- 4 16, line 12 and inserting in lieu thereof the
- 5 following:
- 6 "Sec. 22. Section three hundred twenty-one point
- 7 two hundred seventy-five (321.275), Code 1979, is
- 8 amended by striking the section and inserting in lieu
- 9 thereof the following:
- 10 321.275 OPERATION OF MOTORCYCLES AND MOTORIZED
- 11 BICYCLES.
- 12 1. GENERAL. The motor vehicle laws apply to the
- 13 operators of motorcycles and motorized bicycles to
- 14 the extent practically applicable.
- 15 2. RIDERS.
- 16 a. MOTORIZED BICYCLES. A person operating a
- 17 motorized bicycle on the highways shall not carry
- 18 any other person on the vehicle.

19 b. MOTORCYCLES. A person shall not operate or  
20 ride a motorcycle on the highways with another person  
21 on the motorcycle unless the motorcycle is designed  
22 to carry more than one person. The additional  
23 passenger may ride upon the permanent and regular  
24 seat if designed for two persons, or upon another  
25 seat firmly attached to the motorcycle at the rear  
26 of the operator. The motorcycle shall be equipped  
27 with footrests for the passenger unless the passenger  
28 is riding in a sidecar or enclosed cab. The motorcycle  
29 operator shall not carry any person nor shall any  
30 other person ride in a position that will interfere  
31 with the operation or control of the motorcycle or  
32 the view of the operator.

33 3. SITTING POSITION. A person operating a  
34 motorcycle or motorized bicycle shall ride only upon  
35 the vehicle's permanent and regular attached seat.  
36 Every person riding upon the vehicle shall be sitting  
37 astride the seat, facing forward with one leg on  
38 either side of the vehicle.

39 4. USE OF TRAFFIC LANES. Persons shall not operate  
40 motorcycles or motorized bicycles more than two abreast  
41 in a single lane. Except for persons operating such  
42 vehicles two abreast, a motor vehicle shall not be  
43 operated in a manner depriving a motorcycle or  
44 motorized bicycle operator of the full use of a lane.  
45 A motorcycle or motorized bicycle shall not be operated  
46 between lanes of traffic or between adjacent lines  
47 or rows of vehicles. The operator of a motorcycle  
48 or motorized bicycle shall not overtake and pass in  
49 the same lane occupied by the vehicle being overtaken  
50 unless the vehicle being overtaken is a motorcycle

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1 or motorized bicycle.

2 5. HEADLIGHTS ON. A person shall not operate  
3 a 1977 or later model year motorcycle or any model  
4 year motorized bicycle upon the highways without  
5 displaying at least one lighted headlamp of the type  
6 described in section three hundred twenty-one point  
7 four hundred nine (321.409) of the Code. However,  
8 this subsection is subject to the exceptions with  
9 respect to parked vehicles as provided in this chapter.

10 6. PACKAGES. The operator of a motorcycle or  
11 motorized bicycle shall not carry any package, bundle,  
12 or other article which prevents the operator from  
13 keeping both hands on the handlebars.

14 7. HANDLEBARS. A person shall not operate a  
15 motorcycle or motorized bicycle with handlebars more  
16 than fifteen inches in height above that portion of  
17 the seat occupied by the operator.

18 8. PARADES. The provisions of this section do  
19 not apply to motorcycles or motorized bicycles when  
20 used in a parade authorized by proper permit from  
21 local authorities."

Bruner of Story offered the following amendment H-6250, to amendment H-6227, filed by him and moved its adoption:

H-6250

1 Amend amendment H-6227 to Senate File 2361 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 18, by inserting after the word  
5 "vehicle" the words "unless the operator is eighteen  
6 years of age or older and the motorized bicycle has  
7 foot rests and a larger seat designed to carry a  
8 passenger. The operator shall not carry any person  
9 nor shall any other person ride in a position that  
10 will interfere with the operation or control of the  
11 motorized bicycle or the view of the operator".

A non-record roll call was requested.

The ayes were 21, nays 49.

Amendment H-6250 lost.

Doyle of Woodbury asked for unanimous consent to amend amendment H-6227 by striking line 13 of page 2 and inserting in lieu thereof "which prevents the operator from having control of the vehicle."

Objection was raised.

On motion by Egenes of Story, amendment H-6227 was adopted, placing out of order amendment H-5891 filed by Bruner of Story on April 3, 1980 and amendment H-5915 filed by Tyrrell of Iowa on April 8, 1980.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H-6263 filed by him on April 21, 1980.

Johnson of Linn offered the following amendment H-6215 filed by him:

H-6215

- 1 Amend Senate File 2361 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting before line 13 the
- 4 following:
- 5 "Sec. . Section three hundred twenty-one point
- 6 two hundred seventy-five (321.275), Code 1979, is
- 7 amended by adding the following new subsection:
- 8 **NEW SUBSECTION. FLAGS REQUIRED ON MOTORIZED**
- 9 **BICYCLES. A motorized bicycle shall not be operated**
- 10 **on the highway unless a red flag or cloth at least**
- 11 **eight inches square is attached to a flexible pole**
- 12 **mounted on the rear of the vehicle. The flag or cloth**
- 13 **shall be displayed at a sufficient height so as to**
- 14 **be clearly visible in both the front and back of the**
- 15 **vehicle during its operation."**
- 16 2. By renumbering subsections as necessary.

De Groot of Lyon offered the following amendment H-6302, to amendment H-6215, filed by him from the floor and moved its adoption:

H-6302

- 1 Amend amendment H-6215 to page 16 of Senate File
- 2 2361, as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 10, by striking the words "on the
- 5 highway".

Amendment H-6302 was adopted.

On motion by Johnson of Linn, amendment H-6215, as amended, was adopted.

Schroeder of Pottawattamie offered the following amendment H-6301 filed by him from the floor and moved its adoption:

H-6301

- 1 Amend Senate File 2361, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, by striking lines 34 and 35.
- 4 2. Page 21, by striking lines 1 through 4.

Amendment H-6301 was adopted, placing out of order amendment H-6196 filed by Davitt of Warren on April 17, 1980.

The Speaker announced that the following amendments were out of order:

H—5887 filed by Kirkenlager of Des Moines on April 3, 1980.

H—5907 filed by Johnson of Howard on April 8, 1980.

H—5944 filed by Tyrrell of Iowa on April 9, 1980.

H—5971 filed by Tyrrell of Iowa on April 10, 1980.

Kirkenlager of Des Moines offered the following amendment H—6107 filed by him:

H—6107

- 1 Amend Senate File 2361, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by inserting after line 32 the
- 4 following new sections:
- 5 "Sec. . Section six hundred one E point six
- 6 (601E.6), subsection two (2), Code 1979, is amended
- 7 to read as follows:
- 8 2. A city or other political subdivision of the
- 9 state which provides on-street parking areas or off-
- 10 street parking facilities shall in all cases where
- 11 so required by chapters 103A and 104A, and may in
- 12 all other cases, set aside special parking places
- 13 designated only for parking motor vehicles displaying
- 14 a special identification device issued under this
- 15 section. The use of parking spaces which are so
- 16 designated and are located on public property by a
- 17 motor vehicle not displaying such a device, or by
- 18 a motor vehicle displaying such a device but not being
- 19 used as operator or passenger by the individual to
- 20 whom the device has been issued or another individual
- 21 physically handicapped to the extent described by
- 22 this section, shall be a misdemeanor for which a fine
- 23 not to exceed one hundred dollars may be imposed upon
- 24 the owner of the motor vehicle. The fine for the
- 25 first violation within a twelve month period shall
- 26 be ten dollars, for the second violation, twenty-five
- 27 dollars, and for the third or subsequent violations
- 28 within a twelve month period, one hundred dollars.
- 29 Proof of conviction of three or more such violations
- 30 involving improper use of the same special
- 31 identification device shall be is grounds for
- 32 revocation by the department of the holder's privilege
- 33 to use the device.
- 34 Sec. . Chapter six hundred one E (601E), Code
- 35 1979, is amended by adding the following new section.
- 36 NEW SECTION. HANDICAPPED PARKING SPACE. A



37 handicapped parking space shall be at least one hundred  
 38 forty-four inches wide, or, if two or more spaces  
 39 are adjacent to each other, each space shall be at  
 40 least one hundred twenty inches wide with at least  
 41 a forty-eight inch walkway between each space."  
 42 2. Renumber sections and correct internal  
 43 references as may be necessary in accordance with  
 44 this amendment.

Bennett of Ida rose on a point of order that amendment H-6107 was not germane.

The Speaker ruled the point not well taken and amendment H-6107 germane.

Egenes of Story asked for unanimous consent to amend amendment H-6107 by striking lines 34 through 41.

Objection was raised.

Egenes of Story moved that the rules be suspended to amend amendment H-6107 by striking lines 34 through 41.

A non-record roll call was requested.

The ayes were 11, nays 72.

The motion lost.

Kirkenslager of Des Moines moved the adoption of amendment H-6107.

Roll call was requested by Hinkhouse of Cedar and Binneboese of Plymouth.

Rule 80 was invoked.

On the question "Shall amendment H-6107 be adopted?"

The ayes were, 73:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Crawford	Cusack	Daggett	Davitt

Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lloyd-Jones	Loneragan	Lorenzen	Lura
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pope	Rapp
Renken	Schneklath	Shull	Smalley
Spear	Swearingen	Tofte	Tyrrell
Walter	Wells	Welsh	Woods
Mr. Speaker (Stromer)			

The nays were, 21:

Bennett	Corey	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Harbor
Hummel	Lind	Maulsby	McKean
Perkins	Poffenberger	Ritsema	Schroeder
Sherzan	Shimanek	Thompson	Van Maanen
Welden			

Absent or not voting, 6:

Clark, J.H.	Crabb	Dieleman	Jesse
Pelton	West		

Amendment H—6107 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion on request of Howell of Floyd; Pelton of Clinton on request of Shimanek of Jones, both for the remainder of the day.

Miller of Buchanan moved that the rules be suspended to adopt amendment H—6271.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 47, nays 47.

The motion lost.

The following amendment H-6309 filed by Horn of Linn from the floor was adopted by unanimous consent:

H-6309

- 1 Amend Senate File 2361, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Title page, by inserting after line 19 the
- 4 following: "setting the registration fee for church
- 5 buses, relating to motor vehicle inspections, relating
- 6 to special registration plates issued to motor vehicle
- 7 dealers, relating to the age of persons licensed to
- 8 operate motorized bicycles, providing for the issuance
- 9 of special registration plates to handicapped persons,
- 10 providing for special handicapped parking spaces."

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2361)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Diemer	Doyle	Egenes	Groth
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmanp
Holt	Horn	Howell	Hullinger
Husak	Jochum	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Lorenzen	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Patchett	Pavich	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklloth	Schroeder	Sherzan
Shimarek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Wells	Welsh
Woods	Mr. Speaker		
	(Stromer)		

The nays were, 12:

Gettings	Hall	Hummel	Jay
Johnson, J.	Larsen	Lind	Lura
Millen	Miller	O'Kane	Welden

Absent or not voting, 6:

Clark, J.H.	Crabb	Dieleman	Jesse
Pelton	West		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Thompson of Polk in the chair at 7:25 p.m.

### HOUSE INSISTS

Schroeder of Pottawattamie called up for consideration **Senate File 2337**, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

### CONFERENCE COMMITTEE APPOINTED (Senate File 2337)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **Senate File 2337**: Schroeder of Pottawattamie, Chair; Hullinger of Decatur, Schnekloth of Scott, Tofte of Winneshiek and Woods of Polk.

### SENATE AMENDMENTS CONSIDERED

Poffenberger of Dallas called up for consideration **Senate File 435**, a bill for an act relating to the establishment of historical preservation districts in cities, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6074 to the House amendment, received from the Senate on April 15, 1980 and found on page 1586 of the House Journal.

A non-record roll call was requested.

The ayes were 56, nays 36.

The motion prevailed and the House concurred in the Senate amendment H—6074 to the House amendment.

Poffenberger of Dallas 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 80 was invoked.

On the question "Shall the bill pass?" (S.F. 435)

The ayes were, 64:

Anderson, R.	Avenson	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Cochran	Connolly	Connors	Corey
Crawford	Danker	Davitt	Diemer
Doyle	Egenes	Groth	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Horn
Howell	Hummel	Husak	Jay
Jochum	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	McKean
Menke	Miller	Mullins	Norland
O'Kane	Patchett	Pellett	Perkins
Poffenberger	Pope	Rapp	Schroeder
Sherzan	Shimanek	Smalley	Stromer
Swearingen	Tofte	Walter	Welden
Wells	Welsh	Woods	Madam Speaker (Thompson)

The nays were, 29:

Anderson, J.	Arnould	Bennett	Bina
Branstad	Conlon	Cusack	Daggett
De Groot	Gettings	Halvorson, R.N.	Hullinger
Johnson, J.	Johnson, R.	Johnson, W.	Lonergan
Lorenzen	Lura	Maulsby	Millen
Oxley	Pavich	Renken	Ritsema
Schnekloth	Shull	Spear	Tyrrell
Van Maanen			

Absent or not voting, 7:

Clark, J.H. Jesse	Crabb Pelton	Dieleman West	Holt
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Miller of Buchanan called up for consideration **Senate File 2090**, a bill for an act providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-1980 fiscal year and removing the acreage limitation in determining the amount of claim for credit for property taxes due or reimbursement for rent constituting property taxes paid by certain elderly and disabled persons under chapter four hundred twenty-five (425) of the Code, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6096 to the House amendment, received from the Senate on April 16, 1980 and found on pages 1623 and 1624 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6096 to the House amendment.

Miller of Buchanan 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. 2090)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen

Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Madam Speaker (Thompson)

The nays were, none.

Absent or not voting, 8:

Clark, J.H.	Crabb	Dieleman	Holt
Jesse	Pelton	Tofte	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Hansen of O'Brien called up for consideration **Senate File 358**, a bill for an act to provide for the licensing of ophthalmic dispensers, and making penalties applicable, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6143, to the House amendment, received from the Senate on April 17, 1980 and found on page 1702 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6143, to the House amendment.

Hansen of O'Brien 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. 358)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot

Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Madam Speaker (Thompson)

The nays were, 3:

Husak	Lura	Tyrrell
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Absent or not voting, 9:

Clark, J.H.	Crabb	Dieleman	Holt
Jesse	Pelton	Schroeder	Tofte
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Pellett of Cass called up for consideration **House File 2561**, a bill for an act relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources, amended by the Senate, and moved that the House concur in the Senate amendment H-6209, received from the Senate on April 18, 1980 and found on pages 1779 through 1784 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6209.

Pellett of Cass 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. 2561)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	Woods	Madam Speaker (Thompson)

The nays were, none.

Absent or not voting, 8:

Clark, J.H.	Crabb	Dieleman	Holt
Jesse	Pelton	Tofte	West

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Mullins of Kossuth called up for consideration **Senate File 432**, a bill for an act relating to licensing and regulation of child foster care facilities, and prescribing penalties, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6119 to the House amendment, received from the Senate on April 16, 1980 and found on page 1694 of the House Journal.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 58, nays 33.

The motion prevailed and the House concurred in the Senate amendment H—6119 to the House amendment.

Mullins of Kossuth 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. 432)

The ayes were, 83:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Connolly	Connors
Corey	Crawford	Cusack	Daggett
Davitt	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Perkins	Poffenberger	Pope	Rapp
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Spear	Stromer
Swearingen	Van Maanen	Walter	Wells
Welsh	Woods	Madam Speaker (Thompson)	

The nays were, 9:

Conlon	Danker	De Groot	Lura
Maulsby	Renken	Smalley	Tyrrell
Welden			

Absent or not voting, 8:

Clark, J.H.	Crabb	Dieleman	Holt
Jesse	Pelton	Tofte	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## Ways and Means Calendar

**Senate File 2296**, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a loss of miscellaneous income, and making an appropriation, with report of committees recommending amendment and passage was taken up for consideration.

(Senate File 2296 pending at adjournment.)

## IMMEDIATE MESSAGES

Halvorson of Clayton asked and received unanimous consent to immediately message the following bills to the Senate:

Senate Files 358, 432, 435, 2090, 2337 and 2361.

Halvorson of Clayton asked and received unanimous consent to immediately message to the Senate the action taken on House File 2561.

## INTRODUCTION OF BILLS

**House File 2590**, by committee on ways and means, a bill for an act authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

Read first time and **placed on the ways and means calendar.**

**House File 2591**, by committee on ways and means, a bill for an act to legalize the proceedings of the board of directors of the Kirkwood community college (merged area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

Read first time and placed on the ways and means calendar.

**House File 2592**, by committee on ways and means, a bill for an act relating to the amount of fee collected for services performed, and certificates and copies of records issued within the department of health.

Read first time and placed on the ways and means calendar.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2551, a bill for an act relating to calculation of the state percent of growth for school foundation aid purposes.

FRANK J. STORK, Secretary

### SENATE AMENDMENT TO HOUSE FILE 2551

H-6308

- 1 Amend House File 2551, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following section:
- 5 "Section 1. Section two hundred seventy-three
- 6 point two (273.2), Code 1979, is amended by adding
- 7 the following new subsection following subsection
- 8 five (5):
- 9 NEW SUBSECTION: Assistance in establishing programs
- 10 for gifted and talented children."
- 11 2. Page 1, by inserting before line 1 the following
- 12 sections:
- 13 "Sec. . Section two hundred seventy-three point
- 14 three (273.3), subsection thirteen (13), Code 1979,
- 15 as the section is amended by Acts of the Sixty-eighth
- 16 General Assembly, 1979 Session, chapter sixty (60),
- 17 section one (1), is amended to read as follows:
- 18 13. Prepare an annual budget estimating income
- 19 and expenditures for programs and services as provided
- 20 in sections 273.1 to 273.9 and chapter 281 within
- 21 the limits of funds provided under section two hundred
- 22 eighty-one point nine (281.9) and chapter four hundred
- 23 forty-two (442) of the Code. The board shall give

24 notice of a public hearing on the proposed budget  
25 by publication in an official county newspaper in  
26 each county located wholly or partially in the merged  
27 area. The notice shall specify the date which shall  
28 be not later than November 10 of each year, time,  
29 and location of the public hearing. The proposed  
30 budget as approved by the board shall then be submitted  
31 to the state board of public instruction, on forms  
32 provided by the department, no later than December  
33 1 preceding the next fiscal year for approval. The  
34 state board shall forward copies of the budgets of  
35 the area education agencies to the state comptroller.  
36 The state board and the state comptroller shall  
37 establish a maximum statewide amount for approved  
38 budgets for the area education agencies. If the state  
39 board and the state comptroller cannot agree upon  
40 a maximum statewide amount, that amount shall be  
41 established by the school budget review committee.  
42 The state board shall review the proposed budget of  
43 each area education agency with consideration given  
44 to the maximum statewide amount established pursuant  
45 to this subsection, and shall prior to January 1  
46 either grant approval or return the budget without  
47 approval with comments of the state board included.  
48 Any unapproved budget shall be resubmitted to the  
49 state board for final approval.  
50 Sec. . Section two hundred seventy-three point

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1 five (273.5), subsection six (6), Code 1979, is amended  
2 to read as follows:  
3 6. Submit to the department of public instruction  
4 special education instructional and support program  
5 plans and applications including those for new or  
6 expanded programs and services, subject to criteria  
7 listed in chapter 281 and this chapter, for approval  
8 by November 1 of each year for the school year  
9 commencing the following July 1. For the school years  
10 subsequent to the school year beginning July 1, 1975,  
11 the director shall include in the program plans  
12 submitted to the department for support services the  
13 costs necessary to fund the newly identified nonpublic  
14 school pupils served by the area with support services  
15 not previously counted in the program plans for support  
16 services."  
17 3. Page 1, by inserting before line 1 the following  
18 sections:  
19 "Sec. . Section two hundred eighty-five point  
20 one (285.1), subsections three (3) and four (4), Code  
21 1979, are amended to read as follows:

22 3. In any a district where transportation by  
 23 school bus is impracticable or where school bus service  
 24 is not available, the board may require the parents  
 25 or guardian guardians to transport furnish  
 26 transportation for their children to the school schools  
 27 designated for attendance. The parent or guardian  
 28 shall be reimbursed for such transportation service  
 29 for elementary public and nonpublic school pupils  
 30 by the board of the resident district for the distance  
 31 one way from the pupil's residence to the school  
 32 designated for attendance at the rate of fifty-six  
 33 cents per mile per day irrespective of number of  
 34 children transported. For high school pupils, the  
 35 parent or guardian shall be reimbursed eighty dollars  
 36 per pupil per year for such service, provided however  
 37 no family shall receive more than one hundred sixty  
 38 dollars per year for transporting the members of the  
 39 family who attend high school. The provisions of  
 40 this section shall apply to eligible nonpublic school  
 41 pupils as well as to eligible public school pupils.  
 42 However, reimbursement for nonpublic school pupils  
 43 shall not exceed eighty dollars per pupil per year.  
 44 The provisions of this subsection shall be effective  
 45 for transportation of children commencing with the  
 46 second semester of the school year beginning July  
 47 1, 1975, in an amount equal to eighty dollars plus  
 48 the following percent of the difference between eighty  
 49 dollars and the previous school year's statewide  
 50 average per pupil transportation cost, as determined

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1 by the department of public instruction:  
 2 a. For the school year commencing July 1, 1980,  
 3 twenty-five percent.  
 4 b. For the school year commencing July 1, 1981,  
 5 fifty percent.  
 6 c. For the school year commencing July 1, 1982  
 7 and each school year thereafter, seventy-five percent.  
 8 However, a parent or guardian shall not receive  
 9 reimbursement for furnishing transportation for more  
 10 than two family members who attend high school.  
 11 4. In all districts where unsatisfactory roads  
 12 or other conditions make it advisable, the board at  
 13 its discretion may require the parent parents or  
 14 guardian guardians of public and nonpublic school  
 15 pupils to transport furnish transportation for their  
 16 children up to two miles to connect with a vehicle  
 17 vehicles of transportation. The parent parents or  
 18 guardian guardians shall be reimbursed for such  
 19 transportation by the board boards of the resident  
 20 district districts at the rate of twenty-eight cents

21 per mile per day, one way, per family for the distance  
22 from the pupil's residence to the bus route.

23 Sec. Section two hundred eighty-five point  
24 one (285.1), subsection sixteen (16), Code 1979, is  
25 amended to read as follows:

26 16. a. If the nonpublic school designated for  
27 attendance of a pupil is located outside the boundary  
28 line of the school district of the pupil's residence,  
29 the pupil may be transported by the district of  
30 residence to a public school or other location within  
31 the district of the pupil's residence. A public  
32 school district in which a nonpublic school is located  
33 may establish school bus collection locations within  
34 its district from which nonresident nonpublic school  
35 pupils may be transported to and from a nonpublic  
36 school located in the district. If a pupil receives  
37 such transportation, the district of the pupil's  
38 residence shall be relieved of any requirement to  
39 provide transportation.

40 b. As an alternative to the provisions enumerated  
41 in paragraph a of this subsection, subject to the  
42 provisions of section 285.9, subsection 3, where  
43 practicable, and at the option of the public school  
44 district in which a nonpublic school pupil resides,  
45 the school district may transport a nonpublic school  
46 pupil to a nonpublic school located outside the  
47 boundary lines of the public school district if the  
48 nonpublic school is located in a school district  
49 contiguous to the school district which is transporting  
50 the nonpublic school pupils, or may contract with

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1 the contiguous public school district in which a  
2 nonpublic school is located for the contiguous school  
3 district to transport the nonpublic school pupils  
4 to the nonpublic school of attendance within the  
5 boundary lines of the contiguous school district.

6 c. If the nonpublic school designated for  
7 attendance of a pupil is located outside the boundary  
8 line of the school district of the pupil's residence  
9 and the district of residence meets the requirements  
10 of subsections fourteen (14) through sixteen (16)  
11 of this section by using subsection seventeen (17),  
12 paragraph c, of this section and the district in which  
13 the nonpublic school is located is contiguous to the  
14 district of the pupil's residence and is willing to  
15 provide transportation under subsection seventeen  
16 (17), paragraph a or b, of this section, the district  
17 in which the nonpublic school is located may provide  
18 transportation services, subject to section two hundred

19 eighty-five point nine (285.9), subsection three (3),  
 20 of the Code and may make the claim for reimbursement  
 21 under section two hundred eighty-five point two (285.2)  
 22 of the Code. The district in which the nonpublic  
 23 school is located shall notify the district of the  
 24 pupil's residence that it is making the claim for  
 25 reimbursement, and the district of the pupil's  
 26 residence shall be relieved of the requirement for  
 27 providing transportation and shall not make a claim  
 28 for reimbursement for those nonpublic school pupils  
 29 for which a claim is filed by the district in which  
 30 the nonpublic school is located.

31 Sec. . Section two hundred eighty-five point  
 32 one (285.1), subsection seventeen (17), paragraph  
 33 c, Code 1979, is amended to read as follows:

34 c. Utilizing the transportation reimbursement  
 35 provision of subsection 3. ~~However, no reimbursement~~  
 36 ~~shall exceed eighty dollars per nonpublic school pupil~~  
 37 ~~per year.~~

38 Sec. . Section two hundred eighty-five point  
 39 fourteen (285.14), Code 1979, is amended by adding  
 40 the following new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. A vehicle used for an  
 42 approved driver education course in which the driver  
 43 education teacher transports driver education students  
 44 from their residences for street or highway driving  
 45 is not a school bus.

46 Sec. . Section two hundred eighty-five point  
 47 sixteen (285.16), Code 1979, is amended to read as  
 48 follows:

49 285.16 "NONPUBLIC SCHOOL" DEFINED. As used in  
 50 this chapter, the term "nonpublic school" means those

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1 nonpublic schools approved by the department of public  
 2 instruction as provided in section 257.25 and nonpublic  
 3 institutions which comply with state board of public  
 4 instruction standards for providing special education  
 5 programs."

6 4. Page 1, by inserting before line 1 the follow-  
 7 ing section:

8 "Sec. . Section four hundred forty-two point  
 9 two (442.2), subsection two (2), Code 1979, is amended  
 10 to read as follows:

11 2. The amount paid to each school district for  
 12 the tax credit for livestock under section 427.17  
 13 shall be regarded as property tax. The portion of  
 14 the payment which is foundation property tax shall  
 15 be determined by applying the foundation property  
 16 tax rate to the taxable value of livestock assessed  
 17 for taxation in the district as of January 1, 1973,



18 determined pursuant to section 427.17, and adjusted  
 19 to actual value as provided in Acts of the Sixty-fifth  
 20 General Assembly, chapter 1231, section 174. A school  
 21 district is hereby authorized to levy a tax on all  
 22 of the taxable property within the district in an  
 23 amount equal to the difference between the amount  
 24 due to a school district from the personal property  
 25 tax replacement fund for the preceding year and the  
 26 amount actually received during the preceding fiscal  
 27 year from the personal property tax replacement fund."

28 5. Page 1, by inserting before line 1 the following  
 29 section:

30 "Sec. . Section four hundred forty-two point  
 31 three (442.3), Code 1979, is amended to read as  
 32 follows:

33 442.3 STATE FOUNDATION BASE. The state foundation  
 34 base for the school year beginning July 1, 1972, is  
 35 seventy percent of the state cost per pupil. For  
 36 each succeeding school year the state foundation base  
 37 shall be increased by the amount of one percent of  
 38 the state cost per pupil, up to a maximum of eighty  
 39 percent of the state cost per pupil. However, for  
 40 the school year beginning July 1, 1980; the state  
 41 foundation base shall be the same as the state founda-  
 42 tion base for the school year beginning July 1, 1979.  
 43 The district foundation base is the larger of the  
 44 state foundation base or the amount per pupil which  
 45 the district will receive from foundation property  
 46 tax and state school foundation aid."

47 6. Page 1, by inserting before line 1 the following  
 48 section:

49 "Sec. . Section four hundred forty-two point  
 50 seven (442.7), subsection one (1), unnumbered paragraph

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1 one (1), Code 1979, as the section is amended by Acts  
 2 of the Sixty-eighth General Assembly, 1979 Session,  
 3 chapter one hundred six (106), sections six (6) through  
 4 ten (10), is amended to read as follows:

5 For school years subsequent to the school year  
 6 beginning July 1, 1978, a state percent of growth  
 7 for the budget year shall be computed by the state  
 8 comptroller prior to September 15 in the base year  
 9 and forwarded to the superintendent of public  
 10 instruction. The state percent of growth shall be  
 11 an average of the following four percentages of growth  
 12 except as otherwise provided in paragraph c of this  
 13 subsection:"

14 7. Page 1, by inserting before line 1 the following  
 15 section:

16 "Sec. . Section four hundred forty-two point

17 seven (442.7), subsection one (1), paragraph a,  
 18 subparagraphs one (1) and two (2), as amended by Acts  
 19 of the Sixty-eighth General Assembly, 1979 Session,  
 20 chapter one hundred six (106), section six (6), and  
 21 as the section is amended by Acts of the Sixty-eighth  
 22 General Assembly, 1979 Session, chapter one hundred  
 23 six (106), sections seven (7) through ten (10), are  
 24 amended by striking the subparagraphs and inserting  
 25 in lieu thereof the following:

26 (1) The percentage of change between the revenues  
 27 received during the second year preceding the base  
 28 year and the revenues received during the year  
 29 preceding the base year.

30 (2) The percentage of change between the revenues  
 31 received during the year preceding the base year and  
 32 the revenues received during the base year."

33 8. Page 1, by inserting before line 1 the following  
 34 sections:

35 "Sec. . Section four hundred forty-two point  
 36 seven (442.7), subsection one (1), paragraph b, Code  
 37 1979, as the section is amended by Acts of the Sixty-  
 38 eighth General Assembly, 1979 Session, chapter one  
 39 hundred six (106), sections six (6) through ten (10),  
 40 is amended by striking the paragraph and inserting  
 41 in lieu thereof the following:

42 b. The difference in the gross national product  
 43 implicit price deflator published by the bureau of  
 44 economic analysis, United States department of  
 45 commerce, computed or estimated as a percentage of  
 46 change for the following:

47 (1) From the value for the quarter ending December  
 48 thirty-first eighteen months prior to the beginning  
 49 of the base year to the value for the quarter ending  
 50 December thirty-first six months prior to the beginning

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1 of the base year.

2 (2) From the value for the quarter ending December  
 3 thirty-first six months prior to the beginning of  
 4 the base year to the value for the quarter ending  
 5 December thirty-first six months prior to the beginning  
 6 of the budget year.

7 The computation of the percentage change in the  
 8 gross national product implicit price deflator shall  
 9 be based, to the extent possible, on the latest  
 10 available values for these deflators published by  
 11 the bureau of economic analysis.

12 Sec. . Section four hundred forty-two point  
 13 seven (442.7), subsection one (1), Code 1979, as the  
 14 section is amended by Acts of the Sixty-eighth General  
 15 Assembly, 1979 Session, chapter one hundred six (106),

16 sections six (6) through ten (10), is amended by  
17 adding the following new paragraph as paragraph c:  
18 NEW PARAGRAPH. c. If the average of the  
19 percentages computed or estimated under paragraph  
20 b of this subsection exceeds the average of the  
21 percentages computed or estimated under paragraph  
22 a of this subsection, the state percent of growth  
23 shall be the average of the two percentages of growth  
24 computed or estimated under paragraph a of this  
25 subsection."

26 9. Page 1, line 5, by inserting after the word  
27 "amended" the words "but not as renumbered".

28 10. Page 1, by inserting after line 26 the  
29 following sections:

30 "Sec. . Section four hundred forty-two point  
31 seven (442.7), subsection five (5), paragraphs d and  
32 e, Code 1979, as the section is amended but not as  
33 renumbered by Acts of the Sixty-eighth General  
34 Assembly, 1979 Session, chapter one hundred six (106),  
35 sections six (6) through ten (10), are amended to  
36 read as follows:

37 d. For each year following the school year  
38 beginning July 1, ~~1975~~ 1976 and ending with the school  
39 year beginning July 1, 1980, by adding to the basic  
40 allowable growth an amount to compensate for the  
41 additional costs of special education support services  
42 provided through the area education agency. For the  
43 school years beginning July 1, 1978 and July 1, 1979  
44 only, the total amount for each area shall be equal  
45 to the total amount approved for special education  
46 support services for the base year times one hundred  
47 percent plus the state percent of growth. In addition  
48 to the amount provided in this paragraph to each area  
49 for the school years beginning July 1, 1978 and July  
50 1, 1979 to compensate for the additional costs of

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1 special education support services, each area may  
2 be granted by the state board an additional amount  
3 to serve children newly-identified as requiring the  
4 services pursuant to plans submitted by the special  
5 education director of the area education agency as  
6 required by section 273.5. The total of additional  
7 amounts granted throughout the state by the state  
8 board for the school year beginning July 1, 1978 shall  
9 not exceed the total amount approved for special  
10 education support services for the school year  
11 beginning July 1, 1977 times four and eighty-seven  
12 hundredths percent, and for the school year beginning  
13 July 1, 1979 shall not exceed the total amount approved  
14 for special education support services for the school

15 year beginning July 1, 1978 times three percent.  
16 For the school year beginning July 1, 1980 and each  
17 school year thereafter the total amount for the state  
18 for special education support services shall not  
19 exceed the total amount approved for special education  
20 support services for the base year times one hundred  
21 percent plus the state percent of growth, and the  
22 total amount for each area shall be determined by  
23 the state board of public instruction pursuant to  
24 plans submitted by the special education director  
25 of the area education agency as required by section  
26 273.5, which shall be modified as necessary and  
27 approved by the state board of public instruction  
28 according to the criteria and limitations of section  
29 273.5 and chapter 281 and within the total amount  
30 for the state provided in this paragraph. The amount  
31 of additional allowable growth per pupil for the  
32 budget year for each district in an area shall be  
33 determined by dividing the total amount for the area  
34 so determined by the weighted enrollment of the area  
35 for the budget year.

36 e. For the school years prior to the school year  
37 beginning July 1, 1981, for the additional allowable  
38 growth computed under paragraphs "c" and "d" of this  
39 subsection, the state board of public instruction,  
40 in co-operation with the appropriate personnel of  
41 the area education agency, shall determine the amounts  
42 for each area education agency, as required and the  
43 state comptroller shall calculate the amounts of  
44 additional allowable growth for each district necessary  
45 to fund the total special education support services  
46 costs as increased for the budget year under paragraph  
47 "d" of this subsection, and shall calculate the amounts  
48 due from each district to its area education agency  
49 by multiplying the additional allowable growth per  
50 pupil necessary to fund the total special education

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1 support services costs as increased for the budget  
2 year under paragraph "d" of this subsection by the  
3 weighted enrollment in the district for the budget  
4 year. The state comptroller shall deduct the amounts  
5 so calculated for each school district from the state  
6 aid due to the district pursuant to this chapter and  
7 shall pay the amounts to the area education agencies  
8 on a quarterly basis during each school year. The  
9 state comptroller shall notify each school district  
10 of the amount of state aid deducted for this purpose  
11 and the balance of state aid will be paid to the  
12 district. If a district does not qualify for state  
13 aid under this chapter in an amount sufficient to

14 cover its amount due to the area education agency  
 15 as calculated by the state comptroller, the school  
 16 district shall pay the deficiency to the area education  
 17 agency from other moneys received by the district,  
 18 on a quarterly basis during each school year."

19 11. Page 1, by inserting after line 26 the  
 20 following section:

21 "Sec. . Section four hundred forty-two point  
 22 seven (442.7), subsection five (5), Code 1979, as  
 23 the section is amended but not as renumbered by Acts  
 24 of the Sixty-eighth General Assembly, 1979 Session,  
 25 chapter one hundred six (106), sections six (6) through  
 26 ten (10), is amended by adding the following new  
 27 paragraph:

28 NEW PARAGRAPH. By the state comptroller under  
 29 section four hundred forty-two point thirty-five  
 30 (442.35) of the Code."

31 12. Page 1, by inserting after line 26 the  
 32 following section:

33 "Sec. . Section four hundred forty-two point  
 34 seven (442.7), Code 1979, as the section is amended  
 35 by Acts of the Sixty-eighth General Assembly, 1979  
 36 Session, chapter one hundred six (106), sections six  
 37 (6) through ten (10), is amended by adding the  
 38 following new subsection:

39 NEW SUBSECTION. ALLOWABLE GROWTH. For the school  
 40 year beginning July 1, 1981, the state comptroller  
 41 shall add to the allowable growth of affected school  
 42 districts, an amount equal to the difference between  
 43 the amount per pupil in weighted enrollment for the  
 44 approved budget for the school year beginning July  
 45 1, 1980 for special education support services in  
 46 that area education agency and the amount per pupil  
 47 in weighted enrollment for the amount certified to  
 48 generate funds for the school year beginning July  
 49 1, 1980 for special education support services in  
 50 the area education agency and shall adjust the state

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1 cost per pupil accordingly."

2 13. Page 2, by inserting after line 17 the follow-  
 3 ing:

4 "With regard to values of gross national product  
 5 implicit price deflators, the recomputation of the  
 6 state percent of growth for the previous year shall  
 7 be made only with respect to the value of the deflator  
 8 for the quarter which occurred subsequent to the  
 9 calculation of the state percent of growth for the  
 10 previous year. If subsection one (1), paragraph c,  
 11 of this section is used in the calculation of the

12 state percent of growth for the previous year, the  
 13 calculation made in subsection one (1), paragraph  
 14 b, of this subsection shall not be used in the  
 15 recomputation of the state percent of growth for the  
 16 previous year."

17 14. Page 2, by inserting after line 29 the  
 18 following section:

19 "Sec. . . Section four hundred forty-two point  
 20 eight (442.8), unnumbered paragraph two (2), Code  
 21 1979, as the section is amended by Acts of the Sixty-  
 22 eighth General Assembly, 1979 Session, chapter, one  
 23 hundred six (106), section eleven (11), is amended  
 24 to read as follows:

25 However, for the budget years "ginning July 1,  
 26 1980, ~~July 1, 1981~~, July 1, 1982, and July 1, 1983,  
 27 the state cost per pupil shall equal the base year's  
 28 state cost per pupil plus the allowable growth for  
 29 the budget year plus an adjustment to the state cost  
 30 per pupil. For the budget years beginning July 1,  
 31 1980, ~~July 1, 1981~~, July 1, 1982, and July 1, 1983,  
 32 the adjustment to the state cost per pupil is twenty  
 33 dollars per pupil, ~~six dollars per pupil~~, seven dollars  
 34 per pupil, and eight dollars per pupil, respectively."

35 15. Page 2, by inserting after line 29 the  
 36 following section:

37 "Sec. . . Section four hundred forty-two point  
 38 eight (442.8); unnumbered paragraph three (3), Code  
 39 1979, as the section is amended by Acts of the Sixty-  
 40 eighth General Assembly, 1979 Session, chapter one  
 41 hundred six (106), section eleven (11), is amended  
 42 to read as follows:

43 For each Commencing with the school year subsequent  
 44 to the school year beginning July 1, 1975 1976, and  
 45 ending with the school year beginning July 1, 1979,  
 46 the allowable growth added to the state cost per pupil  
 47 as otherwise computed under section 442.7 shall be  
 48 the basic allowable growth increased by an amount  
 49 equal to the average of the amounts of allowable  
 50 growth added for each school district in the state

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1 for additional special education support services  
 2 needed for that year to serve newly identified children  
 3 who require the services, under sections 273.9,  
 4 subsection 3 and 442.7, subsection 5, paragraph "d".  
 5 The state comptroller shall compute the applicable  
 6 amount of allowable growth to be added to the state  
 7 cost per pupil for each school year."

8 16. Page 3, by inserting after line 2 the following  
 9 section:

10 "Sec. . Chapter four hundred forty-two (442),  
11 Code 1979, is amended by adding the following new  
12 section as section four hundred forty-two point twenty-  
13 five (442.25) of the Code:

14 **NEW SECTION. 442.25 SPECIAL EDUCATION SUPPORT**  
15 **SERVICES PAYMENTS.** The state comptroller shall deduct  
16 the amounts calculated for special education support  
17 services for each school district from the state aid  
18 due to the district pursuant to this chapter and shall  
19 pay the amounts to the respective area education  
20 agencies on a quarterly basis during each school year.  
21 The state comptroller shall notify each school district  
22 of the amount of state aid deducted for this purpose  
23 and the balance of state aid shall be paid to the  
24 district. If a district does not qualify for state  
25 aid under this chapter in an amount sufficient to  
26 cover its amount due to the area education agency  
27 as calculated by the state comptroller, the school  
28 district shall pay the deficiency to the area education  
29 agency from other moneys received by the district,  
30 on a quarterly basis during each school year."

31 17. Page 3, by inserting after line 2 the following  
32 sections:

33 "Sec. . Section four hundred forty-two point  
34 thirty-one (442.31), Code 1979, as amended by Acts  
35 of the Sixty-eighth General Assembly, 1979 Session,  
36 chapter thirteen (13), section twenty (20), and as  
37 amended by House File two thousand two hundred seventy-  
38 five (2275), section one (1), Sixty-eighth General  
39 Assembly, 1980 Session, is amended by striking the  
40 section and inserting in lieu thereof the following:

41 **442.31 GIFTED AND TALENTED CHILDREN.** For the  
42 school year beginning July 1, 1981 and succeeding  
43 school years, boards of school districts, individually  
44 or jointly with the boards of other school districts,  
45 may provide for gifted and talented children programs  
46 and annually submit program plans and budget costs,  
47 including requests for additional allowable growth  
48 for funding the programs, to the department of public  
49 instruction and to the applicable gifted and talented  
50 children advisory council, if an advisory council

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1 has been established, as provided in this chapter.  
2 A district shall not identify more than three percent  
3 of its budget enrollment for the budget year as gifted  
4 and talented.

5 The department of public instruction shall  
6 promulgate rules under chapter seventeen A (17A) of  
7 the Code relating to the administration of sections  
8 four hundred forty-two point thirty-one (442.31)

9 through four hundred forty-two point thirty-five  
 10 (442.35) of the Code and the new sections added to  
 11 chapter four hundred forty-two (442) of the Code by  
 12 this Act. The rules shall prescribe the format of  
 13 program plans submitted under section four hundred  
 14 forty-two point thirty-two (442.32) of the Code and  
 15 shall require that programs fulfill specified  
 16 objectives.

17 Sec. . Section four hundred forty-two point  
 18 thirty-two (442.32), Code 1979, is amended by striking  
 19 the section and inserting in lieu thereof the  
 20 following:

21 442.32 PROGRAM PLANS. The program plans submitted  
 22 by school districts shall include all of the following:

- 23 1. Program goals, objectives, and activities to
- 24 meet the needs of gifted and talented children.
- 25 2. Student identification criteria and procedures.
- 26 3. Staff in-service education design.
- 27 4. Staff utilization plans.
- 28 5. Evaluation criteria and procedures and
- 29 performance measures.
- 30 6. Program budget.
- 31 7. Qualifications required of personnel
- 32 administering the program.
- 33 8. Other factors the department requires.

34 Sec. . Section four hundred forty-two point  
 35 thirty-three (442.33), Code 1979, is amended to read  
 36 as follows:

37 442.33 DEFINED. "Gifted and talented children"  
 38 are those identified as possessing outstanding  
 39 abilities who are capable of high performance. Gifted  
 40 and talented children are children who require  
 41 differentiated educational programs or services  
 42 appropriate instruction and educational services  
 43 commensurate with their abilities and needs beyond  
 44 those provided by the regular school program.

45 Gifted and talented children include those children  
 46 with demonstrated achievement or potential ability,  
 47 or both, in any two or more of the following areas  
 48 or in combination:

- 49 1. General intellectual ability.
- 50 2. Creative thinking.

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- 1 2 3. Leadership ability.
- 2 3 4. Visual and performing arts ability.
- 3 4 5. Specific ability aptitude.
- 4 5. Intellectual ability.
- 5 Sec. . Section four hundred forty-two point
- 6 thirty-four (442.34), Code 1979, as amended by Acts



7 of the Sixty-eighth General Assembly, 1979 Session,  
 8 chapter thirteen (13), section twenty-one (21), and  
 9 as amended by House File two thousand two hundred  
 10 seventy-five (2275), section two (2), Sixty-eighth  
 11 General Assembly, 1980 Session, is amended by striking  
 12 the section and inserting in lieu thereof the  
 13 following:

14 442.34 SUBMISSION OF PROGRAM PLANS. The board  
 15 of directors of a school district shall submit  
 16 applications for approval for gifted and talented  
 17 children programs to the department not later than  
 18 November first preceding the fiscal year during which  
 19 the program will be offered. The board shall also  
 20 submit a copy of the program plans to the gifted and  
 21 talented children advisory council, if an advisory  
 22 council has been established. The department shall  
 23 review the program plans and shall prior to January  
 24 fifteenth either grant approval for the program or  
 25 return the request for approval with comments of the  
 26 department included. Any unapproved request for a  
 27 program may be resubmitted with modifications to the  
 28 department not later than February first. Not later  
 29 than February fifteenth the department shall notify  
 30 the state comptroller and the school budget review  
 31 committee of the names of the school districts for  
 32 which gifted and talented children programs have been  
 33 approved and the approved budget of each program  
 34 listed separately for each school district having  
 35 an approved program.

36 Sec. . Section four hundred forty-two point  
 37 thirty-five (442.35), Code 1979, as amended by Acts  
 38 of the Sixty-eighth General Assembly, 1979 Session,  
 39 chapter thirteen (13), section twenty-two (22), and  
 40 as amended by House File two thousand two hundred  
 41 seventy-five (2275), section three (3), Sixty-eighth  
 42 General Assembly, 1980 Session, is amended by striking  
 43 the section and inserting in lieu thereof the  
 44 following:

45 442.35 FUNDING. The budget of an approved gifted  
 46 and talented children program for a school district,  
 47 after subtracting funds received from other sources  
 48 for that purpose, shall be funded annually on a basis  
 49 of one-fourth or more from the district cost of the  
 50 school district and up to three-fourths by an increase

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1 in allowable growth as defined in section four hundred  
 2 forty-two point seven (442.7) of the Code. Annually,  
 3 the state comptroller shall establish a modified  
 4 allowable growth for each such district equal to the  
 5 difference between the approved budget for the gifted

6 and talented children program for that district and  
 7 the sum of the amount funded from the district cost  
 8 of the school district plus funds received from other  
 9 sources.

10 Sec. Chapter four hundred forty-two (442),  
 11 Code 1979, is amended by adding the following new  
 12 sections:

13 **NEW SECTION. ADVISORY COUNCIL.** At the written  
 14 request of one or more boards of school districts,  
 15 in an area education agency, the area education agency  
 16 board shall establish one or more gifted and talented  
 17 children advisory councils and shall appoint members  
 18 for four-year staggered terms. The terms of office  
 19 of advisory council members shall commence on July  
 20 first of each year. An advisory council shall consist  
 21 of seven members including teachers, parents, school  
 22 administrators, and other persons interested in  
 23 education in the area. Except as otherwise provided  
 24 in this section, members shall be eligible electors  
 25 residing in the merged area. Members shall serve  
 26 without compensation but shall be reimbursed for  
 27 actual and necessary expenses and mileage incurred  
 28 in the performance of their duties from funds available  
 29 to the area education agency.

30 If an area education agency has a weighted  
 31 enrollment of more than thirty-five thousand, the  
 32 board may appoint additional advisory councils for  
 33 each thirty-five thousand weighted enrollment or  
 34 fraction of thirty-five thousand. If more than one  
 35 advisory council is appointed by the board, the board  
 36 shall divide the merged area along school district  
 37 boundary lines for jurisdiction of the advisory  
 38 councils, and membership of these advisory councils  
 39 shall be appointed from the designated portion of  
 40 the merged area.

41 **NEW SECTION. DUTIES OF ADVISORY COUNCIL.** The  
 42 gifted and talented children advisory council shall:

- 43 1. Elect a chairperson and vice chairperson from  
 44 the membership of the advisory council.
- 45 2. Meet as often as deemed necessary by the  
 46 advisory council.
- 47 3. Advise and assist a local board of directors  
 48 in the establishment of gifted and talented children  
 49 programs, when requested by the local board.
- 50 4. Review program plans and proposed budgets for

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- 1 a gifted and talented children program, in consultation
- 2 with a gifted and talented children consultant employed
- 3 by the area education agency, when requested by a
- 4 local board.

5 5. When requested by a local board, evaluate the  
6 results of a gifted and talented children program  
7 and file a written report together with recommendations  
8 for improvement or change with the board of directors  
9 of the applicable school district, the area education  
10 agency and the department of public instruction.  
11 The evaluation shall be conducted by three or more  
12 members of the advisory council."

13 18. Page 3, by inserting after line 2 the following  
14 section:

15 "Sec. . For the school year beginning July  
16 1, 1981, an area education agency which requires  
17 additional money to provide special education support  
18 services to children requiring special education in  
19 the area may apply to the school budget review  
20 committee for additional funds. The school budget  
21 review committee shall review the requests submitted  
22 by area education agencies and may allocate additional  
23 funds to area education agencies on the basis of need  
24 from any funds appropriated to the department of  
25 public instruction for the use of the school budget  
26 review committee."

27 19. Page 3, by inserting after line 2 the following  
28 sections:

29 "Sec. . This Act is effective for the school  
30 year beginning July 1, 1981, except that the sections  
31 amending chapter two hundred eighty-five (285), section  
32 four hundred forty-two point three (442.3) and section  
33 four hundred forty-two point seven (442.7), subsection  
34 five (5), paragraph a, of the Code are effective for  
35 the school year beginning July 1, 1980."

36 Sec. . This Act, being deemed of immediate  
37 importance, takes effect from and after its publication  
38 in The Record, a newspaper published in Cedar Falls,  
39 Iowa, and in The Garner Leader & Signal, a newspaper  
40 published in Garner, Iowa.

41 20. By numbering and renumbering sections and  
42 correcting internal references as necessary.

43 21. Amend the title, line 1, by inserting after  
44 the word "to" the words "school finance including".

45 22. Amend the title, line 2, by striking the words  
46 "growth and basic" and inserting in lieu thereof the  
47 word "growth,".

48 23. Amend the title, line 2, by inserting after  
49 the word "pupil" the words ", and the state foundation  
50 base".

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1 24. Amend the title, line 3, by inserting after  
2 the word "purposes" the words "and including  
3 reimbursement for public and nonpublic pupil  
4 transportation".

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 108**

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 108, a bill for an act relating to the construction and maintenance of schoolhouses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, respectfully make the following report:

1. That the House recedes from its amendment, S-5694, to Senate File 108, as amended, passed, and reprinted by the Senate.

2. That Senate File 108, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 35, by striking the words "and use".

2. Page 1, by inserting after line 35 the following section:

"Sec. . Section four hundred forty-two point thirteen (442.13), subsection seven (7), Code 1979, is amended to read as follows:

7. The committee may authorize a district to spend a reasonable and specified amount from its unexpended cash balance for the sole purpose or purposes of furnishing, equipping, and contributing to the construction of a new building or structure for which the voters of the district have approved a bond issue as provided by law or a tax as provided in chapter 278 and for major building repairs as defined in section two hundred ninety-seven point five (297.5) of the Code. No other expenditure, including but not limited to expenditures for salaries or recurring costs, shall be authorized under this subsection. Expenditures authorized under this subsection shall not be included in allowable growth or district cost, and the portion of the unexpended cash balance which is authorized to be spent shall be regarded as if it were miscellaneous income. Any part of such amount which is not actually spent for the authorized purpose shall revert to its former status as part of the unexpended cash balance."

3. Amend the title, by striking lines 2, 3, and 4 and inserting in lieu thereof the words "houses by allowing the tax levied under section two hundred ninety-seven point five (297.5) of the Code and the unexpended cash balance of a school district to be spent for major building repairs."

4. By numbering and renumbering sections as necessary.

ON THE PART OF THE HOUSE:

WARREN E. JOHNSON, Chair  
HORACE DAGGETT  
LESTER D. MENKE  
CARROLL PERKINS  
CLAY SPEAR

ON THE PART OF THE SENATE:

ARTHUR L. GRATIAS, Chair  
JAMES E. BRILES  
JOE BROWN  
JOHN W. JENSEN  
WILLIAM D. PALMER

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 21, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 225, an act relating to the licensing and regulations of the sale of eggs.

House File 357, an act relating to the acceptance of checks by vendors of state liquor stores.

House File 402, an act relating to attorney notices of subrogation to the Department of Social Services under the medical assistance program.

House File 690, an act relating to the persons eligible for appointment on the appropriate eligible list under the merit system.

House File 2163, an act repealing the prohibition against advertising the sale of tobacco near public schools.

House File 2169, an act relating to contracts for bridge or road construction on secondary roads.

House File 2245, an act relating to the supply of dwelling houses, quarters, utilities, provisions and other goods and services for executive heads, assistant executive heads and employees of institutions under the Department of Social Services.

House File 2410, an act relating to the Iowa Housing Finance Authority by amending the quorum provision, increasing the amount of bonds and notes of the Iowa Housing Finance Authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems, and relating to the authority's conflict of interest provision, including a penalty.

House File 2461, an act relating to tort liability of regional boards of library trustees, soil conservation districts and their officers, employees, and agents.

House File 2478, an act relating to emergency repair, restoration, or reconstruction of a primary highway or bridge.

House File 2479, an act relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

House File 2488, an act relating to the powers to be exercised by electors of school corporations at certain elections.

House File 2491, an act authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81A et seq.

House File 2521, an act to increase the minimum cost of repairs to school buildings for which bid procedures are required.

House File 2522, an act to legalize and validate the proceedings whereby the community school district of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

House File 2529, an act relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

House File 2540, an act relating to the membership of the Board of Certification of Waterworks and Waste Waterworks Operators.

House File 2572, an act relating to the lending and investment powers of savings and loan associations under Section five hundred thirty-four point nineteen (534.19) of the Code.

House File 2573, an act authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

Senate File 107, an act relating to the establishment of tuition rates for school districts.

Senate File 359, an act relating to workers' compensation for occupational hearing loss.

Senate File 446, an act relating to weighing and measuring by granting the Department of Agriculture the authority to promulgate rules to implement Chapters two hundred fourteen (214) and two hundred fifteen (215) and enforce its regulations, by defining various weighing and measuring devices and providing related definitions, relating to persons who service weighing and measuring devices, relating to weighing and measuring devices and procedures used in the transportation of commodities, relating to measuring devices used in the retail sale of motor vehicle fuel, and relating to weighing regulations in the sale of animal carcasses.

Senate File 464, an act relating to the final report of the personal representative of a decedent's estate.

Senate File 2006, an act to increase the estimated cost of a proposed public improvement above which a city must hold a public hearing, advertise and receive sealed bids.

Senate File 2183, an act providing that the Iowa Corn Promotion Board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

Senate File 2267, an act to authorize certain trusts to be shareholders in a family farm corporation.

Senate File 2279, an act relating to the dates for limitations of actions on title to real property.

Senate File 2285, an act to repeal the state residency requirement for employees of the Department of Social Services.

Senate File 2299, an act permitting the establishment and use of common trust funds by banks having common ownership.

Senate File 2314, an act to legalize the proceedings of the Grinnell-Newburg Community School District relating to the sale of certain property.

Senate File 2331, an act to legalize the sale of certain property in Lee County.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty eighth grade students from West Central Junior-Senior High School, Maynard, accompanied by Ron Miller and Ron Reusche. By Avenson of Fayette.

Forty-five students from St. Rose of Lima School, Denison, accompanied by Jean Scott. By Crabb of Crawford.

Eighteen Monticello high school students from Monticello Community School, Monticello, accompanied by Mr. Keith Stamp. By Shimanek of Jones.

Twenty-five students from Bennett Junior-Senior High School, Bennett, accompanied by Bill Huckstadt. By Hinkhouse of Cedar.

Six juniors from Plymouth County high schools, accompanied by Wes Karr. By Ritsema of Sioux and Binneboese of Plymouth.

Eighty fourth grade students from Waukee Elementary School, Waukee, accompanied by Mrs. Hileman, Mrs. Anfinson and Mrs. McLarty. By Davitt of Warren and Poffenberger of Dallas.

Ninety senior students from Johnston High School, Johnston, accompanied by Dave Pitz and O. J. Hennings. By Krewson of Polk.

Forty fifth grade students from Clegg Park Elementary School, West Des Moines, accompanied by Mary True. By Thompson of Polk.

Fifty-five tenth grade students from Dowling High School, West Des Moines, accompanied by Janet Downey. By Thompson of Polk.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on the morning of April 22, 1980. Had I been present, I would have voted "aye" on House Files 2583 and 2584.

LONERGAN of Boone

I inadvertently pushed the "nay" button when the vote was taken on House File 2587. I intended to vote "aye."

SCHNEKLOTH of Scott

I inadvertently pushed the "aye" button when the vote was taken on amendment H-6266B, to Senate File 2247. I intended to vote "nay."

WELSH of Dubuque

**PROOF OF PUBLICATION  
(House File 2591)**

Published copy of House File 2591 and verified proof of publication of said bill in The Cedar Rapids Gazette, a daily newspaper printed in Cedar Rapids, Linn County, Iowa, on March 20, 1980 was filed with the Assistant Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**CERTIFICATES OF RECOGNITION**

MR. SPEAKER: The Assistant Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1980-42 Donald Justice, Iowa City, Iowa

1980-43 Dr. Hugh Winebrenner, Drake University, Des Moines, Iowa

**BRUCE GRAHAM**  
Assistant Chief Clerk of the House



**COMMUNICATIONS RECEIVED**

The following communications have been received and are on file in the office of the Chief Clerk:

**DEPARTMENT OF JOB SERVICE OF IOWA**

The 43rd Annual Report of the Iowa Department of Job Service covering activities of the fiscal year beginning October 1, 1978 and ending September 30, 1979.

**STATE OF OKLAHOMA**

A copy of House Joint Resolution No. 1045 from the State of Oklahoma, concerning the Federal Judiciary; applying for a constitutional convention to amend the constitution of the United States to provide for state removal of Federal judges; encouraging other states to take similar actions; making application permanent; and directing distribution.

A copy of House Joint Resolution No. 1053 from the State of Oklahoma, making application to the congress of the United States to call a convention for the purpose of proposing a right-to-life amendment to the constitution of the United States in accordance with Article V of said constitution; making application permanent; and directing distribution.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**BRUCE GRAHAM**

Assistant Chief Clerk of the House

**COMMITTEE ON WAYS AND MEANS**

**Senate File 2071**, a bill for an act to provide that declarations of value shall be public information.

**Recommended Do Pass.**

**Senate File 2253**, a bill for an act providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

**Recommended Do Pass.**

**Senate File 2264**, a bill for an act relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue:

**Recommended Do Pass.**

**Senate File 2298**, a bill for an act relating to the taxable status of property.

**Recommended Do Pass.**

**Senate File 2327**, a bill for an act to provide or increase the penalty for failure to file or pay the state income, franchise, sales and use, or inheritance and estate taxes or local hotel and motel tax.

**Recommended Amend and Do Pass.**

H-6294

1 Amend Senate File 2327 as passed by the Senate  
2 as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section three hundred twenty-four  
6 point sixty-five (324.65), Code 1979, is amended to  
7 read as follows:  
8 324.65 PENALTY FOR FAILURE TO PROMPTLY REPORT  
9 OR PAY FUEL TAXES. If a licensee or other person  
10 fails to file a required report with the appropriate  
11 state agency on or before the due date, unless it  
12 is shown that ~~such~~ the failure was due to reasonable  
13 cause there shall be added to the amount required  
14 to be shown as tax due on the return five percent  
15 of the amount of the tax if the failure is for not  
16 more than one month, with an additional five percent  
17 for each additional month or fraction of a month  
18 during which ~~such~~ the failure continues, not exceeding  
19 twenty-five percent in the aggregate. If a licensee  
20 or other person fails to remit the tax due with the  
21 filing of the return on or before the due date or  
22 fails to pay any amount of the tax required to be  
23 shown on the return, unless it is shown that the  
24 failure was due to reasonable cause, there shall be  
25 added to the tax a penalty of five percent of the  
26 amount of the tax due, unless it is shown that such  
27 failure was due to reasonable cause if the failure  
28 is for not more than one month, with an additional  
29 five percent for each additional month or fraction  
30 of a month during which the failure continues, not  
31 exceeding twenty-five percent in the aggregate. The  
32 taxpayer shall also pay interest on the tax or  
33 additional tax at the rate of three-fourths of one  
34 percent per month counting each fraction of a month  
35 as an entire month, computed from the date the return  
36 was required to be filed. The appropriate state  
37 agency shall not remit any part of a penalty for  
38 delinquent payment where the delinquency results from

39 the fact that a check given in payment is not honored  
40 because of insufficient funds in the account upon  
41 which the check was drawn. ~~Provided, further, that~~  
42 However, if it appears as a result of an investigation  
43 or from a preponderance of the evidence adduced at  
44 a hearing that there has been a deliberate attempt  
45 on the part of a licensee or other person to evade  
46 payment of fuel taxes there shall be added to the  
47 assessment against the offending person and collected  
48 a penalty of fifty percent of the tax due. When  
49 penalties are applicable for failure to file a return  
50 and failure to pay the tax due or required on the

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1 return, the penalty provision for failure to file  
2 shall be in lieu of the penalty for failure to pay  
3 the tax due or required on the return, except in the  
4 case of a deliberate attempt on the part of the  
5 licensee or other person to evade payment of fuel  
6 taxes. Any report required of licensees or persons  
7 operating under divisions I, II and III, upon which  
8 no tax may be due, shall be subject to a penalty of  
9 ten dollars if ~~such the~~ report is not timely filed  
10 with the appropriate state agency."

11 2. Page 4, lines 32 and 33, by striking the words  
12 "monthly tax deposit or" and inserting in lieu thereof  
13 the words "~~monthly tax deposit or~~".

14 3. Page 5, line 4, by striking the words "monthly  
15 tax deposit or" and inserting in lieu thereof the  
16 words "~~monthly tax deposit or~~".

17 4. Page 5, lines 21 and 22, by striking the words  
18 "monthly tax deposit or" and inserting in lieu thereof  
19 the words "~~monthly tax deposit or~~".

20 5. Page 5, lines 23 and 24, by striking the words  
21 "monthly tax deposit or" and inserting in lieu thereof  
22 the words "~~monthly tax deposit or~~".

23 6. Page 5, lines 26 and 27, by striking the words  
24 "monthly tax deposit or" and inserting in lieu thereof  
25 the words "~~monthly tax deposit or~~".

26 7. Page 5, lines 30 and 31, by striking the words  
27 "monthly tax deposit or" and inserting in lieu thereof  
28 the words "~~monthly tax deposit or~~".

29 8. Page 5, by inserting after line 35 the  
30 following:

31 "Sec. . Section four hundred thirty-five point  
32 five (435.5), Code 1979, is amended to read as follows:  
33 435.5 PENALTY. In case of failure to file a  
34 return with the department on or before the due date,  
35 unless it is shown that ~~such the~~ failure was due to  
36 reasonable cause and not due to willful neglect, there  
37 shall be added to the amount required to be shown

38 as tax on ~~such~~ the return five percent of the amount  
 39 of ~~such~~ tax if the failure is for not more than one  
 40 month, with an additional five percent for each  
 41 additional month or fraction thereof during which  
 42 ~~such~~ the failure continues, not exceeding twenty-five  
 43 percent in the aggregate. If any person fails to  
 44 remit the tax due with the filing of the return on  
 45 or before the due date, or fails to pay the total  
 46 amount of the tax due as shown on the return, unless  
 47 it is shown that the failure was due to reasonable  
 48 cause, there shall be added to the tax a penalty of  
 49 five percent of the tax due unless it is shown that—  
 50 such failure was due to reasonable cause, if the

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1 failure is for not more than one month, with an  
 2 additional five percent for each additional month  
 3 or fraction of a month during which the failure  
 4 continues, not exceeding twenty-five percent in the  
 5 aggregate. In case of willful failure to file a  
 6 return with intent to evade tax, or in case of  
 7 willfully filing a false return with intent to evade  
 8 tax, in lieu of the penalty above provided, there  
 9 shall be added to the amount required to be shown  
 10 as tax on ~~such~~ the return fifty percent of the amount  
 11 of ~~such~~ tax. When penalties are applicable for failure  
 12 to file a return and failure to pay the tax due or  
 13 required on the return, the penalty provision for  
 14 failure to file shall be in lieu of the penalty  
 15 provision for failure to pay the tax due or required  
 16 on the return except in the case of willful failure  
 17 to file a return and willfully filing of a false  
 18 return with intent to evade tax."

19 9. Title page, line 2, by inserting after the  
 20 word "state" the words "motor vehicle fuel, freight  
 21 line and equipment car mileage,".

22 10. By numbering and renumbering as required by  
 23 this amendment.

**Senate File 2281**, a bill for an act providing for temporary allocation of farm-to-market road use funds.

**Recommended Do Pass.**

**Study Bill 602**, relating to the amount of fee collected for services performed, and certificates and copies of records issued within the department of health.

**Recommended Amend and Do Pass.**

**Study Bill 752**, to legalize the proceedings of the board of directors of the Kirkwood community college (merged area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

**Recommended Amend and Do Pass.**

**Study Bill 755**, authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

**Recommended Do Pass.**

### AMENDMENTS FILED

H-6274	H.F. 654	Shimanek of Jones Ritsema of Sioux
H-6275	H.F. 2582	Schroeder of Pottawattamie Welden of Hardin
H-6277	H.F. 654	Shimanek of Jones
H-6278	H.F. 654	Welsh of Dubuque Woods of Polk
H-6284	S.F. 2296	Menke of O'Brien Horn of Linn
H-6285	S.F. 2296	Larsen of Wapello
H-6287	H.F. 2582	Egenes of Story
H-6297	H.F. 2581	Hanson of Delaware
H-6300	H.F. 315	Shimanek of Jones
H-6303	H.F. 2582	Krewson of Polk
H-6304	H.F. 654	Jesse of Polk
H-6305	H.F. 2582	Norland of Worth
H-6306	S.F. 2296	Norland of Worth
H-6307	H.F. 707	Crawford of Story Shimanek of Jones

On motion by Halvorson of Clayton, the House adjourned at 8:42 p.m., until 9:00 a.m., Wednesday, April 23, 1980.

# JOURNAL OF THE HOUSE

One Hundred First Calendar Day—Sixty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 23, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend Don Johnson, pastor of the Hope United Methodist Church, Marshalltown.

The Journal of Tuesday, April 22, 1980 was approved.

## LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wm. H. Steinbeck, Keystone.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury on request of O'Kane of Woodbury.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that funds remaining from the Second Annual House Party will be used to plant a flowering crabapple tree on the southeast corner of the Statehouse lawn.

The tree will be dedicated in memory of Margaret Falk who began her career as a legislative secretary in 1955. Margaret's husband, George, is a doorkeeper in 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 April 21, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2511, a bill for an act to allow an income tax deduction for certain expenses incurred in performing voluntary services.

FRANK J. STORK, Secretary

**ORDERS OF THE DAY**

Halvorson of Clayton asked and received unanimous consent to take up bills in the following order: House Resolution 110, House Concurrent Resolution 130, House File 2581, House File 2483 and House File 2582.

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on Senate File 2296.

**ADOPTION OF HOUSE RESOLUTION 111**

De Groot of Lyon called up for consideration House Resolution 111, in support of the Interfaith Church of the Land at Living History Farms in Des Moines, filed on April 18, 1980 and found on page 1778 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

**REFERRED TO COMMITTEE ON RULES  
(House Resolution 110)**

Lind of Black Hawk called up for consideration House Resolution 110, pertaining to gift reporting rules as they apply to the donee, immediate family members of employees of the House of Representatives, filed on April 17, 1980 and found on pages 1711 and 1712 of the House Journal.

Lloyd-Jones of Johnson moved that House Resolution 110 be rereferred to the committee on ethics.

Halvorson of Clayton moved as a substitute motion that House Resolution 110 be referred to the committee on rules.

The motion prevailed.

**(House Concurrent Resolution 130)**

Halvorson of Clayton asked and received unanimous consent to refer House Concurrent Resolution 130 to the committee on rules.

**CONSIDERATION OF BILLS**  
**Ways and Means Calendar**

**House File 2581**, a bill for an act to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances, was taken up for consideration.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—6297 filed by him on April 22, 1980.

De Groot of Lyon offered the following amendment H—6192 filed by him and Ritsema of Sioux and moved its adoption:

H—6192

- 1 Amend House File 2581 as follows:
- 2 1. Page 3, by inserting after line 22 the
- 3 following:
- 4 "4. As used in this section, ambulance service
- 5 includes services provided by a rescue unit of a
- 6 fire or public safety department."

Amendment H—6192 was adopted.

Hanson of Delaware offered the following amendment H—6311 filed by him from the floor and moved its adoption:

H—6311

- 1 Amend House File 2581, as follows:
- 2 1. Page 1, by striking lines 5 and 6 and
- 3 inserting in lieu thereof the following: "this
- 4 section, the board of supervisors may levy a tax
- 5 of not more than twenty-seven cents per thousand
- 6 dollars of assessed value of the taxable property
- 7 in the county".

Amendment H—6311 was adopted.

Larsen 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. 2581)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poffenberger	Pope	Rapp
Ritsema	Schneklath	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
West	Woods	Mr. Speaker	

The nays were, 1:

Lorenzen

Absent or not voting, 8:

Chiodo	Clark, J.H.	Doyle	Hanson, D.
Jesse	Renken	Schroeder	Welsh

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2483**, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter four hundred nineteen (419) of the Code for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste, with report of committee recommending amendment and passage was taken up for consideration.

Pope of Polk offered amendment H—6189 filed by the committee on ways and means on April 17, 1980 and found on page 1765 of the House Journal and moved its adoption.

The committee amendment H—6189 was adopted, placing out of order amendment H—5416 filed by Jochum of Dubuque on March 10, 1980.

Krewson of Polk offered the following amendment H—6251 filed by him and Bina of Scott:

H—6251

1 Amend House File 2483 as follows:  
2 1. By striking page 1, line 7 through page 2,  
3 line 10 and inserting in lieu thereof the words "in,  
4 (a) any land, buildings or improvements, whether or  
5 not in existence at the time of issuance of the bonds  
6 issued under authority of this chapter, which shall  
7 be suitable for the use of any voluntary nonprofit  
8 hospital, clinic or health care facility as defined  
9 in section 136C.1, subsection 4, or of any private  
10 college or university, or any state institution  
11 governed under chapter 262, whether for the  
12 establishment or maintenance of such college or  
13 university, or of any industry or industries for the  
14 manufacturing, processing or assembling of any  
15 agricultural or manufactured products, even though  
16 such processed products may require further treatment  
17 before delivery to the ultimate consumer, or of any  
18 commercial enterprise engaged in storing, warehousing  
19 or distributing products of agriculture, mining or  
20 industry including but not limited to barge facilities  
21 and river-front improvements useful and convenient  
22 for the handling and storage of goods and products,  
23 or of a national, regional or divisional headquarters  
24 facility of a company that does multistate business,  
25 or (b) pollution control facilities which shall be  
26 suitable for use by any industry, commercial enterprise  
27 or utility. "Pollution control facilities" means  
28 any land, buildings, structures, equipment, pipes,  
29 pumps, dams, reservoirs, improvements, or other  
30 facilities useful for the purpose of reducing,  
31 preventing, or eliminating pollution of the water  
32 or air by reason of the operations of any industry,  
33 commercial enterprise or utility. "Improve",  
34 "improving" and "improvements" shall embrace any real  
35 property, personal property or mixed property of any  
36 and every kind that can be used or that will be useful  
37 in connection with a project, including, without  
38 limiting the generality of the foregoing, rights-of-  
39 way, roads, streets, sidings, trackage, foundations,  
40 tanks, structures, pipes, pipelines, reservoirs,  
41 utilities, materials, equipment, fixtures, machinery,  
42 furniture, furnishings, improvements, instrumentalities

43 and other real, personal or mixed property of every  
 44 kind, whether above or below ground level in any land,  
 45 facility or undertaking which preserves or promotes  
 46 the general welfare of the municipality or serves  
 47 a public purpose of the municipality, as determined  
 48 by its governing body. However, a municipality shall  
 49 not issue revenue bonds under this chapter at any  
 50 time after the effective date of this Act that its

**Page 2**

1 revenue bonds issued and outstanding under this chapter  
 2 exceed two percent of the actual value of taxable  
 3 property in the municipality.

4 Sec. 2. Acts of the Sixty-eighth General Assembly,  
 5 1979 Session, chapter eighty-four (84), section ten  
 6 (10) is repealed."

7 2. Amend the title, lines 3, 4 and 5, by striking  
 8 the words "for the purpose of including facilities  
 9 to be used for the sanitary disposal for recycling  
 10 of solid waste".

11 3. Renumber sections.

Krewson of Polk offered the following amendment H—6258, to amendment H—6251, filed by him and moved its adoption:

H—6258

1 Amend amendment H—6251 to House File 2483 as  
 2 follows:

3 1. Page 2, line 2, by striking the word "two"  
 4 and inserting in lieu thereof the word "twenty".

Amendment H—6258 was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H—6251, as amended.

Krewson of Polk offered the following amendment H—5423 filed by him and Bina of Scott:

H—5423

1 Amend House File 2483 as follows:

2 1. Page 1, line 10, by inserting after the word  
 3 "clinic" the words "; community mental health center".

4 2. Page 1, line 27, by inserting after the word  
 5 "utility" the words ", or (c) a facility suitable  
 6 for use in manufacturing, processing, assembling,

7 storing, warehousing, handling or distributing products  
 8 or goods of agriculture, mining or industry or (d)  
 9 a facility suitable for the primary purpose of  
 10 providing housing for the elderly or handicapped”.

11 3. Page 2, by inserting after line 10 the  
 12 following:

13 “Sec. . Section four hundred nineteen point  
 14 one (419.1), Code 1979, as amended by Acts of the  
 15 Sixty-eighth General Assembly, 1979 Session, chapter  
 16 eighty-nine (89), section one (1), and chapter ninety  
 17 (90), section one (1), is amended by adding the  
 18 following new subsections:

19 NEW SUBSECTION. “Clinic” means a facility which  
 20 is not primarily a retail sales facility and in which  
 21 one or more persons licensed to practice a health  
 22 care profession engage in a practice open to the  
 23 public.

24 NEW SUBSECTION. “Health care profession” means  
 25 medicine and surgery, osteopathy, osteopathic medicine  
 26 and surgery, chiropractic, nursing, dentistry, dental  
 27 hygiene, optometry, podiatry, speech pathology,  
 28 audiology, pharmacy, physical therapy and psychology.

29 NEW SUBSECTION. “Distributing” includes marketing  
 30 and transporting but excludes retail sales.

31 NEW SUBSECTION. “Retail sales” means sales of  
 32 products to purchasers for their personal, family  
 33 or household use.”

34 4. Renumber sections as necessary in accordance  
 35 with this amendment.

36 5. Amend the title by striking lines 4 and 5 and  
 37 inserting in lieu thereof the words “certain  
 38 facilities, and adding definitions.”

Bina of Scott offered the following amendment H-5430, to amendment H-5423, filed by him and Krewson of Polk and moved its adoption:

H-5430

1 Amend amendment H-5423 to House File 2483 as  
 2 follows:

3 1. Page 1, line 28, by inserting after the words  
 4 “physical therapy” the words “, occupational therapy”.

Amendment H-5430 was adopted.

Krewson of Polk offered the following amendment H-5482, to amendment H-5423, filed by him and moved its adoption:

H-5482

1 Amend H-5423, filed by Krewson of Polk and Bina  
2 of Scott to House File 2483, as follows:  
3 1. Page 1, line 10, by inserting after the word  
4 "handicapped" the words "or (e) a facility suitable  
5 for the production of electric energy and the  
6 production of steam, heat or other forms of useful  
7 energy, other than electric energy, to be used for  
8 industrial, agricultural, commercial or space heating  
9 purposes, or (f) a facility suitable for the production  
10 of alcohol from solid waste and other sources, or  
11 (g) a facility suitable for the hydroelectric  
12 generation of electric energy and qualified under  
13 the provisions of section 103 of the Internal Revenue  
14 Code of 1954".

Amendment H-5482 was adopted.

Pope of Polk rose on a point of order that amendment H-5423, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-5423, as amended, not germane.

Krewson of Polk asked for unanimous consent to consider amendment H-5423, as amended.

Objection was raised.

Krewson of Polk moved that the rules be suspended to consider amendment H-5423, as amended.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 48, nays 43.

The motion, having failed to receive a constitutional majority, lost.

Thompson of Polk offered the following amendment H-6240 filed by her and Chiodo of Polk:

H-6240

1 Amend House File 2483 as follows:

2 1. Page 1, line 14, by striking the word  
3 "university," and inserting in lieu thereof the words  
4 "university, ; or of any organization incorporated  
5 or qualified to do business in this state under chapter  
6 five hundred four (504) or five hundred four A (504A)  
7 of the Code, for use as recreational facilities;".

8 2. Page 2, line 10, by inserting after the period  
9 the words "Recreational facilities" means any land,  
10 buildings, structures, machinery, equipment,  
11 improvements or other facilities or appurtenances  
12 thereto, useful for the purpose of providing recreation  
13 to individuals, including but not limited to facilities  
14 for sports, exercise and crafts, and including office  
15 and storage space and other facilities incidental  
16 to the recreational purpose."

17 3. Page 2, by inserting after line 10 the following  
18 new section:

19 "Sec. . Section four hundred nineteen point  
20 eleven (419.11), unnumbered paragraph three (3), Code  
21 1979, as the section is amended by Acts of the Sixty-  
22 eighth General Assembly, 1979 Session, chapter eighty-  
23 nine (89), section three (3), and chapter ninety (90),  
24 section two (2), is amended to read as follows:

25 This section shall not be applicable to any  
26 municipality acquiring, purchasing, constructing,  
27 reconstructing, improving, or extending any buildings  
28 for the purpose of establishing, maintaining, or  
29 assisting any private or state of Iowa college or  
30 university, nor to any municipality in connection  
31 with any project for the benefit of a voluntary  
32 nonprofit hospital, clinic, or health care facility,  
33 the property of which is otherwise exempt under the  
34 provisions of chapter 427; nor to any municipality  
35 in connection with any project comprised of land,  
36 buildings or improvements used or designated for use  
37 as recreational facilities to the extent that property  
38 would be exempt from taxation under the provisions  
39 of chapter four hundred twenty-seven (427). The  
40 payment, collection, and apportionment of the tax  
41 equivalent shall be subject to the provisions of  
42 chapters 445, 446 and 447."

43 4. Amend the title, by striking all of the title  
44 after the word "Code" in line 3 and inserting in lieu  
45 thereof a period.

46 5. Renumber sections and correct internal  
47 references as are necessary in accordance with this  
48 amendment.

Pope of Polk rose on a point of order that amendment H—6240 was not germane.

The Speaker ruled the point well taken and amendment H—6240 not germane.

Chiodo of Polk moved that the rules be suspended to adopt amendment H—6240.

Roll call was requested by Chiodo of Polk and Woods of Polk.

On the question “Shall the rules be suspended to adopt amendment H—6240?”

The ayes were, 35:

Arnould	Binneboese	Brandt	Bruner
Byerly	Chiodo	Cochran	Connors
Crabb	Cusack	Davitt	Dieleman
Egenes	Groth	Hall	Halvorson, R.N.
Hibbs	Horn	Howell	Hullinger
Jesse	Jochum	Lloyd-Jones	Lonergan
Miller	Norland	O’Kane	Oxley
Patchett	Rapp	Sherzan	Spear
Thompson	Wells	Woods	

The nays were, 54:

Anderson, J.	Bennett	Bina	Branstad
Clark, B.J.	Conlon	Corey	Crawford
Daggett	Danker	De Groot	Diemer
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Husak	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pavich	Pellett
Perkins	Poffenberger	Pope	Renken
Ritsema	Schneklath	Schroeder	Shimaneck
Shull	Smalley	Stromer	Swearingen
Tyrrell	Van Maanen	Welden	Welsh
West	Mr. Speaker		

Absent or not voting, 11:

Anderson, R.	Avenson	Clark, J.H.	Connolly
Doyle	Gettings	Hinkhouse	Jay
Pelton	Tofte	Walter	

The motion lost.

Ritsema of Sioux offered the following amendment H-6312 filed by him from the floor:

H-6312

- 1 Amend House File 2483 as follows:
- 2 1. Page 2, by inserting after line 10 the
- 3 following:
- 4 "Sec. . Section four hundred nineteen point two
- 5 (419.2), Code 1979, as amended by the Acts of the
- 6 Sixty-eighth General Assembly, 1979 Session, chapter
- 7 eighty-nine (89), section two (2), and chapter ninety-one
- 8 (91), section one (1), is amended by adding the following
- 9 new subsection:
- 10 NEW SUBSECTION. To jointly finance a chapter 28E
- 11 undertaking with the other municipalities that enter
- 12 into the agreement."
- 13 Renumber sections as is necessary.

Pope of Polk rose on a point of order that amendment H-6312 was not germane.

The Speaker ruled the point well taken and amendment H-6312 not germane.

The following amendment H-6314, filed by Pope of Polk from the floor, was adopted by unanimous consent:

H-6314

- 1 Amend House File 2483 as follows:
- 2 1. Title page, line 4, by striking the word "for"
- 3 and inserting in lieu thereof the word "or".

Pope 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. 2483)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connolly
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot



Dieleman	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jesse
Jochum	Huffman, J.	Johnson, R.	Johnson, W.
Kirkenslager	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 3:

Krewson	Ritsema	Tyrrell
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Absent or not voting, 5:

Clark, J.H.	Connors	Doyle	Jay
Lageschulte			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House resumed consideration of **Senate File 2296**, a bill for an act providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a loss of miscellaneous income, and making an appropriation.

Schnekloth of Scott offered amendment H—6088 filed by the committee on ways and means on April 15 and found on page 1619 of the House Journal.

Groth of Buena Vista offered the following amendment H—6265, to the committee amendment H—6088, filed by him and Cochran of Webster:

H—6265

- 1 Amend amendment H—6088 to Senate File 2296, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:
- 4 1. Page 1, line 11, by inserting after the word  
 5 "Act" the words "for the school years beginning July  
 6 1, 1981, July 1, 1982, July 1, 1983, and July 1,  
 7 1984,".
- 8 2. Page 1, by inserting after line 14 the  
 9 following:
- 10 " . Page 4, line 7, by striking the words and  
 11 figures "and July 1, 1984 only" and inserting in lieu  
 12 thereof the words and figures ", July 1, 1984, and  
 13 July 1, 1985".
- 14 . Page 4, line 19, by inserting after the word  
 15 "year" the words "times one hundred percent plus the  
 16 state percent of growth"."

Menke of O'Brien asked and received unanimous consent to defer action on amendment H—6265, to the committee amendment H—6088, for the consideration of amendment H—5874.

Menke of O'Brien offered the following amendment H—5874 filed by Menke, et al. :

H—5874

- 1 Amend Senate File 2296, as amended, passed, and  
 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 32 through 35.  
 4 2. Page 2, by striking lines 1 through 35 and  
 5 inserting in lieu thereof the following:
- 6 "2. All fines and forfeited bail received for  
 7 violations of sections three hundred twenty-one point  
 8 four hundred sixty-three (321.463), three hundred  
 9 twenty-one point four hundred sixty-six (321.466),  
 10 three hundred twenty-one point four hundred seventy-  
 11 one (321.471), three hundred twenty-one point four  
 12 hundred seventy-three (321.473), and three hundred  
 13 twenty-one point four hundred seventy-four (321.474)  
 14 of the Code, after deduction of court costs, shall  
 15 be remitted by the clerk of the district court to  
 16 the treasurer of state to be credited to the "school  
 17 district reimbursement fund" hereby created in the  
 18 office of the treasurer of state.
- 19 3. On or before May 1, 1982, and May first of  
 20 each year thereafter, the state comptroller shall  
 21 apportion the moneys in the school district  
 22 reimbursement fund to each school district in the  
 23 state in the proportion that the actual enrollment

24 for the budget year for each school district bears  
25 to the total actual enrollment for the budget year  
26 of all school districts in the state.”  
27 3. Page 3, by striking lines 1 through 8.  
28 4. Page 3, by striking lines 11 through 35 and  
29 inserting in lieu thereof the following:  
30 “NEW SECTION. For the school year beginning July  
31 1, 1981, any school district which has an anticipated  
32 reduction in its miscellaneous income received pursuant  
33 to section six hundred two point fifty-five (602.55)  
34 of the Code for that school year may appeal to the  
35 school budget review committee for additional funds  
36 to replace the difference between the miscellaneous  
37 income received for the school year beginning July  
38 1, 1980 and the miscellaneous income received for  
39 the school year beginning July 1, 1981. The amount  
40 of the reduction in miscellaneous income shall be  
41 determined by the school budget review committee from  
42 information provided by the affected school districts  
43 and verified by the state comptroller. The school  
44 budget review committee shall review the requests  
45 submitted by the affected school districts to determine  
46 the amount of reimbursement each school district is  
47 entitled to receive, if any. The school budget review  
48 committee may allocate funds to replace miscellaneous  
49 income lost to the school districts from any funds  
50 appropriated to the department of public instruction

**Page 2**

1 for the use of the school budget review committee.  
2 Funds received by a school district from the school  
3 budget review committee under this section are  
4 miscellaneous income. If the amount of reimbursement  
5 the affected school districts are entitled to receive  
6 exceeds the amount of funds available to the school  
7 budget review committee, the amount of the  
8 reimbursement to each school district shall be reduced  
9 in the proportion that the total amount of funds  
10 available is of the total amount of claims approved.”  
11 5. Page 4, by striking lines 1 through 5.  
12 6. Page 4, lines 6 and 7, by striking the words  
13 and figures “For the school years beginning July 1,  
14 1981, July 1, 1982, July 1, 1983 and July 1, 1984  
15 only,” and inserting in lieu thereof the words and  
16 figures “For the school year beginning July 1, 1981  
17 only.”  
18 7. Page 4, line 9, by inserting after the word  
19 “district” the words “for that year”.  
20 8. Page 4, by inserting after line 23 the following  
21 new section:  
22 “Sec. . This Act takes effect July 1, 1981.”

23 9. Renumber sections and correct internal  
24 references as are necessary in accordance with this  
25 amendment.

Norland of Worth offered the following amendment H—6306, to amendment H—5874, filed by him and moved its adoption:

H—6306

1 Amend amendment H—5874 to Senate File 2296, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 2 the following:  
5 " . Page 1, line 4, by inserting after the word  
6 "The" the words "distribution of fines and forfeited  
7 bail provided for in the".

8 . Page 1, by striking lines 12 and 13 and  
9 inserting in lieu thereof the following: "seventy-  
10 four (321.474) of the Code in excess of the amount  
11 of fines and forfeited bail received for violations  
12 of these sections during the fiscal year beginning  
13 July 1, 1979. The excess amount received for  
14 violations of these sections shall be".

15 2. Page 1, line 14, by inserting after the word  
16 "Code" the words "in excess of the amount of fines  
17 and forfeited bail received for violations of these  
18 sections during the fiscal year beginning July 1,  
19 1979".

20 3. Page 1, line 19, by striking the figure "1982"  
21 and inserting in lieu thereof the figure "1981".

22 4. Page 1, by striking lines 28 through 50  
23 and inserting in lieu thereof the following:  
24 " . Page 3, by striking lines 11 through  
25 35."

26 5. Page 2, by striking lines 11 through 22 and  
27 inserting in lieu thereof the following:

28 " . Page 4, by striking lines 1 through 23."

A non-record roll call was requested.

The ayes were 35, nays 53.

Amendment H—6306 lost.

Menke of O'Brien moved the adoption of amendment H—5874.

Roll call was requested by Sherzan of Polk and Hullinger of Decatur.

Rule 80 was invoked.

On the question "Shall amendment H—5874 be adopted?"

The ayes were, 63:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Crabb	Crawford	Cusack	Danker
Davitt	De Groot	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Holt
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Johnson, W.
Krewson	Larsen	Lind	Lloyd-Jones
Lonergan	Lura	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pelton	Perkins
Poffenberger	Pope	Rapp	Sherzan
Spear	Swearingen	Tyrrell	Walter
Wells	Welsh	Woods	

The nays were, 34:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Daggett	Diemer
Egenes	Halvorson, R.A.	Hoffmann	Hummel
Johnson, J.	Johnson, R.	Kirkenslager	Lorenzen
Maulsby	Millen	Miller	Pellett
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Stromer
Thompson	Tofte	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 3:

Clark, J.H.	Doyle	Lageschulte
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Amendment H—5874 was adopted.

(Senate File 2296 pending at recess.)

On motion by Halvorson of Clayton, the House was recessed at 11:40 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor 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 April 23, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2168, a bill for an act to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation.

Also: That the Senate has on April 23, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2500, a bill for an act relating to compensation and expenses of the board of trustees of a sanitary sewer district.

Also: That the Senate has on April 23, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2554, a bill for an act relating to the setoff against income tax refunds of certain liquidated debts assigned to the department of social services.

Also: That the Senate has on April 23, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2197, a bill for an act relating to the sale of wine and creating a license therefor.

Also: That the Senate has on April 23, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2369, a bill for an act relating to taxation of property of cemetery associations and locker plants.

Also: That the Senate has on April 23, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2371, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

Also: That the Senate has on April 23, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2375, a bill for an act repealing sections fifteen and sixteen of House File two thousand four hundred ninety-two.

Also: That the Senate has on April 23, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 137, providing that all resolutions calling for interim studies be referred to the legislative council to determine priorities and authorize such studies.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 2554

H-6317

- 1 Amend House File 2554 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the words "income tax refund or rebate
- 4 any debt, which is assigned to the department of
- 5 social services or which the child support recovery
- 6 unit is attempting to collect on behalf of any
- 7 individual not eligible as a public assistance
- 8 recipient, which has accrued through written
- 9 contract,".
- 10 2. Page 1, line 18, by inserting after the word
- 11 "refund" the words "or rebate".
- 12 3. Page 1, by striking line 19 and inserting in
- 13 lieu thereof the words ", which is assigned to the
- 14 department of social services or which the child
- 15 support recovery unit is attempting to collect on
- 16 behalf of any individual not eligible as a public
- 17 assistance recipient, which has accrued".
- 18 4. Page 1, line 26, by inserting after the word
- 19 "refund" the words "or rebate".
- 20 5. Page 2, line 8, by inserting after the word
- 21 "refund" the words "or rebate".
- 22 6. Page 2, line 10, by inserting after the word
- 23 "refund" the words "or rebate".
- 24 7. Page 2, line 11, by inserting after the word
- 25 "refund" the words "or rebate".
- 26 8. Page 2, line 14, by striking the word "rights"
- 27 and inserting in lieu thereof the words "its rights
- 28 or the rights of an individual not eligible as a
- 29 public assistance recipient".
- 30 9. Page 2, line 15, by inserting after the word
- 31 "refund" the words "or rebate".
- 32 10. Page 2, line 17, by inserting after the word
- 33 "refund" the words "or rebate".
- 34 11. Page 2, line 32, by inserting after the word
- 35 "refund" the words "or rebate".
- 36 12. Page 2, line 34, by inserting after the word
- 37 "refund" the words "or rebate".
- 38 13. Page 3, line 6, by inserting before the word
- 39 "if" the words "or rebate".
- 40 14. Page 3, line 6, by inserting before the word
- 41 "are" the words "or rebate".

42 15. Page 3, line 7, by inserting after the word  
 43 "dollars." the words "However, if a debtor has made  
 44 all current child support payments in accordance with  
 45 a court order for the twelve months preceding the  
 46 proposed setoff and has regularly made delinquent  
 47 child support payments during those twelve months,  
 48 the child support recovery unit shall notify the  
 49 department of revenue not to setoff the debt against  
 50 the debtor's income tax refund or rebate."

**Page 2**

1 16. Page 3, line 8, by inserting after the word  
 2 "refund" the words "or rebate".  
 3 17. Page 3, line 12, by inserting after the word  
 4 "refund" the words "or rebate".  
 5 18. Page 3, by striking lines 17 through 22.  
 6 19. Title page, line 1, by inserting after the  
 7 word "refunds" the words "and rebates".

SENATE AMENDMENT TO  
 HOUSE AMENDMENT TO  
 SENATE FILE 2197

H-6316

1 Amend the House amendment, S-5756, to Senate File  
 2 2197 as follows:  
 3 1. Page 1, by striking lines 2 through 19.  
 4 2. Page 1, by striking line 35, and inserting  
 5 in lieu thereof the following: "jurisdictions.  
 6 ~~However, that amount remitted to the~~".  
 7 3. Page 1, line 36, by inserting before the word  
 8 "appropriate" the word "The".  
 9 4. Page 1, line 36, by striking the words "out  
 10 of" and inserting in lieu thereof the words "out of  
 11 to receive".  
 12 5. Page 1, line 37, by striking the word "shall"  
 13 and inserting in lieu thereof the word "shall".  
 14 6. Page 1, line 38, by striking the words "be  
 15 deposited" and inserting in lieu thereof the words  
 16 "be deposited is the appropriate county which shall  
 17 deposit the fee".  
 18 7. Renumbering to conform to this amendment.

SENATE CONCURRENT RESOLUTION 137  
 By Hultman and Junkins

1 *Whereas*, many resolutions have been introduced in  
 2 both the Senate and House of Representatives calling  
 3 for interim studies; and  
 4 *Whereas*, additional interim studies may be proposed;



5 and

6 *Whereas*, the time period between the 1980 session  
7 and the 1981 session of the General Assembly is  
8 limited and there have been proposals for studies  
9 which appear to have merit but, because of their  
10 complexity and number, cannot all be properly conducted  
11 during the next interim period; and

12 *Whereas*, subcommittees of standing committees and  
13 special interim committees may desire to study bills  
14 prior to the 1981 session of the General Assembly; and

15 *Whereas*, it is impractical to debate the relative  
16 merit of all proposals; *Now Therefore*,

17 *Be It Resolved by the Senate, the House Concurring*,  
18 That all resolutions calling for interim studies which  
19 have not been adopted by both houses be delivered by  
20 the Secretary of the Senate, on the part of the Senate,  
21 and the Chief Clerk of the House, on the part of the  
22 House, to the Legislative Council, which shall determine  
23 priorities and shall authorize such studies as may be  
24 feasible within the limits of the staff, time and funds  
25 available; and

26 *Be It Further Resolved*, That any legislator desiring  
27 to propose any interim study not already contained in a  
28 resolution already filed shall submit a letter to the  
29 Secretary of the Senate or the Chief Clerk of the House  
30 describing the study; and

**Page 2**

1 *Be It Further Resolved*, That the Secretary of the  
2 Senate and Chief Clerk of the House shall deliver such  
3 letters to the Legislative Council with any resolu-  
4 tions already filed. The Legislative Council shall  
5 give equal consideration to all studies proposed,  
6 whether by letter or resolution.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 136

By Daggett, Doyle, McKean and Spear

1 *Whereas*, the operation of community-based correc-  
2 tional facilities is of ever increasing importance  
3 to the overall operation of the state correctional  
4 system; and

5 *Whereas*, the community-based program continues to  
6 face hardships due to the decentralized nature of the  
7 system and the cuts in federal funding; and

8 *Whereas*, the seven state correctional facilities  
9 operated by the department of social services continue  
10 to be one of the most challenging assignments given  
11 to the department; and

12     *Whereas*, the areas of obtaining, training and re-  
 13     taining qualified correctional staff have improved  
 14     over the last year, but problems remain; and

15     *Whereas*, the problems of identifying and meeting  
 16     the various specialized needs of subpopulations within  
 17     the correctional system for treatment and education  
 18     need attention; and

19     *Whereas*, the use of the farmland surrounding the  
 20     state institutions has received considerable attention  
 21     resulting in the report from the commissioner of social  
 22     services blue ribbon task force, which remains to be  
 23     implemented; and

24     *Whereas*, certain county jails may be inadequate in  
 25     meeting federally imposed requirements and standards  
 26     and state inspection and state jail standards; and

27     *Whereas*, the safe and effective operation of the  
 28     correctional system is important for both the physical  
 29     well-being and economic security of all citizens; and

30     *Whereas*, over the years, the legislature has expressed

**Page 2**

1     its collective and individual interest in the operation  
 2     of the Iowa correctional system; *Now Therefore*,

3     *Be It Resolved by the House of Representatives, the*  
 4     *Senate Concurring*, That the legislative council is  
 5     requested to authorize an interim study by a joint sub-  
 6     committee composed of the members of the House and  
 7     Senate standing committees on human resources and  
 8     judiciary and the joint social services appropriations  
 9     budget subcommittee, to examine the wide range of  
 10    problems facing the Iowa correctional system; and

11    *Be It Further Resolved*, That the study committee  
 12    shall prepare a report of its findings and submit it  
 13    to the legislative council and the members of the  
 14    Sixty-ninth General Assembly, 1981 Session.

Laid over under Rule 30.

**HOUSE CONCURRENT RESOLUTION 137**  
 By Lloyd-Jones, Conlon and Patchett

1     *Whereas*, Section 633.211 of the Code provides that  
 2     only one-half or \$50,000 of the estate of a decedent dying  
 3     with issue shall go to the surviving spouse; and

4     *Whereas*, Chapter 635 of the Code, providing for the  
 5     informal administration of small estates has been found  
 6     to be little used by Iowans; and

7     *Whereas*, the National Conference of Commissioners on  
 8     Uniform State Laws has recommended that states adopt a  
 9     Uniform Probate Code in order to facilitate the informal

10 administration of estates; *Now Therefore,*  
11 *Be It Resolved by the House of Representatives, the*  
12 *Senate Concurring,* That the legislative council is requested  
13 to authorize an interim study by a joint subcommittee composed  
14 of the members of the House and Senate standing committees  
15 on judiciary and law enforcement to study the need for  
16 amendments to the Iowa Probate Code in the areas of intestate  
17 succession and informal administration of estates; and  
18 *Be It Further Resolved,* That the study committee shall  
19 prepare a report of its findings and submit it to the  
20 legislative council and members of the Sixty-ninth General  
21 Assembly, 1981 Session.

Laid over under Rule 30.

#### REPORT OF THE SECOND CONFERENCE COMMITTEE ON SENATE FILE 344

To the President of the Senate and the Speaker of the House.

We, the undersigned members of the Second Conference Committee appointed to consider the differences between the House and the Senate on Senate File 344 a bill for an act relating to access to and use of solar energy respectfully make the following report:

1. That the House recede from its amendment S-3561 to Senate File 344 as passed by the Senate.

2. That Senate File 344 as passed by the Senate be amended as follows:

1. Page 1, lines 8 through 10, by striking the words "protecting the right of access to incident sunlight through voluntary solar easements" and inserting in lieu thereof the words "providing access to incident sunlight through solar easements".

2. Page 1, by striking lines 13 through 18 and inserting in lieu thereof the following:

"1. "Solar energy system" means any of the following:

a. A system of equipment capable of collecting and converting incident solar energy into heat, mechanical or electrical energy and transforming those forms of energy by a separate apparatus to a point of storage or end use.

b. Structural and operable components of a structure that are designed to heat or cool the structure by using the solar energy by means of conduction, convection, radiation or evaporation.

c. A greenhouse."

3. Page 1, lines 19 and 20, by striking the words "developed and recorded pursuant to section four (4) of this Act" and inserting in lieu thereof the words "acquired by agreement or eminent domain".

4. Page 1, by inserting after line 24 the following:

"4. "Dominant estate" means that parcel of land to which the benefits of the solar easement apply.

5. "Servient estate" means that parcel of land burdened by the solar easement."

5. Page 1, by striking lines 25 through page 2, line 15 and inserting in lieu thereof the following:

"Sec. 4. NEW SECTION. SOLAR EASEMENTS. A solar easement is subject to the same recording and conveyance requirements as other easements. A solar easement shall be created in writing and may include, but the contents are not limited to the following:

1. The legal description of the dominant and servient estates.
2. A description of the space which must remain unobstructed with reference to the solar energy system.
3. Any limitations on the growth of existing and future vegetation or the height of buildings or other potential obstructions of the solar energy system.
4. Terms or conditions under which the solar easement may be abandoned or terminated.
5. Provisions for compensating the owner of the dominant estate in the event of interference with the enjoyment of the solar easement, or for compensating the owner of the servient estate for maintaining that easement."

6. Page 2, by inserting after line 15 the following:

"Sec. 5. NEW SECTION. EMINENT DOMAIN. A landowner may exercise the power of eminent domain as provided in chapter four hundred seventy-two (472) of the Code to acquire a solar easement to provide access to sunlight to operate a solar energy system if the following conditions are satisfied:

1. The dominant estate and the servient estate are unzoned, zoned exclusively for agricultural use, or zoned exclusively for detached one or one and two family residential use.
2. The airspace to be included in the solar easement is unimproved and the servient estate owner has not, at least six months prior to the filing of the application, made a substantial financial commitment to build a structure in that airspace that will shade the solar energy system.
3. The solar energy system provides or would provide significant amounts of energy in a manner that diminishes or would diminish the dominant estate owner's use of other forms of energy."

7. Page 3, line 1, by striking the word "and" and inserting in lieu thereof the words "and which is".

8. Page 3, line 6, by inserting after the word "system;" the words "to promote the conservation of energy resources;".

9. Page 5, line 2, by striking the word "and" and inserting in lieu thereof the words "and which is".

10. Page 5, line 7, by inserting after the word "system;" the words "to promote the conservation of energy resources".

11. Page 5, by inserting after line 16 the following:

"Sec. 14. NEW SECTION. ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE PUBLIC. The energy policy council shall make available information and guidelines to assist local government bodies and the public to understand and use the provisions of this Act. The information and guidelines shall include model solar easements, model restrictive covenants, and instructions and aids for establishing and recording solar easements."

12. Page 5, by striking lines 17 and 18.

13. By renumbering and correcting internal references to conform with this amendment.

ON THE PART OF THE HOUSE:

JOHN PELTON, Chair  
CHARLES H. BRUNER  
JAMES O'KANE  
DOUGLAS RITSEMA  
DOUGLAS R. SMALLEY

ON THE PART OF THE SENATE:

EDGAR H. HOLDEN, Chair  
STEPHEN W. BISENIUS  
PATRICK J. DELUHERY  
W. R. BILL HANSEN  
ARTHUR A. SMALL, JR.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

### SENATE FILE 2296 DEFERRED

Halvorson of Clayton asked and received unanimous consent that Senate File 2296 be deferred and that the bill retain its place on the calendar.

### MOTION TO RECONSIDER TABLED (House File 2483)

Pope of Pólk called up for consideration the motion to reconsider House File 2483 filed by him from the floor and moved to reconsider

the vote by which House File 2483, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter four hundred nineteen (419) of the Code for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste, passed the House on April 23, 1980 and to table the motion to reconsider.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 56, nays 28.

The motion prevailed, placing the motion to reconsider, filed by Bina of Scott from the floor, out of order.

#### SENATE AMENDMENT CONSIDERED

Stromer of Hancock called up for consideration **House File 2551**, a bill for an act relating to the calculation of the state percent of growth and basic allowable growth per pupil for school foundation aid purposes, amended by the Senate amendment H-6308, received from the Senate on April 22, 1980 and found on pages 1938 through 1953 of the House Journal.

Halvorson of Clayton moved the previous question on amendments, amendments to amendments and motions thereto on House File 2551.

A non-record roll call was requested.

The ayes were 49, nays 37.

The motion, having failed to receive a constitutional majority, lost.

Patchett of Johnson offered the following amendment H-6321, to the Senate amendment H-6308, filed by him from the floor:

H-6321

- 1 Amend H-6308, the Senate amendment to House
- 2 File 2551, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. By striking page 1, line 11 through page
- 5 2, line 16.
- 6 2. By striking page 7, line 28 through page
- 7 9, line 18.
- 8 3. By striking page 9, line 31 through page
- 9 10, line 1.
- 10 4. By striking page 10, line 35 through page
- 11 11, line 30.

Halvorson of Clayton moved the previous question on amendments, amendments to amendments and motions thereto on House File 2551.

Roll call was requested by Lura of Marshall and West of Marshall.

Rule 80 was invoked.

On the question "Shall the previous question motion prevail?"

The ayes were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

The nays were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Hullinger	Husak
Jay	Jesse	Jochum	Lloyd-Jones

Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

Absent or not voting, 5:

Clark, J.H.	Doyle	Howell	Lageschulte
Schroeder			

The motion prevailed.

Patchett of Johnson moved the adoption of amendment H-6321, to the Senate amendment H-6308.

Roll call was requested by Patchett of Johnson and Bina of Scott.

Rule 80 was invoked.

On the question "Shall amendment H-6321 be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lloyd-Jones	Lonergan	Lura	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Rapp	Sherzan
Spear	Walter	Wells	Welsh
Woods			

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Larsen
Lind	Lorenzen	Maulsby	McKean
Menke	Millen	Mullins	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek



Shull	Smalley	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
West	Mr. Speaker		

Absent or not voting, 5:

Clark, J.H.	Doyle	Holt	Lageschulte
Welden			

Amendment H—6321 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for a portion of the day, on request of Lorenzen of Scott.

Dieleman of Marion offered the following amendment H—6319, to the Senate amendment H—6308, filed by him and Spear of Lee from the floor:

H—6319

- 1 Amend H—6308, the Senate amendment to House
- 2 File 2551, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. By striking page 2, line 48 through page
- 5 3, line 7 and inserting in lieu thereof the
- 6 following: "seventy-five percent of the
- 7 difference between eighty dollars and the
- 8 previous school year's statewide average per
- 9 pupil transportation cost, as determined by
- 10 the department of public instruction."

Patchett of Johnson rose on a point of order that the Senate amendment H—6308 was not germane.

The Speaker ruled the point not well taken.

Dieleman of Marion moved the adoption of amendment H—6319, to the Senate amendment H—6308.

Roll call was requested by Dieleman of Marion and Spear of Lee.

On the question "Shall amendment H—6319 be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Branstad	Bruner	Byerly
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Lloyd-Jones
Loneragan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Smalley	Spear
Van Maanen	Walter	Wells	Welsh
Woods			

The nays were, 47:

Anderson, J.	Bennett	Clark, B.J.	Conlon
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Larsen	Lind	Lorenzen
Lura'	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Stromer	Swearingen	Thompson	Tofte
Tyrrell	West	Mr. Speaker	

Absent or not voting, 8:

Avenson	Clark, J.H.	Connors	Doyle
Holt	Kirkenslager	Lageschulte	Welden

Amendment H—6319 lost.

Groth of Buena Vista offered the following amendment H—6320, to the Senate amendment H—6308, filed by him and Bruner of Story from the floor and moved its adoption:

H—6320

- 1 Amend H—6308, the Senate amendment to House
- 2 File 2551, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. Page 5, by striking lines 28 through 46.

Roll call was requested by Groth of Buena Vista and Patchett of Johnson.

Rule 80 was invoked.

On the question "Shall amendment H—6320 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Loneragan	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Pellet	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 4:

Clark, J.H.	Daggett	Doyle	Lageschulte
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Amendment H—6320 lost.

Loneragan of Boone offered the following amendment H—6327, to the Senate amendment H—6308, filed by her from the floor and moved its adoption:

H-6327

1 Amend the Senate amendment H-6308 to House File  
2 2551, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 5, by inserting after line 46 the  
5 following:  
6 " . . . Page 1, by inserting before line 1 the  
7 following section:  
8 "Sec. . . Acts of the Sixty-eighth General  
9 Assembly, 1979 Session, chapter one hundred six (106),  
10 section three (3), is amended to read as follows:  
11 SEC. 3. Section four hundred forty-two point four  
12 (442.4), Code 1979, is amended by adding the following  
13 new subsections after subsection two (2):  
14 NEW SUBSECTION. 3. For the school year beginning  
15 July 1, 1980, and each subsequent school year, budget  
16 enrollment means the sum of the following:  
17 a. Twenty-five percent of the basic enrollment  
18 for the school year beginning July 1, 1979.  
19 b. Seventy-five percent of the adjusted enrollment  
20 computed under subsection 2, paragraph a, of this  
21 section.  
22 c. Adjustments made by the state comptroller under  
23 subsection 4 of this section.  
24 NEW SUBSECTION. 4. For the school years beginning  
25 July 1, 1980 and July 1, 1981 ~~only~~ and each school  
26 year thereafter, if an amount equal to the district  
27 cost per pupil for the budget year minus the amount  
28 included in the district cost per pupil for the budget  
29 year to compensate for the cost of special education  
30 support services for a school district times the  
31 budget enrollment of the school district for the  
32 budget year is less than one hundred four percent  
33 for the budget school year beginning July 1, 1980,  
34 and one hundred ~~three~~ five percent for the budget  
35 school year beginning July 1, 1981 and each school  
36 year thereafter, times an amount equal to the district  
37 cost per pupil for the base year minus the amount  
38 included in the district cost per pupil for the base  
39 year to compensate for the cost of special education  
40 support services for a school district times the  
41 adjusted enrollment of the school district for the  
42 base year beginning July 1, 1979 or times the budget  
43 enrollment of the school district for the base year  
44 beginning July 1, 1980 and each base year thereafter,  
45 the state comptroller shall increase the budget  
46 enrollment for the school district for the budget  
47 year to a number which will provide that one hundred  
48 four percent amount for the budget school year  
49 beginning July 1, 1980, and that one hundred ~~three~~  
50 five percent amount for the budget school year

## Page 2

- 1 beginning July 1, 1981 and each school year
- 2 thereafter." "

Roll call was requested by Horn of Linn and Welsh of Dubuque.

Rule 80 was invoked.

On the question "Shall amendment H—6327 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Holt	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Loneragan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 49:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	West
Mr. Speaker			

Absent or not voting, 8:

Clark, J.H.	Daggett	Doyle	Jesse
Krewson	Lageschulte	Millen	Shimanek

Amendment H—6327 lost.

Horn of Linn offered the following amendment H—6323, to the Senate amendment H—6308, filed by him from the floor:

H—6323

- 1 Amend H—6308, the Senate amendment to House
- 2 File 2551, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. By striking page 5, line 47 through page
- 5 6, line 13.
- 6 2. By striking page 6, line 33 through page
- 7 7, line 25.
- 8 3. Page 10, by striking lines 2 through 16.

Hansen of O'Brien in the chair at 3:48 p.m.

Horn of Linn moved the adoption of amendment H—6323, to the Senate amendment H—6308.

Roll call was requested by Patchett of Johnson and Connolly of Dubuque.

On the question "Shall amendment H—6323 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Spear	Walter
Wells	Welsh	Woods	

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Larsen
Lind	Lorenzo	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Stromer

Swearingen  
Van Maanen

Thompson  
Welden

Tofte  
West

Tyrrell  
Mr. Speaker  
(Hansen of  
O'Brien)

Absent or not voting, 5:

Clark, J.H.  
Lageschulte

Doyle

Jesse

Krewson

Amendment H—6323 lost.

Connolly of Dubuque offered the following amendment H—6326, to the Senate amendment H—6308, filed by him from the floor and moved its adoption:

H—6326

- 1 Amend H—6308, the Senate amendment to House
- 2 File 2551, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. By striking page 5, line 47 through page 6,
- 5 line 13.
- 6 2. Page 7, by striking lines 12 through 25.
- 7 3. Page 10, by striking lines 10 through 16
- 8 and inserting in lieu thereof the words "previous
- 9 year."

Roll call was requested by Connolly of Dubuque and Binneboese of Plymouth.

Rule 80 was invoked.

On the question "Shall amendment H—6326 be adopted?"

The ayes were, 47:

Anderson, R.  
Binneboese  
Chiodo  
Connors  
Gettings  
Hibbs  
Howell  
Jesse  
Lonergan  
Oxley  
Rapp  
Wells

Arnould  
Brandt  
Clark, B.J.  
Cusack  
Groth  
Hinkhouse  
Hullinger  
Jochum  
Miller  
Patchett  
Sherzan  
Welsh

Avenson  
Bruner  
Cochran  
Davitt  
Hall  
Holt  
Husak  
Kirkenlager  
Norland  
Pavich  
Spear  
Woods

Bina  
Byerly  
Connolly  
Dieleman  
Halvorson, R.N.  
Horn  
Jay  
Lloyd-Jones  
O'Kane  
Perkins  
Walter

The nays were, 50:

Anderson, J.	Bennett	Branstad	Conlon
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Halvorson, R.A.	Hanson, D.	Harbor	Hoffmann
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Hansen of O'Brien)		

Absent or not voting, 3:

Clark, J.H.	Doyle	Lageschulte
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Amendment H—6326 lost.

Byerly of Polk offered the following amendment H—6325, to the Senate amendment H—6308, filed by him from the floor and moved its adoption:

H—6325

- 1 Amend the Senate amendment H—6308 to House File 2551,
- 2 as amended, passed and reprinted by the House, as follows:
- 3 1. Page 6, line 42, by inserting after the word "the"
- 4 the words "values of the".
- 5 2. Page 7, line 10, by striking the word "these" and
- 6 inserting in lieu thereof the words "the appropriate
- 7 quarterly".
- 8 3. Page 7, line 10, by inserting after the word
- 9 "deflators" the word "as".

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H—6325 lost.

Cochran of Webster offered the following amendment H—6324, to the Senate amendment H—6308, filed by him from the floor and moved its adoption:



H-6324

- 1 Amend H-6308, the Senate amendment to House
- 2 File 2551, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. Page 10, by striking lines 17 through 34.

Roll call was requested by Cochran of Webster and Perkins of Greene.

Rule 80 was invoked.

On the question "Shall amendment H-6324 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Horn	Howell	Hullinger	Husak
Jay	Jochum	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Wells	Welsh
Woods			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	West	Mr. Speaker (Hansen of O'Brien)

Absent or not voting, 7:

Clark, J.H.	Doyle	Hinkhouse	Jesse
Lageschulte	Walter	Welden	

Amendment H-6324 lost.

Horn of Linn offered the following amendment H—6318, to the Senate amendment H—6308, filed by him from the floor and moved its adoption:

H—6318

- 1 Amend H—6308, the Senate amendment to House
- 2 File 2551, as amended, passed, and reprinted by
- 3 the House, as follows:
- 4 1. Page 12, line 12, by inserting after the
- 5 word "Act." the words "The department shall employ
- 6 a consultant for gifted and talented children
- 7 programs."

Amendment H—6318 lost.

Stromer of Hancock moved that the House concur in the Senate amendment H—6308.

Roll call was requested by Halvorson of Webster and Horn of Linn.

On the question "Shall the House concur in the Senate amendment H—6308?"

The ayes were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Hall	Halvorson, R.A.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimaneck	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Hansen of O'Brien)		

The nays were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings

Groth	Halvorson, R.N.	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Kirkenslager
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

Absent or not voting, 2:

Doyle                      Lageschulte

The motion prevailed and the House concurred in the Senate amendment H—6308.

Stromer of Hancock 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 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2551)

The ayes were, 56:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Halvorson, R.A.
Hanson, D.	Harbor	Hoffmann	Hummel
Husak	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Hansen of O'Brien)

The nays were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Gettings	Groth
Hall	Halvorson, R.N.	Hibbs	Hinkhouse

Holt	Horn	Howell	Hullinger
Jay	Jesse	Jochum	Lloyd-Jones
Lonergan	Norland	O'Kane	Oxley
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Walter	Wells
Welsh	Woods		

Absent or not voting, 2:

Doyle                      Lageschulte

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### SENATE AMENDMENTS CONSIDERED

The House resumed consideration of **House File 2546**, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code, amended by the Senate amendment H-6085, received from the Senate on April 15, 1980 and found on pages 1600 and 1601 of the House Journal.

Jesse of Polk asked and received unanimous consent to withdraw amendments H-6158 and H-6253 filed by him on April 17 and April 21, 1980 respectively.

Jesse of Polk offered the following amendment H-6315, to the Senate amendment H-6085, filed by Jesse, Perkins and Conlon from the floor and moved its adoption:

H-6315

- 1 Amend amendment H-6085 to House File 2546, as
- 2 amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 34 through 38
- 5 and inserting in lieu thereof the following:
- 6 "the following: "Warranties shall be implied to
- 7 the person who is conducting the auction only if
- 8 the disclosure contains representations which he
- 9 or she knew or had reason to know were untrue." "

Amendment H-6315 was adopted, placing out of order amendment H-6162 (to the Senate amendment H-6085) filed by Conlon of Muscatine on April 17, 1980.

On motion by Bennett of Ida, the House concurred in the Senate amendment H—6085, as amended.

Bennett of Ida 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. 2546)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, none.

Absent or not voting, 5:

Byerly	Doyle	Lageschulte	Millen
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Pope of Polk called up for consideration **House File 2537**, a bill for an act relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, and providing penalties, amended by the Senate amendment H-6002, received from the Senate on April 11, 1980 and found on pages 1510 and 1511 of the House Journal.

Bruner of Story offered the following amendment H-6198, to the Senate amendment H-6002, filed by Bruner, et al. :

H-6198

- 1 Amend the Senate amendment H-6002 to House File
- 2 2537 as follows:
- 3 1. Page 1, by striking lines 3 through 20 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 9, by inserting after line 17 the
- 6 following new section:
- 7 "Sec. 12. Section five hundred fourteen B point
- 8 five (514B.5), subsection three (3), Code 1979, is
- 9 amended to read as follows:
- 10 3. The health maintenance organization provides
- 11 or arranges for the provision of basic health care
- 12 services on a prepaid basis, except that the health
- 13 maintenance organization may impose deductible and
- 14 coinsurance charges subject to approval by the com-
- 15 missioner which might be required to be paid by
- 16 persons on whose behalf the federal government
- 17 contracts with the health maintenance organization
- 18 for health care services. The commissioner has the
- 19 authority to promulgate rules pursuant to Chapter
- 20 seventeen A (17A) establishing reasonable maximum
- 21 deductible and coinsurance charges which may be
- 22 imposed by health maintenance organizations."
- 23 2. Title Page, by inserting after line 2 the
- 24 words "relating to deductible and coinsurance pro-
- 25 visions of contracts with health maintenance organ-
- 26 izations,."

Bruner of Story offered the following amendment H-6328, to amendment H-6198, (to the Senate amendment H-6002) filed by him and Pope of Polk from the floor and moved its adoption:

H-6328

- 1 Amend amendment H-6198 to the Senate amendment
- 2 H-6002 to House File 2537 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 1, by inserting after line 4 the follow-
- 5 ing:

- 6 "1. Page 6, by inserting after line 7 the follow-  
 7 ing unnumbered paragraph:  
 8 "If payment will not be made for services performed  
 9 by a chiropractor acting within the scope of his or  
 10 her license when those services would be compensable  
 11 if performed by a medical doctor, then a statement  
 12 that services performed by a chiropractor are not  
 13 compensable shall be included in the outline of  
 14 coverage." "

Amendment H-6328 was adopted.

On motion by Bruner of Story, amendment H-6198, as amended, (to the Senate amendment H-6002) was adopted.

On motion by Pope of Polk, the House concurred in the Senate amendment H-6002, as amended.

Pope of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2537)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Sherzan	Shimaneck
Shull	Smalley	Spear	Swearingen
Thompson	Tyrrell	Van Maanen	Walter

Welden  
Woods

Wells  
Mr. Speaker  
(Hansen of  
O'Brien)

Welsh

West

The nays were, none.

Absent or not voting, 6:

Crabb  
Stromer

Doyle  
Tofte

Lageschulte

Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Crawford of Story called up for consideration **House File 707**, a bill for an act authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly and the redrawing of congressional districts following the 1980 federal decennial census, amended by the Senate amendment H-6000, received from the Senate on April 11, 1980 and found on pages 1502 through 1510 of the House Journal.

Crawford of Story offered the following amendment H-6307, to the Senate amendment H-6000, filed by him and Shimanek of Jones:

H-6307

- 1 - Amend the Senate amendment H-6000 to House File
- 2 707, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. By striking all after page 1, line 2 and
- 5 inserting in lieu thereof the following:
- 6 "1. By striking page 1, line 1 and inserting in
- 7 lieu thereof the following:
- 8 "Section 1. **NEW SECTION. DEFINITIONS.** As used
- 9 in this Act, unless the context requires otherwise:
- 10 1. "Chief election officer" means the state
- 11 commissioner of elections as defined by section forty-
- 12 seven point one (47.1) of the Code.
- 13 2. "Commission" means the temporary redistricting
- 14 advisory commission established pursuant to this Act.
- 15 3: "Federal census" means the decennial census
- 16 required by federal law to be conducted by the United
- 17 States bureau of the census in every year ending in
- 18 zero.
- 19 4. "Four selecting authorities" means:
- 20 a. The majority floor leader of the state senate.
- 21 b. The minority floor leader of the state senate.



- 22 c. The majority floor leader of the state house  
23 of representatives.
- 24 d. The minority floor leader of the state house  
25 of representatives.
- 26 5. "Plan" means a plan for legislative and  
27 congressional reapportionment drawn up pursuant to  
28 the requirements of this Act.
- 29 6. "Political party office" means an elective  
30 office in the national or state organization of a  
31 political party, as defined by section forty-three  
32 point two (43.2) of the Code.
- 33 7. "Partisan public office" means:  
34 a. An elective or appointive office in the  
35 executive or legislative branch or in an independent  
36 establishment of the federal government.  
37 b. An elective office in the executive or  
38 legislative branch of the government of this state,  
39 or an office which is filled by appointment and is  
40 exempt from the merit system under section nineteen-  
41 A point three (19A.3), subsection fourteen (14) of  
42 the Code.  
43 c. An office of a county, city or other political  
44 subdivision of this state which is filled by an  
45 election process involving nomination and election  
46 of candidates on a partisan basis.
- 47 8. "Relative" means an individual who is related  
48 to the person in question as father, mother, son,  
49 daughter, brother, sister, uncle, aunt, first cousin,  
50 nephew, niece, husband, wife, grandfather, grandmother,

**Page 2**

- 1 father-in-law, mother-in-law, son-in-law, daughter-  
2 in-law, brother-in-law, sister-in-law, stepfather,  
3 stepmother, stepson, stepdaughter, stepbrother,  
4 stepsister, half brother or half sister.
- 5 **Sec. 2. NEW SECTION. PREPARATIONS FOR**  
6 **REDISTRICTING."**
- 7 2. Page 1, line 6, by striking the words "the  
8 1980 federal decennial" and inserting in lieu thereof  
9 the words "each federal".
- 10 3. Page 1, line 9, by striking the figures "31,  
11 1980" and inserting in lieu thereof the words "thirty-  
12 first of each year ending in zero".
- 13 4. Page 1, line 12, by striking the figure "1980"  
14 and inserting in lieu thereof the word "federal".
- 15 5. Page 1, line 22, by striking the word and  
16 figure "three (3)" and inserting in lieu thereof the  
17 word and figure "four (4)".
- 18 6. Page 1, line 23, by striking the figures "1,  
19 1981" and inserting in lieu thereof the words "first  
20 of each year ending in one".

- 21 7. Page 1, line 29, by striking the figure "1980"  
22 and inserting in lieu thereof the word "federal".
- 23 8. Page 1, line 33, by striking the word and  
24 figure "two (2)" and inserting in lieu thereof the  
25 word and figure "three (3)".
- 26 9. Page 1, by striking lines 34 and 35 and  
27 inserting in lieu thereof the following:  
28 "Sec. 3. NEW SECTION. TIMETABLE FOR PREPARATION  
29 OF PLAN.
- 30 1. Not later than April first of each year ending  
31 in one, the legislative service".
- 32 10. Page 2, line 4, by striking the word and  
33 figure "three (3)" and inserting in lieu thereof the  
34 word and figure "four (4)".
- 35 11. Page 2, line 8, by striking the words "bill  
36 is printed" and inserting in lieu thereof the words  
37 "report of the commission required by section six  
38 (6) of this Act is received".
- 39 12. Page 2, line 25, by striking the word and  
40 figure "three (3)" and inserting in lieu thereof the  
41 word and figure "four (4)".
- 42 13. Page 2, line 29, by striking the word and  
43 figure "three (3)" and inserting in lieu thereof the  
44 word and figure "four (4)".
- 45 14. Page 2, line 32, by striking the figures "1,  
46 1981" and inserting in lieu thereof the words "first  
47 of the year ending in one,".
- 48 15. Page 3, line 3, by striking the words "within  
49 the same time and" and inserting in lieu thereof of  
50 words "not less than seven days after the bill is

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- 1 printed and made available to the members of the  
2 general assembly,".
- 3 16. Page 3, line 14, by striking the figures "1,  
4 1981" and inserting in lieu thereof the words "first  
5 of the year ending in one,".
- 6 17. Page 3, line 23, by striking the words and  
7 figure "one (1) of this section and" and inserting  
8 in lieu thereof the words "two (2) of this section,  
9 but".
- 10 18. Page 3, line 27, by striking the figure and  
11 word "1980 decennial" and inserting in lieu thereof  
12 the word "federal".
- 13 19. Page 3, line 33, by striking the word and  
14 figure "three (3)" and inserting in lieu thereof the  
15 word and figure "four (4)".
- 16 20. Page 4, lines 12 and 13, by striking the  
17 figures "1, 1981" and inserting in lieu thereof the  
18 words "first of the year ending in one".

19 21. Page 4, line 15, by striking the figures and  
20 words "1, 1981 that the 1980" and inserting in lieu  
21 thereof the words "first of the year ending in one  
22 that the federal".

23 22. Page 4, by striking line 17 and inserting  
24 in lieu thereof the following:

25 "Sec. 4. **NEW SECTION. REDISTRICTING STANDARDS.**"

26 23. Page 4, lines 29 and 30, by striking the words  
27 "absolute value of the total" and inserting in lieu  
28 thereof the words "total of the absolute values of  
29 the".

30 24. Page 6, line 14, by striking the figure "1980"  
31 and inserting in lieu thereof the word "federal".

32 25. Page 8, line 35, by striking the words and  
33 figure "subparagraph one (1) of".

34 26. Page 9, line 19, by striking the word  
35 "districting".

36 27. Page 9, line 24, by striking the word  
37 "districting".

38 28. Page 9, lines 25 and 26, by striking the words  
39 "Sixty-ninth General Assembly" and inserting in lieu  
40 thereof the words "general assembly which takes office  
41 in the year ending in one".

42 29. Page 9, line 30, by striking the words "The  
43 bill shall also".

44 30. Page 9, by striking lines 31 and 32 and  
45 inserting in lieu thereof the following:

46 "8. Each bill embodying a plan drawn under this  
47 section shall include provisions for election of  
48 senators to the general assemblies which take office  
49 in the years ending in three and five, which shall  
50 be in conformity with article three (III), section

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1 six (6) of the Constitution of the State of Iowa.  
2 With respect to any plan drawn for consideration in  
3 the year 1981, those provisions shall be  
4 substantially".

5 31. By striking page 10, line 20 through page  
6 11, line 10, and inserting in lieu thereof the  
7 following:

8 "Sec. 5. **NEW SECTION. TEMPORARY REDISTRICTING**  
9 **ADVISORY COMMISSION.**

10 1. Not later than February fifteenth of each year  
11 ending in one, a five member temporary redistricting  
12 advisory commission shall be established as provided  
13 by this section. The commission's only functions  
14 shall be those prescribed by section six (6) of this  
15 Act.

16 a. Each of the four selecting authorities shall  
17 certify to the chief election officer his or her  
18 appointment of a person to serve on the commission.

19 The certifications may be made at any time after the  
20 majority and minority floor leaders have been selected  
21 for the general assembly which takes office in the  
22 year ending in one, even though that general assembly's  
23 term of office has not actually begun.

24 b. Within thirty days after the four selecting  
25 authorities have certified their respective  
26 appointments to the commission, but in no event later  
27 than February fifteenth of the year ending in one,  
28 the four commission members so appointed shall select,  
29 by a vote of at least three members, and certify to  
30 the chief election officer the fifth commission member,  
31 who shall serve as chairperson.

32 c. A vacancy on the commission shall be filled  
33 by the initial selecting authority within fifteen  
34 days after the vacancy occurs.

35 d. Members of the commission shall receive a per  
36 diem of forty dollars, travel expenses at the rate  
37 provided by section seventy-nine point nine (79.9)  
38 of the Code, and reimbursement for other necessary  
39 expenses incurred in performing their duties under  
40 this section and section six (6) of this Act. The  
41 per diem and expenses shall be paid from funds  
42 appropriated by section two point twelve (2.12) of  
43 the Code.

44 2. No person shall be appointed to the commission  
45 who:

46 a. Is not an eligible elector of the state at  
47 the time of selection.

48 b. Holds partisan public office or political party  
49 office.

50 c. Is a relative of or is employed by a member

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1 of the general assembly or of the United States  
2 congress, or is employed directly by the general  
3 assembly or by the United States congress.

4 Sec. 6. NEW SECTION. DUTIES OF COMMISSION. The  
5 functions of the commission shall be as follows:

6 1. If, in preparation of plans as required by  
7 this Act, the legislative service bureau is confronted  
8 with the necessity to make any decision for which  
9 no clearly applicable guideline is provided by section  
10 four (4) of this Act, the bureau may submit a written  
11 request for direction to the commission.

12 2. Prior to delivering any plan and the bill  
13 embodying that plan to the secretary of the senate  
14 and the chief clerk of the house of representatives  
15 in accordance with section three (3) of this Act,  
16 the legislative service bureau shall provide to persons  
17 outside the bureau staff only such information

18 regarding the plan as may be required by policies  
19 agreed upon by the commission. This subsection does  
20 not apply to population data furnished to the  
21 legislative service bureau by the United States bureau  
22 of the census.

23 3. Upon each delivery by the legislative service  
24 bureau to the general assembly of a bill embodying  
25 a plan, pursuant to section three (3) of this Act,  
26 the commission shall at the earliest feasible time  
27 make available to the public the following information:

28 a. Copies of the bill delivered by the legislative  
29 service bureau to the general assembly.  
30 b. Maps illustrating the plan.  
31 c. A summary of the standards prescribed by section  
32 four (4) of this Act for development of the plan.

33 d. A statement of the population of each district  
34 included in the plan, and the relative deviation of  
35 each district population from the ideal district  
36 population.

37 4. Upon the delivery by the legislative service  
38 bureau to the general assembly of a bill embodying  
39 an initial plan, as required by section three (3),  
40 subsection one (1) of this Act, the commission shall:

41 a. As expeditiously as reasonably possible,  
42 schedule and conduct at least three public hearings,  
43 in different geographic regions of the state, on the  
44 plan embodied in the bill delivered by the legislative  
45 service bureau to the general assembly.

46 b. Following the hearings, promptly prepare and  
47 submit to the secretary of the senate and the chief  
48 clerk of the house a report summarizing information  
49 and testimony received by the commission in the course  
50 of the hearings. The commission's report shall include

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1 any comments and conclusions which its members deem  
2 appropriate on the information and testimony received  
3 at the hearings, or otherwise presented to the  
4 commission.

5 Sec. 7. SPECIAL ARRANGEMENTS FOR 1980-1981."

6 32. Page 11, line 31, by striking the words and  
7 figure "Sec. 6. This Act" and inserting in lieu  
8 thereof the figure and words "3. This section".

Crawford of Story asked and received unanimous consent to defer action on House File 707 and that the bill retain its place on the calendar.

(Amendment H-6307, to the Senate amendment H-6000, pending.)

Ritsema of Sioux called up for consideration **House File 736**, a bill for an act to permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor, and providing penalties for violations, amended by the Senate amendment H—6116, received from the Senate on April 16, 1980 and found on pages 1692 and 1693 of the House Journal.

Ritsema of Sioux offered the following amendment H—6246, to the Senate amendment H—6116, filed by him and moved its adoption:

H—6246

- 1 Amend the Senate amendment H—6116, to House
- 2 File 736, as amended, passed, and reprinted by
- 3 the House as follows:
- 4 1. Page 1, by striking lines 28 and 29, and
- 5 inserting in lieu thereof the following: "asserted
- 6 by a user on which the claimant prevails and in
- 7 which the court determines that motor fuel not
- 8 acquired from the franchisor was the proximate
- 9 cause of the injury."
- 10 2. Page 1, line 30, by inserting after the
- 11 figure "12" the words ", and inserting in lieu
- 12 thereof the following: "Purchases of motor fuel
- 13 in accordance with this section are not good
- 14 cause for termination of a franchise" "
- 15 3. Page 1, line 34, by inserting after the word
- 16 "into" the words "or renewed".

Amendment H—6246 was adopted.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—6197, to the Senate amendment H—6116, filed by him on April 17, 1980.

On motion by Ritsema of Sioux, the House concurred in the Senate amendment H—6116, as amended.

Ritsema of Sioux moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

## On the question "Shall the bill pass?" (H.F. 736)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lloyd-Jones
Lonerган	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimaneк	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Hansen of of O'Brien)

The nays were, none.

Absent or not voting, 4:

Doyle	Lageschulte	Miller	Tofte
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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 2562**, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty, amended by Senate amendment H—6079, received from the Senate on April 15, 1980 and found on pages 1588 and 1589 of the House Journal.

Pope of Polk offered the following amendment H—6235, to the Senate amendment H—6079, filed by Pope, et al., and moved its adoption:

H-6235

1 Amend the Senate amendment H-6079 to House File  
2 2562 as follows:

3 1. By striking lines 22 through 38 and inserting  
4 in lieu thereof the following:

5 "Sec. 2. Section five hundred ninety-eight point  
6 seventeen (598.17), unnumbered paragraph three (3),  
7 Code 1979, is amended by striking the unnumbered  
8 paragraph.

9 Sec. 3. Section five hundred ninety-eight point  
10 twenty-one (598.21), Code 1979, is amended by striking  
11 the section and inserting in lieu thereof the  
12 following:

13 598.21 ORDERS FOR DISPOSITION AND SUPPORT.

14 1. Upon every judgment of annulment, dissolution  
15 or separate maintenance the court shall divide the  
16 property of the parties and transfer the title of  
17 the property accordingly. The court may protect and  
18 promote the best interests of children of the parties  
19 by setting aside a portion of the property of the  
20 parties in a separate fund or conservatorship for  
21 the support, maintenance, education and general welfare  
22 of the minor children. The court shall divide all  
23 property, except inherited property or gifts received  
24 by one party, equitably between the parties after  
25 considering all of the following:

26 a. The length of the marriage.

27 b. The property brought to the marriage by each  
28 party.

29 c. The contribution of each party to the marriage,  
30 giving appropriate economic value to each party's  
31 contribution in homemaking and child care services.

32 d. The age and physical and emotional health of  
33 the parties.

34 e. The contribution by one party to the education,  
35 training or increased earning power of the other.

36 f. The earning capacity of each party, including  
37 educational background, training, employment skills,  
38 work experience, length of absence from the job market,  
39 custodial responsibilities for children and the time  
40 and expense necessary to acquire sufficient education  
41 or training to enable the party to become self-  
42 supporting at a standard of living reasonably  
43 comparable to that enjoyed during the marriage.

44 g. The desirability of awarding the family home  
45 or the right to live in the family home for a  
46 reasonable period to the party having custody of any  
47 children.

48 h. The amount and duration of an order granting  
49 support payments to either party pursuant to subsection  
50 two (2) of this section and whether the property



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- 1 division should be in lieu of such payments.
- 2 i. Other economic circumstances of each party,  
3 including pension benefits, vested or unvested, and  
4 future interests.
- 5 j. The tax consequences to each party.
- 6 k. Any written agreement made by the parties  
7 concerning property distribution.
- 8 l. The provisions of an antenuptial agreement.
- 9 m. Other factors the court may determine to be  
10 relevant in an individual case.
- 11 2. Property inherited by either party or gifts  
12 received by either party prior to or during the course  
13 of the marriage is the property of that party and  
14 is not subject to a property division under this  
15 section except upon a finding that refusal to divide  
16 the property is inequitable to the other party or  
17 to the children of the marriage.
- 18 3. Upon every judgment of annulment, dissolution  
19 or separate maintenance, the court may grant an order  
20 requiring support payments to either party for a  
21 limited or indefinite length of time after considering  
22 all of the following:
- 23 a. The length of the marriage.
- 24 b. The age and physical and emotional health of  
25 the parties.
- 26 c. The distribution of property made pursuant  
27 to subsection one (1) of this section.
- 28 d. The educational level of each party at the  
29 time of marriage and at the time the action is  
30 commenced.
- 31 e. The earning capacity of the party seeking  
32 maintenance, including educational background,  
33 training, employment skills, work experience, length  
34 of absence from the job market, custodial responsibili-  
35 ties for children and the time and expense necessary  
36 to acquire sufficient education or training to enable  
37 the party to find appropriate employment.
- 38 f. The feasibility of the party seeking maintenance  
39 becoming self-supporting at a standard of living  
40 reasonably comparable to that enjoyed during the  
41 marriage, and the length of time necessary to achieve  
42 this goal.
- 43 g. The tax consequences to each party.
- 44 h. Any mutual agreement made by the parties  
45 concerning financial or service contributions by one  
46 party with the expectation of future reciprocation  
47 or compensation by the other party.
- 48 i. The provisions of an antenuptial agreement.
- 49 j. Other factors the court may determine to be  
50 relevant in an individual case.

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- 1 4. Upon every judgment of annulment, dissolution  
2 or separate maintenance, the court may order either  
3 parent or both parents to pay an amount reasonable  
4 and necessary for support of a child. Consideration  
5 shall be given to the child's need for close contact  
6 with both parents and recognition of joint parental  
7 responsibility for the welfare of a minor child.  
8 In any order requiring payments for support of a minor  
9 child the court shall consider the following:
- 10 a. The financial resources of the child.
  - 11 b. The financial resources of both parents.
  - 12 c. The standard of living the child would have  
13 enjoyed had there not been an annulment, dissolution  
14 or separate maintenance.
  - 15 d. The desirability that the custodian remain  
16 in the home as a full-time parent.
  - 17 e. The cost of day care if the custodian works  
18 outside the home, or the value of custodial services  
19 performed by the custodian if the custodian remains  
20 in the home.
  - 21 f. The physical and emotional health needs of  
22 the child.
  - 23 g. The child's educational needs.
  - 24 h. The tax consequences to each party.
  - 25 i. Other factors the court may determine to be  
26 relevant in an individual case.
- 27 5. The court may protect and promote the best  
28 interests of a minor child by setting aside a portion  
29 of the child support which either party is ordered  
30 to pay in a separate fund or conservatorship for the  
31 support, education and welfare of the child.
- 32 6. The court may provide for joint custody of  
33 the children by the parties. Orders relating to  
34 custody of a child are subject to the provisions of  
35 chapter five hundred ninety-eight A (598A) of the  
36 Code.
- 37 7. Orders made pursuant to this section need  
38 mention only those factors relevant to the particular  
39 case for which the orders are made.
- 40 8. The court may subsequently modify orders made  
41 under this section when there is a substantial change  
42 in circumstances. Any change in child support because  
43 of alleged change in circumstances shall take into  
44 consideration each parent's earning capacity, economic  
45 circumstances and cost of living. Modifications of  
46 orders pertaining to child custody shall be made  
47 pursuant to chapter five hundred ninety-eight A (598A)  
48 of the Code.
- 49 Sec. 4. Section five hundred ninety-eight point  
50 twenty-two (598.22), unnumbered paragraphs one (1)

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1 and two (2), Code 1979, are amended to read as follows:  
2 All orders or judgments providing for temporary  
3 or permanent support payments shall direct the payment  
4 of such sums to the clerk of the court for the use  
5 of the person for whom the same payments have been  
6 awarded.

7 Upon a finding of previous failure to pay child  
8 support, the court may order the person obligated  
9 for permanent child support to make an assignment  
10 of periodic earnings, or trust income to the clerk  
11 of court for the use of the person for whom the  
12 assignment is ordered. The assignment of earnings  
13 ordered by the court shall not exceed the amounts  
14 set forth in 15 U. S. C. s. 1673b (Supp. 1979). The  
15 assignment is binding on the employer, trustee, or  
16 other payor of the funds two weeks after service upon  
17 that person of notice that the assignment has been  
18 made. The payor shall withhold from the earnings,  
19 or trust income payable to the person obligated the  
20 amount specified in the assignment and shall transmit  
21 the payments to the clerk. The payor may deduct from  
22 each payment a sum not exceeding one dollar as a  
23 reimbursement for costs. An employer who dismisses  
24 an employee due to the entry of an assignment order  
25 commits a simple misdemeanor.

26 **PARAGRAPH DIVIDED.** An order or judgment entered  
27 by the court for temporary or permanent support or  
28 for an assignment shall be filed with the court clerk.  
29 Such orders shall have the same force and effect as  
30 judgments when entered in the judgment docket and  
31 lien index and shall be a record open to the public.  
32 The clerk shall disburse the payments received pursuant  
33 to such orders or judgments. All moneys received  
34 or disbursed under this section shall be entered in  
35 a record book kept by the clerk, which shall be open  
36 to inspection by the parties to the action and their  
37 attorneys.

38 If the sums ordered to be paid in a support payment  
39 order are not paid to the clerk at the time provided  
40 in said the order or judgment, the clerk shall certify  
41 a default to the court which may, on its own motion,  
42 proceed as provided in section 598.23.

43 Sec. 5. Section five hundred ninety-eight point  
44 twenty-three (598.23), unnumbered paragraph two (2),  
45 Code 1979, is amended to read as follows:

46 The court may, as an alternative to punishment,  
47 for contempt, make an order directing the defaulting  
48 party to assign, trust income or a sufficient amount  
49 in salary or wages due, or to become due in the future,  
50 from an employer or successor employers, to the clerk

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1 of the court where the order or judgment was granted  
 2 for the purpose of paying the sums in default as well  
 3 as those to be made in the future. The Where the  
 4 assignment is of salary or wages due, the amount  
 5 assigned shall not exceed the amount set forth in  
 6 15 U. S. C. s. 1673b (Supp. 1979) and the assignment  
 7 order shall be binding upon the employer only for  
 8 those amounts that represent child support and only  
 9 upon receipt by the employer of a copy of the order,  
 10 signed by the employee. For each payment deducted  
 11 in compliance with such request, the employer shall  
 12 receive one dollar to cover the expense created by  
 13 the deduction, which amount shall be deducted from  
 14 the money due the employee payor may deduct a sum  
 15 not exceeding one dollar as a reimbursement for costs.  
 16 Compliance by an employer a payor with the court's  
 17 request order shall operate as a discharge of his  
 18 or her liability to the employee payee as to the  
 19 affected portion of the employee's payee's wages,  
 20 or trust income."  
 21 2. By renumbering and correcting internal  
 22 references as made necessary by this amendment.

Amendment H—6235 was adopted.

Pope of Polk offered the following amendment H—6100, to the Senate amendment H—6079, filed by Tofte of Winneshiek and moved its adoption:

H—6100

1 Amend the Senate amendment, H—6079, to House File  
 2 2562, as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 49 and 50.

Amendment H—6100 was adopted.

On motion by Lonergan of Boone, the House concurred in the Senate amendment H—6079, as amended.

Lonergan of Boone 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. 2562)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Harbor	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimaneck	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tyrrell	Van Maanen	Walter
Wells	Welsh	West	Woods
Mr. Speaker (Hansen of O'Brien)			

The nays were, 2:

Dieleman	Lind
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Absent or not voting, 5:

Doyle	Lageschulte	Miller	Tofte
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT

Hall of Linn asked and received unanimous consent to change his vote from "aye" to "nay" on House File 2551 and the change was so recorded.

**IMMEDIATE MESSAGES****(House Files 2581, 2551, 2546, 2537, 736 and 2562)**

Halvorson of Clayton asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 2581, 2551, 2546, 2537, 736 and 2562.

**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 23, 1980, adopted the conference committee report and passed Senate File 108, a bill for an act relating to the construction and maintenance of school houses by increasing the maximum amount of the site fund tax levy.

Also: That the Senate has on April 23, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2072, a bill for an act appropriating funds from the road use tax fund to pay for special assessments relating to a paving project in the city of Boone.

Also: That the Senate has on April 23, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2372, a bill for an act relating to taxation of optional service or maintenance contracts which provide for the furnishing of labor.

Also: That the Senate has on April 23, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2374, a bill for an act appropriating funds to designated agencies for their budgets because of increased fuel or electricity costs.

Also: That the Senate has on April 23, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2376, a bill for an act to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products.

Also: That the Senate has on April 22, 1980, 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 2443, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

Also: That the members of the conference committee, appointed April 23, 1980, to Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, on the part of the Senate are: The Senator from Linn, Senator Rush, Chair; the Senator from Osceola, Senator Bergman; the Senator from Dubuque, Senator Carr; the Senator from Winneshiek, Senator Craft; and the Senator from Scott, Senator Holden.

Also: That the Senate has on April 23, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 140, directing the department of public instruction to review the existing formula for methods of allocating state funds to area schools.

FRANK J. STORK, Secretary

SENATE CONCURRENT RESOLUTION 140  
By Committee on Appropriations

- 1     *Whereas*, the general assembly appropriates funds  
2 from the general fund of the state annually for the  
3 operation of the area schools, and for the fiscal  
4 year commencing July 1, 1980 the appropriated amount  
5 exceeded fifty million dollars; and  
6     *Whereas*, the department of public instruction is  
7 given the responsibility of allocating the state  
8 funds to the various area schools; and  
9     *Whereas*, the formula by which state funds are  
10 allocated to the fifteen merged area schools does  
11 not adequately reflect the actual financial pressures  
12 faced by the individual area schools; *Now Therefore*,  
13     *Be It Resolved by the Senate, the House Concurring*,  
14 That the department of public instruction is directed to  
15 review the existing formula along with various alterna-  
16 tive methods of allocation, and shall report its findings  
17 and recommendations to the appropriate joint legislative  
18 subcommittees of the committees on appropriations not later  
19 than January 15, 1981. Additional factors which the  
20 department shall consider in reviewing the formula are:  
21     1. The differences between the base year enrollment  
22 figure as used in the formula and the current year actual  
23 enrollment figure.  
24     2. The use of actual full-time equivalent enrollment  
25 cost per program at each of the merged area schools  
26 rather than a statewide average.  
27     3. The allowance for program costs for programs  
28 unique to one or a small number of merged area schools.  
29     4. Any inconsistency in allowable growth rates for the  
30 various levels of education (K-12, merged area, university).

Laid over under Rule 30.

**SENATE MESSAGES CONSIDERED**

**Senate File 2072**, by Nystrom, a bill for an act appropriating funds from the general fund to pay for special assessments relating to a paving project in the city of Boone, Iowa.

Read first time and referred to committee on **appropriations**.

**Senate File 2369**, by committee on ways and means, a bill for an act relating to the taxation of property of cemetery associations and locker plants and making the Act retroactive.

Read first time and referred to committee on **ways and means**.

**Senate File 2371**, by Hultman and Junkins, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

Read first time and referred to committee on **appropriations**.

**Senate File 2372**, by committee on ways and means, a bill for an act relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Read first time and referred to committee on **ways and means**.

**Senate File 2374**, by committee on appropriations, a bill for an act appropriating funds to designated agencies for the 1978-1979 or 1979-1980 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

Read first time and referred to committee on **appropriations**.

**Senate File 2376**, by committee on ways and means, a bill for an act to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products, including a sales tax exemption for motor fuel containing at least ten percent alcohol distilled from agricultural products, subject to penalties provided by law.

Read first time and referred to committee on **ways and means**.



**SPECIAL PRESENTATION**

Pelton of Clinton escorted to the front of the House and presented Paul Murphy from Clinton. Mr. Murphy was chosen as the Handicapped Iowan of the Year by the Governor's Committee on the Employment of the Handicapped.

The House rose and expressed its welcome.

**PRESENTATION OF VISITORS**

Hullinger of Decatur presented to the House the Honorable Homer L. Warren, former member of the House, representing Decatur County.

Avenson of Fayette presented to the House, Frank Nye former member of the Press, assigned to the Legislature, representing The Cedar Rapids Gazette.

The Speaker announced that the following visitors were present in the House chamber:

Fifty students from Stockport Middle School, Stockport, accompanied by Martha Wakson, Barbara Morris, Fred Parsons, Paul Davis and Chuck Russell. By Millen of Van Buren.

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. McMorrow. By Jay of Appanoose.

Seventy-five sixth through twelfth grade students from Clinton Community School, Clinton, accompanied by Margaret Dihlmann. By Pelton of Clinton and Schneklath of Scott.

Sixty eighth grade students from Dallas Community School, Grimes, accompanied by Bill Wineland. By Krewson of Polk and Poffenberger of Dallas.

Twenty ninth grade students from Logan Junior High School, Waterloo, accompanied by David Miller and Jackie Gerstbower. By Brandt, Lind and Rapp of Black Hawk.

Ninety-five senior students from Forest City High School, Forest City, accompanied by Clifford Howlett. By Branstad of Winnebago.

Fifty eighth grade students from St. Edwards School, Waterloo, accompanied by Don Sullivan, Sister Judy Sinnewell and Joan Craig. By Brandt, Lind and Rapp of Black Hawk.

Twenty students from Grundy Center High School, Grundy Center, accompanied by Keith Hall. By Renken of Grundy.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, April 21, 1980. Had I been present, I would have voted "aye" on House File 2561, Senate Files 358, 432, 435, 2090, 2361; and amendment H-6107 to Senate File 2361.

DIELEMAN of Marion

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

BRUCE GRAHAM

Assistant Chief Clerk of the House

### COMMITTEE ON WAYS AND MEANS

**Senate File 69**, a bill for an act relating to the income requirement of a totally disabled person seeking a special assessment tax abatement.

Recommended **Do Pass**.

**Senate File 2368**, a bill for an act relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties.

Recommended **Do Pass**.

**Senate File 2370**, a bill for an act relating to the term of office of certain county supervisors.

Recommended **Do Pass**.

## AMENDMENTS FILED

H-631J	H.R. 110	Conlon of Muscatine Hanson of Delaware
H-6313	H.F. 2582	McKean of Jones
H-6329	H.F. 707	Lloyd-Jones of Johnson
H-6330	S.F. 2298	Bennett of Ida
H-6331	H.F. 2592	Spear of Lee
H-6332	H.F. 700	Chiodo of Polk Anderson of Jasper
H-6333	H.F. 700	Chiodo of Polk Anderson of Jasper
H-6334	S.F. 2070	Lind of Black Hawk Bennett of Ida Johnson of Howard
H-6335	H.F. 2582	Lorenzen of Scott
H-6336	S.F. 2375	Crawford of Story

On motion by Halvorson of Clayton, the House adjourned at 5:56 p.m., until 9:00 a.m., Thursday, April 24, 1980.

## JOURNAL OF THE HOUSE

One Hundred Second Calendar Day — Sixty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 24, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Reverend William Temple, pastor of the First Baptist Church of Leon and Grand River, Corydon.

The Journal of Wednesday, April 23, 1980 was approved.

### LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury on request of O'Kane of Woodbury.

### SENATE MESSAGE CONSIDERED

**Senate File 2375**, by Hultman and Junkins, a bill for an act repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that Act.

Read first time and referred to committee on **commerce**.

### ORDERS OF THE DAY

Halvorson of Clayton asked and received unanimous consent to take up out of order House Files 2591 and 2590.

### CONSIDERATION OF BILLS

Ways and Means Calendar

**House File 2591**, a bill for an act to legalize the proceedings of the board of directors of the Kirkwood community college (merged

area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto, was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2591)

The ayes were, 78:

Anderson, J.	Anderson, R.	Arnould	Bina
Binneboese	Brandt	Branstad	Bruner
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Jay	Jesse	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lind	Lorenzen	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 22:

Avenson	Bennett	Byerly	Chiodo
Clark, B.J.	Crabb	Cusack	Doyle
Egenes	Husak	Jochum	Krewson
Lloyd-Jones	Loneragan	Lura	Patchett
Pelton	Rapp	Smalley	Welden
Wells	Welsh		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## SENATE AMENDMENT CONSIDERED

Stromer of Hancock called up for consideration **House File 695**, a bill for an act relating to the date requirements for calling a special election for the issuance of certain general obligation bonds for school districts, amended by the Senate amendment H-6075, received from the Senate on April 15, 1980 and found on pages 1586 and 1587 of the House Journal.

Hullinger of Decatur offered the following amendment H-6109, to the Senate amendment H-6075, filed by him and moved its adoption:

H-6109

1 Amend H-6075, the Senate amendment to House File  
2 695, as passed by the House, as follows:  
3 1. Page 1, by inserting after line 2 the following:  
4 " . Page 1, by inserting before line 1 the  
5 following section:  
6 "Section 1. Section seventy-five point one (75.1),  
7 unnumbered paragraph three (3), Code 1979, is amended  
8 to read as follows:  
9 When a proposition to authorize an issuance of  
10 bonds has been submitted to the electors under this  
11 section and the proposal fails to gain approval by  
12 the required percentage of votes, such proposal, or  
13 any proposal which incorporates any portion of the  
14 defeated proposal, shall not be submitted to the  
15 electors for a period of six months one year from  
16 the date of such regular or special election."

A non-record roll call was requested.

The ayes were 34, nays 45.

Amendment H-6109 lost.

Stromer of Hancock moved that the House concur in the Senate amendment H-6075, which motion prevailed.

Stromer of Hancock 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. 695)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Lorenzen	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Wells	West	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Byerly	Chiodo	Crabb	Cusack
Doyle	Hoffmann	Jochum	Krewson
Larsen	Lura	Maulsby	Patchett
Pelton	Rapp	Welden	Welsh

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 9:31 a.m., until the fall of the gavel.

The House resumed session at 10:08 a.m., Speaker Harbor in the chair.

SENATE FILE 2373 SUBSTITUTED FOR HOUSE FILE 2590

Pope of Polk asked and received unanimous consent to substitute Senate File 2373 for House File 2590.

**Senate File 2373**, a bill for an act authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes, was taken up for consideration.

Pope 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. 2373)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Davitt
Dieleman	Diemer	Egenes	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Larsen
Lloyd-Jones	Lonergan	Lura	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Wells	West
Woods	Mr. Speaker		

The nays were, 11:

Bina	Clark, J.H.	Cusack	Danker
De Groot	Gettings	Hinkhouse	Lind
Maulsby	Ritsema	Walter	

Absent or not voting, 7:

Chiodo	Doyle	Groth	Jesse
Krewson	Lorenzen	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.



## HOUSE FILE 2590 WITHDRAWN

Pope of Polk asked and received unanimous consent to withdraw House File 2590 from further consideration by the House.

### IMMEDIATE MESSAGES

(House Files 695 and 2591 and Senate File 2373)

Halvorson of Clayton asked and received unanimous consent that the following bills be immediately messaged to the Senate:

House Files 695 and 2591 and Senate File 2373.

### SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 707**, a bill for an act authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly and the redrawing of congressional districts following the 1980 federal decennial census, and amendment H—6307, (found on pages 2006 through 2011 of the House Journal) to the Senate amendment H—6000 (found on pages 1502 through 1510 of the House Journal).

Lloyd-Jones of Johnson asked and received unanimous consent to withdraw amendment H—6329, to amendment H—6307 (to the Senate amendment H—6000), filed by her on April 23, 1980.

On motion by Crawford of Story, amendment H—6307, to the Senate amendment H—6000, was adopted.

On motion by Crawford of Story, the House concurred in the Senate amendment H—6000, as amended.

Crawford of Story 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. 707)

The ayes were, 91:

Anderson, J.  
Bennett

Anderson, R.  
Bina

Arnould  
Binneboese

Avenson  
Brandt

Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Davitt	De Groot
Dieleman	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
West	Woods	Mr. Speaker	

The nays were, 2:

Danker                      Lind

Absent or not voting, 7:

Chiodo	Doyle	Husak	Jesse
Schroeder	Thompson	Welsh	

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 2568**, a bill for an act relating to the information which shall be included in notices prior to budget hearings by a political subdivision, 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. 2568)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellet	Pelton
Pope	Rapp	Renken	Ritsema
Schnekloth	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Mr. Speaker		

The nays were, 4:

Byerly	Davitt	Perkins	Woods
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Absent or not voting, 6:

Chiodo	Doyle	Husak	Jesse
Poffenberger	Schroeder		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 2568)

Halvorson of Clayton asked and received unanimous consent that House File 2568 be immediately messaged to the Senate.

**UNANIMOUS CONSENT TO VOTE**

McKean of Jones and Dieleman of Marion asked and received

unanimous consent to be recorded as voting "aye" on House File 2568 and the votes were so recorded.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2070**, a bill for an act to allow multi-year professional and occupational licenses, and amendment H—5958, as amended, found on pages 1488 and 1489 of the House Journal.

Arnould of Scott offered the following amendment H—6029, to amendment H—5958, filed by him:

H—6029

- 1 Amend amendment H—5958 to Senate File 2070, as
- 2 amended, passed and reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "1. Page 14, by inserting after line 18, the
- 6 following:
- 7 "Sec. . Section two hundred four point four
- 8 hundred one (204.401), subsection three (3), Code
- 9 1979, is amended by striking the subsection and
- 10 inserting in lieu thereof the following:
- 11 3. It is unlawful for a person knowingly or
- 12 intentionally to possess a controlled substance
- 13 unless the substance was obtained directly from or
- 14 pursuant to a valid prescription or order of a
- 15 practitioner while acting in the course of his or
- 16 her professional practice, or except as otherwise
- 17 authorized by this chapter. A violation of this sub-
- 18 section constitutes one of the following offenses:
- 19 a. Upon the first and second conviction, a
- 20 simple misdemeanor if the controlled substance is one
- 21 ounce or less of marijuana. A person who
- 22 violates this subsection may be issued a citation
- 23 and be treated as provided in chapter eight hundred
- 24 five (805) of the Code.
- 25 b. A serious misdemeanor punishable by imprison-
- 26 ment in the county jail for not more than six months
- 27 or by a fine of not more than one thousand dollars,
- 28 or by both such fine and imprisonment, if the con-
- 29 trolled substance is more than one ounce of marijuana
- 30 or if it is a third or subsequent conviction for
- 31 possession of marijuana.
- 32 c. A serious misdemeanor if the controlled
- 33 substance is a substance other than marijuana.
- 34 All or any part of a sentence imposed pursuant
- 35 to this section may be suspended and the person placed

36 upon probation upon such terms and conditions as the  
 37 court may impose including the active participation  
 38 by such person in a drug treatment, rehabilitation  
 39 or education program approved by the court."

40 2. Page 15, by inserting after line 14, the following:

41 "Sec. . . Section eight hundred five point  
 42 eight (805.8), Code 1979, is amended by adding the  
 43 following new subsection:

44 **NEW SUBSECTION. POSSESSION OF MARIJUANA.** For  
 45 first and second violations of possession of one  
 46 ounce or less of marijuana under section two hundred  
 47 four point four hundred one (204.401), subsection  
 48 three (3), paragraph a of the Code, the scheduled  
 49 fine is one hundred dollars." "

Pelton of Clinton asked for unanimous consent to amend amend-  
 ment H-6029, to amendment H-5958.

Objection was raised.

Spear of Lee moved to suspend the rules to amend amendment  
 H-6029, to amendment H-5958, by striking the words "a person  
 who" on line 21 and all of lines 22, 23, 24 and lines 41 through 50.

Spear of Lee asked and received unanimous consent to  
 withdraw his motion.

Arnould of Scott moved the adoption of amendment H-6029, to  
 amendment H-5958.

Roll call was requested by Johnson of Howard and Jochum of  
 Dubuque.

On the question "Shall amendment H-6029 be adopted?"

The ayes were, 24:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Bruner	Conlon	Connolly
Crawford	Cusack	Halvorson, R.N.	Hibbs
Howell	Jochum	Johnson, R.	Krewson
Lloyd-Jones	Norland	O'Kane	Patchett
Pavich	Rapp	Ritsema	Walter

The nays were, 68:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Gorey

Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Hansen, I.	Hanson, D.	Hinkhouse	Hoffmann
Holt	Horn	Hullinger	Hummel
Husak	Johnson, J.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Oxley
Pellett	Pelton	Perkins	Poffenberger
Pope	Renken	Schnekloth	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
Welsh	West	Woods	Mr. Speaker

Absent or not voting, 8:

Avenson	Chiodo	Connors	Doyle
Jay	Jesse	Lonergan	Schroeder

Amendment H—6029 lost.

Arnould of Scott asked and received unanimous consent to withdraw amendment H—6027, to amendment H—5958, filed by him on April 11, 1980.

Lind of Black Hawk asked and received unanimous consent to withdraw amendment H—6031, to amendment H—5958, filed by Lind, et al., on April 11, 1980.

Lind of Black Hawk offered the following amendment H—6334, to amendment H—5958, filed by Lind, et al., and moved its adoption:

H—6334

- 1 Amend amendment H-5958 to Senate File 2070 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 36 and
- 5 inserting in lieu thereof the following:
- 6 " . Page 14, by inserting after line 18 the
- 7 following new section:
- 8 "Sec. 28. Section two hundred four point four
- 9 hundred ten (204.410), Code 1979, is amended to read
- 10 as follows:
- 11 204.410 ACCOMMODATION OFFENSE. In a prosecution
- 12 for unlawful delivery or possession with intent to
- 13 deliver a controlled substance marijuana, if the
- 14 prosecution proves that the defendant violated the
- 15 provisions of section 204.401, subsection 1, but fails

16 to prove by proving that the defendant delivered or  
 17 possessed with intent to deliver the controlled  
 18 substance for the purpose of making a profit one ounce  
 19 or less of marijuana, the defendant shall be is guilty  
 20 of an accommodation offense and rather than being  
 21 sentenced as if convicted for a violation of section  
 22 two hundred four point four hundred one (204.401);  
 23 subsection one (1), paragraph b, shall be sentenced  
 24 as if convicted of a violation of section 204.401,  
 25 subsection 3. An accommodation offense may be proved  
 26 as an included offense under a charge of delivering  
 27 or possessing with the intent to deliver a controlled  
 28 substance marijuana in violation of section 204.401,  
 29 subsection 1. This section does not apply to hashish,  
 30 hashish oil, or other derivatives of marijuana as  
 31 defined in section two hundred four point one hundred  
 32 one (204.101), subsection sixteen (16) of the Code."

33 . Page 15, by inserting after line 14 the  
 34 following new sections:

35 "Sec. 32. Section nine hundred seven point three  
 36 (907.3), unnumbered paragraph one (1), Code 1979,  
 37 is amended to read as follows:

38 Pursuant to section 901.5, the trial court may,  
 39 upon a plea of guilty, a verdict of guilty, or a  
 40 special verdict upon which a judgment of conviction  
 41 may be rendered, exercise any of the options contained  
 42 in subsections 1 and 2 of this section. However,  
 43 this section shall not apply to a forcible felony  
 44 or a violation of section 204.401, subsection 1 or  
 45 2, to which section 204.400, subsection 2 is not  
 46 applicable and which is not proved to be an  
 47 accommodation offense under section 204.410.

48 Sec. 33.

49 1. Practitioners licensed under chapters one  
 50 hundred forty-eight (148), one hundred forty-nine

**Page 2**

1 (149), one hundred fifty (150), one hundred fifty  
 2 A (150A), one hundred fifty-two (152), one hundred  
 3 fifty-three (153), one hundred fifty-five (155) and  
 4 one hundred sixty-nine (169) of the Code shall be  
 5 entitled to continue the practices with respect to  
 6 dispensing of prescription drugs, including controlled  
 7 substances, which those practitioners had followed  
 8 under the laws of this state as amended to July 1,  
 9 1979, and as generally interpreted prior to July 5,  
 10 1979, notwithstanding the opinion of the attorney  
 11 general to the secretary of the board of pharmacy  
 12 examiners rendered on that date, until legislation  
 13 has been enacted to affirm or modify the attorney  
 14 general's opinion.

15 2. The legislative council is directed to estab-  
16 lish a special interim study committee to make a study  
17 of prevailing prescription drug dispensing practices,  
18 the laws governing those practices, and the opinion  
19 of the attorney general to the secretary of the board  
20 of pharmacy examiners rendered July 5, 1979, and  
21 submit a report to the first session of the Sixty-  
22 ninth General Assembly not later than January 12,  
23 1981. The study committee shall include members of  
24 the committees on human resources of the senate and  
25 house of representatives, and one member each from  
26 the board of pharmacy examiners, the board of medical  
27 examiners, the board of dentistry examiners, the board  
28 of nursing examiners, the board of podiatry examiners,  
29 and the board of veterinary examiners, each designated  
30 by the respective boards to serve on the study  
31 committee. The nonlegislator members designated to  
32 serve on the study committee pursuant to this  
33 subsection shall serve without compensation from the  
34 funds of the general assembly."

35 . Page 15, line 15, by striking the words "This  
36 Act is" and inserting in lieu thereof the words  
37 "Sections one (1) through thirty-two (32) of this  
38 Act are".

39 2. By renumbering and correcting internal  
40 references to conform with this amendment.

Amendment H—6334 was adopted, placing out of order amend-  
ment H—6010 (to amendment H—5958) filed by Krewson of Polk on  
April 11, 1980.

The following amendments, to amendment H—5958, were  
withdrawn by unanimous consent:

H—6015 filed by Johnson of Howard on April 11, 1980.

H—6017 filed by Johnson of Howard on April 11, 1980.

H—6023 filed by Arnould of Scott on April 11, 1980.

(Amendment H—5958, as amended, (to Senate File 2070)  
pending at recess.)

### SPECIAL PRESENTATIONS

Perkins of Greene escorted to the "well" and presented to the  
House Wang Li-teh, Secretary of the Coordination Council for North  
American Affairs Office in Chicago, Illinois. Mr. Wang was visiting  
Iowa to promote better trade relations and understanding between  
the Republic of China, Taiwan, and Iowa.



Mr. Wang addressed the House and presented a plaque engraved with a picture of Confucius as a token of goodwill and friendship.

Speaker Harbor accepted the plaque on behalf of the members of the House recognizing the friendship between the two nations.

Sereana Howard, House Page, appeared in the "well" of the House and presented to the members, staff and clerks a basket of flowers from the House Pages.

The House rose and expressed its appreciation.

### UNANIMOUS CONSENT

Schroeder of Pottawattamie asked and received unanimous consent to suspend the rules for an informal meeting of the committee on commerce.

On motion by Halvorson of Clayton, the House was recessed at 11:53 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Harbor in the chair.

#### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2475

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 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, respectfully submit the following report:

1. That the Senate and House conferees failed to reach an agreement.

#### ON THE PART OF THE HOUSE:

INGWER L. HANSEN, Chair  
MARVIN E. DIEMER  
RUHL MAULSBY

#### ON THE PART OF THE SENATE:

CLARENCE CARNEY, Chair  
ROBERT M. CARR  
ELIZABETH R. MILLER  
JOANN ORR  
ARNE WALDSTEIN

**SECOND CONFERENCE COMMITTEE APPOINTED**  
(House File 2475)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 2475: Thompson of Polk, Chair; Daggett of Taylor, Horn of Linn, Jay of Appanoose and Larsen of Wapello.

**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 second conference committee, appointed April 24, 1980, to House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, on the part of the Senate are: The Senator from Floyd, Senator Gratias, Chair; the Senator from Poweshiek, Senator Brown; the Senator from Polk, Senator Gentleman; the Senator from Black Hawk, Senator Hansen; and the Senator from Pocahontas, Senator Scott.

FRANK J. STORK, 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.

**BUSINESS PENDING AT RECESS**

The House resumed consideration of **Senate File 2070**, a bill for an act to allow multi-year professional and occupational licenses, and amendment H-5958, as amended.

Action on Senate File 2070 was temporarily deferred.

**ADOPTION OF SENATE CONCURRENT RESOLUTION 103**

Clark of Cerro Gordo called up for consideration Senate Concurrent Resolution 103, to proclaim 1980 through 1989 in Iowa as Decade of the Family, filed on February 21, 1980 and found on pages 599 and 600 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

**ADOPTION OF HOUSE CONCURRENT RESOLUTION 127**

Van Maanen of Mahaska called up for consideration House Concurrent Resolution 127, creating an interim joint ways and means subcommittee to study tax relief for Iowans caring for the elderly and handicapped, filed on April 9, 1980 and found on pages 1453 and 1454 of the House Journal, and moved its adoption:

The motion prevailed and the resolution was adopted.

**BUSINESS PENDING**

The House resumed consideration of **Senate File 2070**, a bill for an act to allow multi-year professional and occupational licenses, and amendment H—5958, as amended.

Welsh of Dubuque asked and received unanimous consent to withdraw amendment H—6337, to amendment H—5958, filed by him from the floor.

On motion by Bennett of Ida, amendment H—5958, as amended, was adopted.

The following amendment H—6339, filed by Bennett of Ida from the floor, was adopted by unanimous consent:

H—6339

- 1 Amend Senate File 2070, as amended, passed and
- 2 reprinted by the Senate, 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 the powers of professional and occupational
- 6 examining and licensing boards with respect to licenses
- 7 and licensees and the dispensing of drugs and controlled
- 8 substances by certain licensees and the criminal offense
- 9 of delivery of certain controlled substances and the
- 10 penalties therefor."

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2070)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Brandt	Doyle	Jesse
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES (Senate File 2070)

Hansen of O'Brien asked and received unanimous consent that Senate File 2070 be immediately messaged to the Senate.

(House File 707)

Halvorson of Clayton asked and received unanimous consent that House File 707 be immediately messaged to the Senate.

## Ways and Means Calendar

**House File 2592**, a bill for an act relating to the amount of fee collected for services performed, and certificates and copies of records issued within the department of health, was taken up for consideration.

Spear of Lee offered the following amendment H—6331 filed by him and moved its adoption:

H—6331

- 1 Amend House File 2592 as follows:
- 2 1. Page 1, line 35, by striking the words "that
- 3 of the father" and inserting in lieu thereof the
- 4 following: "~~that of the father~~ any surname agreed
- 5 upon by both parents".

Amendment H—6331 was adopted.

Avenson of Fayette offered the following amendment H—6338 filed by him from the floor:

H—6338

- 1 Amend House File 2592, as follows:
- 2 1. Page 2, by inserting after line 12 the
- 3 following:
- 4 "Section 1. Section four hundred twenty-seven A
- 5 point nine (427A.9), unnumbered paragraph two (2),
- 6 Code 1979, is amended to read as follows:
- 7 The amount of the additional personal property
- 8 tax credit shall be a fixed amount for each tax year.
- 9 The amount of the additional personal property tax
- 10 credit shall be increased for the extended tax year
- 11 beginning January 1, 1974, and ending June 30, 1975,
- 12 and shall be increased for each tax year immediately
- 13 following a tax year in which the growth of state
- 14 general fund revenues, adjusted for changes in rate
- 15 or basis, exceeds five and one-half percent, except
- 16 that the amount of the additional personal property
- 17 tax credit for taxes payable in each year of the
- 18 fiscal period beginning July 1, 1977 and ending
- 19 June 30, 1979 shall not exceed the amount of the
- 20 additional personal property tax credit allowed for
- 21 taxes payable in the fiscal year beginning July 1,
- 22 1976 and ending June 30, 1977 and the amount of the
- 23 additional personal property tax credit for taxes
- 24 payable in the fiscal year beginning July 1, 1980

25 and ending June 30, 1981 shall not exceed the amount  
 26 of the additional personal property tax credit  
 27 allowed for taxes payable in the fiscal year  
 28 beginning July 1, 1979 and ending June 30, 1980. An  
 29 increase in the additional personal property tax  
 30 credit, once granted, shall continue for each  
 31 succeeding tax year. For the purposes of this  
 32 chapter the state comptroller may estimate the state  
 33 percent of growth if necessary to avoid delay in the  
 34 collection of taxes. After nine such increases have  
 35 been made, all taxes on personal property shall be  
 36 repealed as provided in the following section. The  
 37 director of revenue and the state comptroller,  
 38 jointly, shall determine the amount of the credit  
 39 for each such tax year. Such amount shall be the  
 40 maximum amount, rounded to the nearest ten dollars,  
 41 which will permit complete funding of the replacement  
 42 obligation under this division, including the  
 43 replacement obligation for the tax credit granted  
 44 pursuant to sections 427A.1 to 427A.5, out of the  
 45 appropriation provided in this chapter."

Thompson of Polk rose on a point of order that amendment H—6338 was not germane.

The Speaker ruled the point well taken and amendment H—6338 not germane.

Avenson of Fayette moved that the rules be suspended to consider amendment H—6338.

A non-record roll call was requested.

The ayes were 39, nays 43.

The motion lost.

Thompson 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. 2592)

The ayes were, 94:

Anderson, J.  
 Bennett  
 Branstad

Anderson, R.  
 Bina  
 Bruner

Arnould  
 Binneboese  
 Byerly

Avenson  
 Brandt  
 Chiodo

Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lorenzen
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Doyle	Jesse	Johnson, W.	Lonergan
Lura	Shimaneck		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### UNANIMOUS CONSENT TO VOTE

Renken of Grundy asked and received unanimous consent to be recorded as voting "aye" on Senate File 2070 and the vote was so recorded.

### IMMEDIATE MESSAGE

Halvorson of Clayton asked and received unanimous consent that the following be immediately messaged to the Senate:

House File 2592, Senate Concurrent Resolution 103 and House Concurrent Resolution 127.

Senate File 2071, a bill for an act to provide that declarations of value shall be public information, was taken up for consideration.

Pope 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. 2071)

The ayes were, 79:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Diemer
Egenes	Gettings	Groth	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Horn	Howell
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Menke	Millen	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Poffenberger	Pope	Rapp
Renken	Schnekloth	Schroeder	Shull
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Walter	Wells
Welsh	West	Mr. Speaker	

The nays were, 14:

Clark, B.J.	De Groot	Hall	Hinkhouse
Maulsby	McKean	Mullins	Pelton
Perkins	Ritsema	Sherzan	Shimanek
Smalley	Van Maanen		

Absent or not voting, 7:

Branstad	Danker	Doyle	Hullinger
Jesse	Welden	Woods	

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 providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes, with report of committee recommending passage was taken up for consideration.

Action on Senate File 2253 was temporarily deferred.



**Senate File 2264**, a bill for an act relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2264)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Doyle	Egenes	Jesse	Lura
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**MOTION TO RECONSIDER**  
**(House Concurrent Resolution 120)**

Conlon of Muscatine called up for consideration the motion to reconsider House Concurrent Resolution 120, filed on April 8, 1980, and moved to reconsider the vote by which House Concurrent Resolution 120, relating to the proposed interstate compact with Nebraska, Missouri and Kansas promoting barge traffic on the Missouri River, was adopted by the House on April 8, 1980.

The motion prevailed and the House reconsidered House Concurrent Resolution 120, placing out of order the motion to reconsider filed by O'Kane of Woodbury on April 8, 1980.

Conlon of Muscatine offered the following amendment H-5913 filed by him and Welden of Hardin and moved its adoption:

H-5913

- 1 Amend House Concurrent Resolution 120 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "provide" the words "for planning".
- 4 2. Page 2, line 23, by inserting after the word
- 5 "River." the words "The adoption of this compact
- 6 by the general assembly shall not require the state
- 7 of Iowa to adopt any legislation or to appropriate
- 8 funds for its implementation."

Amendment H-5913 was adopted.

Avenson of Fayette offered the following amendment H-6343 filed by him from the floor and moved its adoption:

H-6343

- 1 Amend House Concurrent Resolution 120 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "River" the words "below Sioux City, Iowa".
- 4 2. Page 1, line 18, by inserting after the word
- 5 "River" the words "below Sioux City, Iowa".
- 6 3. Page 1, line 19, by inserting after the word
- 7 "River" the words "below Sioux City, Iowa".
- 8 4. Page 1, line 21, by inserting after the word
- 9 "River" the words "below Sioux City, Iowa".
- 10 5. Page 1, line 23, by inserting after the word
- 11 "River" the words "below Sioux City, Iowa".
- 12 6. Page 2, line 12, by inserting after the word
- 13 "River" the words "below Sioux City, Iowa".

- 14 7. Page 2, line 17, by inserting after the word  
 15 "River" the words "below Sioux City, Iowa".  
 16 8. Page 2, line 23, by inserting after the word  
 17 "River" the words "below Sioux City, Iowa".

Amendment H—6343 was adopted.

Pellett of Cass moved the adoption of House Concurrent Resolution 120, as amended.

Roll call was requested by Anderson of Audubon and O'Kane of Woodbury.

On the question "Shall the resolution be adopted?" (H.C.R. 120)

The ayes were, 81:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimaneck
Shull	Spear	Stromer	Swearingen
Thompson	Tofte	Van Maanen	Walter
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 15:

Arnould	Bruner	Connolly	Cusack
Hibbs	Jochum	Johnson, J.	Krewson
Lloyd-Jones	O'Kane	Patchett	Poffenberger
Smalley	Tyrrell	Welden	

Absent or not voting, 4:

Cochran	Doyle	Jesse	Perkins
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The motion prevailed and the resolution, as amended, was adopted.

### Ways and Means Calendar

The House resumed consideration of **Senate File 2253**, a bill for an act providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

Bruner of Story offered the following amendment H—6340 filed by him from the floor and moved its adoption:

H—6340

- 1 Amend Senate File 2253 as follows:
- 2 1. Page 1, lines 8 and 9, by striking the
- 3 words "three-fourths of one" and inserting in lieu
- 4 thereof the words "~~three-fourths of one~~ one and
- 5 one-tenth".
- 6 2. Page 1, line 22, by striking the words "three-
- 7 fourths of one" and inserting in lieu thereof the
- 8 words "~~three-fourths of one~~ one and one-tenth".
- 9 3. Page 1, line 35 and page 2, line 1, by
- 10 striking the words "~~three-fourths of one~~" and
- 11 inserting in lieu thereof the words "one and one-
- 12 tenth".

A non-record roll call was requested.

The ayes were 36, nays 52.

Amendment H—6340 lost.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2253)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Davitt	De Groot
Dieleman	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse

Hoffmann	Holt	Horn	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Cochran	Danker	Doyle	Howell
Jesse			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2298**, a bill for an act relating to the taxable status of property, with report of committee recommending passage was taken up for consideration.

Bennett of Ida offered the following amendment H—6330 filed by him and moved its adoption:

H—6330

- 1 Amend Senate File 2298 as follows:
- 2 1. Page 1, line 22, by striking the word "assess-
- 3 ment" and inserting in lieu thereof the words "assess-
- 4 ment fiscal".

Amendment H—6330 was adopted.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2298)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Doyle	Jesse	Norland
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2327**, a bill for an act to provide or increase the penalty for failure to file or pay the state income, franchise, sales and use, or inheritance and estate taxes or local hotel and motel tax, with report of committee recommending amendment and passage was taken up for consideration.

Thompson of Polk offered amendment H — 6294 filed by the committee on ways and means on April 22, 1980 and found on pages 1960 through 1962 of the House Journal.

The committee amendment H—6294 was adopted.

Bruner of Story offered the following amendment H—6341 filed by him from the floor:

H—6341

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 1, line 32, by striking the words
- 3 "three-fourths of one" and inserting in lieu thereof
- 4 the words "~~three-fourths of one~~ one and one-tenth".
- 5 2. Page 2, line 8, by striking the words
- 6 "three-fourths of one" and inserting in lieu thereof
- 7 the words "~~three-fourths of one~~ one and one-tenth".
- 8 3. Page 4, line 16, by striking the words
- 9 "three-fourths of one" and inserting in lieu thereof
- 10 the words "~~three-fourths of one~~ one and one-tenth".
- 11 4. Page 5, lines 28 and 29, by striking the words
- 12 "three-fourths of one" and inserting in lieu thereof
- 13 the words "~~three-fourths of one~~ one and one-tenth".
- 14 5. Page 6, lines 10 and 11, by striking the words
- 15 "eight percent per annum" and inserting in lieu thereof
- 16 the words "~~eight percent per annum~~ one and one-tenth
- 17 percent per month".

West of Marshall rose on a point of order that amendment H—6341 was subject matter previously considered and, therefore, not in order.

West of Marshall asked and received unanimous consent to withdraw his point of order.

Bruner of Story moved the adoption of amendment H—6341.

Amendment H—6341 lost.

Thompson 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.

Under the provisions of Rule 81, Tyrrell of Iowa and Halvorson of Webster refrained from voting.

On the question "Shall the bill pass?" (S.F. 2327)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Groth	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Spear	Stromer
Swearingen	Thompson	Tofte	Van Maanen
Walter	Wells	Welsh	West
Mr. Speaker			

The nays were, 9:

Byerly	Chiodo	Cusack	Gettings
Hummel	Miller	Perkins	Smalley
Woods			

Absent or not voting, 6:

Doyle	Halvorson, R.N.	Jesse	Rapp
Tyrrell	Weiden		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

UNANIMOUS CONSENT TO VOTE

Connors of Polk asked and received unanimous consent to be recorded as voting "aye" on the following bills and the votes were so recorded: House Files 695, 2591 and 2592, and Senate Files 2070, 2071 and 2264.



**IMMEDIATE MESSAGES**

Halvorson of Clayton asked and received unanimous consent that the following be immediately messaged to the Senate:

House File 2592; Senate Files 2071, 2253, 2264, 2298, and 2327 and House Concurrent Resolution 120.

**SENATE AMENDMENTS CONSIDERED**

Van Maanen of Mahaska called up for consideration **House File 700**, a bill for an act relating to the use of a license for the taking of fish and animals and providing penalties, amended by the Senate amendment H-5777, received from the Senate on March 31, 1980 and found on page 1263 of the House Journal.

Chiodo of Polk asked and received unanimous consent to withdraw amendments H-6332 and H-6333 (to the Senate amendment H-5777) filed by him and Anderson of Jasper on April 23, 1980.

Kirkenslager of Des Moines offered the following amendment H-6104, to the Senate amendment H-5777, filed by him:

H-6104

- 1 Amend the Senate amendment H-5777 to House File
- 2 700 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking line 4 and inserting in
- 5 lieu thereof the following:
- 6 "Sec. 2. Chapter one hundred ten (110), Code 1979,
- 7 is amended by adding the following new section:
- 8 **NEW SECTION.** If a bordering state does not extend
- 9 reciprocity to the persons licensed by this state
- 10 in the taking of fish, game, mussels or furbearing
- 11 animals as provided in section one hundred nine point
- 12 nineteen (109.19) of the Code, the residents of that
- 13 state are not eligible to purchase a nonresident
- 14 license in this state for the manner and subject of
- 15 taking for which reciprocity is not extended by that
- 16 state.
- 17 Sec. 3. Section one hundred ten point six (110.6),"

Van Maanen of Mahaska rose on a point of order that amendment H-6104 was not germane.

The Speaker ruled the point well taken and amendment H—6104 not germane.

Kirkenslager of Des Moines asked for unanimous consent to consider amendment H—6104.

Objection was raised.

Avenson of Fayette offered the following amendment H—6211, to the Senate amendment H—5777, filed by Halvorson of Clayton and him:

H—6211

- 1 Amend the Senate amendment H-5777 to House File
- 2 700 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking line 21 and inserting in
- 5 lieu thereof the following: "by the state conservation
- 6 commission.
- 7 Sec. 3. STEEL SHOT REQUIREMENTS.
- 8 1. The rule adopted by the Iowa state conservation
- 9 commission, Iowa administrative code 290-105.3(3)
- 10 filed for publication in the Iowa administrative
- 11 bulletin on March 12, 1980, requiring the use of steel
- 12 shot in the taking of migratory game birds in certain
- 13 areas shall be enforced only on and within one hundred
- 14 fifty yards of the following areas:
- 15 a. Those areas where the use of steel shot is
- 16 required by federal rule.
- 17 b. Those public lands under the jurisdiction of
- 18 the state conservation commission and those waters
- 19 of this state under the jurisdiction of the state
- 20 conservation commission, as defined in section one
- 21 hundred six point one (106.1), subsection four (4),
- 22 of the Code, where the commission has determined from
- 23 the 1977, 1978 and 1979 mallard lead shot ingestion
- 24 studies that the area has an ingestion rate of five
- 25 percent or more.
- 26 2. The state conservation commission shall hold
- 27 at least six public hearings at various locations
- 28 in the state on the use of steel shot and make a
- 29 report to the committees on natural resources of the
- 30 house of representatives and the senate by February
- 31 1, 1982. This section is repealed on July 1, 1982."
- 32 2. By renumbering the sections to conform with
- 33 this amendment.

Avenson of Fayette offered the following amendment H-6342, to amendment H-6211, (to the Senate amendment H-5777) filed by him from the floor and moved its adoption:

H-6342

- 1 Amend amendment H-6211 to the Senate amendment
- 2 H-5777 to House File 700, as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. Page 1, by inserting after line 25 the
- 5 following:
- 6 "c. Fremont and Mills counties."

A non-record roll call was requested.

The ayes were 81, nays 6.

Amendment H-6342 was adopted.

Smalley of Polk asked and received unanimous consent to reconsider the vote by which amendment H-6342 was adopted by the House and the House reconsidered amendment H-6342.

Avenson of Fayette asked and received unanimous consent to withdraw amendment H-6342, to amendment H-6211 (to the Senate amendment H-5777).

On motion by Avenson of Fayette, amendment H-6211, to the Senate amendment H-5777, was adopted.

Kirkenslager of Des Moines asked and received unanimous consent to suspend the rules to consider amendment H-6104.

On motion by Kirkenslager of Des Moines, amendment H-6104, to the Senate amendment H-5777, was adopted.

Van Maanen of Mahaska offered the following amendment H-6101, to the Senate amendment H-5777, filed by him and moved its adoption:

H-6101

- 1 Amend the Senate amendment, H-5777, to House File 700,
- 2 as amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking line 22.
- 4 2. Renumbering to conform to this amendment.

Amendment H-6101 was adopted.

The following amendment H—6347, to the Senate amendment H—5777, filed by Van Maanen of Mahaska from the floor was adopted by unanimous consent:

H—6347

- 1 Amend the Senate amendment, H—5777 to House File
- 2 700, as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by inserting after line 22 the following:
- 5 " . Title page, by striking lines 1 and 2, and
- 6 inserting in lieu thereof the following: "An Act relating
- 7 to conservation, including licenses, the trout license
- 8 stamp, the use of steel shot and the reciprocity for
- 9 licenses between states." "

On motion by Van Maanen of Mahaska, the House concurred in the Senate amendment H—5777, as amended.

Van Maanen of Mahaska 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. 700)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Höffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Spear	Stromer

Swearingen  
Van Maanen  
Welsh

Thompson  
Walter  
Woods

Tofte  
Welden  
Mr. Speaker

Tyrrell  
Wells

The nays were, 1:

Sherzan

Absent or not voting, 4:

Avenson

Doyle

Jesse

West

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Pelton of Clinton called up for consideration **House File 2550**, a bill for an act relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies, amended by the Senate amendment H-6003, received from the Senate on April 11, 1980 and found on page 1511 of the House Journal.

The following amendments, to the Senate amendment H-6003, were withdrawn by unanimous consent:

H-6195 filed by O'Kane of Woodbury on April 17, 1980.

H-6106 filed by Bruner of Story on April 16, 1980.

H-6103 filed by Schroeder of Pottawattamie and Byerly of Polk on April 16, 1980.

H-6105 filed by Schroeder, et al., on April 16, 1980.

On motion by Pelton of Clinton, the House concurred in the Senate amendment H-6003.

Pelton of Clinton 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. 2550)

The ayes were, 93:

Anderson, J.  
Bennett  
Branstad

Anderson, R.  
Bina  
Bruner

Arnould  
Binneboese  
Byerly

Avenson  
Brandt  
Chiodo

Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Larsen	Lind	Lloyd-Jones	Loneragan
Mausby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 1:

Lura

Absent or not voting, 6:

Doyle	Jesse	Lageschulte	Lorenzen
Schroeder	Thompson		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### INTRODUCTION OF BILL

**House Joint Resolution 2019**, by Halvorson of Clayton, Avenson, Welden and Miller, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to nullify a rule of a state agency by a resolution approved by two-thirds of the members of each house of the general assembly.

Read first time and referred to committee on **appropriations**.

### IMMEDIATE MESSAGES

Halvorson of Clayton asked and received unanimous consent that House Files 700 and 2550 be immediately messaged to the Senate.

The House stood at ease at 4:12 p.m., until the fall of the gavel.

The House resumed session at 5:22 p.m., Speaker pro tempore Stromer of Hancock in the chair.

The House stood at ease at 5:23 p.m., until the fall of the gavel.

The House resumed session at 6:22 p.m., Speaker pro tempore Stromer of Hancock in the chair.

### HOUSE RULE 2 SUSPENDED

Halvorson of Clayton asked for unanimous consent to suspend House Rules 2 and 15 to continue session beyond 6:00 p.m. and to allow food in the House chamber during session.

Objection was raised.

Halvorson of Clayton moved to suspend House Rules 2 and 15.

Avenson of Fayette requested a division of the motion to suspend House Rules 2 and 15.

Halvorson of Clayton moved that House Rule 2 be suspended to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 53, nays 31.

The motion prevailed and House Rule 2 was suspended.

Halvorson of Clayton asked and received unanimous consent to withdraw the motion to suspend House Rule 15.

Avenson of Fayette moved that House Rule 15 be suspended to allow food in the House chamber while in session.

Roll call was requested by Jesse of Polk and Connors of Polk.

Rule 80 was invoked.

### On the question "Shall House Rule 15 be suspended?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Holt	Horn	Howell	Husak
Jay	Jesse	Jochum	Lind
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Pelton	Perkins	Rapp	Sherzan
Spear	Tofte	Walter	Welden
Wells	Welsh		

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hoffmann
Hummel	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Swearingen	Thompson	Tyrrell	Van Maanen
West	Woods	Mr. Speaker (Stromer)	

Absent or not voting, 3:

Doyle	Hullinger	Johnson, R.
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The motion lost.

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 15.

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of the following bills: Senate Files 2375, 2374 and 2376.



**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**BRUCE GRAHAM**  
Assistant Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Senate File 2072**, a bill for an act appropriating funds from the general fund to pay for special assessments relating to a paving project in the city of Boone, Iowa.

**Recommended Do Pass.**

**Senate File 2371**, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions.

**Recommended Do Pass.**

**Senate File 2374**, a bill for an act appropriating funds to designated agencies for the 1978-1979 or 1979-1980 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

**Recommended Do Pass.**

**Committee Joint Resolution**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to nullify a rule of a state agency by a resolution approved by two thirds of the members of each house of the general assembly.

**Recommended Do Pass.**

**COMMITTEE ON COMMERCE**

**Senate File 2375**, a bill for an act repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that Act.

**Recommended Amend and Do Pass** (Amendment H—6344, found on pages 2064 through 2066 of the House Journal).

**COMMITTEE ON WAYS AND MEANS**

**Senate File 2376**, a bill for an act to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products, including a sales tax exemption for motor fuel containing at least ten percent alcohol distilled from agricultural products, subject to penalties provided by law.

**Recommended Do Pass.**

## CONSIDERATION OF BILLS

**Senate File 2375**, a bill for an act repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that Act, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—6344 filed by the committee on commerce:

H—6344

1 Amend Senate File 2375 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 five hundred thirty-five point  
6 two (535.2), subsection four (4), Code 1979 Supplement  
7 is amended to read as follows:

8 4. a. Notwithstanding the provisions of subsection  
9 3, with respect to any agreement which was executed  
10 prior to August 3, 1978, and which contained a  
11 provision for the adjustment of the rate of interest  
12 specified in that agreement, the maximum lawful rate  
13 of interest which may be imposed under that agreement  
14 shall be nine cents on the hundred by the year, and  
15 any excess charge shall be a violation of section  
16 535.4.

17 b. Notwithstanding the limitation contained in  
18 paragraph a of this subsection, with respect to a  
19 written agreement for the repayment of money loaned,  
20 which was executed prior to August 3, 1978 and which  
21 provided for the payment of over fifty percent of  
22 the initial principal amount of the loan as a single  
23 payment due at the end of the term of the agreement,  
24 the interest rate may be adjusted after the effective  
25 date of this Act according to the terms of the  
26 agreement to any rate of interest permitted by the  
27 laws of this state as of the date an adjustment in  
28 interest is to be made. This paragraph does not  
29 authorize adjustment of interest in any manner other  
30 than that expressly permitted by the terms of the  
31 written agreement, and nothing contained in this  
32 paragraph authorizes the collection of additional  
33 interest with respect to any portion of a loan which  
34 was repaid prior to the effective date of an interest-  
35 rate adjustment.

36 Sec. 2. Section five hundred thirty-five point

37 two (535.2), Code 1979 Supplement, is amended by  
38 adding the following new subsection:  
39 **NEW SUBSECTION. a.** Notwithstanding the provisions  
40 of Acts of the Sixty-eighth General Assembly, 1980  
41 Session, House File two thousand four hundred ninety-  
42 two (2492), with respect to any agreement which was  
43 executed on or after August 3, 1978 and prior to July  
44 1, 1979, and which contained a provision for the  
45 adjustment of the rate of interest specified in the  
46 agreement, the maximum lawful rate of interest which  
47 may be imposed under that agreement shall be that  
48 rate which is two and one-half percentage points above  
49 the rate initially to be paid under the agreement,  
50 and any excess charge shall be a violation of section

**Page 2**

1 five hundred thirty-five point four (535.4) of the  
2 Code.  
3 b. Notwithstanding the limitation contained in  
4 paragraph a of this subsection, with respect to a  
5 written agreement for the repayment of money loaned  
6 which was executed on or after August 3, 1978, and  
7 prior to July 1, 1979, and which provided for the  
8 payment of over fifty percent of the initial principal  
9 amount of the loan as a single payment due at the  
10 end of the term of the agreement, the interest rate  
11 may be adjusted after the effective date of this Act  
12 according to the terms of the agreement to any rate  
13 of interest permitted by the laws of this state as  
14 of the date an adjustment in interest is to be made.  
15 This paragraph does not authorize adjustment of  
16 interest in any manner other than that expressly  
17 permitted by the terms of the written agreement, and  
18 nothing contained in this paragraph authorizes the  
19 collection of additional interest with respect to  
20 any portion of a loan which was repaid prior to the  
21 effective date of an interest-rate adjustment.  
22 **Sec. 3.** Acts of the Sixty-eighth General Assembly,  
23 1980 Session, House File two thousand four hundred  
24 ninety-two (2492), sections fifteen (15) and sixteen  
25 (16) are repealed. It is the intent of the general  
26 assembly that this section be retroactive to the  
27 effective date of House File two thousand four hundred  
28 ninety-two (2492) with the effect that sections fifteen  
29 (15) and sixteen (16) of that Act be void as if never  
30 enacted.  
31 **Sec. 4.** This Act, being deemed of immediate  
32 importance, takes effect from and after its publication  
33 in the Quad City Times, a newspaper published in  
34 Davenport, Iowa, and in The Council Bluffs Nonpareil,  
35 a newspaper published in Council Bluffs, Iowa."

36 2. Amend the title, line 1, by inserting after  
 37 the word "Act" the words "limiting the adjustment  
 38 of rates of interest on certain closed-end loans  
 39 executed prior to July 1, 1979, and in connection  
 40 therewith".

Schneklath of Scott offered the following amendment H-6352, to the committee amendment H-6344, filed by him from the floor and moved its adoption:

H-6352

1 Amend amendment H-6344 to Senate File 2375 as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by striking line 14 and inserting in  
 4 lieu thereof the words "shall be nine cents on the  
 5 hundred by the year two and one-half percentage points  
 6 above the original rate agreed to, provided that the  
 7 greatest interest rate adjustment which may be made  
 8 at any one time shall be one-half of one percent and  
 9 an interest rate adjustment may not be made until  
 10 at least one year has passed since the last interest  
 11 rate adjustment, and".

Roll call was requested by Connors of Polk and Jochum of Dubuque.

Rule 80 was invoked.

Under the provisions of Rule 81, Daggett of Taylor refrained from voting.

On the question "Shall amendment H-6352 be adopted?"

The ayes were, 11:

Anderson, J.	Bennett	Branstad	Hibbs
Hummel	Lorenzen	Maulsby	Pellett
Schneklath	Tofte	Van Maanen	

The nays were, 85:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall

Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lura	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Swearingen
Thompson	Tyrrell	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Stromer)			

Absent or not voting, 4:

Daggett	Doyle	Johnson, W.	Millen
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Amendment H—6352 lost.

Crawford of Story offered the following amendment H—6355, to the committee amendment H—6344, filed by him from the floor and moved its adoption:

H—6355

1 Amend amendment H—6344 to Senate File 2375 as  
 2 passed by the Senate as follows:  
 3 1. Page 1, line 49, by inserting after the comma  
 4 the words "provided that the greatest interest-rate  
 5 adjustment which may be made at any one time shall  
 6 be one-half of one percent and an interest rate  
 7 adjustment may not be made until at least one year  
 8 has passed since the last interest rate adjustment,".

A non-record roll call was requested.

The ayes were 58, nays 33.

Amendment H—6355 was adopted.

On motion by Schroeder of Pottawattamie, the committee amendment H—6344, as amended, was adopted placing out of order amendment H—6336 filed by Crawford of Story on April 23, 1980.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2375)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Hullinger	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Rapp
Renken	Ritsema	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Weiden	Wells
Welsh	West	Woods	Mr. Speaker (Stromer)

The nays were, 4:

Hummel	Johnson, R.	Maulsby	Schnekloth
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Absent or not voting, 4:

Doyle	Howell	Millen	Pope
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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.

### IMMEDIATE MESSAGE

Halvorson of Clayton asked and received unanimous consent that Senate File 2375 be immediately messaged to the Senate.

## UNANIMOUS CONSENT TO VOTE

Lura of Marshall asked and received unanimous consent that the following members be allowed to vote on Senate File 2375 and the votes were so recorded: Pellett of Cass, Diemer of Black Hawk, Hansen of O'Brien, Hanson of Delaware and Poffenberger of Dallas.

**Senate File 2374**, a bill for an act appropriating funds to designated agencies for the 1978-1979 or 1979-1980 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes, with report of committee recommending passage was taken up for consideration.

Bina of Scott offered the following amendment H-6350 filed from the floor by Bina, Walter, Gettings, O'Kane, Pavich, Wells, Cochran, Arnould and Cusack and moved its adoption:

H-6350

- 1 Amend Senate File 2374 as passed by the Senate
- 2 as follows:
- 3 1. Page 3, by inserting after line 30 the
- 4 following:
- 5 "Sec. There is appropriated from the general
- 6 fund of the state to the department of transportation
- 7 for the fiscal year beginning July 1, 1980 and ending
- 8 June 30, 1981 the sum of five hundred thousand
- 9 (500,000) dollars, or so much thereof as is necessary,
- 10 for the purpose of providing funds for the purchase
- 11 of fuel for public transit purposes. The funds
- 12 appropriated by this section shall be used in the
- 13 state assistance plan for public transit created by
- 14 the Acts of the Sixty-eighth General Assembly, 1979
- 15 Session, chapter eleven (11), section four (4),
- 16 subsection three (3)."
- 17 2. Renumber as required.

Roll call was requested by Arnould of Scott and Gettings of Wapello.

On the question "Shall amendment H-6350 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors

Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Kirkenslager	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Rapp	Sherzan	Walter
Welsh	Woods		

The nays were, 52:

Anderson, J.	Bennett	Clark, B.J.	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Mullins
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Stromer)

Absent or not voting, 6:

Branstad	Doyle	Johnson, R.	Krewson
Perkins	Wells		

Amendment H — 6350 lost.

Pavich of Pottawattamie offered the following amendment H — 6357 filed by him from the floor and moved its adoption:

H — 6357

1 Amend Senate File 2374, as passed by the Senate,  
 2 as follows:  
 3 1. Page 4, by inserting after line 11 the  
 4 following new section:  
 5 "Sec. . There is appropriated from the  
 6 general fund of the state to the department of public  
 7 safety for the fiscal year beginning July 1, 1979  
 8 and ending June 30, 1980, the sum of four hundred  
 9 thousand (400,000) dollars, or so much thereof as  
 10 may be necessary, to pay actual costs for the purchase  
 11 of fuel which exceed funds budgeted for fuel purchases  
 12 for the state highway patrol."



Roll call was requested by Pavich of Pottawattamie and Binneboese of Plymouth.

On the question "Shall amendment H—6357 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R.N.	Hanson, D.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Lloyd-Jones	Loneragan	Miller
Norland	O'Kane	Oxley	Patchett
Pavich	Perkins	Rapp	Sherzan
Walter	Welsh	Woods	

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Harbor	Hoffmann	Hummel	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Stromer)

Absent or not voting, 5:

Doyle	Holt	Johnson, R.	Schroeder
Wells			

Amendment H—6357 lost.

Clark of Lee asked for unanimous consent to suspend House Rule 55.

Objection was raised.

Clark of Lee moved to suspend House Rule 55 to permit smoking in the House chamber.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 46, nays 48.

The motion lost.

Pelton of Clinton asked for unanimous consent to insert on page 4, line 11, the contents of House File 2559.

Objection was raised.

Byerly of Polk moved to defer action on Senate File 2374.

The motion lost.

Shull 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. 2374)

The ayes were, 84:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Brandt	Branstad	Bruner	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Loneragan
Lorenzen	Maulsby	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Schneklath	Sherzan	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Wells	Welsh	West	Mr. Speaker (Stromer)

The nays were, 13:

Arnould	Bina	Byerly	Chiodo
Krewson	Lloyd-Jones	Lura	McKean
Pavich	Pelton	Ritsema	Walter
Woods			

Absent or not voting, 3:

Avenson	Doyle	Schroeder
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(Senate File 2374)

Halvorson of Clayton asked and received unanimous consent that Senate File 2374 be immediately messaged to the Senate.

**SENATE AMENDMENTS CONSIDERED**

Bennett of Ida called up for consideration **House File 2482**, a bill for an act to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads, amended by the Senate, and moved that the House concur in the Senate amendment H-5967, received from the Senate on April 10, 1980 and found on page 1477 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-5967.

Bennett of Ida 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. 2482)

The ayes were, 96:

Anderson, R.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly

Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Stromer)

The nays were, none.

Absent or not voting, 4:

Anderson, J.	Doyle	Larsen	Pope
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2402 WITHDRAWN

Egenes of Story asked and received unanimous consent to withdraw House File 2402 from further consideration by the House.

Maulsby of Calhoun called up for consideration **House File 2138**, a bill for an act relating to the authority over traffic control and parking of the board of directors of a merged area, amended by the Senate, and moved that the House concur in the Senate amendment H-6076, received from the Senate on April 15, 1980 and found on page 1587 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6076.

Maulsby of Calhoun 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. 2138)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schneklath	Schroeder	Sherzan	Shimaneck
Shull	Smalley	Spear	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Wells	Welsh	Woods
Mr. Speaker (Stromer)			

The nays were, none.

Absent or not voting, 3:

Doyle	Welden	West
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Pelton of Clinton called up for consideration **House File 2501**, a bill for an act relating to the use of computers for the storage of court records, amended by the Senate, and moved that the House concur in the Senate amendment H—6077, received from the Senate on April 15, 1980 and found on page 1587 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—6077.

Pelton of Clinton 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. 2501)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lloyd-Jones	Lonergan	Lorenzen
Lura	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schneklath	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, 4:

Johnson, J.	Lind	Maulsby	McKean
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Absent or not voting, 3:

Conlon

Doyle

Holt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend the rules for a committee on ways and means meeting upon adjournment.

### MOTION TO RECONSIDER (Amendment H—5874 to Senate File 2296)

I move to reconsider the vote by which Amendment H—5874 to Senate File 2296 was adopted by the House on April 23, 1980.

POFFENBERGER of Dallas

### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 205

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission, transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties, respectfully submit the following recommendations:

1. That the Senate recede from its amendment to the House amendment.
2. That the House amendment, S-5253, to Senate File 205, as amended, passed and reprinted by the Senate, be amended as follows:
  1. Page 1, by inserting after line 8 the following:

Page 3, line 8, by inserting after the date "1979," the words "as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section sixty-nine (69),".

Page 3, lines 14 and 15, by striking the words "with the consent of two-thirds of the members of" and inserting in lieu thereof the words "subject to confirmation by".

2. Page 1, by striking lines 17 and 18 and inserting in lieu thereof the following:

Page 3, by striking lines 26 through 29 and inserting in lieu thereof the following: "be appointed to four-year terms of office commencing and ending as provided in Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section three (3). Vacancies occurring".

By striking page 3, line 31 through page 4, line 2, and inserting in lieu thereof the following: "the balance of the unexpired term subject to confirmation by the Senate. A commission".

3. Page 1, by striking lines 34 through 40.

4. Page 2, by inserting after line 2 the following:

By striking page 14, line 25 through page 15, line 25."

5. Page 2, by inserting after line 35 the following:

"Sec. Chapter four hundred fifty-five B (455B), Code 1979, is amended by adding the following new section to the new part of division four (IV) added by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred eleven (111):

**NEW SECTION. ACQUISITION AND LEASE OF SITES.** The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment or disposal facility. Upon request, the department shall assist the executive council in locating suitable sites for the location of a treatment or disposal facility. The commission may recommend to the executive council the purchase or condemnation of land to be leased for the operation of a treatment or disposal facility. The executive council may purchase or may condemn the land subject to chapter four hundred seventy-one (471) of the Code. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The executive council upon recommendation of the commission may lease land purchased under this section to any person except the state or a state agency. This section does not authorize the state to own or operate a hazardous waste treatment or disposal facility and the state shall not own or operate such a facility. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission may require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed and valued as any other real property as provided by law."



6. Page 4, by striking lines 14 through 19 and inserting in lieu thereof the following: "as applicable. Four of the members initially appointed to the environmental quality commission shall be appointed to terms of two years beginning and ending as provided in Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section three (3). The persons may be".

7. Page 4, by inserting after line 30 the following:

Amend the title, line 10, by inserting before the word "abolishing" the words "authorizing the acquisition and lease of land for hazardous waste treatment or disposal:".

8. By numbering sections to conform to this amendment.

ON THE PART OF THE HOUSE:

DELWYN STROMER, Chair  
REID W. CRAWFORD  
GREGORY D. CUSACK

ON THE PART OF THE SENATE:

RICHARD F. DRAKE, Chair  
PATRICK J. DELUHERY  
ARTHUR L. GRATIAS  
TOM SLATER  
FORREST V. SCHWENGELS

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2337

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the Conference Committee appointed to consider the differences between the House and the Senate on Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, respectfully make the following report:

1. That the House recede from its amendment S-5699 to Senate File 2337 as amended, passed and reprinted by the Senate.

2. That Senate File 2337, as amended, passed and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 18 through 23 and inserting in lieu thereof the words "occurring on or after January 1, 1983, the amount of twenty thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of fifteen thousand dollars".

2. Page 2, by striking lines 23 through 30 and inserting in lieu thereof the words "of interest and costs, of not less than twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifteen thousand dollars because of injury to or".

3. Page 3, by striking lines 23 through 33 and inserting in lieu thereof the following:

"(1) When twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.

(2) When, subject to the limit of twenty thousand dollars because of bodily injury to or death of one person, the sum of forty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.

(3) When fifteen thousand dollars has been credited".

4. Page 4, by striking lines 22 through 27 and inserting in lieu thereof the words "all accidents which occur on or after January 1, 1983, twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifteen thousand dollars because of injury to or".

5. Page 5, by striking lines 9 through 11 and inserting in lieu thereof the words "fifty-five thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of fifty-five thousand dollars. The state".

ON THE PART OF THE HOUSE:

LAVERNE W. SCHROEDER, Chair  
ARLO HULLINGER  
HUGO SCHNEKLOTH  
SEMOR C. TOFTE  
JACK E. WOODS

ON THE PART OF THE SENATE:

BOB RUSH, Chair  
EDGAR H. HOLDEN  
ROLF V. CRAFT  
IRVIN L. BERGMAN  
BOB CARR

#### REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 2475

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 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, respectfully submit the following report:

1. That the Senate recede from its amendment H-5903.

ON THE PART OF THE HOUSE:

PATRICIA L. THOMPSON, Chair  
HORACE DAGGETT  
WALLY E. HORN  
SONJA LARSEN

ON THE PART OF THE SENATE:

ARTHUR L. GRATIAS, Chair  
WILLARD R. HANSEN  
JOHN R. SCOTT

## HOUSE CONCURRENT RESOLUTION 138

By Pelton, De Groot, Howell, Krewson, Gettings, Walter, Hibbs, Bruner, McKean, Ritsema, Hullinger, Pellett, O'Kane, Rapp, Poffenberger, Larsen, Mullins, Perkins, Binneboese, Danker, Lind, Smalley, Van Maanen, Sherzan, Cusack, Renken, Conlon, Johnson of Linn and Kirksenslager

- 1     *Whereas*, the governor of Iowa has proclaimed Wednesday,  
2     May 14, 1980 as Iowa Freedom Day; and  
3     *Whereas*, this day has been designated to demonstrate  
4     our potential for conserving gasoline by exercising our  
5     transportation options; and  
6     *Whereas*, the citizens of Iowa will not lose their mobility  
7     or effectiveness to do business by carpooling or ridesharing or  
8     using public transportation or riding bicycles or mopeds  
9     or motorcycles or walking or using the telephone in place  
10    of unnecessary travel; and  
11    *Whereas*, the goal of Iowa Freedom Day is to reduce  
12    consumption of gasoline by fifty percent or two million gallons  
13    of that normally used in motor vehicles in Iowa on any  
14    given day in the month of May; and  
15    *Whereas*, the reduction in consumption of gasoline by  
16    fifty percent on this day will thereby cut imports of foreign  
17    oil by over fifty thousand barrels and keep one point five  
18    million dollars in Iowa's economy which otherwise would be  
19    lost; and  
20    *Whereas*, this reduction is for gasoline only and will  
21    not affect fuels needed by Iowa's farmers in order to plant  
22    crops; and  
23    *Whereas*, this one day effort is for the common good  
24    of Iowa and the nation, *Now Therefore*,  
25    *Be It Resolved by the House of Representatives, the*  
26    *Senate Concurring*, That the Iowa general assembly supports  
27    and hereby urges our citizens to wholeheartedly participate  
28    in, and achieve the stated goals of, Iowa Freedom Day.

Laid over under Rule 30.

## SPONSOR ADDED

Bruner of Story requested to be added as a sponsor of House File 2309.

## PETITIONS FILED

The following petitions were received and placed on file:

By Binneboese of Plymouth, from fifty members of the

Tryhedron Bowhunters Association, of Sioux City, Iowa, requesting support for House File 2576.

By Walter of Pottawattamie, from thirty-six constituents of District 100 favoring that the Iowa House of Representatives pass a resolution asking the U. S. Congress to enact H. R. 1918, a resolution for World War I veteran's pension.

### **BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Assistant Chief Clerk of the House submitted the following report:

Mr. Speaker: The Assistant 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, 1980: House Files 2464, 2490, 2493 and 2518.

**BRUCE GRAHAM**

Assistant Chief Clerk of the House

Report adopted.

### **PRESENTATION OF VISITORS**

Crabb of Crawford presented to the House, Foreign Exchange Students, Elmori de Wet from South Africa and Etsuko Ishizuki from Japan. Both are currently attending Woodbine High School, Woodbine.

The Speaker announced that the following visitors were present in the House chamber:

Seventeen students from Kanawa Junior-Senior High School, Kanawa, accompanied by Alice Taylor. By Stromer of Hancock.

Thirty-two students from Woodbine High School, Woodbine, accompanied by Mr. Phil Hummel and Ivan Leonard. By Crabb of Crawford.

Twenty high school students from South Clay Community School, Gillette Grove, accompanied by Mr. Pitts and Mr. Stegge. By Groth of Buena Vista and Holt of Clay.

Twenty-eight fifth grade students from Exira Elementary School, Exira, accompanied by Charlotte Smetana. By Anderson of Audubon.

Thirty-five students from Dowling High School, West Des Moines. By Thompson of Polk.

Sixteen students from Burlington High School, Burlington, accompanied by Loren Ratekin. By Kirkenlager of Des Moines.

Twenty-three eighth grade students from St. John Elementary School, Independence, accompanied by Lucille McGrath. By Miller of Buchanan.

Fifty fifth grade students from Lincoln Community School, Mechanicsville, accompanied by Marie Christian. By McKean of Jones.

Forty-two fourth and fifth grade students from Jefferson Elementary School, Creston, accompanied by Joyce Anderson and Edith McFee. By Daggett of Taylor, Pellett of Cass and Hullinger of Decatur.

#### AMENDMENTS FILED

H-6345	S.F. 2357	Daggett of Taylor
H-6346	S.F. 2357	Daggett of Taylor
H-6348	S.F. 2376	Brandt of Black Hawk
H-6349	S.F. 2376	Howell of Floyd
H-6353	S.F. 2376	Davitt of Warren
		Halvorson of Webster
H-6354	H.J.R. 2019	Conlon of Muscatine
		Smalley of Polk
H-6358	S.F. 2376	Norland of Worth
		Davitt of Warren
		Avenson of Fayette
		Welsh of Dubuque
		Cochran of Webster
H-6359	S.F. 2376	Norland of Worth
		Lloyd-Jones of Johnson
H-6360	S.F. 2376	Branstad of Winnebago
		Lura of Marshall
H-6361	S.F. 2376	Branstad of Winnebago
		Lura of Marshall

On motion by Halvorson of Clayton, the House adjourned at 8:05 p.m., until 9:00 a.m., Friday, April 25, 1980.

# JOURNAL OF THE HOUSE

One Hundred Third Calendar Day—Seventieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 25, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by Father Keith Birch, pastor of the St. Joseph's Catholic Church, Marion.

The Journal of Thursday, April 24, 1980 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wells of Linn, for the morning session, on request of Pavich of Pottawattamie; Doyle of Woodbury on request of O'Kane of Woodbury.

## INTRODUCTION OF BILLS

**House File 2593**, by committee on appropriations, a bill for an act relating to payments for certain school transportation costs and certain special education costs.

Read first time and **placed on the appropriations calendar.**

**House File 2594**, by Halvorson of Clayton and Avenson, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract.

Read first time and referred to committee on **ways and means.**

**House File 2595**, by committee on appropriations, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act.

Read first time and **placed on the appropriations calendar.**

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2580, a bill for an act relating to appropriations to various state agencies for supplemental appropriations.

Also: That the Senate has on April 23, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2247, a bill for an act relating to the indexing of the state individual income tax.

FRANK J. STORK, Secretary

### SENATE AMENDMENT TO HOUSE FILE 2580

H-6362

- 1 Amend House File 2580 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 11, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".
- 5 2. Page 3, line 20, by striking the figure
- 6 "4,751,000" and inserting in lieu thereof the figure
- 7 "4,801,000".
- 8 3. Page 4, by inserting after line 10 the following
- 9 new section:
- 10 "Sec. . Acts of the Sixty-eighth General
- 11 Assembly, 1979 Session, chapter thirteen (13) is
- 12 amended by adding the following new section:
- 13 **NEW SECTION.** The department shall employ a
- 14 consultant for gifted and talented children programs."
- 15 4. Page 4, by inserting after line 25 the
- 16 following:
- 17 "Sec. . Acts of the Sixty-eighth General
- 18 Assembly, 1979 Session, chapter nine (9), section
- 19 one (1), is amended by adding the following new
- 20 subsection:
- 21 5. For the older
- 22 Iowans model legis-
- 23 lature . . . . . \$                    \$    14,000"
- 24 5. Page 5, line 1, by striking the figure
- 25 "\$540,943" and inserting in lieu thereof the figures
- 26 "\$540,943 547,943".
- 27 6. Page 12, by striking line 22 through page 14,
- 28 line 1.

29 7. Page 15, by inserting after line 9 the  
30 following:

31 "It is the further intent of the general assembly  
32 that all state liquor stores in operation as of March  
33 1, 1980 shall continue in operation. If there is  
34 more than one liquor store in a city only one must  
35 continue in operation. Hours of operation of each  
36 store shall remain substantially the same."

37 8. Page 21, line 31, by inserting after the word  
38 "property" the words "to be disposed of by a public  
39 auction at Terrace Hill conducted by the department  
40 of general services".

41 9. Page 22, by inserting after line 34 the  
42 following:

43 "Sec. . There is appropriated from the general  
44 fund of the state for the fiscal year beginning July  
45 1, 1980 and ending June 30, 1981 the sum of fifty  
46 thousand (50,000) dollars, or so much thereof as is  
47 necessary, to the Iowa merit employment department  
48 for conversion, design, testing, installation, and  
49 implementation of a data processing system.

50 Sec. . Section two point forty-three (2.43),

## Page 2

1 unnumbered paragraph one (1), Code 1979, is amended  
2 to read as follows:

3 The legislative council in co-operation with the  
4 officers of the senate and house shall have the duty  
5 and responsibility for preparing for each session  
6 of the general assembly. Pursuant to such duty and  
7 responsibility, the legislative council may assign  
8 areas in the state capitol or other state buildings,  
9 in consultation with the director of the department  
10 of general services and the capitol planning  
11 commission, for use of the general assembly or  
12 legislative agencies. The legislative council may  
13 authorize the renovation, remodeling and preparation  
14 of the physical facilities used or to be used by the  
15 general assembly or legislative agencies subject to  
16 the jurisdiction of the legislative council and award  
17 contracts pursuant to such authority to carry out  
18 such preparation. The legislative council may purchase  
19 supplies and equipment deemed necessary for the proper  
20 functioning of the legislative branch of government."

21 10. Page 23, by striking lines 1 through 17 and  
22 inserting in lieu thereof the following:

23 "Sec. . Acts of the Sixty-eighth General  
24 Assembly, 1979 Session, chapter eleven (11), section  
25 one (1), subsections one (1), two (2), and four (4),  
26 are amended to read as follows:



27 1. For the purpose  
 28 of matching federal funds  
 29 available to the Iowa  
 30 crime commission for  
 31 state and court planning  
 32 programs, for salaries  
 33 and support of not more  
 34 than twenty-two full-  
 35 time equivalent posi-  
 36 tions, and for mainte-  
 37 nance and miscellaneous  
 38 purposes . . . . . \$ 110,000 \$ 70,200  
 39 100,000

40 2. For the purpose of  
 41 providing funds for area  
 42 planning purposes to the Iowa  
 43 crime commission, and for  
 44 salaries, support, mainten-  
 45 ance and miscellaneous  
 46 purposes . . . . . \$ 100,000 \$ 40,000  
 47 50,000

48 a. It is the intent  
 49 of the general assembly  
 50 that if federal law enforce-

Page 3

1 ment assistance admin-  
 2 istration planning funds  
 3 are not appropriated for the  
 4 fiscal year beginning  
 5 October 1, 1980 and ending  
 6 September 30, 1981, the  
 7 appropriations subcommittee  
 8 on transportation and law  
 9 enforcement shall review the  
 10 budget needs of the Iowa  
 11 crime commission. If  
 12 federal law enforcement  
 13 assistance administration  
 14 planning funds are  
 15 appropriated, funds  
 16 appropriated under sub-  
 17 sections one (1) and two  
 18 (2) of this section which  
 19 are not required for match-  
 20 ing federal funds shall  
 21 revert to the general  
 22 fund of the state.

23 4. For the purpose of  
 24 matching federal funds avail-  
 25 able to the Iowa crime commis-

26 sion through the Juvenile  
 27 Justice and Delinquency  
 28 Prevention Act of 1974  
 29 as amended by the United  
 30 States Congress for  
 31 salaries and support of not  
 32 more than one full-time  
 33 equivalent position, and for  
 34 maintenance and miscellaneous  
 35 purposes . . . . . \$ 6,600 \$ 14,000  
 36 19,000"

37 11. Page 25, by striking lines 7 and 8 and  
 38 inserting in lieu thereof the following:

39 "Sec. 44. Sections forty-one (41), forty-two (42),  
 40 and forty-three (43) of this Act take effect July  
 41 1, 1981."

42 12. Page 26, by inserting after line 30 the  
 43 following new section:

44 "Sec. . . The legislative council may create  
 45 a crime commission study committee composed of three  
 46 members of the senate and the house of representatives  
 47 from the respective standing committees on state  
 48 government, two members from the house transportation  
 49 appropriations subcommittee and two members of the  
 50 senate transportation and law enforcement

#### Page 4

1 appropriations subcommittee to review the  
 2 recommendations of the governor's economy committee  
 3 relating to the crime commission and the crime  
 4 commission program evaluation report prepared by the  
 5 legislative fiscal bureau. The committee shall include  
 6 as advisory nonvoting members two representatives  
 7 of the judicial branch of government, and two  
 8 representatives of local law enforcement agencies.  
 9 The study committee shall report its findings and  
 10 recommendations, with legislative bill drafts required  
 11 to implement its recommendations to the respective  
 12 standing committees on state government, the  
 13 legislative council, and the general assembly convening  
 14 in January, 1981."

15 13. Page 29, by striking lines 1 through 13.

16 14. Page 30, line 13, by inserting after the word  
 17 "which" the words "hospital facility".

18 15. Page 31, by inserting after line 14 the  
 19 following new lettered paragraph:

20 "d. There is appropriated from the general fund  
 21 of the state to the department of social services,  
 22 for the fiscal year beginning July 1, 1980, the sum  
 23 of three hundred ninety-four thousand (394,000)  
 24 dollars, or so much thereof as may be necessary, to

25 be used to reimburse counties for a portion of the  
26 cost of local inpatient mental health treatment as  
27 provided by this subsection."

28 16. Page 32, by striking from line 9 the figure  
29 "55,100,000" and inserting in lieu thereof the figure  
30 "56,100,000".

31 17. Page 34, by striking lines 22 through 25 and  
32 inserting in lieu thereof the words "wide Title XX  
33 plan."

34 18. Page 35, lines 8 and 9, by striking the words  
35 "subsections one (1) and four (4), are" and inserting  
36 in lieu thereof the words "subsection four (4) is".

37 19. Page 35, by striking lines 10 through 15.

38 20. Page 39, by inserting after line 31 the follow-  
39 ing:

40 "Sec. . Section five hundred nine point one  
41 (509.1), subsection one (1), Code 1979, is amended  
42 by adding the following new lettered paragraph:  
43 NEW LETTERED PARAGRAPH. The policy shall not  
44 exclude from coverage an employee or an employee's  
45 spouse or dependents on the basis of the eligibility  
46 of the employee or the employee's spouse or dependents  
47 for medical assistance under chapter two hundred  
48 forty-nine A (249A) of the Code.

49 Sec. . Section five hundred nine point one  
50 (509.1), subsection four (4), Code 1979, is amended

**Page 5**

1 by adding the following new lettered paragraph:  
2 NEW LETTERED PARAGRAPH. The policy shall not  
3 exclude from coverage a member or a member's spouse  
4 or dependents on the basis of the eligibility of the  
5 member or the member's spouse or dependents for medical  
6 assistance under chapter two hundred forty-nine A  
7 (249A) of the Code.

8 Sec. . Section five hundred nine point one  
9 (509.1), subsection five (5), Code 1979, is amended  
10 by adding the following new lettered paragraph:  
11 NEW LETTERED PARAGRAPH. The policy shall not  
12 exclude from coverage an employee or member or an  
13 employee's or member's spouse or dependents on the  
14 basis of the eligibility of the employee or member  
15 or employee's or member's spouse or dependents for  
16 medical assistance under chapter two hundred forty-  
17 nine A (249A) of the Code.

18 Sec. . Section five hundred nine point one  
19 (509.1), subsection six (6), Code 1979, is amended  
20 by adding the following new lettered paragraph:  
21 NEW LETTERED PARAGRAPH. The policy shall not  
22 exclude from coverage an employee or an employee's  
23 spouse or dependents on the basis of the eligibility

24 of the employee or the employee's spouse or dependents  
 25 for medical assistance under chapter two hundred  
 26 forty-nine A (249A) of the Code. This paragraph shall  
 27 also apply to corporations operating within the state  
 28 who provide insurance coverage for their employees  
 29 directly, and the commissioner shall have the authority  
 30 to enforce the provisions of this paragraph."  
 31 21. Page 40, line 6, by striking the word "drugs,"  
 32 and inserting in lieu thereof the words "drugs and".  
 33 22. Page 40, by striking line 7 and inserting  
 34 in lieu thereof the word "treatments."  
 35 23. Page 40, line 8, by inserting after the word  
 36 "orthodontia" the words "and posterior dental bridge-  
 37 work".  
 38 24. Page 40, line 24, by inserting after the word  
 39 "copayment" the words "and to require that pharmacists  
 40 who reduce the total cost, including the reduction  
 41 of either the ingredient cost or the professional  
 42 fee, or both, of a prescription drug or insulin to  
 43 persons, as defined in section four point one (4.1),  
 44 subsection thirteen (13) of the Code, participating  
 45 in a private, third-party payor, prescription drug  
 46 insurance or benefit plan or to the insurance or  
 47 benefit plan, also reduce by the same amount the total  
 48 cost of the same prescription drug or insulin to  
 49 persons participating in the medical assistance program  
 50 established by chapter two hundred forty-nine A (249A)

**Page 6**

- 1 of the Code or to the program".
- 2 25. Renumbering sections.

**PROOF OF PUBLICATION**  
 (House File 2594)

Published copy of House File 2594 and verified proof of publication of said bill in The Messenger, a daily newspaper printed and published in Fort Dodge, Webster County, Iowa, on April 24, 1980 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

**CONSIDERATION OF BILLS**  
 Ways and Means Calendar

**Senate File 69**, a bill for an act relating to the income requirement of a totally disabled person seeking a special assessment tax abatement, with report of committee recommending passage was taken up for consideration.

Hall 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. 69)

The ayes were, 81:

Anderson, J.	Anderson, R.	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lorenzen	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Perkins	Poffenberger	Pope	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 19:

Arnould	Chiodo	Connors	Cusack
Doyle	Egenes	Gettings	Jay
Jesse	Lloyd-Jones	Loneragan	Lura
Patchett	Pelton	Rapp	Smalley
Welden	Wells	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2281**, a bill for an act providing for temporary allocation of farm-to-market road use funds, with report of committee recommending passage was taken up for consideration.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 2281)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hummel	Husak
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Perkins	Poffenberger	Pope	Ritsema
Schneklath	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 4:

Branstad	Maulsby	McKean	Renken
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Absent or not voting, 15:

Chiodo	Doyle	Egenes	Gettings
Hullinger	Jay	Jesse	Lonergan
Lura	Patchett	Pelton	Rapp
Schroeder	Wells	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 2368**, a bill for an act relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2368)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	ShimaneK
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Branstad	Chiodo	Doyle	Gettings
Jay	Jesse	Lloyd-Jones	Lonergan
Lura	Patchett	Pelton	Rapp
Wells	West		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### CONSIDERATION OF BILLS

**Senate File 2370**, a bill for an act relating to the term of office of certain county supervisors, with report of committee recommending passage was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2370)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Woods	Mr. Speaker

The nays were, 1:

Welsh

Absent or not voting, 11:

Avenson	Chiodo	Davitt	Doyle
Jay	Jesse	Lloyd-Jones	Rapp
Walter	Wells	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENTS CONSIDERED

Spear of Lee called up for consideration **House File 2277**, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services, amended by the Senate amendment H-5798, received from the Senate on April 1, 1980 and found on pages 1291 and 1292 of the House Journal.



The following amendment H-6367, to the Senate amendment H-5798, filed by Spear of Lee from the floor, was adopted by unanimous consent:

H-6367

- 1 Amend the Senate amendment H-5798 to House File 2277
- 2 as passed by the House as follows:
- 3 1. Page 1, by inserting after line 8 the following:
- 4 " Title page, line 1, by inserting after the word
- 5 "misdemeanants" the words "and class "A" felons"."

Spear of Lee moved that the House concur in the Senate amendment H-5798, as amended.

Roll call was requested by Anderson of Jasper and Howell of Floyd.

On the question "Shall the House concur in the Senate amendment H-5798, as amended?"

The ayes were, 58:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crawford	Cusack	Davitt
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hanson, D.	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Krewson
Larsen	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Miller	Mullins
Norland	O'Kane	Patchett	Pavich
Pelton	Perkins	Poffenberger	Schroeder
Sherzan	Shimanek	Spear	Stromer
Swearingen	Thompson	Tofte	Walter
Welsh	Mr. Speaker		

The nays were, 33:

Anderson, J.	Bennett	Branstad	Byerly
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Hansen, I.	Hibbs
Holt	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lorenzen	Lura
Menke	Oxley	Pellett	Pope
Renken	Ritsema	Schneklath	Shull
Smalley	Tyrrell	Van Maanen	Welden
Woods			

Absent or not voting, 9:

Chiodo	Clark, J.H.	Doyle	Egenes
Jesse	Millen	Rapp	Wells
West			

The motion prevailed and the House concurred in the Senate amendment H—5798, as amended.

Spear of Lee 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. 2277)

The ayes were, 63:

Anderson, J.	Anderson, R.	Arnould	Bina
Binneboese	Brandt	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crawford
Cusack	Daggett	Davitt	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hanson, D.	Hinkhouse
Hoffmann	Horn	Howell	Hummel
Husak	Jay	Jochum	Krewson
Larsen	Lind	Lonergan	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pelton
Perkins	Poffenberger	Pope	Schroeder
Sherzan	Shimanek	Shull	Spear
Stromer	Swearingen	Thompson	Toftę
Walter	Welsh	Mr. Speaker	

The nays were, 26:

Bennett	Branstad	Crabb	Danker
De Groot	Dieleman	Hansen, I.	Hibbs
Holt	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lorenzen	Lura
Menke	Pellett	Renken	Ritsema
Schnekloth	Smalley	Tyrrell	Van Maanen
Welden	Woods		

Absent or not voting, 11:

Avenson	Chiodo	Doyle	Hullinger
Jesse	Lloyd-Jones	Millen	Miller
Rapp	Wells	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 2505 WITHDRAWN

Lageschulte of Bremer asked and received unanimous consent to withdraw House File 2505 from further consideration by the House.

Stromer of Hancock called up for consideration **House File 2340**, a bill for an act to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district, amended by the Senate, and moved that the House concur in the Senate amendment H-6082, received from the Senate on April 15, 1980 and found on pages 1590 and 1591 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6082.

Stromer of Hancock 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. 2340)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins

Poffenberger	Pope	Renken	Ritsema
Schneklloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Chiodo	Doyle	Jesse	Rapp
Wells	West		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Hansen of O'Brien called up for consideration **House File 2425**, a bill for an act relating to the educational requirements of schools, by requiring that high school science courses teach about energy conservation and environmental awareness and by providing for a waiver of physical education requirements for certain students and a waiver of foreign language requirements under certain conditions, amended by the Senate, and moved that the House concur in the Senate amendment H—6080, received from the Senate on April 15, 1980 and found on page 1589 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—6080.

Hansen of O'Brien moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2425)

The ayes were, 80:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Branstad
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger

Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Loneragan	Lorenzen
Maulsby	McKean	Menke	Millen
Miller	Norland	O'Kane	Oxley
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Ritsema	Schneklath
Schroeder	Sherzan	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 12:

Brandt	Connolly	Crawford	Cusack
Diemer	Hibbs	Johnson, R.	Larsen
Lloyd-Jones	Lura	Mullins	Pavich

Absent or not voting, 8:

Chiodo	Doyle	Jesse	Patchett
Renken	Shimanek	Wells	West

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Danker of Pottawattamie called up for consideration **House File 2504**, a bill for an act relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid, amended by the Senate, and moved that the House concur in the Senate amendment H—6084, received from the Senate on April 15, 1980 and found on pages 1599 and 1600 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—6084.

Danker 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. 2504)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt

Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonerган	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Sherzan	Shimanek	Shull
Smalley	Spear	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chiodo	Doyle	Gettings	Howell
Jesse	Wells	West	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Smalley of Polk called up for consideration **House File 2516**, a bill for an act relating to the determination of the parent and child relationship and the obligations of parents to their children, amended by the Senate, and moved that the House concur in the Senate amendment H-6078, received from the Senate on April 15, 1980 and found on page 1588 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6078.

Smalley 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. 2516)

The ayes were, 89:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lloyd-Jones
Lonergan	Lorenzen	Lura	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, 2:

Lind                      Maulsby

Absent or not voting, 9:

Arnould	Avenson	Chiodo	Doyle
Jesse	Tofte	Weiden	Wells
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Schroeder of Pottawattamie called up for consideration **House File 315**, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property, amended by the Senate amendment H-6095, received from the Senate on April 15, 1980 and found on page 1622 of the House Journal.

Smalley of Polk offered the following amendment H-6219, to the Senate amendment H-6095, filed by him and Rapp of Black Hawk and moved its adoption:

H-6219

- 1 Amend the Senate amendment H-6095, to House File
- 2 315 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking line 3.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 37, nays 53.

Amendment H-6219 lost.

Patchett of Johnson offered the following amendment H-6368, to the Senate amendment H-6095, filed by him and Shimanek of Jones from the floor:

H-6368

- 1 Amend the Senate amendment H-6095 to House File 315,
- 2 as amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 6 and
- 5 inserting in lieu thereof the following:
- 6 "1. Page 1, line 2, by striking the word "sub-
- 7 section" and inserting in lieu thereof the word
- 8 "subsections".
- 9 2. Page 1, by striking lines 3 through 16 and
- 10 inserting in lieu thereof the following:
- 11 "NEW SUBSECTION. IMPROVEMENTS TO REAL PROPERTY.
- 12 In an action arising out of the unsafe or defective
- 13 condition of an improvement to real property, including
- 14 but not limited to actions in contract, tort and
- 15 warranty, and actions for contribution and indemnity,
- 16 it is presumed until rebutted by a preponderance of the
- 17 evidence to the contrary that an improvement to real
- 18 property was performed in a workmanlike manner and
- 19 free of defects if the injury to property, real or
- 20 personal, or injury to the person or wrongful death,
- 21 occurred more than ten years after the date the act
- 22 or omission of the defendant alleged to have been the
- 23 cause or injury or death occurred.
- 24 NEW SUBSECTION. The presumption provided in the
- 25 foregoing subsection shall not apply to or in any way
- 26 modify a written warranty provided to any person by
- 27 any engineer, architect, contractor or other person



28 who has made improvements upon real property."  
29 3. Amend the title page, line 1, by striking the  
30 word "maximum" and inserting in lieu thereof the word  
31 "presumptive"."

Schroeder of Pottawattamie rose on a point of order that amendment H-6368 was subject matter previously considered and, therefore, not in order.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his point of order.

Conlon of Muscatine rose on a point of order that amendment H-6368 was not germane to the Senate amendment H-6095.

The Speaker ruled the point well taken and amendment H-6368 not germane.

Clark of Lee offered the following amendment H-6370, to the Senate amendment H-6095, filed by Clark of Lee, Patchett, Poffenberger and Walter from the floor:

H-6370

1 Amend the Senate amendment H-6095 to House File  
2 315, as amended, passed and reprinted as follows:  
3 1. Page 1, line 3, by adding after the numeral  
4 "15" the following: "and inserting in lieu thereof  
5 the following: "property, any conveyance of real  
6 property shall contain a written disclosure to the  
7 buyer that the owner is solely responsible for  
8 damages caused by a defect resulting from acts or  
9 omissions of the architect, engineer or contractor  
10 fifteen years after the act or omission which  
11 caused the defect.  
12 Nothing in this Act shall be construed to bar  
13 an action relating to fixtures to real".

Schroeder of Pottawattamie rose on a point of order that amendment H-6370 was not germane to the Senate amendment H-6095.

The Speaker ruled the point not well taken and amendment H-6370 germane.

The following amendment H-6373, to amendment H-6370, (to the Senate amendment H-6095) filed by Conlon of Muscatine from the floor was adopted by unanimous consent:

H-6373

- 1 Amend amendment H-6370 to amendment H-6095 to House
- 2 File 315, as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 5, by striking ", any" and inserting
- 5 in lieu thereof the following: ". Any".

Clark of Lee moved the adoption of amendment H-6370, as amended, to the Senate amendment H-6095.

Roll call was requested by Avenson of Fayette and Husak of Tama.

Rule 80 was invoked.

On the question "Shall amendment H-6370, as amended, be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Clark, B.J.	Clark, J.H.	Connolly	Connors
Corey	Crawford	Cusack	Davitt
Dieleman	Gettings	Halvorson, R.N.	Hanson, D.
Hibbs	Horn	Howell	Husak
Jay	Jesse	Jochum	Lloyd-Jones
McKean	Miller	Mullins	Norland
O'Kane	Patchett	Pavich	Pelton
Perkins	Poffenberger	Rapp	Ritsema
Sherzan	Shimanek	Smalley	Spear
Walter	Welsh		

The nays were, 49:

Anderson, J.	Bennett	Branstad	Conlon
Crabb	Daggett	Danker	De Groot
Diemer	Egenes	Groth	Hall
Halvorson, R.A.	Hansen, I.	Hinkhouse	Hoffmann
Holt	Hullinger	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lonerган
Lorenzen	Lura	Maulsby	Menke
Millen	Oxley	Pellett	Pope
Renken	Schneklath	Schroeder	Shull
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Woods
Mr. Speaker			

Absent or not voting, 5:

Chiodo  
West

Cochran

Doyle

Wells

Amendment H—6370, as amended, lost.

Ritsema of Sioux offered the following amendment H—6256, to the Senate amendment H—6095, filed by him:

H—6256

- 1 Amend the Senate amendment H—6095 to House
- 2 File 315 as amended, passed and reprinted by the
- 3 House as follows:
- 4 1. Page 1, line 6, by inserting after the word
- 5 "facilities" the words "or facilities expressly
- 6 designed to accommodate hazardous substances or
- 7 hazardous waste, as defined in chapter 455B of
- 8 the Code".

Schroeder of Pottawattamie rose on a point of order that amendment H—6256 was not germane to the Senate amendment H—6095.

The Speaker ruled the point well taken and amendment H—6256 not germane.

Ritsema of Sioux moved that the rules be suspended to adopt amendment H—6256.

Roll call was requested by Ritsema of Sioux and Walter of Pottawattamie.

Rule 80 was invoked.

On the question "Shall the rules be suspended to adopt amendment H—6256?"

The ayes were, 47:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Clark, B.J.	Cochran	Connolly	Connors
Corey	Crawford	Cusack	Davitt
Gettings	Groth	Halvorson, R.N.	Hibbs
Hinkhouse	Horn	Howell	Husak
Jay	Jesse	Jochum	Lloyd-Jones
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich

Pelton	Perkins	Poffenberger	Rapp
Ritsema	Sherzan	Shimanek	Smalley
Spear	Walter	Welsh	

The nays were, 49:

Anderson, J.	Bennett	Branstad	Chiodo
Clark, J.H.	Conlon	Crabb	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lonergan	Lorenzen	Lura	Maulsby
Menke	Millen	Pellett	Pope
Renken	Schneklath	Schroeder	Shull
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Woods
Mr. Speaker			

Absent or not voting, 4:

Doyle	Hullinger	Wells	West
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The motion lost.

Shimanek of Jones offered the following amendment H—6300, to the Senate amendment H—6095, filed by her:

H—6300

- 1 Amend the Senate amendment H—6095 to House File
- 2 315 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 6, by inserting after the word
- 5 "facilities" the words "and facilities designated to
- 6 serve the public for more than 15 years"

Lura of Marshall rose on a point of order that amendment H—6300 was not germane to the Senate amendment H—6095.

The Speaker ruled the point well taken and amendment H—6300 not germane.

Halvorson of Clayton moved the previous question on amendments, amendments to amendments and motions thereto on House File 315.

A non-record roll call was requested.

The ayes were 57, nays 30.

The motion prevailed.

(Senate amendment H-6095 to House File 315 pending at recess.)

On motion by Halvorson of Clayton, the House was recessed at 11:40 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker pro tempore Stromer of Hancock in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie, for a portion of the day, on request of Gettings of Wapello.

### INTRODUCTION OF BILLS

**House File 2596**, by Halvorson of Clayton and Avenson, a bill for an act to provide a penalty for violations of an executive order issued by the governor pursuant to a proclamation of an emergency by the governor under section ninety-three point eight (93.8) of the Code or a declaration of an energy emergency by the president of the United States under Pub. L. No. 96.102.

Read first time and **passed on file**.

**House File 2597**, by committee on ways and means, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics.

Read first time and **placed on the ways and means calendar**.

## HOUSE CONCURRENT RESOLUTION 139

By Groth, Jay and Lonergan

1     *Whereas*, the approved budgets of area education  
2 agencies have grown from a total of \$26,452,545 for  
3 the school year beginning July 1, 1975 to a total of  
4 \$53,328,689 for the school year beginning July 1, 1980;  
5 and

6     *Whereas*, the cost of the general administrative  
7 program of an area education agency in relation to  
8 the total expenditures of the respective area educa-  
9 tion agencies varies from 1.82% to 7.87% for the  
10 school year beginning July 1, 1979; and

11     *Whereas*, the budgets for special education support  
12 services will be reduced commencing with the school  
13 year beginning July 1, 1981 and it is important that  
14 reductions in special education program personnel and  
15 services not take place while administrative personnel  
16 and services continue to grow; *Now Therefore*,

17     *Be It Resolved by the House of Representatives*,  
18 *The Senate Concurring*, That the legislative council  
19 is directed to establish a joint subcommittee composed  
20 of members of both political parties of the House and  
21 Senate committees on education to conduct a study of  
22 the administrative expenditures of the area education  
23 agencies as they relate to the programs and services  
24 provided to children and to study alternative ways of  
25 determining administrative costs; and

26     *Be It Further Resolved*, That the joint subcommittee  
27 shall report its findings and recommendations, accompanied  
28 by legislative bill drafts to implement the recommendations,  
29 to the house and senate committees on education, the legis-  
30 lative council and the general assembly convening in  
31 January of 1981.

Laid over under Rule 30.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

## BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 315**, a bill for an act to provide a maximum statute of limitations for actions arising out of improvements to real property, and the Senate amendment H-6095, received from the Senate on April 15, 1980 and found on page 1622 of the House Journal.

Patchett of Johnson offered the following amendment H—6369, to the Senate amendment H—6095, filed by him from the floor and moved its adoption:

H—6369

- 1 Amend amendment H—6095 to House File 315 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "facilities" the words "and facilities expressly
- 5 designed to store nuclear waste materials that
- 6 could prove harmful to human health".

Roll call was requested by Patchett of Johnson and Arnould of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—6369 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Clark, B.J.	Cochran	Connolly	Connors
Crawford	Cusack	Davitt	Dieleman
Gettings	Groth	Hall*	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Horn
Howell	Husak	Jay	Jesse
Jochum	Lloyd-Jones	McKean	Miller
Norland	O'Kane	Patchett	Pavich
Pelton	Perkins	Poffenberger	Rapp
Ritsema	Sherzan	Shimanek	Smalley
Spear	Welsh		

The nays were, 50:

Anderson, J.	Bennett	Branstad	Chiodo
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Harbor
Hoffmann	Holt	Hullinger	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Loneragan
Lorenzen	Lura	Maulsby	Menke
Millen	Mullins	Oxley	Pellett
Pope	Renken	Schnekloth	Schroeder
Shull	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
Woods	Mr. Speaker (Stromer)		

Absent or not voting, 4:

Doyle                      Larsen                      Walter                      West

Amendment H—6369 lost.

Schroeder of Pottawattamie moved that the House concur in the Senate amendment H—6095.

A non-record roll call was requested.

The ayes were 57, nays 35.

The motion prevailed and the House concurred in the Senate amendment H—6095.

Schroeder 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. 315)

The ayes were, 63:

Anderson, J.	Anderson, R.	Bennett	Brandt
Byerly	Chiodo	Clark, B.J.	Cochran
Conlon	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hoffmann	Holt
Horn	Howell	Hullinger	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lonergan	Lorenzen
Lura	Maulsby	Menke	Millen
Miller	Mullins	Oxley	Pellett
Perkins	Pope	Renken	Schneklath
Schroeder	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
Welsh	Woods	Mr. Speaker (Stromer)	

The nays were, 31:

Arnould	Avenson	Bina	Binneboese
Bruner	Clark, J.H.	Connolly	Connors



Corey	Cusack	Davitt	Hinkhouse
Hummel	Husak	Jay	Jesse
Jochum	Lloyd-Jones	McKean	O'Kane
Patchett	Pavich	Pelton	Poffenberger
Rapp	Ritsema	Sherzan	Shimanek
Shull	Smalley	Spear	

Absent or not voting, 6:

Branstad	Doyle	Larsen	Norland
Walter	West		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE RULE 15 SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 15 to allow food in the House chamber during session.

### SENATE AMENDMENT CONSIDERED

Krewson of Polk called up for consideration **House File 2536**, a bill for an act relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties, amended by Senate amendment H-6118, received from the Senate on April 16, 1980 and found on pages 1693 and 1694 of the House Journal.

Rapp of Black Hawk offered the following amendment H-6252, to the Senate amendment H-6118, filed by him and moved its adoption:

H-6252

- 1 Amend H-6118, the Senate amendment to House File
- 2 2536, as follows:
- 3 1. Page 1, by striking lines 13 through 20 and
- 4 inserting in lieu thereof the following: "housing,
- 5 and authority by ordinance to provide that no".
- 6 2. Page 1, by striking line 25 and inserting in
- 7 lieu thereof the following: "by the city, and".
- 8 4. Page 1, by striking lines 33 and 34, paragraph
- 9 a.
- 10 5. By relettering the remaining paragraphs of
- 11 subsection 3."

A non-record roll call was requested.

The ayes were 36, nays 50.

Amendment H-6252 lost.

Krewson of Polk moved that the House concur in the Senate amendment H-6118.

A non-record roll call was requested.

The ayes were 64, nays 25.

The motion prevailed and the House concurred in the Senate amendment H-6118.

Krewson 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. 2536)

The ayes were, 62:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Clark, B.J.
Clark, J.H.	Cochran	Connolly	Connors
Crabb	Crawford	Cusack	Davitt
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Horn	Husak	Jay
Jesse	Jochum	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	Lorenzozen	Menke	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Poffenberger
Pope	Ritsema	Sherzan	Shimanek
Spear	Thompson	Tyrrell	Wells
Welsh	Mr. Speaker (Stromer)		

The nays were, 33:

Anderson, J.	Bennett	Branstad	Byerly
Chiodo	Conlon	Corey	Daggett

Danker	De Groot	Dieleman	Howell
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Lura	Maulsby	McKean	Millen
Miller	Rapp	Renken	Schneklath
Schroeder	Shull	Smalley	Swearingen
Tofte	Van Maanen	Welden	West
Woods			

Absent or not voting, 5:

Doyle	Holt	Hullinger	Perkins
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### PRESENTATION OF GIFTS

Millen of Van Buren, Harbor of Mills, Halvorson of Clayton, and Avenson of Fayette were invited to the Speaker's station by Speaker pro tempore Stromer of Hancock for a special presentation.

Daggett of Taylor, on behalf of the House, presented plaques to each leader in appreciation of their service and dedication to the House of Representatives during the Sixty-eighth General Assembly.

Representatives Millen, Harbor, Halvorson of Clayton and Avenson responded with a few remarks.

The House rose and expressed its appreciation.

The House also rose and expressed thanks to the Speaker pro tempore, assistant majority leaders and assistant minority leaders.

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Assistant Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**BRUCE GRAHAM**  
Assistant Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**House File 2594**, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract.

Recommended **Do Pass**.

## UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2594.

## CONSIDERATION OF BILLS

**House File 2594**, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract, was taken up for consideration.

Cochran 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. 2594)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hinkhouse	Hoffmann	Holt	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lonergan	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken

Ritsema	Schnekloth	Shimanek	Shull
Smalley	Spear	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, 5:

Cusack	Hibbs	Lloyd-Jones	Lorenzen
Sherzan			

Absent or not voting, 6:

Doyle	Horn	Jesse	Larsen
Schroeder	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of House Joint Resolution 2019.

**House Joint Resolution 2019**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to nullify a rule of a state agency by a resolution approved by two-thirds of the members of each house of the general assembly, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—6354 filed by him and Smalley of Polk on April 24, 1980.

Conlon of Muscatine offered the following amendment H—6377 filed from the floor by Conlon, Smalley and Miller and moved its adoption:

H—6377

- 1 Amend House Joint Resolution 2019 as follows:
- 2 1. Page 1, line 8, by striking the word
- 3 "two-thirds", and by inserting in lieu thereof
- 4 the word "three-fifths".

Roll call was requested by Cusack of Scott and Lind of Black Hawk.

On the question "Shall amendment H—6377 be adopted?"

The ayes were, 54:

Anderson, J.	Anderson, R.	Bina	Binneboese
Branstad	Bruner	Byerly	Chiodo
Cochran	Conlon	Corey	Daggett
Danker	Davitt	De Groot	Dieleman
Gettings	Groth	Hall	Halvorson, R.N.
Hansen, I.	Hinkhouse	Holt	Howell
Hummel	Husak	Jay	Jesse
Johnson, J.	Johnson, W.	Lageschulte	Lind
Lorenzen	Lura	Maulsby	McKean
Miller	Norland	Pellett	Pelton
Pope	Renken	Sherzan	Shull
Smalley	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Wells	Welsh
West	Woods		

The nays were, 40:

Arnould	Bennett	Brandt	Clark, B.J.
Clark, J.H.	Connolly	Crabb	Crawford
Cusack	Egenes	Halvorson, R.A.	Hanson, D.
Harbor	Hibbs	Hoffmann	Horn
Jochum	Johnson, R.	Kirkenslager	Krewson
Larsen	Lloyd-Jones	Loneran	Menke
Millen	Mullins	O'Kane	Oxley
Patchett	Pavich	Perkins	Poffenberger
Rapp	Ritsema	Schnekloth	Shimanek
Spear	Thompson	Walter	Mr. Speaker (Stromer)

Absent or not voting, 6:

Avenson	Connors	Diemer	Doyle
Hullinger	Schroeder		

Amendment H—6377 was adopted.

Welden of Hardin moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

House Joint Resolution 2019, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the

legislature to nullify a rule of a state agency by a resolution approved by two-thirds of the members of each house of the general assembly.

*Be It Resolved by the General Assembly of the State of Iowa:*

Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed:

Article three (III), Legislative Department, Constitution of the State of Iowa, is amended by adding the following new section:

**NEW SECTION.** The general assembly may nullify a proposed or existing administrative rule of a state agency by the passage of a resolution by three-fifths of the members of each house of the general assembly.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause the same to be published for three consecutive months previous to the date of said election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 2019)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Byerly	Chiodo	Clark, J.H.
Cochran	Conlon	Connolly	Corey
Crabb	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lonergan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Norland	Oxley	Pavich	Pellett
Pelton	Pope	Rapp	Renken
Ritsema	Schnekloth	Shull	Smalley
Spear	Swearingen	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker (Stromer)

The nays were, 12:

Clark, B.J.	Crawford	Krewson	Lloyd-Jones
Mullins	O'Kane	Patchett	Perkins
Poffenberger	Sherzan	Shimanek	Thompson

Absent or not voting, 4:

Avenson	Connors	Doyle	Schroeder
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The joint resolution having received a constitutional majority was adopted and agreed to by the House.

**IMMEDIATE MESSAGES**  
(House File 2594 and  
House Joint Resolution 2019)

Halvorson of Clayton asked and received unanimous consent that the following bills be immediately messaged to the Senate: House File 2594 and House Joint Resolution 2019.

(House Files 315 and 2536)

Halvorson of Clayton asked and received unanimous consent that the action taken on the following bills be immediately messaged to the Senate: House Files 315 and 2536.

**UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION**

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2597.

**Ways and Means Calendar**

**House File 2597**, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics, was taken up for consideration.

Norland of Worth offered amendment H — 6385 filed by him from the floor and requested division as follows:



H-6385

1 Amend House File 2597 as follows:

H-6385A

2 1. Page 1, by striking lines 1 through 14.

H-6385B

3 2. Page 2, by striking lines 16 through 35.

4 3. Page 3, by striking lines 1 through 20.

5 4. Renumber sections and correct internal  
6 references as are necessary in accordance with this  
7 amendment.

Speaker Harbor in the chair at 3:37 p.m.

Norland of Worth moved the adoption of amendment H-6385A.

A non-record roll call was requested.

The ayes were 34, nays 53.

Amendment H-6385A lost.

On motion by Norland of Worth, amendment H-6385B lost.

Connolly of Dubuque offered the following amendment H-6386 filed by Connolly, Shimanek, Welsh, Hanson of Delaware, Crawford and Jochum from the floor and moved its adoption:

H-6386

1 Amend House File 2597 as follows:

2 1. Page 2, by inserting after line 15 the following  
3 new section:

4 "Sec. . Section four hundred twenty-seven A  
5 point twelve (427A.12), subsection five (5), Code  
6 1979, is amended by striking the subsection and  
7 inserting in lieu thereof the following:

8 5. For each state fiscal year ending with or  
9 before the year in which the ninth increase in the  
10 additional personal property tax credit under this  
11 division becomes effective each taxing district shall  
12 be reimbursed from the personal property tax  
13 replacement fund in an amount equal to the statement  
14 filed under section four hundred twenty-seven A point

- 15 six (427A.6) of the Code."  
 16 2. Renumber sections and correct internal  
 17 references as are necessary in accordance with this  
 18 amendment.

Roll call was requested by Anderson of Jasper and Perkins of Greene.

On the question "Shall amendment H—6386 be adopted?"

The ayes were, 61:

Anderson, R.	Avenson	Bina	Binneboese
Brandt	Branstad	Bruner	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Connolly	Connors	Corey	Crawford
Cusack	Danker	Davitt	Dieleman
Egenes	Gettings	Groth	Hall
Halvorson, R.N.	Hanson, D.	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jochum	Lageschulte
Larsen	Lloyd-Jones	Lonergan	Lura
McKean	Miller	Norland	O'Kane
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Sherzan	Shimanek	Spear	Stromer
Tofte	Walter	Wells	Welsh
Woods			

The nays were, 32:

Anderson, J.	Bennett	Conlon	Crabb
Daggett	De Groot	Diemer	Halvorson, R.A.
Hansen, I.	Hoffmann	Holt	Johnson, J.
Johnson, R.	Johnson, W.	Lind	Lorenzen
Maulsby	Menke	Millen	Mullins
Oxley	Renken	Ritsema	Schnekloth
Shull	Smalley	Swearingen	Thompson
Tyrrell	Van Maanen	West	Mr. Speaker

Absent or not voting, 7:

Arnould	Doyle	Jesse	Kirkenslager
Krewson	Schroeder	Weiden	

Amendment H—6386 was adopted.

The following amendment H—6389, filed by Lloyd-Jones of Johnson from the floor, was adopted by unanimous consent:

H—6389

- 1 Amend House File 2597 as follows:
- 2 1. Page 1, line 11, by striking the words "enable
- 3 him to return" and inserting in lieu thereof the
- 4 following: "enable him to return allow the return of".

The following amendment H—6390 filed by West of Marshall from the floor, was adopted by unanimous consent:

H—6390

- 1 Amend House File 2597 as follows:
- 2 1. Title page, line 9, by inserting after the word
- 3 "statistics" the following: "and providing for the
- 4 reimbursement of each taxing district in an amount
- 5 equal to the statement filed under section four hundred
- 6 twenty-seven A point six (427A.6) of the Code".

West of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2597)

The ayes were, 75:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Brandt	Bruner
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Diemer	Egenes
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Hullinger	Hummel
Husak	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Lonergan	McKean	Menke	Miller
Mullins	Norland	Oxley	Patchett
Pellett	Pelton	Perkins	Poffenberger
Rapp	Renken	Schneklloth	Schroeder
Sherzan	Shimanek	Stromer	Swearingen

Thompson	Tofte	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, 21:

Binneboese	Branstad	Conlon	De Groot
Groth	Hinkhouse	Howell	Lorenzen
Lura	Maulsby	Millen	O'Kane
Pavich	Pope	Ritsema	Shull
Smalley	Spear	Tyrrell	Van Maanen
Walter			

Absent or not voting, 4:

Byerly	Doyle	Jesse	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.

### IMMEDIATE MESSAGE (House File 2597)

Halvorson of Clayton asked and received unanimous consent that House File 2597 be immediately messaged to the Senate.

### UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2596.

**House File 2596**, a bill for an act to provide a penalty for violations of an executive order issued by the governor pursuant to a proclamation of an emergency by the governor under section ninety-three point eight (93.8) of the Code or a declaration of an energy emergency by the president of the United States under Pub. L. No. 96.102, was taken up for consideration.

The following amendment H-6393, filed by Pelton of Clinton from the floor was adopted by unanimous consent:

H-6393

- 1 Amend House File 2596 as follows:
- 2 1. Page 1, line 21, by striking the figure "1978" and
- 3 inserting in lieu thereof the figure "1979".

Pelton of Clinton offered the following amendment H—6380 filed by him from the floor and moved its adoption:

H—6380

- 1 Amend House File 2596 as follows:
- 2 1. Page 1, line 19, by striking the words "simple
- 3 misdemeanor" and inserting in lieu thereof the following:
- 4 "scheduled violation as provided in section eight hundred
- 5 five point eight (805.8) of the Code".

Amendment H—6380 was adopted.

Horn of Linn offered the following amendment H—6388 filed by him from the floor and moved its adoption:

H—6388

- 1 Amend House File 2596 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "misdemeanor." the words "If the violation is
- 4 continuous and stationary in its nature and subsequent
- 5 compliance can easily be ascertained, an officer may
- 6 issue a memorandum of warning in lieu of a citation
- 7 providing a reasonable amount of time not exceeding
- 8 fourteen days to correct the violation and to comply
- 9 with the requirements of the executive order."

Amendment H—6388 was adopted.

Pelton of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2596)

The ayes were, 76:

Anderson, J.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Jay	Jesse	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte

Larsen	Lloyd-Jones	Loneragan	Lorenzen
McKean	Menke	Millen	Miller
Mullins	Norland	Oxley	Patchett
Pavich	Pelton	Perkins	Poffenberger
Pope	Rapp	Ritsema	Schroeder
Sherzan	Shimanek	Shull	Spear
Swearingen	Thompson	Tofte	Walter
Welden	Wells	Welsh	Mr. Speaker

The nays were, 18:

Branstad	Conlon	Danker	De Groot
Hinkhouse	Johnson, J.	Lind	Lura
Maulsby	O'Kane	Pellett	Renken
Schnekloth	Smalley	Tyrrell	Van Maanen
West	Woods		

Absent or not voting, 6:

Anderson, R.	Byerly	Chiodo	Doyle
Husak	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE (House File 2596)

Halvorson of Clayton asked and received unanimous consent that House File 2596 be immediately messaged to the Senate.

### UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2595.

### Appropriations Calendar

**House File 2595**, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act, was taken up for consideration.

Larsen of Wapello offered the following amendment H-6382 filed by her from the floor:

H-6382

1 Amend House File 2595 as follows:  
 2 1. Page 8, by inserting after line 24 the  
 3 following:  
 4 "Sec. . The Iowa state fair board may accept  
 5 gifts or grants from sources other than the state  
 6 or its agencies for the purpose of implementing the  
 7 redevelopment proposals prepared for the Iowa state  
 8 fair master plan committee, and shall deposit the  
 9 gifts or grants in the fair redevelopment fund which  
 10 is created within the state treasury. The state  
 11 comptroller shall issue warrants for claims against  
 12 the fair redevelopment fund subject to the conditions  
 13 contained in this section."

Larsen of Wapello offered the following amendment H-6384, to amendment H-6382, filed by her from the floor:

H-6384

1 Amend H-6382, the Larsen amendment to House File  
 2 2595 as follows:  
 3 1. By striking line 13 and inserting in lieu  
 4 thereof the following: "contained in this section."  
 5 There are appropriated  
 6 from the general fund of  
 7 the state to the Iowa state fair  
 8 board, the following amounts or  
 9 so much thereof as is necessary  
 10 to be used in the manner specified  
 11 by this section during the fiscal  
 12 years designated to implement the  
 13 redevelopment proposals prepared  
 14 for the Iowa state fair master plan  
 15 committee . . . . . 1981-1982

	<u>Fiscal Year</u>
	\$500,000

18 From funds appropriated for each fiscal year under  
 19 this section, the state comptroller shall deposit  
 20 in the fair redevelopment fund amounts equal to the  
 21 funds provided by gift or grant.  
 22 Any funds appropriated by this section which have  
 23 not been transferred to the fair redevelopment fund  
 24 as of June thirtieth of the fiscal year for which  
 25 they are appropriated shall revert to the general  
 26 fund of the state on the following September  
 27 thirtieth."

Halvorson of Clayton moved the previous question on amendments, amendments to amendments and motions thereto on House File 2595.

A non-record roll call was requested.

The ayes were 53, nays 36.

The motion prevailed.

Larsen of Wapello moved the adoption of amendment H—6384, to amendment H—6382.

Roll call was requested by Jesse of Polk and Anderson of Jasper.

On the question "Shall amendment H—6384 be adopted?"

The ayes were, 22:

Bina	Clark, B.J.	Conlon	Connors
Corey	Cusack	Gettings	Hall
Halvorson, R.N.	Hinkhouse	Jay	Jesse
Johnson, J.	Krewson	Larsen	Lind
Pellett	Perkins	Shimanek	Smalley
Swearingen	Tofte		

The nays were, 64:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Clark, J.H.	Cochran	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Groth
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Loneragan
Lorenzen	Maulsby	McKean	Menke
Millen	Miller	Mullins	O'Kane
Oxley	Patchett	Pavich	Pope
Renken	Ritsema	Schnekloth	Sherzan
Shull	Spear	Thompson	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker



Absent or not voting, 14:

Branstad	Chiodo	Connolly	Doyle
Egenes	Halvorson, R.A.	Lloyd-Jones	Lura
Norland	Pelton	Poffenberger	Rapp
Schroeder	Stromer		

Amendment H—6384 lost.

Hansen of O'Brien rose on a point of order that amendment H—6382 was not germane.

The Speaker ruled the point not well taken and amendment H—6382 germane.

Speaker pro tempore Stromer of Hancock in the chair at 5:44 p.m.

Larsen of Wapello moved the adoption of amendment H—6382.

A non-record roll call was requested.

The ayes were 57, nays 27.

Amendment H—6382 was adopted.

Patchett of Johnson offered the following amendment H—6399 filed from the floor by Patchett, Lloyd-Jones, Bina, Walter, Hibbs, Hall, Anderson of Jasper, Wells, Horn, Welsh and Connolly and moved its adoption:

H—6399

- 1 Amend House File 2595 as follows:
- 2 1. Page 6, by inserting after line 14 the
- 3 following:
- 4 "Sec. . There is appropriated from the general
- 5 fund of the state to the state board of regents the
- 6 following amounts, or so much thereof as is necessary,
- 7 to be used for the purposes designated:
- 8 1. For allocation to the
- 9 state university of Iowa for
- 10 utility connections to the
- 11 hawkeye sports center ..... \$ 890,000
- 12 2. For allocation to the
- 13 state university of Iowa
- 14 for construction of west

- 15 campus roadway ..... \$1,300,000  
 16 Unobligated or unencumbered funds remaining on June  
 17 30, 1984 from funds appropriated by this section shall  
 18 revert to the general fund on September 30, 1984."  
 19 2. Renumber as required.

Roll call was requested by Patchett of Johnson and Walter of Pottawattamie.

On the question "Shall amendment H—6399 be adopted?"

The ayes were, 27:

Anderson, R.	Avenson	Bina	Binneboese
Bruner	Byerly	Clark, B.J.	Connolly
Connors	Cusack	Gettings	Hall
Hibbs	Hinkhouse	Horn	Howell
Jay	Jesse	Lloyd-Jones	Lorenzen
Patchett	Pavich	Perkins	Swearingen
Walter	Wells	Woods	

The nays were, 66:

Anderson, J.	Arnould	Bennett	Brandt
Branstad	Clark, J.H.	Cochran	Conlon
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Groth	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hullinger	Hummel
Husak	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Loneragan	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Oxley	Pellett	Pelton	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Sherzan	Shimanek	Shull
Smalley	Spear	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Welsh
West	Mr. Speaker (Stromer)		

Absent or not voting, 7:

Chiodo	Doyle	Johnson, R.	Lind
Norland	O'Kane	Schroeder	

Amendment H—6399 lost.

Halvorson of Clayton asked for unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

Objection was raised.

Halvorson of Clayton moved that House Rule 2 be suspended to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 54, nays 31.

The motion prevailed.

Shull of Warren asked and received unanimous consent to be recorded as voting "nay" on amendment H—6399 and the vote was so recorded.

Bruner of Story offered amendment H—6397 filed from the floor by Bruner, Spear, Cusack, Jochum, Lloyd-Jones, Anderson of Jasper, Brandt, Halvorson of Webster and Jesse and requested division as follows:

H—6397

1 Amend House File 2595 as follows:

H—6397A

2 1. Page 6, line 18, by striking the words  
3 "two million (2,000,000)" and inserting in lieu  
4 thereof the words "six hundred thousand (600,000)".

H—6397B

5 2. Page 6, by striking line 23 through 30 and  
6 inserting in lieu thereof the following: "be  
7 carried out under this section the construction of  
8 a new 144-bed wing at the Iowa medical security  
9 facility at Oakdale to serve as an adult corrections  
10 security facility primarily for chemically dependent,  
11 mentally retarded and socially inadequate offenders,  
12 and needed safety and health-related improvements  
13 at other institutions under its jurisdiction. In  
14 addition, funds appropriated for capital improvements  
15 to the department of social services in Acts of the  
16 Sixty-eighth General Assembly, 1979 Session chapter  
17 fourteen (14), section thirteen (13) which have not previously  
18 been obligated but which have been planned for use at  
19 the Clarinda mental health institute may be used for  
20 the same purposes as the funds appropriated by this  
21 section."

H—6397C

22 3. Page 6, by striking lines 31 through page 7.  
23 line 4.

H—6397D

24 4. Page 7, by inserting after line 4 the following:  
25 "Sec. . The legislative council shall appoint  
26 an interim study committee to review alternative uses  
27 for the buildings at the Clarinda mental health institute,  
28 with emphasis upon the establishment of a multi-purpose  
29 community human resources center for southwest Iowa,  
30 which shall include a needs assessment for community  
31 mental health services and institutional mental health  
32 services for counties located within the catchment area  
33 for the Clarinda mental health institute."

Cusack of Scott asked and received unanimous consent to temporarily defer action on amendment H—6397A.

Bruner of Story moved the adoption of amendment H—6397B.

Roll call was requested by Jesse of Polk and Binneboese of Plymouth.

Rule 80 was invoked.

On the question "Shall amendment H—6397B be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Conlon	Connolly
Connors	Cusack	Davitt	Dieleman
Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Horn
Howell	Jesse	Jochum	Krewson
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Patchett	Pelton	Rapp
Ritsema	Sherzan	Smalley	Spear
Tyrrell	Wells	Welsh	Woods

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer

Egenes	Halvorson, R.A.	Hansen, I.	Harbor
Hoffmann	Holt	Hullinger	Hummel
Husak	Jay	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Mullins	Oxley
Pavich	Pellett	Perkins	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Shimanek	Shull	Swearingen	Thompson
Tofte	Van Maanen	Walter	Welden
Mr. Speaker (Stromer)			

Absent or not voting, 3:

Doyle                      Johnson, J.                      West

Amendment H—6397B lost.

Speaker Harbor in the chair at 6:59 p.m.

Jesse of Polk moved the adoption of amendment H—6397C.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 49, nays 50.

Amendment H—6397C lost.

Bruner of Story asked for unanimous consent to withdraw amendment H—6397A and H—6397D.

Objection was raised.

Jesse of Polk offered the following amendment H—6398, to amendment H—6397D, filed by him from the floor and moved its adoption:

H—6398

- 1 Amend amendment H—6397D to House File 2595 as
- 2 follows:
- 3 1. Page 1, by adding after line 33 the follow-
- 4 ing:
- 5 "It is a condition of the appropriation contained
- 6 in this section that the department shall cooperate

7 with the interim committee and that the department  
8 shall present to the general assembly a plan for  
9 the systematic phase down or transition to  
10 alternate uses of the mental health institute at  
11 Clarinda to be completed by June 30, 1981, and  
12 that no funds appropriated in this section or other  
13 funds available to the department be used for  
14 renovation, remodeling or other permanent  
15 improvements other than ordinary repairs to the  
16 facilities at the mental health institute at  
17 Clarinda, until the review of alternative uses  
18 has been completed and presented to the general  
19 assembly."

A non-record roll call was requested.

The ayes were 47, nays 51.

Amendment H—6398 lost.

Bruner of Story moved the adoption of amendment H—6397D.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 50, nays 47.

Amendment H—6397D was adopted.

Bruner of Story asked and received unanimous consent to withdraw amendment H—6397A.

Walter of Pottawattamie offered the following amendment H—6396 filed by him and Pavich of Pottawattamie from the floor:

H—6396

- 1 Amend House File 2595 as follows:
- 2 1. Page 8, line 6, by striking the numerals
- 3 "1981" and inserting in lieu thereof the numerals
- 4 "1980".
- 5 2. Page 8, line 7, by striking the numerals
- 6 "1982" and inserting in lieu thereof the numerals
- 7 "1981".

Speaker pro tempore Stromer of Hancock in the chair at 8:05 p.m.

Walter of Pottawattamie moved the adoption of amendment H—6396.

Roll call was requested by Patchett of Johnson and Gettings of Wapello.

On the question "Shall amendment H—6396 be adopted?"

The ayes were, 43:

Anderson, R.	Avenson	Bina	Binneboese
Byerly	Chiodo	Cochran	Connolly
Connors	Cusack	Danker	Davitt
Dieleman	Gettings	Groth	Hall
Halvorson, R.N.	Harbor	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Krewson	Lloyd-Jones
Loneragan	McKean	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	

The nays were, 50:

Anderson, J.	Bennett	Branstad	Bruner
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	Menke
Mullins	Pellett	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker (Stromer)		

Absent or not voting, 7:

Arnould	Brandt	Doyle	Millen
Pelton	Shimanek	Woods	

Amendment H—6396 lost.

Hall of Linn offered the following amendment H—6395 filed by him from the floor and moved its adoption:

H-6395

- 1 Amend House File 2595 as follows:
- 2 1. Page 8, by inserting after line 24 the
- 3 following:
- 4 "There is appropriated to the state conservation
- 5 commission a sum not to exceed seventy-five thousand
- 6 (75,000) dollars for the fiscal period beginning
- 7 July 1, 1980 and ending June 30, 1983 for the purpose
- 8 of entering into a lease-purchase agreement with the
- 9 Illinois Central Gulf Railroad providing for the
- 10 recreational use of its abandoned railroad right-of-
- 11 way between the Iowa cities of Hiawatha and
- 12 Gilbertsville."

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 39, nays 57.

Amendment H-6395 lost.

The following amendment H-6411, filed by Welden of Hardin from the floor, was adopted by unanimous consent:

H-6411

- 1 Amend House File 2595 as follows:
- 2 1. Title page, line 5, by inserting after the word
- 3 "Act" the following: "and to authorize the fair board to
- 4 accept gifts and to authorize a study committee to be
- 5 appointed by the legislative council".

Welden of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2595)

The ayes were, 64:

Anderson, J.	Bennett	Brandt	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Diemer	Egenes
Groth	Hall	Halvorson, R.A.	Hansen, I.
Hanson, D.	Harbor	Hinkhouse	Hoffmann
Holt	Hummel	Husak	Johnson, J.



Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Oxley
Pellett	Pelton	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker (Stromer)

The nays were, 35:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Dieleman	Gettings	Halvorson, R.N.	Hibbs
Horn	Howell	Hullinger	Jay
Jesse	Jochum	Lloyd-Jones	Loneragan
Norland	O'Kane	Patchett	Pavich
Perkins	Rapp	Sherzan	Walter
Wells	Welsh	Woods	

Absent or not voting, 1:

Doyle

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Speaker Harbor in the chair at 8:36 p.m.

## 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, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2486, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate.

Also: That the Senate has on April 25, 1980, 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 2546, a bill for an act providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

Also: That the Senate has on April 25, 1980, 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 2562, a bill for an act relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

Also: That the Senate has on April 25, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2587, a bill for an act relating to the administration of the motor fuel and special fuel tax laws.

Also: That the Senate has on April 25, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2591, a bill for an act to legalize the proceedings of the board of directions of the Kirkwood community college declaring the validity of said election and the validity of taxes levied pursuant thereto.

Also: That the Senate has on April 25, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2594, a bill for an act to legalize and validate the proceedings of the City Council of Fort Dodge, Webster County, State of Iowa, relating to the execution of a certain contract.

Also: That the Senate has on April 25, 1980, adopted the conference committee report and passed Senate File 205, a bill for an act relating to the reorganization of the department of environmental quality.

Also: That the Senate has on April 25, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 190, a bill for an act relating to the perfection and enforcement of a mechanic's lien.

Also: That the Senate has on April 25, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2070, a bill for an act to allow multi-year professional and occupational licenses.

Also: That the Senate has on April 25, 1980, adopted the conference committee report and passed Senate File 2337, a bill for an act to increase financial requirements for auto liability insurance policies.

Also: That the Senate has on April 25, 1980, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2148, a bill for an act to amend definitions contained in and revise disclosure requirements prescribed by campaign disclosure checkoff.

Also: That the Senate has on April 25, 1980, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2361, a bill for an act relating to transportation and making technical corrections.

Also: That the Senate has on April 25, 1980, passed the following bill in which the concurrence of the House is asked:

Senate File 2378, a bill for an act creating the Iowa railway finance authority to aid in the construction and renovation of railway facilities.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 2486

H-6406

1 Amend House File 2486 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, line 5, by striking the words "section  
4 two (2) of this Act" and inserting in lieu thereof  
5 the words "subsection four (4) of this section".

6 2. Page 1, by striking lines 11 through 19 and  
7 inserting in lieu thereof the words "tion is made,  
8 provided that the loan is for an agricultural  
9 production purpose as defined in subsection five (5)  
10 of this section and further provided that the loan  
11 would, but for this section, be subject to".

12 3. Page 2, by inserting after line 6 the follow-  
13 ing:

14 "4. As used in this section, "agricultural credit  
15 corporation" means a corporation which has been  
16 designated by the federal intermediate credit bank  
17 of Omaha, Nebraska, as an agricultural credit  
18 corporation eligible to sell or discount loans to  
19 that bank pursuant to the provisions of 12 United  
20 States Code, s. 2074.

21 5. As used in this section "agricultural production  
22 purpose" means a purpose related to the production  
23 of agricultural products. "Agricultural products"  
24 includes agricultural, horticultural, viticultural,  
25 and dairy products, livestock, wildlife, poultry,  
26 bees, forest products thereof, and any and all products  
27 produced on farms."

28 4. By striking page 2, line 7, through page 3,  
29 line 12, and inserting in lieu thereof the following:

30 "Sec. 2. Chapter five hundred thirty-five (535),  
31 Code 1979, is amended by adding the following new  
32 section:

33 **NEW SECTION. DEFINITION.** As used in this chapter,  
34 unless the context otherwise requires, "agricultural  
35 purpose" means a purpose related to the production,  
36 harvest, exhibition, marketing, transportation,  
37 processing or manufacture of agricultural products  
38 by a person who cultivates, plants, propagates or  
39 nurtures the agricultural products. "Agricultural  
40 products" includes agricultural, horticultural,  
41 viticultural, and dairy products, livestock, wildlife,  
42 poultry, bees, forest products, fish and shellfish,  
43 and any products thereof, including processed and  
44 manufactured products, and any and all products raised  
45 or produced on farms and any processed or manufactured  
46 products thereof.

47 Sec. 3. Acts of the Sixty-eighth General Assembly,  
48 1980 Session, House File two thousand four hundred  
49 ninety-two (2492), section two (2), subsection one  
50 (1), paragraph e, is amended to read as follows:

**Page 2**

1 e. A person borrowing money or obtaining credit  
2 for business or agricultural purposes, or a person  
3 borrowing money or obtaining credit in an amount which  
4 exceeds thirty-five thousand dollars for personal,  
5 family or household purposes. As used in this  
6 paragraph, "agricultural purpose" means and includes  
7 any of the purposes referred to in section five hun-  
8 dred thirty-seven point one thousand three hundred  
9 one (537-1301), subsection four (4) of the Code, but  
10 regardless of whether or not the activities described  
11 in that subsection are undertaken by a natural person  
12 or other entity as defined in section two (2) of this  
13 Act.

14 Sec. 4. Acts of the Sixty-eighth General Assembly,  
15 1980 Session, House File two thousand four hundred  
16 ninety-two (2492), section eight (8), amending section  
17 five hundred thirty-five point eight (535.8),  
18 subsection two (2), Code 1979 Supplement, is amended  
19 by adding the following new unnumbered paragraph:

20 **NEW UNNUMBERED PARAGRAPH.** This lettered paragraph  
21 applies only to a mortgage given in connection with  
22 a loan as defined in section five hundred thirty-five  
23 point eight (535.8), subsection one (1), Code 1979  
24 Supplement.

25 Sec. 5. Section five hundred twenty-four point  
26 one hundred three (524.103), Code 1979, is amended  
27 by adding the following new subsection:

28 NEW SUBSECTION. "Agricultural credit corporation"  
29 means as defined in section one (1), subsection four  
30 (4) of this Act.  
31 Sec. 6. Sections two (2), three (3) and four (4)  
32 of this Act are retroactive to the effective date  
33 of Acts of the Sixty-eighth General Assembly, 1980  
34 Session, House File two thousand four hundred ninety-  
35 two (2492), and shall be deemed to have been enacted  
36 as an integral part of that Act."

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 2148

H-6405

1 Amend the House amendment, S-5733, to Senate File 2148  
2 as amended, passed and reprinted by the House as  
3 follows:  
4 1. Page 1, by striking line 13 and inserting in  
5 lieu thereof the following:  
6 "NEW SUBECTION. "Ballot issue" means either of  
7 the following:  
8 a. A question,"  
9 2. Page 1, by inserting after line 19 the  
10 following:  
11 "b. A proposed amendment to the Constitution of  
12 the state of Iowa, introduced in either house of the  
13 general assembly for consideration pursuant to Article  
14 X of that Constitution."  
15 3. Page 1, by inserting after line 29 the  
16 following:  
17 " . Page 2, line 30, by striking the words and  
18 figures "paragraph b, Code 1979, is" and inserting  
19 in lieu thereof the words and figures "paragraphs  
20 b and d, Code 1979, are".  
21 4. Page 1, line 37, by striking the figure "\$50"  
22 and inserting in lieu thereof the figure "\$100".  
23 5. Page 1, by inserting after line 37 the  
24 following:  
25 " . Page 3, by inserting after line 17 the  
26 following:  
27 "d. The name and mailing address of each person  
28 who has made one or more in kind contributions to  
29 the committee when the aggregate market value of the  
30 in kind contribution in a calendar year exceeds the  
31 amount specified in subsection 3, paragraph "b," of  
32 this section. In kind contributions shall be  
33 designated on a separate schedule from schedules  
34 showing contributions of money, and the estimated  
35 market value of each in kind contribution shall be

36 listed." "

37 6. Page 1, line 49, by striking the words "chapter  
38 if the" and inserting in lieu thereof the word  
39 "chapter."

40 7. Striking page 1, line 50 through page 2, line  
41 6.

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 190

H-6404

1 Amend the House amendment, S-3599 to Senate File  
2 190 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. By striking everything after page 1, line 2  
5 and inserting in lieu thereof the following:

6 "1. Page 1, by inserting after line 22 the  
7 following:

8 "Sec. 2. Chapter five hundred seventy-two (572),  
9 Code 1979, is amended by adding the following new  
10 section:

11 NEW SECTION. COOPERATIVE AND CONDOMINIUM HOUSING.

12 A lien arising under this chapter as a result of the  
13 construction of an apartment house or apartment  
14 building which is owned on a cooperative basis under  
15 chapter four hundred ninety-nine A (499A) of the Code,  
16 or which is submitted to a horizontal property regime  
17 under chapter four hundred ninety-nine B (499B) of  
18 the Code, is not enforceable, notwithstanding any  
19 contrary provision of this chapter, as against the  
20 interests of an owner in an owner-occupied dwelling  
21 unit contained in the apartment house or apartment  
22 building acquired in good faith and for valuable  
23 consideration, unless a lien statement specifically  
24 describing the dwelling unit is filed under section  
25 five hundred seventy-two point eight (572.8) of the  
26 Code within the applicable time period specified in  
27 section five hundred seventy-two point nine (572.9)  
28 of the Code, but determined from the date on which  
29 the last of the material was supplied or the last  
30 of the labor was performed in the construction of  
31 that dwelling unit." "

HOUSE INSISTS

Bennett of Ida called up for consideration **Senate File 2361**, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest, on a motor vehicle

to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

**CONFERENCE COMMITTEE APPOINTED**  
(Senate File 2361)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2361: Bennett of Ida, Chair; Egenes of Story, Jay of Appanoose, Schroeder of Pottawattamie and Woods of Polk.

**SENATE MESSAGE CONSIDERED**

**Senate File 2378**, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation.

Read first time and referred to committee on **appropriations**.

**RULES SUSPENDED**

Halvorson of Clayton asked and received unanimous consent to suspend the rules for a committee on appropriations meeting while the House is in session.

**ADOPTION OF THE CONFERENCE COMMITTEE REPORT  
(Senate File 108)**

Johnson of Woodbury called up for consideration the report of the conference committee on Senate File 108, a bill for an act relating to the construction and maintenance of schoolhouses by increasing the maximum amount of the site fund tax levy and expanding the allowable uses of funds raised through the levy, found on page 1954 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.

Johnson 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. 108)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Ritsema
Schnekloth	Sherzan	Shimanek	Shull
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Mr. Speaker			



The nays were, 10:

Chiodo	Conlon	Hinkhouse	Johnson, J.
Lonergan	Lorenzen	Lura	Renken
Smalley	Woods		

Absent or not voting, 1:

Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### ADOPTION OF THE CONFERENCE COMMITTEE REPORT (Senate File 205)

Stromer of Hancock called up for consideration the report of the conference committee on Senate File 205, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission, transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties, found on pages 2077 through 2079 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.

Stromer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Chiodo	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loqergan
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Weiden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 5:

Branstad	Byerly	Hinkhouse	Husak
Maulsby			

Absent or not voting, 3:

Clark, B.J.	Hullinger	Johnson, W.
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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.

**ADOPTION OF THE CONFERENCE COMMITTEE REPORT**  
(Senate File 2337)

Schroeder of Pottawattamie called up for consideration the report of the conference committee on Senate File 2337, a bill for an act relating to the increase in financial requirements for auto liability insurance policies, found on page 2079 and 2080 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.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2337)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Cochran	Conlon	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Lura
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Sherzan
Shimanek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Van Maanen
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, 1:

Jay

Absent or not voting, 9:

Chiodo	Clark, J.H.	Davitt	Hinkhouse
Millen	Schroeder	Stromer	Tyrrell
Walter			

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 April 25, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2535, a bill for an act relating to the administration and funding of certain public retirement systems.

FRANK J. STORK, Secretary

## SENATE AMENDMENT CONSIDERED

Crawford of Story called up for consideration **House File 2535**, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations, amended by the Senate amendment H—6403, as follows:

H—6403

- 1 Amend House File 2535 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 22 the following
- 4 section:
- 5 "Sec. . Section ninety-seven A point one
- 6 (97A.1), subsection ten (10), Code 1979, as the section
- 7 is amended by Acts of the Sixty-eighth General
- 8 Assembly, 1979 Session, chapter thirty-four (34),
- 9 section one (1), is amended to read as follows:
- 10 10. "Earnable compensation" or "compensation
- 11 earnable" shall mean the regular compensation which
- 12 a member would earn during one year on the basis of
- 13 the stated compensation for the member's rank or
- 14 position including compensation for longevity and
- 15 taxable meal and travel expenses and excluding any
- 16 amount received for overtime compensation or other
- 17 special additional compensation, nontaxable meal and
- 18 travel expenses, and uniform allowances and excluding
- 19 any amount received upon termination or retirement
- 20 in payment for accumulated sick leave or vacation."
- 21 2. Page 1, line 30, by inserting after the word
- 22 "Code." the words "The board of trustees shall also
- 23 credit as service, years of service of a former member
- 24 of the system who had fifteen or more years of service
- 25 but withdrew his or her accumulated contributions

26 from the annuity savings fund prior to July 1, 1979  
 27 if the former member submits proof of years of service  
 28 to the board of trustees and applies for benefits  
 29 under section ninety-seven A point six (97A.6) of  
 30 the Code. A person who qualifies for benefits on  
 31 the effective date of this Act under this paragraph  
 32 is entitled to benefits beginning on that date  
 33 regardless of when the person submits proof of service  
 34 and applies for the benefits."

35 3. Page 2, by striking lines 4, 5, and 6 and  
 36 inserting in lieu thereof the following: "a service  
 37 retirement allowance if the member has attained the  
 38 age of fifty-five, otherwise, the member shall receive  
 39 an ordinary".

40 4. Page 2, by striking lines 14 through 17 and  
 41 inserting in lieu thereof the following: "accidental  
 42 disability a member shall receive a service retirement  
 43 allowance if the member has attained the age of fifty-  
 44 five, otherwise the member shall receive an accidental  
 45 disability".

46 5. Page 2, by inserting after line 20 the following  
 47 sections:

48 "Sec. . Section ninety-seven A point six  
 49 (97A.6), subsection seven (7), paragraph a, Code 1979,  
 50 as the section is amended by Acts of the Sixty-eighth

## Page 2

1 General Assembly, 1979 Session, chapter thirty-four  
 2 (34), sections two (2) and three (3) and chapter  
 3 thirty-five (35), section two (2), is amended by  
 4 striking the paragraph.

5 Sec. . Section ninety-seven A point six (97A.6),  
 6 subsection seven (7), paragraph b, Code 1979, as the  
 7 section is amended by Acts of the Sixty-eighth General  
 8 Assembly, 1979 Session, chapter thirty-four (34),  
 9 sections two (2) and three (3) and chapter thirty-  
 10 five (35), section two (2), is amended to read as  
 11 follows:

12 b. Should a disability beneficiary under age  
 13 fifty-five be restored to active service at a  
 14 compensation not less than his the disability  
 15 beneficiary's average final compensation, his the  
 16 disability beneficiary's retirement allowance shall  
 17 cease, he the disability beneficiary shall again  
 18 become a member and he shall contribute thereafter  
 19 at the same rate he paid prior to disability, and  
 20 any former service on the basis of which his the  
 21 disability beneficiary's service was computed at the  
 22 time of his retirement shall be restored to full force  
 23 and effect and upon his subsequent retirement he the

24 disability beneficiary shall be credited with all  
 25 his service as a member, and also with the period  
 26 of disability retirement, provided that during such  
 27 period of disability he has not engaged in a gainful  
 28 occupation from which his net earnings exceeded the  
 29 difference between his disability retirement allowance  
 30 and the amount he would have received for said period  
 31 if his compensation at the time of disability had  
 32 continued."

33 6. Page 6, by inserting after line 1 the following  
 34 section:

35 "Sec. . Section ninety-seven B point forty-  
 36 one (97B.41), subsection three (3), paragraph b, Code  
 37 1979, as the section is amended by Acts of the Sixty-  
 38 eighth General Assembly, 1979 Session, chapter thirty-  
 39 four (34), section five (5), is amended by adding  
 40 the following new subparagraph:

41 NEW SUBPARAGRAPH. Members of the state  
 42 transportation commission, the board of parole, and  
 43 the state health facilities council unless a member  
 44 elects by filing an application with the department  
 45 to be covered under this chapter."

46 7. Page 11, line 14, by striking the word "forty-  
 47 eight" and inserting in lieu thereof the word "forty-  
 48 seven".

49 8. Page 16, by inserting after line 13 the  
 50 following sections:

### Page 3

1 "Sec. . Section three hundred eighty-four point  
 2 six (384.6), subsection one (1), Code 1979, as amended  
 3 by Acts of the Sixty-eighth General Assembly, 1979  
 4 Session, chapter thirty-four (34), section thirteen  
 5 (13), and chapter eighty-five (85), section one (1),  
 6 is amended to read as follows:

7 1. Accounting for pension and related employee  
 8 benefit funds as provided by the city finance  
 9 committee. A city may make contributions to a  
 10 retirement system other than the Iowa public employees'  
 11 retirement system for its city manager, or city  
 12 administrator performing the duties of city manager,  
 13 in an annual amount not to exceed the amount that  
 14 would have been contributed by the employer under  
 15 the provisions of section 97B.11. If a police chief  
 16 or fire chief has submitted a written request to the  
 17 board of trustees to be exempt from chapter four  
 18 hundred eleven (411) of the Code, authorized in section  
 19 four hundred eleven point three (411.3), subsection  
 20 one (1) of the Code, a city shall make contributions  
 21 for the chief, in an amount not to exceed the amount

22 that would have been contributed by the city under  
 23 section four hundred eleven point eight (411.8),  
 24 subsection one (1), paragraph a, of the Code, to the  
 25 international city management association/retirement  
 26 corporation. A city may certify taxes to be levied  
 27 for a trust and agency fund in the amount necessary  
 28 to meet its obligations.

29 Sec. . Section four hundred eleven point three  
 30 (411.3), subsection one (1), Code 1979, is amended  
 31 to read as follows:

32 1. All persons who become police officers or fire  
 33 fighters after the date the retirement systems are  
 34 established by this chapter, shall become members  
 35 thereof as a condition of their employment, except  
 36 that a police chief or a fire chief who would not  
 37 complete twenty-two years of service under this chapter  
 38 by the time the chief attains fifty-five years of  
 39 age shall, upon written request to the board of  
 40 trustees, be exempt from this chapter. Notwithstanding  
 41 section ninety-seven B point forty-one (97B.41) of  
 42 the Code, a police chief or fire chief who is exempt  
 43 from this chapter is exempt from chapter ninety-seven  
 44 B (97B) of the Code. Such members Members of the  
 45 system established in this chapter shall not be  
 46 required to make contributions under any other pension  
 47 or retirement system of city, county, or state of  
 48 Iowa, anything to the contrary notwithstanding."

49 9. Page 16, line 21, by inserting after the word  
 50 "Code." the words "The board of trustees shall also

#### Page 4

1 credit as service, years of service of a former member  
 2 of the system who had fifteen or more years of service  
 3 but withdrew his or her accumulated contributions  
 4 from the annuity savings fund prior to July 1, 1979  
 5 if the former member submits proof of years of service  
 6 to the board of trustees and applies for benefits  
 7 under section four hundred eleven point six (411.6)  
 8 of the Code. A person who qualifies for benefits  
 9 on the effective date of this Act under this paragraph  
 10 is entitled to benefits beginning on that date  
 11 regardless of when the person submits proof of service  
 12 and applies for the benefits."

13 10. Page 16, by striking lines 30, 31, and 32  
 14 and inserting in lieu thereof the following: "a  
 15 service retirement allowance if the member has attained  
 16 the age of fifty-five, otherwise the member shall  
 17 receive an ordinary".

18 11. Page 17, by striking lines 5 through 8 and  
 19 inserting in lieu thereof the following: "accidental  
 20 disability a member shall receive a service retirement

21 allowance if the member has attained the age of fifty-  
 22 five, otherwise the member shall receive an accidental  
 23 disability”.

24 12. Page 17, by inserting after line 10 the  
 25 following sections:

26 “Sec. . Section four hundred eleven point six  
 27 (411.6), subsection seven (7), paragraph a, Code 1979,  
 28 as the section is amended by Acts of the Sixty-eighth  
 29 General Assembly, 1979 Session, chapter thirty-four  
 30 (34), sections sixteen (16) and seventeen (17) and  
 31 chapter thirty-five (35), section nine (9), is amended  
 32 by striking the paragraph.

33 Sec. . Section four hundred eleven point six  
 34 (411.6), subsection seven (7), paragraph b, Code 1979,  
 35 as the section is amended by Acts of the Sixty-eighth  
 36 General Assembly, 1979 Session, chapter thirty-four  
 37 (34), sections sixteen (16) and seventeen (17), and  
 38 chapter thirty-five (35), section nine (9), is amended  
 39 to read as follows:

40 b. Should a disability beneficiary under age  
 41 fifty-five be restored to active service at a  
 42 compensation not less than his the disability  
 43 beneficiary's average final compensation, his the  
 44 disability beneficiary's retirement allowance shall  
 45 cease, he the disability beneficiary shall again  
 46 become a member and he shall contribute thereafter  
 47 at the same rate he paid prior to disability, and  
 48 any former service on the basis of which his the  
 49 disability beneficiary's service was computed at the  
 50 time of his retirement shall be restored to full force

**Page 5**

1 and effect and upon his subsequent retirement he the  
 2 disability beneficiary shall be credited with all  
 3 his service as a member and also with the period of  
 4 disability retirement, provided that during such  
 5 period of disability he has not engaged in a gainful  
 6 occupation from which his net earnings exceeded the  
 7 difference between his disability retirement allowance  
 8 and the amount he would have received for said period  
 9 if his compensation at the time of disability had  
 10 continued.”

11 13. Page 23, line 25, by inserting after the  
 12 figure “1981” the words and figures “and except that  
 13 retirement allowance changes in sections five (5)  
 14 and twenty-nine (29) of this Act for members who  
 15 retired on or after July 1, 1976 and before July 1,  
 16 1980 who had attained fifty-five years of age and  
 17 were retired for accidental or ordinary disability  
 18 under chapter ninety-seven A (97A) or four hundred  
 19 eleven (411) of the Code and have been receiving a



- 20 service retirement allowance are retroactive to the  
 21 date of the member's retirement".  
 22 14. By numbering and renumbering sections and  
 23 correcting internal references as necessary.

Crawford of Story offered the following amendment H—6410, to the Senate amendment H—6403, filed by him and Brandt of Black Hawk from the floor:

H—6410

- 1 Amend the Senate Amendment H—6403 to House File  
 2 2535 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. By striking line 3 page 1 through line 45,  
 5 page 2.  
 6 2. By striking line 49, page 2 through page 5,  
 7 line 21.

Speaker pro tempore Stromer of Hancock in the chair at 9:12 p.m.

Crawford of Story moved the adoption of amendment H—6410, to the Senate amendment H—6403.

Roll call was requested by Woods of Polk and Chiodo of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—6410 be adopted?"

The ayes were, 50:

Anderson, J.	Bennett	Brandt	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Harbor
Hoffmann	Holt	Hummel	Jesse
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lind	Lorenzen	Lura	Maulsby
Menke	Millen	Miller	Mullins
Oxley	Pellett	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Swearingen
Thompson	Tofte	Tyrrell	Welden
West	Mr. Speaker (Stromet)		

The nays were, 49:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hanson, D.	Hibbs	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jochum	Kirkenslager	Lageschulte
Larsen	Lloyd-Jones	Loneragan	McKean
Norland	O'Kane	Patchett	Pavich
Perkins	Rapp	Sherzan	Spear
Van Maanen	Walter	Wells	Weish
Woods			

Absent or not voting, 1:

Pelton

Amendment H—6410 was adopted.

Crawford of Story moved to concur in the Senate amendment H—6403, as amended.

A non-record roll call was requested.

The ayes were 79, nays 15.

The motion prevailed and the House concurred in the Senate amendment H—6403, as amended.

Crawford of Story 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. 2535)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker

Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Harbor	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Loneragan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklloth
Sherzan	Shimanek	Shull	Smalley
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker (Stromer)			

The nays were, none.

Absent or not voting, 3:

Pelton                      Perkins                      Schroeder

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 April 25, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2298, a bill for an act relating to the taxable status of property.

Also: That the Senate has on April 25, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2306, a bill for an act providing that magistrates and judges may receive actual and necessary expenses in an amount not exceeding a maximum set by supreme court.

Also: That the Senate has on April 25, 1980, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2327, a bill for an act to provide or increase the penalty for failure to file or pay the state income, franchise, sales and use, or inheritance and estate taxes or local hotel and motel tax.

Also: That the Senate has on April 25, 1980, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2375, a bill for an act repealing sections fifteen and sixteen of House File two thousand four hundred ninety-two and making such repeal retroactive to the effective date of that Act.

FRANK J. STORK, Secretary

**ADOPTION OF THE SECOND  
CONFERENCE COMMITTEE REPORT  
(House File 2475)**

Thompson of Polk called up for consideration the report of the second conference committee on House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators, found on page 2080 of the House Journal and moved the adoption of the second conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 56, nays 36.

The motion prevailed and the conference committee report was adopted.

Thompson 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. 2475)

The ayes were, 70:

Anderson, J.	Bennett	Bina	Brandt
Bruner	Byerly	Clark, B.J.	Clark, J.H.
Cochran	Corey	Crawford	Cusack
Daggett	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Harbor	Hinkhouse	Hoffmann	Holt

Horn	Hullinger	Hummel	Husak
Jay	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
Oxley	Patchett	Pellett	Perkins
Poffenberger	Pope	Rapp	Renken
Schnekloth	Schroeder	Shimanek	Shull
Spear	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
Woods	Mr. Speaker (Stromer)		

The nays were, 25:

Anderson, R.	Arnould	Binneboese	Chiodo
Conlon	Connolly	Connors	Danker
Davitt	Groth	Hibbs	Jesse
Jochum	Johnson, J.	Lageschulte	Lloyd-Jones
Lonergan	O'Kane	Pavich	Pelton
Ritsema	Sherzan	Smalley	Walter
Welsh			

Absent or not voting, 5:

Avenson	Branstad	Crabb	Howell
West			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE (House File 2475)

Halvorson of Clayton asked and received unanimous consent that House File 2475 be immediately messaged to the Senate.

### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**BRUCE GRAHAM**  
Assistant Chief Clerk of the House

## COMMITTEE ON RULES

**House Resolution 110**, a resolution pertaining to rules regarding reporting of gifts.

**Recommended Amend and Do Pass.**

## ADOPTION OF HOUSE RESOLUTION 110

Millen of Van Buren called up for consideration House Resolution 110, pertaining to gift reporting rules as they apply to the donee, immediate family members and employees of the House of Representatives, filed on April 17, 1980 and found on pages 1711 and 1712 of the House Journal with report of committee recommending amendment and passage.

Halvorson of Clayton moved the previous question on amendments, amendments to amendments and motions thereto on House Resolution 110.

A non-record roll call was requested.

The ayes were 56, nays 36.

The motion prevailed.

Millen of Van Buren offered the following amendment H-6408 filed by the committee on rules:

H-6408

- 1 Amend House Resolution 110 as follows:
- 2 1. Page 1, by striking lines 4 through 28 and in-
- 3 serting in lieu thereof the following:
- 4 "10. a. As used in this rule, the word "gift" and
- 5 the phrases "immediate family member" and "public dis-
- 6 closure" have the meaning provided in Acts of the Sixty-
- 7 eighth General Assembly, 1980 Session, House File six
- 8 hundred eighty-seven (687), section six (6).
- 9 b. A person who provides a gift which exceeds fif-
- 10 teen dollars in value in any one occurrence to a mem-
- 11 ber, officer or employee of the house of representa-
- 12 tives or their immediate family members shall report
- 13 the gift. The report shall show the nature, amount,
- 14 date and donor of the gift. If more than one person
- 15 shares in the expense of providing a gift which is re-
- 16 quired to be reported, each of those persons shall re-

17 port the gift even though that person's share of the  
18 expense does not exceed fifteen dollars in value; how-  
19 ever, if a legal entity other than a natural person  
20 makes the gift, the legal entity shall report the gift  
21 as a donor. If a gift is made to a group of persons,  
22 the gift shall be reported if the average value of the  
23 gift provided to those persons participating exceeds  
24 fifteen dollars in value and those members, officers  
25 and employees and their immediate family members par-  
26 ticipating shall be listed in the report. A member,  
27 officer or employee and their immediate family members  
28 shall not receive more than one gift which is required  
29 to be reported from the same person in any one occur-  
30 rence.

31 c. The report shall be filed in the office of the  
32 chief clerk of the house of representatives by the  
33 fifteenth day of the month following the month in which  
34 a gift is provided which is required to be reported.  
35 Subject to the approval of the committee on ethics, the  
36 chief clerk of the house shall prepare forms for the  
37 filing of these reports and make them available to any  
38 person who is required to file a report. The reports  
39 filed shall be maintained by the chief clerk of the  
40 house and be available for public inspection as pro-  
41 vided in chapter sixty-eight A (68A) of the Code:  
42 The committee on ethics may authorize the chief clerk  
43 of the house to prepare and make available to the pub-  
44 lic an annual summary of the reports filed under this  
45 rule."

Conlon of Muscatine offered the following amendment H-6412,  
to the committee amendment H-6408, filed by him from the floor  
and moved its adoption:

H-6412

- 1 Amend the Committee on Rules amendment H-6408 to
- 2 House Resolution 110 as follows:
- 3 1. Page 1, line 29, by striking the word
- 4 "occur."
- 5 2. Page 1, by striking line 30 and inserting in
- 6 lieu thereof the words "calendar day."

Roll call was requested by Rapp of Black Hawk and Bruner of  
Story.

On the question "Shall amendment H—6412 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Bina	Binneboese
Brandt	Branstad	Bruner	Clark, B.J.
Conlon	Connolly	Cusack	Daggett
De Groot	Doyle	Groth	Hansen, I.
Hanson, D.	Hibbs	Howell	Jay
Jochum	Krewson	Lageschulte	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Mullins	O'Kane	Pellett	Pelton
Rapp	Ritsema	Schnekloth	Sherzan
Shimanek	Shull	Smalley	Spear
Tyrrell	Van Maanen	Welsh	

The nays were, 56:

Anderson, J.	Avenson	Bennett	Byerly
Chiodo	Clark, J.H.	Cochran	Connors
Corey	Crabb	Crawford	Danker
Davitt	Dieleman	Diemer	Egenes
Gettings	Hall	Halvorson, R.A.	Halvorson, R.N.
Harbor	Hinkhouse	Hoffmann	Holt
Horn	Hullinger	Hummel	Husak
Jesse	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Larsen	Lind	Lonergan
Menke	Millen	Miller	Norland
Oxley	Patchett	Pavich	Poffenberger
Pope	Renken	Schroeder	Swearingen
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Mr. Speaker (Stromer)

Absent or not voting, 1:

Perkins

Amendment H—6412 lost.

The following amendment H—6415, to the committee amendment H—6408, filed by Millen of Van Buren from the floor was adopted by unanimous consent:

H—6415

- 1 Amend amendment H—6408 to House Resolution 110 as
- 2 follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "date" the word "donee".



Byerly of Polk offered the following amendment H—6409, to the committee amendment H—6408, filed by him from the floor and moved its adoption:

H—6409

- 1 Amend the Committee on Rules amendment H—6408 to
- 2 House Resolution 110 as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "reported." the words "The chief clerk shall also
- 5 file and maintain any report filed by the members,
- 6 officers or employees who desire to report a gift
- 7 made to them or their immediate family members which
- 8 did not exceed fifteen dollars in value."

Amendment H—6409 was adopted.

Millen of Van Buren moved the adoption of the committee amendment H—6408, as amended.

The ayes were 66, nays 30.

The committee amendment H—6408, as amended, was adopted placing out of order amendment H—6310 filed by Conlon of Muscatine and Hanson of Delaware on April 23, 1980.

Millen of Van Buren moved the adoption of House Resolution 110, as amended.

Roll call was requested by Conlon of Muscatine and Smalley of Polk.

On the question "Shall the resolution be adopted?" (H.R. 110)

The ayes were, 60:

Avenson	Bennett	Byerly	Chiodo
Clark, J.H.	Cochran	Connors	Corey
Crabb	Crawford	Danker	Davitt
Dieleman	Diemer	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Harbor
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkslager	Krewson
Lind	Lonergan	Millen	Miller
Norland	Oxley	Patchett	Pavich

Pellett	Poffenberger	Pope	Renken
Schroeder	Shimaneck	Swearingen	Thompson
Tofte	Van Maanen	Walter	Welden
Wells	West	Woods	Mr. Speaker (Stromer)

The nays were, 37:

Anderson, J.	Anderson, R.	Arnould	Bina
Binneboese	Branstad	Bruner	Clark, B.J.
Conlon	Connolly	Cusack	De Groot
Doyle	Egenes	Gettings	Hanson, D.
Hibbs	Lageschulte	Larsen	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Mullins	O'Kane	Pelton
Perkins	Rapp	Ritsema	Schneklath
Sherzan	Shull	Smalley	Spear
Tyrrell			

Absent or not voting, 3:

Brandt	Daggett	Welsh
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The motion prevailed and the resolution, as amended, was adopted.

## 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, 1980, 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 700, a bill for an act relating to the use of a license for the taking of fish and animals and providing penalties.

Also: That the Senate has on April 25, 1980, 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 707, a bill for an act authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly.

Also: That the Senate has on April 25, 1980, 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 736, a bill for an act to permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor.

Also: That the Senate has on April 25, 1980, 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 2535, a bill for an act relating to the administration and funding of certain public retirement systems.

Also: That the Senate has on April 25, 1980, 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 2537, a bill for an act relating to the sale of individual policies of accident and sickness insurance.

Also: That the Senate has on April 25, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2581, a bill for an act to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances.

Also: That the Senate has on April 25, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2597, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit.

Also: That the Senate has on April 25, 1980, concurred in the House Amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 431, a bill for an act relating to complaints alleging violations of provisions relating to health care facilities.

FRANK J. STORK, Secretary

SENATE AMENDMENT TO  
HOUSE FILE 2597

H-6414

- 1 Amend House File 2597 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 16 through 26.
- 4 2. Title, by striking lines 9 through 12 and
- 5 inserting in lieu thereof the words "property and
- 6 collection of agricultural statistics."

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2243

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 2243, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, respectfully make the following report:

1. That the House recedes from its amendment, S—5573, to Senate File 2243, as amended, passed and reprinted by the Senate.

2. That Senate File 2243, as amended, passed and reprinted by the Senate, be amended as follows:

1. Page 1, line 13, by inserting after the word "land" the words "which is or will be occupied by the beginning farmer".

2. Page 1, by inserting after line 24 the following:

" . . . "Depreciable agricultural property" means personal property suitable for use in farming for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1954 as defined in section four hundred twenty-two point four (422.4) of the Code."

3. Page 2, by inserting after line 19, the following:

" . . . "Secured loan" means a financial obligation secured by a chattel mortgage, security agreement or other instrument creating a lien on an interest in depreciable agricultural property."

4. Page 3, line 1, by inserting after the word "improvements" the words "and depreciable agricultural property".

5. Page 3, line 3, by inserting after the word "of" the words "eleven members with".

6. Page 3, line 5, by inserting after the word "senate." the words "The treasurer of the state and the state secretary of agriculture are ex officio nonvoting members."

7. Page 3, line 12, by striking the word "Members" and inserting in lieu thereof the words "The appointed members".

8. Page 3, line 18, by striking the word "A" and inserting in lieu thereof the words "An appointed".

9. Page 3, line 22, by striking the word "A" and inserting in lieu thereof the words "An appointed".

10. Page 3, line 24, by striking the word "Five" and inserting in lieu thereof the word "Six".

11. Page 3, line 25, by inserting before the word "members" the word "voting".

12. Page 3, line 32, by striking the word "Members" and inserting in lieu thereof the words "The appointed members".

13. Page 4, line 2, by striking the word "Members" and inserting in lieu thereof the words "The appointed members".

14. Page 4, line 7, by striking the word "Members" and inserting in lieu thereof the words "The appointed members".

15. Page 4, line 29, by inserting after the word "improvements" the words "and depreciable agricultural property".

16. Page 6, line 4, by inserting after the word "real" the words "or depreciable".

17. Page 6, line 8, by inserting after the word "real" the words "or depreciable".

18. Page 6, line 19, by inserting after the word "land" the words "and improvements and depreciable agricultural property".

19. Page 7, line 4, by inserting after the word "mortgage" the words "and secured".

20. Page 7, line 11, by inserting after the word "mortgage" the words "or secured".

21. Page 7, line 15, by inserting after the word "mortgage" the words "or secured".

22. Page 8, line 15, by inserting after the word "land" the words "and property".

23. Page 8, line 33, by striking the words "general assembly" and inserting in lieu thereof the words "members of the general assembly as request it".

24. Page 8, line 34, by inserting after the word "complete" the words "and economically designed and reproduced".

25. Page 9, line 20, by inserting after the word "improvements" the words "and depreciable agricultural property".

26. Page 10, line 6, by inserting after the word "land" the words "and property".

27. Page 10, line 9, by inserting after the word "land" the words "and improvements and depreciable agricultural property".

28. Page 10, line 14, by inserting after the word "improvements" the words "and depreciable agricultural property".

29. Page 10, line 20, by inserting after the word "mortgage" the words "or secured".

30. Page 10, line 26, by inserting after the word "mortgage" the words "or secured".

31. Page 10, line 30, by inserting after the words "improvements" the words "or depreciable agricultural property".

32. Page 10, line 31, by striking the word "are" and inserting in lieu thereof the words "will be located".

33. Page 10, line 34, by inserting after the word "mortgage" the words "or secured".

34. Page 11, line 1, by inserting after the word "land" the words "and agricultural improvements".

35. Page 11, by striking line 2 and inserting in lieu thereof the words and figure "five hundred thousand (500,000) dollars in value or of depreciable agricultural property totaling no more than one hundred twenty-five thousand (125,000) dollars in value."

36. Page 11, by striking lines 3 and 4 and inserting in lieu thereof the following:

"e. If the loan is for the acquisition of agricultural land, the beginning farmer has or will have access to adequate working capital, farm equipment, machinery or livestock. If the loan is for the acquisition of depreciable agricultural property, the beginning farmer has or will have access to adequate working capital or agricultural land."

37. Page 11, by inserting after line 11 the following:

"h. The beginning farmer has not previously received financing under the program for the acquisition of property similar in nature to the property for which the loan is sought. However, this restriction shall not apply if the amount previously received plus the amount of the loan sought does not exceed five hundred thousand dollars in the case of agricultural land and improvements or one hundred twenty-five thousand dollars in the case of depreciable agricultural property."

38. Page 11, line 13, by inserting after the word "mortgage" the words "or secured".

39. Page 11, line 16, by inserting after the word "improvements" the words "or depreciable agricultural property may not be".

40. Page 11, line 23, by inserting after the period the words "However, the authority shall provide and state in a mortgage or secured loan that the authority has the power to raise the interest rate of the loan to the prevailing market rate if the mortgage or secured loan is assumed by a farmer who is already established in that field at the time of the assumption of the loan."

41. Page 11, line 34, by striking the word "MORTGAGE".
42. Page 11, line 35, by inserting after the word "mortgage" the words "or secured".
43. Page 12, line 1, by inserting after the word "mortgage" the words "or secured".
44. Page 12, line 5, by inserting after the word "improvements" the words "or depreciable agricultural property".
45. Page 12, line 6, by inserting after the word "mortgage" the words "or secured".
46. Page 12, line 12, by inserting after the word "mortgage" the words "or secured".
47. Page 12, line 29, by inserting after the word "mortgage" the words "or secured".
48. Page 12, line 31, by inserting after the word "mortgage" the words "or secured".
49. Page 13, line 3, by inserting after the word "mortgage" the words "or secured".
50. Page 13, line 9, by inserting after the word "mortgage" the words "or secured".
51. Page 15, line 7, by striking the word "MORTGAGE".
52. Page 15, line 9, by inserting before the word "loans" the words "or secured".
53. Page 15, line 11, by inserting after the word "mortgage" the words "or secured".
54. Page 15, line 14, by inserting before the word "loans" the words "or secured".
55. Page 15, line 15, by inserting after the word "mortgage" the words "or secured".
56. Page 15, line 19, by inserting before the word "loans" the words "or secured".
57. Page 15, line 20, by inserting after the word "mortgage" the words "or secured".
58. Page 15, line 21, by inserting after the word "mortgage" the words "or secured".
59. Page 15, line 24, by inserting before the word "loans" the words "or secured".
60. Page 15, line 28, by inserting before the word "loans" the words "or secured".

61. Page 15, line 33, by striking the word "mortgages" and inserting in lieu thereof the word "loans".

62. Page 15, line 34, by inserting after the word "mortgage" the words "or secured".

63. Page 16, line 5, by inserting after the word "mortgage" the words "or secured".

64. Page 16, line 7, by inserting after the word "mortgage" the words "or secured".

65. Page 16, line 12, by inserting before the word "loans" the words "or secured".

66. Page 16, line 18, by inserting after the words "of a mortgage" the words "or secured".

67. Page 16, line 25, by inserting after the word "mortgage" the words "or secured".

68. Page 17, line 7, by inserting after the words "renegotiate a mortgage" the words "or secured".

69. Page 17, line 9, by inserting after the words "of a mortgage" the words "or secured".

70. Page 17, line 10, by inserting after the word "mortgage" the words "or secured".

71. Page 17, line 14, by inserting after the word "mortgage" the words "or secured".

72. Page 17, line 31, by inserting after the word "hundred" the word "fifty".

73. Page 21, by inserting after line 5 the following:

"9. The authority shall publish a notice of intention to issue bonds or notes in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds or notes proposed to be issued, and in general, what net revenues will be pledged to pay the bonds or notes and interest thereon. An action shall not be brought questioning the legality of the bonds or notes or the power of the authority to issue the bonds or notes or to the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after sixty days from the date of publication of the notice."

74. Page 27, line 10, by inserting after the word "mortgage" the words "or secured".

75. Page 30, by inserting after line 8 the following:



"Sec. 35. Section four hundred nineteen point one (419.1), subsection two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section one (1), and chapter ninety (90), section one (1), is amended to read as follows:

2. "Project" means all or any part of, or any interest in, (a) any land, buildings or improvements, whether or not in existence at the time of issuance of the bonds issued under authority of this chapter, which shall be suitable for the use of any voluntary nonprofit hospital, clinic or health care facility as defined in section 135C.1, subsection 4, or of any private college or university, or any state institution governed under chapter 262, whether for the establishment or maintenance of such college or university, or of any industry or industries for the manufacturing, processing or assembling of any agricultural or manufactured products, even though such processed products may require further treatment before delivery to the ultimate consumer, or of any commercial enterprise engaged in storing, warehousing or distributing products of agriculture, mining or industry including but not limited to barge facilities and river-front improvements useful and convenient for the handling and storage of goods and products, or of a national, regional or divisional headquarters facility of a company that does multistate business, or of a beginning businessperson for any purpose or (b) pollution control facilities which shall be suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. "Improve", "improving" and "improvements" shall embrace any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, including, without limiting the generality of the foregoing, rights-of-way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipelines, reservoirs, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities and other real, personal or mixed property of every kind, whether above or below ground level.

Sec. 36. Section four hundred nineteen point one (419.1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section one (1), and chapter ninety (90), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. "Beginning businessperson" means an individual with an aggregate net worth of the individual and the individual's spouse and children of less than one hundred thousand dollars. Net worth means total assets minus total liabilities as determined in accordance with generally accepted accounting principles.

Sec. 37. Section four hundred nineteen point two (419.2), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section two (2), and chapter ninety-one (91), section one (1), is amended to read as follows:

5. To issue revenue bonds for the purpose of defraying the cost of any project and to secure payment of such bonds as provided in this chapter. However, in the case of a project suitable for the use of a beginning businessperson, the bonds may not exceed the aggregate principal amount of five hundred thousand dollars.

Sec. 38. Section five hundred two point two hundred two (502.202), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections five (5) and six (6), is amended by adding the following new subsection:

**NEW SUBSECTION.** Any security issued by the Iowa family farm development authority under sections one (1) through thirty-two (32) of this Act."

76. By striking the title and inserting in lieu thereof the words "An act providing for assistance to beginning farmers and businesspersons by establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds and authorizing the issuance of revenue bonds under chapter four hundred nineteen (419) of the Code by municipalities for acquisition of land, buildings or improvements by beginning businesspersons."

77. By numbering and renumbering as necessary.

ON THE PART OF THE HOUSE:

JAMES O. ANDERSON, Chair  
WAYNE BENNETT  
KENNETH De GROOT  
EMIL J. HUSAK  
HERBERT C. HINKHOUSE

ON THE PART OF THE SENATE:

BASS VAN GILST, Chair  
IRVIN L. BERGMAN  
DALE L. TIEDEN  
JACK W. HESTER  
C. W. BILL HUTCHINS

**REPORT OF THE CONFERENCE COMMITTEE ON SENATE 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 House and Senate on Senate File 2361, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and providing penalties, respectfully make the following report:

1. That the House amendment S-5841 to Senate File 2361 as amended, passed, and reprinted by the Senate be amended as follows:

1. Page 3, by striking lines 42 through 50 and inserting in lieu thereof the following:

"Sec. . Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

a. The department may issue a motorized bicycle license to any a person fourteen years of age or older who has passed a vision test and a written examination on the rules of the road. After July 1, 1981, persons under the age of sixteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license shall entitle entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession on the highways of the state for a period of two years. The license is valid for a period of two years, subject to termination or cancellation as provided in this section."

2. Page 4, by striking lines 1 through 16.

3. Page 5, by striking lines 44 through 50.

4. Page 6, by striking lines 1 through 6.

5. Page 6, by striking lines 10 through 48.

6. Page 7, by striking lines 17 through 27.

7. Page 7, line 41, by striking the word "persons," and inserting in lieu thereof the word "persons,,"

8. Page 7, by striking line 42.

ON THE PART OF THE HOUSE:

WAYNE BENNETT, Chair  
LAVERNE W. SCHROEDER  
SONJA EGENES  
JACK E. WOODS  
DANIEL JAY

ON THE PART OF THE SENATE:

JOHN W. JENSEN, Chair  
RICHARD F. DRAKE  
RICHARD COMITO  
CLOYD E. ROBINSON  
ARTHUR A. SMALL, JR.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 1980 he approved and transmitted to the Secretary of State the following bills:

House File 2042, an act to authorize the State Conservation Commission to regulate dealers in American ginseng.

House File 2299, an act relating to the dates on which school districts count special education students and report the county to the Department of Public Instruction.

House File 2458, an act relating to the authority of reorganized school districts to levy the schoolhouse tax.

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Assistant Chief Clerk of the House submitted the following report:

Mr. Speaker: The Assistant 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 25th day of April, 1980: House File 2492.

BRUCE GRAHAM

Assistant Chief Clerk of the House

Report adopted.

## COMMUNICATION FROM SECRETARY OF STATE

April 25, 1980

Bruce J. Graham  
Assistant Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that Senate File 2098, was published in The Red Oak Express, Red Oak, Iowa on March 27, 1980, and in the Evening Democrat, Fort Madison, Iowa on April 3, 1980.

I further certify that Senate File 2235, was published in The Boone News-Republican, Boone, Iowa on April 16, 1980, and in The Daily Freeman-Journal, Webster City, Iowa on April 17, 1980.

Respectfully submitted,

MELVIN D. SYNHORST  
Secretary of State

**REPORT OF HOUSE ADMINISTRATION COMMITTEE**

**MR. SPEAKER:** Pursuant to Senate Concurrent Resolution 5, 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>
Switchboard Operator	Beverly Baker	13-1 to 13-2	I-FT	4/25/80
Compositor	Carol S. Edwards	17-4 to 17-5	P-FT	5/09/80
Leader's Administrative Assistant	Henry D. Hanson	27-1 to 27-2	P-FT	5/09/80
Research Analyst	Linda J. King	25-4 to 25-5	P-FT	5/09/80
Research Analyst	Barbara Winters	25-2 to 25-3	P-FT	5/09/80
House Clerk	Peggy H. Ward	13-2 to 15-2	I-FT	3/28/80

DAGGETT of Taylor, Chair

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Fifty fifth grade students from Adair-Casey Elementary School, Adair, accompanied by Mrs. Olson and Mrs. Ruhl. By Anderson of Jasper, Pellett of Cass and Poffenberger of Dallas.

Seventeen eighth grade students from Fonda Elementary School, Fonda, accompanied by Tim Putney. By Maulsby of Calhoun.

Twenty-six fifth grade students from Cambridge Elementary School, Cambridge, accompanied by Marjorie Griffith. By Crawford of Story.

Fifty fifth grade students from Rex Mathis Elementary School, West Des Moines, accompanied by Char Nelson and Mrs. Olson. By Thompson of Polk.

Sixty fifth grade students from North Polk Community School, Sheldahl, accompanied by Tom Jones, Mary McKinney, Sandy Hall and Rosann Beekman. By Crawford of Story and Krewson of Polk.

Youth members of the Garden City United Methodist Church, Monona, accompanied by Reverend Carroll Brown. By Halvorson of Clayton.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday morning April 25, 1980. Had I been present, I would have voted "aye" on Senate Files 69, 2281 and 2368.

#### GETTINGS of Wapello

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 2071

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

##### Senate File 2354

Ways and Means: Pope, Chair; Clark of Lee, Conlon, Brandt and Husak.

##### Senate File 2369

Ways and Means: Shull, Chair; Branstad and Oxley.

**Senate File 2370**

Ways and Means: Renken, Chair; Branstad and Pavich.

**Senate File 2372**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Senate File 2376**

Ways and Means: Lageschulte, Chair; Lorenzen and Brandt.

**STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**Study Bill 755**

Ways and Means: Pope, Chair; Hanson of Delaware, Lura, Branstad, Bennett, Anderson of Jasper, Hall, Jochum, Connolly and Conlon.

**Study Bill 756**

Ways and Means: West, Chair; Schnekloth and Norland.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Assistant Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**BRUCE GRAHAM**

Assistant Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill,** a bill for an act relating to payments for certain school transportation costs and certain special education costs.

**Recommended Do Pass.**

**Committee Bill,** a bill for an act relating to capital appropriations by reducing appropriations made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act.

**Recommended Do Pass.**

**Senate File 2229**, a bill for an act establishing the office of state appellate defender.

**Recommended Amend and Do Pass.**

H—6413

1 Amend Senate File 2229 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Sections two (2) through six (6) of  
5 this Act shall not be codified and are effective only  
6 for the fiscal year beginning July 1, 1980 for the  
7 purpose of establishing a pilot program contingent  
8 upon the receipt of funds other than a direct  
9 appropriation for the fiscal year 1980-1981. The  
10 first session of the Sixty-ninth General Assembly  
11 shall review the operations of the program and  
12 determine the feasibility of its continuance.

13 Sec. 2. DEFINITIONS. As used in this Act unless  
14 the context otherwise requires:

15 1. "Appellate defender" means the state appellate  
16 defender.

17 2. "Indigent" means a person found by the trial  
18 court to be unable to retain legal counsel without  
19 prejudicing the person's financial ability to provide  
20 economic necessities for the person and the person's  
21 dependents.

22 Sec. 3. CREATION OF OFFICE. The office of state  
23 appellate defender is established as a pilot program  
24 for the fiscal year beginning July 1, 1980. The  
25 governor shall appoint the state appellate defender  
26 and establish the appellate defender's salary.

27 Sec. 4. QUALIFICATIONS OF APPELLATE DEFENDER.

28 Only persons admitted to practice law in this state  
29 shall be appointed appellate defender or assistant  
30 appellate defender.

31 Sec. 5. DUTIES OF APPELLATE DEFENDER. The  
32 appellate defender shall represent indigents on appeal  
33 in criminal cases and in proceedings to obtain  
34 postconviction relief when appointed to do so by the  
35 district court in which the judgment or order was  
36 issued and shall not engage in the private practice  
37 of law. The court may, upon the application of the  
38 indigent or the indigent's trial attorney, or on its  
39 own motion, appoint the appellate defender to represent  
40 the indigent on appeal or in postconviction  
41 proceedings.

42 Sec. 6. STAFF. The appellate defender may appoint  
43 assistant appellate defenders who, subject to the  
44 direction of the appellate defender, shall have the  
45 same duties as the appellate defender and shall not



46 engage in the private practice of law. The salaries  
 47 of the staff shall be fixed by the appellate defender.  
 48 The appellate defender and his or her staff shall  
 49 receive actual and necessary expenses, including  
 50 travel at the state rate set forth in section eighteen

**Page 2**

- 1 point one hundred seventeen (18.117) of the Code.
- 2 Sec. 7. This Act is repealed June 30, 1981."

**Senate File 2378**, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and making an appropriation.

**Recommended Do Pass.**

**COMMITTEE ON RULES**

**House Concurrent Resolution 130**, pertaining to rules regarding reporting of gifts.

**Recommended Amend and Do Pass.**

H-6407

- 1 Amend House Concurrent Resolution 130 as follows:
- 2 1. Page 1, by striking lines 5 through 29 and
- 3 inserting in lieu thereof the following:
- 4 "19. The general assembly directs the legislative
- 5 council and the other appointing authorities of
- 6 legislative officers and employees who are not employed
- 7 by the house of representatives or the senate to adopt
- 8 rules governing those legislative officers and
- 9 employees it appoints relating to the reporting of
- 10 gifts made to those legislative officers and employees
- 11 and their immediate family members as provided in
- 12 Acts of the Sixty-eighth General Assembly, 1980
- 13 Session, House File six hundred eighty-seven (687),
- 14 section seven (7)."

**COMMITTEE ON WAYS AND MEANS**

**Senate File 2125**, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor.

**Recommended Amend and Do Pass.**

H-6383

- 1 Amend Senate File 2125 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 six point five  
5 (106.5), subsection one (1), unnumbered paragraph  
6 two (2), Code 1979, is amended to read as follows:  
7 The owner of such vessel shall file an application  
8 for registration with the appropriate county recorder  
9 on forms provided by the commission. The application  
10 shall be completed and signed by the owner of the  
11 vessel and shall be accompanied by a fee of eight  
12 dollars for each motorboat or sailboat, four dollars  
13 for any other vessel without sail or motor, and a  
14 writing fee of fifty cents one dollar. Upon applying  
15 for registration the owner shall surrender the  
16 certificate of origin to the county recorder. Upon  
17 receipt of the application in approved form accompanied  
18 by the required fees, the county recorder shall enter  
19 the same upon the records of ~~his~~ the recorder's office  
20 and shall issue to the applicant a pocket-size  
21 registration certificate. The certificate shall be  
22 executed in triplicate, one copy to be delivered to  
23 the owner, one copy to the commission, and one copy  
24 to be retained on file by the county recorder. The  
25 registration certificate shall bear ~~thereon~~ the number  
26 awarded to ~~such~~ the vessel, the passenger capacity  
27 of ~~such~~ the vessel and the name and address of the  
28 owner. In the use of all vessels except nonpowered  
29 sailboats, nonpowered canoes and commercial vessels  
30 the registration certificate shall be carried either  
31 ~~in~~ the vessel or on the person of the operator of  
32 ~~such~~ the vessel when in use. In the use of nonpowered  
33 sailboats, nonpowered canoes or commercial vessels,  
34 the registration certificate may be kept on shore  
35 in accordance with rules promulgated by the commission.  
36 The operator shall exhibit the certificate to any  
37 peace officer upon request, or, when involved in a  
38 collision or accident of any nature with another  
39 vessel or other personal property, to the owner or  
40 operator of the other vessel or personal property.

41 Sec. 2. Section one hundred six point fifty-three  
42 (106.53), Code 1979, is amended to read as follows:

43 106.53 AMOUNT OF WRITING FEES COLLECTED. In  
44 addition to the other fees provided by this chapter,  
45 the county recorder shall collect from the boat owner,  
46 at the time of the transaction, the following writing  
47 fees:

- 48 1. For a new registration, fifty cents one dollar.
- 49 2. For renewal of a registration, fifty cents  
50 one dollar.

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1 3. For a duplicate registration, twenty-five cents  
2 one dollar.

3 4. For a new registration upon a change of address  
4 or a change of name, but only if the owner requests  
5 a new registration be issued to him, twenty-five cents  
6 one dollar.

7 Sec. 3. Section three hundred twenty-one G point  
8 four (321G.4), unnumbered paragraph two (2), Code  
9 1979, is amended to read as follows:

10 The owner of such snowmobile shall file an  
11 application for registration with the appropriate  
12 county recorder on forms provided by the commission.  
13 The application shall be completed and signed by the  
14 owner of the snowmobile and shall be accompanied by  
15 a fee of twelve dollars and a writing fee of fifty  
16 cents one dollar. Proof of payment of Iowa sales  
17 or use tax must accompany all applications for  
18 registration. Upon receipt of the application in  
19 approved form accompanied by the required fees, the  
20 county recorder shall enter the same upon his the  
21 recorder's records and shall issue to the applicant  
22 a pocket-size registration certificate. The  
23 certificate shall be executed in triplicate, one copy  
24 to be delivered to the owner, one copy to the  
25 commission, and one copy to be retained on file by  
26 the county recorder. The registration certificate  
27 shall bear the number awarded to such the snowmobile  
28 and the name and address of the owner. The  
29 registration certificate shall be carried either in  
30 the snowmobile or on the person of the operator of  
31 such the machine when in use. The operator of a  
32 snowmobile shall exhibit the registration certificate  
33 to any peace officer upon request or to the owner  
34 or operator of another snowmobile or to the owner  
35 of any other personal or real property when involved  
36 in a collision or accident of any nature with a  
37 snowmobile or the property of another person.

38 Sec. 4. Section three hundred thirty-one point  
39 twenty-two (331.22), Code 1979, is amended to read  
40 as follows:

41 331.22 COMPENSATION OF SUPERVISORS. The board  
42 of supervisors shall receive an annual salary or per  
43 diem compensation as provided in section 340A.6.  
44 The annual salary or per diem shall be in full payment  
45 for all services rendered to the county except that  
46 each member of the board is entitled to reimbursement  
47 for mileage expense incurred while engaged in the  
48 performance of official duties at the same rate as  
49 provided by law for state employees. The total mileage  
50 expense for a member of the board of supervisors shall

## Page 3

1 not exceed one thousand five hundred dollars per year,  
2 unless the board of supervisors by resolution adjusts  
3 the maximum amounts payable to each of the members,  
4 but in any event the aggregate amount of mileage  
5 expense for all members shall not exceed the product  
6 of one thousand five hundred dollars the rate of  
7 mileage allowed by law for state employees multiplied  
8 by the total number of members of the board of  
9 supervisors times ten thousand.

10 Sec. 5. Section three hundred thirty-three point  
11 fifteen (333.15), subsection one (1), Code 1979, is  
12 amended to read as follows:

13 1. For transfers made in the transfer books, one  
14 dollar five dollars for each separate parcel of real  
15 estate described in any deed, or transfer of title  
16 certified by clerks of district courts, provided,  
17 however. However, if several parcels are described  
18 in any one such instrument and the parcels are  
19 contiguous or separated only by public streets or  
20 highways, the fee shall not exceed five fifty dollars.  
21 A parcel of real estate outside of the limits of  
22 cities shall be all the unplatted land described in  
23 any deed or transfer of title lying within one numbered  
24 section of land.

25 Sec. 6. Section three hundred thirty-five point  
26 fourteen (335.14), subsection one (1), Code 1979,  
27 is amended to read as follows:

28 1. For filing or recording each instrument, three  
29 dollars for each page or fraction thereof of a page.

30 Sec. 7. Section five hundred forty-seven point  
31 three (547.3), Code 1979, is amended to read as  
32 follows:

33 547.3 FEE FOR RECORDING. The county recorder  
34 shall be entitled to charge and receive a fee of two  
35 three dollars for each verified statement filed under  
36 the provisions of this chapter.

37 Sec. 8. Section three hundred thirty-seven point  
38 eleven (337.11), subsections one (1), two (2), and  
39 three (3), Code 1979, are amended to read as follows:

40 1. For serving a notice and making return thereof,  
41 for the first person served, three six dollars, and  
42 each additional person, three six dollars except the  
43 fee for serving additional persons in the same  
44 household shall be one dollar three dollars for each  
45 additional service.

46 2. For each warrant served, three six dollars,  
47 and the repayment of necessary expenses incurred,  
48 in executing such the warrant, as sworn to by the  
49 sheriff; if service of the warrant cannot be made,  
50 the repayment of all necessary expenses actually

## Page 4

1 incurred by the sheriff while attempting in good faith  
2 to serve such the warrant.  
3 3. For serving and returning a subpoena, for each  
4 person served, three six dollars, and the necessary  
5 expenses incurred while serving subpoenas in criminal  
6 cases or insane process.

7 Sec. 9. This Act, being deemed of immediate  
8 importance, shall take effect from and after its  
9 publication in The Winterset Madisonian, a newspaper  
10 published in Winterset, Iowa, and in the Bettendorf  
11 News, a newspaper published in Bettendorf, Iowa."

12 2. Amend the title, by striking all of the title  
13 after the word "Act" in line 1 and inserting in lieu  
14 thereof the words "relating to fees by increasing  
15 the transfer fees of county auditors, increasing  
16 sheriff's fees for service of warrants, original  
17 notices and subpoenas, increasing county recorder's  
18 fees relating to filing of instruments and writing  
19 fees for boat and snowmobile registrations, and  
20 eliminating restrictions on travel expenses for county  
21 boards of supervisors."

Senate File 2357, a bill for an act relating to the composition and powers of conservancy district boards of directors, providing by law for the establishment of watershed funding districts and for the board of directors of the conservancy district within which a watershed funding district is established to act as the governing board of the watershed funding district and authorizing the levying of a tax by watershed funding districts.

**Recommended Amend and Do Pass.**

H-6387

1 Amend Senate File 2357, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 1, line 33 through page 3,  
4 line 6 and inserting in lieu thereof the following:  
5 "2. The board of directors of a conservancy  
6 district which has been divided into wards under  
7 subsection one (1) of this section shall consist of  
8 one director from each ward so established, who shall  
9 be elected as provided by subsection three (3) of  
10 this section. Each director shall serve a term of  
11 three years beginning on the first day of January,  
12 following that director's election, which is not a  
13 Sunday or a holiday. When a proposal for establishment  
14 of wards in a conservancy district has been approved  
15 by the state soil conservation committee, the members  
16 of the first elected board shall be chosen as provided  
17 by subsection three (3) of this section except that

18 the election shall be held not more than one hundred  
19 eighty days after the date of approval of the proposal  
20 for establishment of wards. The first elected board  
21 of directors shall take office on a day specified  
22 by the state soil conservation committee, which shall  
23 be not more than thirty days after election of the  
24 directors is completed. Upon taking office, the first  
25 elected board shall divide itself by lot into three  
26 classes as nearly equal in size as possible.

27 Thereafter, successors to members of the first class  
28 shall be elected in the first succeeding calendar  
29 year, successors to members of the second class shall  
30 be elected in the second succeeding calendar year,  
31 and successors to members of the third class shall  
32 be elected in the third succeeding calendar year after  
33 the year in which the first elected board takes office.

34 3. Each member of a conservancy district board  
35 of directors shall be elected at a ward convention  
36 attended by delegates chosen by and from among the  
37 commissioners of the respective soil conservation  
38 districts located entirely or partially within that  
39 ward.

40 a. A convention shall be held for each ward not  
41 earlier than October first nor later than November  
42 thirtieth of each year in which a director is to be  
43 elected from that ward. Each ward convention shall  
44 be called and its location shall be determined by  
45 the board of directors of the conservancy district  
46 of which the ward is a part. The conventions shall  
47 be held within the boundaries of the respective wards,  
48 and may be held in conjunction with other meetings  
49 attended by soil conservation district commissioners  
50 where doing so will avoid or reduce expense for travel.

**Page 2**

1 and for use of convention sites. Notice of the time,  
2 date and place of a ward convention shall be published  
3 by the conservancy district board of directors, at  
4 least thirty days prior to the convention date, in  
5 at least one newspaper of general circulation in the  
6 ward. The cost of publication shall be paid by the  
7 conservancy district.

8 b. The commissioners of each separate soil  
9 conservation district located entirely or partially  
10 within a conservancy district ward shall jointly cast  
11 a single, weighted vote for director of the conservancy  
12 district from that ward. The weight of the vote cast  
13 by the commissioners of each soil conservation district  
14 shall be based upon the ratio that the population  
15 of the soil conservation district, or portion of the  
16 district, bears to that of the entire ward. The

- 17 population of each soil conservation district, or  
 18 portion of a district, shall be certified by the  
 19 department of soil conservation.
- 20 c. A candidate for election to the conservancy  
 21 district board from a ward may file a statement of  
 22 candidacy with the secretary of the conservancy  
 23 district board at least ten days before the date of  
 24 that ward's convention. The statement of candidacy  
 25 shall state the candidate's name and address and shall  
 26 indicate the soil conservation district within which  
 27 the candidate resides. The list of candidates in  
 28 each ward where an election is to occur shall be sent  
 29 by ordinary mail to the commissioners of each soil  
 30 conservation district located entirely or partially  
 31 within the ward, immediately after the last day for  
 32 filing. The filing of a statement of candidacy shall  
 33 not be a prerequisite for election as a conservancy  
 34 district director. A delegate to a ward convention  
 35 shall not be bound by the soil conservation district  
 36 commissioners to pledge his or her vote to any  
 37 candidate prior to the date of the convention."
- 38 2. Page 3, line 10, by inserting after the word  
 39 "board." the words "A conservancy district board  
 40 member need not be a soil conservation district  
 41 commissioner, but the same individual may hold both  
 42 offices concurrently."
- 43 3. Page 3, lines 19 and 20, by striking the words  
 44 "as provided by section sixty-nine point twelve (69.12)  
 45 of the Code".
- 46 4. By striking page 3, line 21 through page 4,  
 47 line 5.
- 48 5. Page 5, line 6, by striking the word "July"  
 49 and inserting in lieu thereof the word "January".
- 50 6. By striking page 6, line 8 through page 14,

**Page 3**

- 1 line 28.
- 2 7. By striking page 19, line 16 through page 21,  
 3 line 18, and inserting in lieu thereof the following:  
 4 "Sec. . Section four hundred sixty-seven A  
 5 point thirteen (467A.13), Code 1979, is amended to  
 6 read as follows:  
 7 467A.13 PURPOSE OF SUBDISTRICTS. Subdistricts  
 8 of a soil conservation district may be formed as  
 9 hereinafter provided for the purpose purposes of  
 10 cooperating with conservancy districts and of carrying  
 11 out watershed protection and flood prevention programs  
 12 within the subdistrict but may not be formed solely  
 13 for the purpose of establishing or taking over the  
 14 operation of an existing drainage district.

15 Sec. . Section four hundred sixty-seven A point  
 16 twenty-four (467A.24), unnumbered paragraph two (2),  
 17 Code 1979, is amended to read as follows:

18 The amount of benefit appraised to each forty acres  
 19 of land within the subdistrict shall be determined  
 20 by the improvements within said subdistrict based  
 21 upon the work plan as agreed upon by the subdistrict  
 22 and furnished by the United States soil conservation  
 23 service."

24 8. Title, by striking lines 2 through 7 and  
 25 inserting in lieu thereof the words "district boards  
 26 of directors, and adjusting the statutory boundaries  
 27 of certain conservancy".

**Senate File 2369**, a bill for an act relating to the taxation of property of cemetery associations and locker plants and making the Act retroactive.

**Recommended Do Pass.**

**Study Bill 756**, to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980.

**Recommended Amend and Do Pass.**

### AMENDMENTS FILED

H-6364	S.F. 2376	Howell of Floyd
H-6365	S.F. 2376	Howell of Floyd
H-6366	H.F. 2580	Spear of Lee
H-6371	H.F. 2593	Stromer of Hancock
H-6372	H.F. 654	Poffenberger of Dallas
H-6374	H.F. 2582	O'Kane of Woodbury
H-6375	S.F. 2376	Norland of Worth
H-6376	S.F. 2296	Jay of Appanoose
H-6378	S.F. 2296	Norland of Worth
H-6379	S.F. 2296	Groth of Buena Vista
H-6381	H.F. 2580	Holt of Clay
		Horn of Linn
H-6391	H.F. 2580	Daggett of Taylor
H-6392	H.F. 2593	Holt of Clay
H-6394	H.F. 2593	Holt of Clay
H-6400	S.F. 2125	Howell of Floyd
H-6401	H.F. 2580	McKean of Jones
		Daggett of Taylor
		Lloyd-Jones of Johnson



H-6402

S.F. 2376

Woods of Polk

On motion by Halvorson of Clayton, the House adjourned at 10:21 p.m., until 9:00 a.m., Saturday, April 26, 1980.

# JOURNAL OF THE HOUSE

One Hundred Fourth Calendar Day—Seventy-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Saturday, April 26, 1980

The House met pursuant to adjournment, Speaker Harbor in the chair.

Prayer was offered by the Honorable Kenneth De Groot, state representative from Lyon County.

The Journal of Friday, April 25, 1980 was approved.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 130

Millen of Van Buren called up for consideration House Concurrent Resolution 130, pertaining to gift reporting rules as they apply to legislative employees, found on page 1711 of the House Journal, with report of committee recommending amendment and passage.

Millen of Van Buren offered amendment H—6407, filed by the committee on rules on February 25 and found on page 2175 of the House Journal and moved its adoption.

The committee amendment H—6407 was adopted.

On motion by Millen of Van Buren, House Concurrent Resolution 130, as amended, was adopted.

## SENATE AMENDMENT CONSIDERED

Larsen of Wapello called up for consideration **House File 717**, a bill for an act relating to timber buyers and providing penalties, amended by the Senate, and moved that the House concur in the Senate amendment H—6094, received from the Senate on April 16, 1980 and found on pages 1622 and 1623 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—6094.

Larsen of Wapello 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. 717)

The ayes were, 84:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Branstad	Bruner	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorezen	Maulsby
McKean	Menke	Millen	Miller
Mullins	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrrell	Van Maanen	Walter
Wells	West	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Arnould	Avenson	Brandt	Byerly
Chiodo	Cusack	Doyle	Holt
Jesse	Lura	Norland	O'Kane
Patchett	Rapp	Welden	Welsh

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**Senate File 2125**, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor, with report of committee recommending amendment and passage was taken up for consideration.

Hanson of Delaware offered amendment H—6383 filed by the committee on ways and means on April 25, 1980 and found on pages 2175 through 2179 of the House Journal.

Howell of Floyd asked and received unanimous consent to withdraw amendment H—6400, to the committee amendment H—6383, filed by him on April 25, 1980.

On motion by Hanson of Delaware, the committee amendment H—6383 was adopted.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2125)

The ayes were, 84:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Branstad	Brüner
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lorenzen	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pellett
Pelton	Perkins	Pope	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 5:

De Groot	Lonergan	Maulsby	Pavich
Walter			

Absent or not voting, 11:

Arnould	Avenson	Byerly	Chiodo
Clark, B.J.	Cusack	Doyle	Lura
Patchett	Poffenberger	Rapp	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### SENATE AMENDMENTS CONSIDERED

Schroeder of Pottawattamie called up for consideration **House File 2486**, a bill for an act to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code, amended by the Senate, and moved that the House concur in the Senate amendment H-6406, received from the Senate on April 25, 1980 and found on pages 2137 through 2139 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6406.

Schroeder 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. 2486)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bina	Binneboese	Brandt	Branstad
Bruner	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Maulsby	McKean	Menke	Millen

Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Perkins	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Avenson	Byerly	Chiodo	Halvorson, R.A.
Lura	Patchett	Rapp	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Daggett of Taylor called up for consideration **House File 2554**, a bill for an act relating to a setoff against income tax refunds of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child, amended by the Senate, and moved that the House concur in the Senate amendment H—6317, received from the Senate on April 23, 1980 and found on pages 1981 and 1982 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H—6317.

Daggett of Taylor 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. 2554)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall

Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Lorenzen	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklath	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Chiodo	Lura	Patchett
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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.

Connolly of Dubuque called up for consideration **Senate File 2197**, a bill for an act relating to the sale of wine and creating a license therefor, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6316 to the House amendment, received from the Senate on April 23, 1980 and found on page 1982 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6316.

Connolly of Dubuque 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. 2197)

The ayes were, 78:

Anderson, R.	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Bruner

Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Davitt
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Horn	Hullinger	Hummel	Husak
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonergan
Lorenzen	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Perkins	Poffenberger
Pope	Rapp	Schroeder	Sherzan
Shimanek	Shull	Spear	Stromer
Swearingen	Thompson	Tofte	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, 18:

Anderson, J.	Branstad	Daggett	Danker
De Groot	Dieleman	Diemer	Hinkhouse
Howell	Jay	Maulsby	McKean
Pellett	Renken	Ritsema	Schnekloth
Smalley	Van Maanen		

Absent or not voting, 4:

Chiodo	Lura	Patchett	Tyrrell
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2371.

### Appropriations Calendar

**Senate File 2371**, a bill for an act relating to the executive council providing disaster grants to governmental subdivisions, with report of committee recommending passage was taken up for consideration.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.



## On the question "Shall the bill pass?" (S.F. 2371)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneragan	Lorenzen	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Chiodo	Lura	Maulsby	Patchett
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton, asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2229.

**Senate File 2229**, a bill for an act establishing the office of state appellate defender, with reports of committees recommending amendment and passage, was taken up for consideration.

Shimanek of Jones asked and received unanimous consent to withdraw amendment H—5728 filed by the committee on judiciary and law enforcement on March 27, 1980 and found on page 1235 of the House Journal.

Shull of Warren offered amendment H—6413 filed by the committee on appropriations on April 25, 1980 and found on pages 2174 and 2175 of the House Journal and moved its adoption.

A non-record roll call was requested.

The ayes were 69, nays 16.

The committee amendment H—6413 was adopted.

Shull 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.

Rule 80 was invoked.

On the question "Shall the bill pass?" (S.F. 2229)

The ayes were, 74:

Anderson, R.	Arnould	Bennett	Bina
Brandt	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Cochran'	Conlon	Connolly
Connors	Corey	Crawford	Davitt
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Kirkenslager	Krewson
Larsen	Lind	Lloyd-Jones	Loneran
Maulsby	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Peltoh	Poffenberger	Pope	Rapp
Ritsema	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, 22:

Anderson, J.	Binneboese	Branstad	Crabb
Cusack	Daggett	Danker	De Groot

Hall  
Lageschulte  
Millen  
Tyrrell

Hinkhouse  
Lorenzen  
Pellett  
Van Maanen

Husak  
McKean  
Renken

Johnson, W.  
Menke  
Schnekloth

Absent or not voting, 4:

Avenson

Chiodo

Lura

Perkins

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILES 2071 AND 689 WITHDRAWN

Conlon of Muscatine asked and received unanimous consent to withdraw House Files 2071 and 689 from further consideration by the House.

### IMMEDIATE MESSAGES

Halvorson of Clayton asked and received unanimous consent that the following be immediately messaged to the Senate: House Concurrent Resolution 130 and Senate Files 2125 and 2229.

### UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2357.

### Ways and Means Calendar

**Senate File 2357**, a bill for an act relating to the composition and powers of conservancy district boards of directors, providing by law for the establishment of watershed funding districts and for the board of directors of the conservancy district within which a watershed funding district is established to act as the governing board of the watershed funding district, and authorizing the levying of a tax by watershed funding districts, with report of committee recommending amendment and passage was taken up for consideration.

Daggett of Taylor offered amendment H—6387 filed by the committee on ways and means on April 25, 1980 and found on pages 2179 through 2182 of the House Journal and moved its adoption.

The committee amendment H—6387 was adopted.

Daggett of Taylor asked and received unanimous consent to withdraw amendments H—6345 and H—6346 filed by him on April 24, 1980.

Daggett of Taylor moved that 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 80 was invoked.

On the question "Shall the bill pass?" (S.F. 2357)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt,
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connolly
Connors,	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doyle	Egenes
Gettings	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lloyd-Jones
Loneragan	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 2:

Conlon Corey

Absent or not voting, 1:

O'Kane

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## SENATE AMENDMENT CONSIDERED

Hanson of Delaware called up for consideration **House File 733**, 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 making the Act retroactive, amended by the Senate, and moved that the House concur in the Senate amendment H—6117, received from the Senate on April 16, 1980 and found on page 1692 of the House Journal.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 50, nays 48.

The motion prevailed and the House concurred in the Senate amendment H—6117.

Hanson of Delaware 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 80 was invoked.

On the question "Shall the bill pass?" (H.F. 733)

The ayes were, 54:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Husak	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lorenzen	Lura	Maulsby	Menke
Millen	Mullins	Oxley	Pellett
Pelton	Poffenberger	Pope	Rapp
Renken	Schneklath	Schroeder	Shimanek
Shull	Stromer	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Wells
West	Mr. Speaker		

The nays were, 46:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Jay	Jesse	Jochum
Krewson	Lloyd-Jones	Lonergan	McKean
Miller	Norland	O'Kane	Patchett
Pavich	Perkins	Ritsema	Sherzan
Smalley	Spear	Thompson	Walter
Welsh	Woods		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**MOTION TO RECONSIDER LOST**  
(House File 733)

Rapp of Black Hawk moved to reconsider the vote by which House File 733 passed the House on April 26, 1980.

West of Marshall rose on a point of order that debate on the motion to reconsider was not in order.

The Speaker ruled the point well taken pursuant to Joint Rule 11 and Section 471 of Mason's Manual of Legislative Procedure regarding precedence of debatability of reconsideration and debate on the motion to reconsider not in order.

There being no debate, roll call on the motion to reconsider was requested by Anderson of Jasper and Perkins of Greene.

Rule 80 was invoked.

On the question "Shall the motion to reconsider House File 733 prevail?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B.J.	Cochran	Connolly

Connors	Cusack	Davitt	Dieleman
Doyle	Gettings	Groth	Hall
Halvorson, R.N.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Krewson	Lloyd-Jones
Loneragan	McKean	Miller	Norland
O'Kane	Patchett	Pavich	Perkins
Rapp	Ritsema	Sherzan	Smalley
Spear	Walter	Wells	Welsh
Woods			

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, J.H.
Conlon	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lura	Maulsby
Menke	Millen	Mullins	Oxley
Pellett	Pelton	Poffenberger	Pope
Renken	Schneklath	Schroeder	Shimanek
Shull	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 1:

Lorenzen

The motion lost.

## HOUSE FILES 2375 and 2386 WITHDRAWN

Thompson of Polk asked and received unanimous consent to withdraw House Files 2375 and 2386 from further consideration by the House.

## UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2378.

## Appropriations Calendar

**Senate File 2378**, a bill for an act creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds

and making an appropriation, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—6418 filed by him from the floor and moved its adoption:

H—6418

- 1 Amend Senate File 2378 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 28, by striking the words "a
- 4 majority of the" and inserting in lieu thereof the
- 5 words "at least three".

Amendment H—6418 was adopted.

West of Marshall offered the following amendment H—6417 filed by West, Welden and Davitt from the floor:

H—6417

- 1 Amend Senate File 2378 as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 7, line 18, by striking the words "or
- 4 operate".
- 5 2. Page 8, by striking lines 3 through 6.
- 6 3. Page 8, by striking line 15 and inserting in
- 7 lieu thereof the words:
- 8 "10. Provide an economically designed and
- 9 reproduced annual report to the members of the general
- 10 assembly who request it con".
- 11 4. Page 12, line 30, by inserting after the word
- 12 "provisions" the words ", except section twenty-five
- 13 A point eleven (25A.11) of the Code,"
- 14 5. Page 12, line 31, by inserting after the period
- 15 the words "Any awards to a claimant under chapter
- 16 twenty-five A (25A) of the Code resulting from actions
- 17 involving the board or a person acting in the board's
- 18 behalf shall be payable solely from funds of the
- 19 authority and funds received from the state shall
- 20 not be used to pay such awards."
- 21 6. Page 13, lines 8 and 9, by striking the word
- 22 "chapter" and inserting in lieu thereof the word
- 23 "Act".
- 24 7. Page 13, by striking lines 12 through 15 and
- 25 inserting in lieu thereof the following:
- 26 "Sec. 19. The governor shall appoint all members
- 27 of the governing board under section six (6) of this
- 28 Act within eight weeks from the effective date of
- 29 this Act."



- 30 8. Page 14, by inserting after line 10 the  
31 following:  
32 "3. Upon the acquisition by the department of  
33 payment from the railway company in full liquidation  
34 of the delinquent taxes including payment by means  
35 of transfer of title to rights of way or other real  
36 estate, any tax lien existing prior to such acquisition  
37 on the property on which the taxes were delinquent  
38 shall be null and void and the department shall not  
39 pay any of those delinquent taxes to the county  
40 treasurer."  
41 9. Title page, line 3, by inserting after the  
42 word "bonds" the words "and providing for the  
43 collection of delinquent property taxes of railway  
44 companies by the department of transportation".

Davitt of Warren offered the following amendment H-6419, to amendment H-6417, filed by Davitt, Welden, West and Lloyd-Jones from the floor and moved its adoption:

H-6419

- 1 Amend amendment, H-6417, to Senate File 2378 as  
2 amended, passed and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 4 the following:  
5 " Page 7, by inserting after line 23 the  
6 following:  
7 "19. Temporarily operate a railway facility under  
8 this Act if sufficient need exists or there is an  
9 emergency situation as determined by a majority of  
10 the board." "  
11 2. Number and renumber as is necessary.

Amendment H-6419 was adopted.

On motion by West of Marshall, amendment H-6417, as amended, was adopted.

Conlon of Muscatine offered the following amendment H-6416 filed by Conlon, West and Miller from the floor and moved its adoption:

H-6416

- 1 Amend Senate File 2378, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 10, line 15, by inserting after the word  
4 "Act" the words ", and judgments based on contract or tort  
5 arising from the activities of the authority or persons

- 6 acting on its behalf.”  
 7 2. Page 10, line 20, by inserting after the word  
 8 “bonds” the words “or judgments, or for the indemnification  
 9 of a person subject to a judgment arising from that person’s  
 10 actions on the authority’s behalf”.

Amendment H—6416 was adopted.

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?” (S.F. 2378)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Maulsby	McKean	Menke	Millen
Miller	Mullins	Norland	O’Kane
Oxley	Patchett	Pavich	Pellett
Poffenberger	Pope	Rapp	Renken
Ritsema	Schroeder	Sherzan	Shimaneck
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 5:

Lönergan	Lorenzen	Lura	Pelton
Schnekloth			

Absent or not voting, 3:

Daggett	Larsen	Perkins
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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.

**IMMEDIATE MESSAGE**  
(Senate File 2378)

Halvorson of Clayton asked and received unanimous consent that Senate File 2378 be immediately messaged to the Senate.

On motion by Halvorson of Clayton, the House was recessed at 12:03 p.m., until 1:00 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Harbor 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 April 26, 1980, 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 2277, a bill for an act relating to the furlough of misdemeanants sentenced to and confined in an institution under the jurisdiction of the department of social services.

Also: That the Senate has on April 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2583, a bill for an act relating to the duties of the county finance committee and making an appropriation.

Also: That the Senate has on April 26, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 120, requesting the governor to negotiate on behalf of the state of Iowa regarding the Missouri River Compact.

Also: That the Senate has on April 26, 1980, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2230, a bill for an act relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

FRANK J. STORK, Secretary

**UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION**

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2369.

## CONSIDERATION OF BILLS

### Ways and Means Calendar

**Senate File 2369**, a bill for an act relating to the taxation of property of cemetery associations and locker plants and making the Act retroactive, with report of committee recommending passage was taken up for consideration.

Shull of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2369)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hibbs	Hinkhouse	Hoffmann	Holt
Horn	Howell	Hullinger	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lind
Lloyd-Jones	Loneran	Lorenzen	Lura
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schroeder
Sherzan	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Welsh	West	Woods	Mr. Speaker

The nays were, 1:

Schnekloth

Absent or not voting, 7:

Crabb	Maulsby	Millen	Patchett
Pelton	Shimanek	Wells	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE INSISTS

Crawford of Story called up for consideration **House File 2535**, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations, and moved that the House insist on its amendment.

Byerly of Polk moved that the House recede on its amendment.

Roll call was requested by Chiodo of Polk and Woods of Polk.

Rule 80 was invoked.

On the question "Shall the motion to recede prevail?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Lloyd-Jones	Lonerган	Miller
Norland	O'Kane	Oxley	Pavich
Perkins	Rapp	Sherzan	Spear
Walter	Wells	Welsh	Woods

The nays were, 54:

Anderson, J.	Bennett	Brånstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Pelton
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Welden
West	Mr. Speaker		

Absent or not voting, 2:

Kirkenslager	Patchett
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The motion lost and the House insists on its amendment.

**CONFERENCE COMMITTEE APPOINTED**  
(House File 2535)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2535: Crawford of Story, Chair; Brandt of Black Hawk, Byerly of Polk, Hansen of O'Brien and Stromer of Hancock.

**APPROPRIATIONS CALENDAR**

**House File 2593**, a bill for an act relating to payments for certain school transportation costs and certain special education costs, with report of committee recommending passage was taken up for consideration.

Holt of Clay offered the following amendment H—6392 filed by him:

H—6392

1 Amend House File 2593 as follows:

2 1. Page 1, by inserting after line 24 the following  
3 new sections:

4 "Sec. . Section two hundred seventy-three point  
5 eight (273.8), subsection one (1), unnumbered paragraph  
6 two (2), Code 1979, is amended to read as follows:

7 Commencing with the director district conventions  
8 held in 1981, the board of directors of an area  
9 education agency shall consist of not less than five  
10 nor more than nine members.

11 Sec. . Section two hundred eighty A point  
12 twelve (280A.12), unnumbered paragraph two (2), Code  
13 1979, is amended to read as follows:

14 Commencing with the regular school election in  
15 1981, the governing board of a merged area shall  
16 consist of not less than five nor more than nine  
17 numbers.

18 Sec. . Section two hundred eighty A point  
19 twenty-nine (280A.29), Code 1979, is amended by  
20 striking the section and inserting in lieu thereof  
21 the following:

22 280A.29 DIRECTOR DISTRICTS. Changes in the  
23 boundary lines of director districts of merged areas  
24 and area education agencies shall not lengthen or  
25 diminish the term of office of a director of an area  
26 education agency board or a merged area board. Changes  
27 in boundary lines of director districts shall be

- 28 transmitted to the boards of directors of merged areas  
29 and area education agencies within ten days following  
30 action of the boundary commission. The boards shall  
31 use the revised director district boundary lines at  
32 the next following regular school election or regular  
33 director district convention.
- 34 Sec. . Section two hundred eighty A point  
35 thirty (280A.30), Code 1979, is repealed.”
- 36 2. Amend the title, by striking lines 1 and 2  
37 and inserting in lieu thereof the words “An Act  
38 relating to certain administrative and financial  
39 procedures of certain public schools.”
- 40 3. By numbering and renumbering sections as  
41 necessary.

The following amendment H-6394, to amendment H-6392, filed by Holt of Clay was adopted by unanimous consent:

H-6394

- 1 Amend amendment H-6392 to House File 2593 as  
2 follows:  
3 1. Page 1, by striking line 17, and inserting  
4 in lieu thereof the following: “numbers members.”  
5 2. Page 1, line 25, by striking the word “diminsh”  
6 and inserting in lieu thereof the word “diminish”.

On motion by Holt of Clay, amendment H-6392, as amended, was adopted.

Stromer of Hancock offered the following amendment H-6371 filed by him and moved its adoption:

H-6371

- 1 Amend House File 2593 as follows:  
2 1. Page 1, line 26, by striking the word and figure  
3 “one (101)” and inserting in lieu thereof the following:  
4 “six (106)”.

Amendment H-6371 was adopted.

Stromer of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 2593)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Lonergan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Sherzan	Shimaneck	Shull	Smalley
Spear	Stromer	Swearingen	Thompson
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Patchett	Schroeder	Tofte
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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.

**Senate File 2072**, a bill for an act appropriating funds from the general fund to pay for special assessments relating to a paving project in the city of Boone, Iowa, with report of committee recommending passage was taken up for consideration.

Crawford of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.



On the question "Shall the bill pass?" (S.F. 2072)

The ayes were, 52:

Anderson, R.	Arnould	Avenson	Bennett
Brandt	Clark, B.J.	Clark, J.H.	Cochran
Connors	Crabb	Crawford	Daggett
Danker	Davitt	Diemer	Egenes
Groth	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hullinger	Hummel	Jay
Johnson, R.	Krewson	Loneragan	Lorenzen
McKean	Menke	Millen	Pavich
Pellett	Perkins	Poffenberger	Schroeder
Sherzan	Shimanek	Shull	Spear
Stromer	Swearingen	Thompson	Tofte
Van Maanen	Welden	West	Mr. Speaker

The nays were, 46:

Anderson, J.	Bina	Binneboese	Branstad
Bruner	Byerly	Chiodo	Conlon
Connolly	Corey	Cusack	De Groot
Dieleman	Doyle	Gettings	Hall
Hibbs	Hinkhouse	Husak	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lloyd-Jones	Lura
Maulsby	Miller	Mullins	Norland
O'Kane	Oxley	Pelton	Pope
Rapp	Renken	Ritsema	Schnekloth
Smalley	Tyrrell	Walter	Wells
Welsh	Woods		

Absent or not voting, 2:

Jesse                      Patchett

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 134

Welden of Hardin called up for consideration House Concurrent Resolution 134, pertaining to a freeze on hiring of new employees for the legislature, restriction of out-of-state legislative travel and reduction of interim costs, filed on April 18, 1980 and found on pages 1777 and 1778 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

**SENATE AMENDMENT CONSIDERED**

Welden of Hardin called up for consideration **House File 2580**, a bill for an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking people's commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services, amended by the Senate amendment H-6362, received from the Senate on April 25, 1980 and found on pages 2085 through 2090 of the House Journal.

Spear of Lee offered the following amendment H-6366, to the Senate amendment H-6362, filed by him and moved its adoption:

H-6366

- 1 Amend Senate amendment H-6362 to House File
- 2 2580 as amended, passed and reprinted by the
- 3 House as follows:
- 4 1. Page 1, line 39, by striking the words
- 5 "at Terrace Hill"

Amendment H-6366 was adopted.

Speaker pro tempore Stromer of Hancock in the chair at 2:13 p.m.

McKean of Jones offered the following amendment H-6401, to the Senate amendment H-6362, filed by McKean, et al., and moved its adoption:

H-6401

- 1 Amend the Senate amendment H-6362 to House File 2580
- 2 as amended, passed and reprinted by the House, as follows:
- 3 1. Page 4, by striking line 15.

A non-record roll call was requested.

The ayes were 85, nays 0.

Amendment H-6401 was adopted.

Holt of Clay offered the following amendment H-6381, to the Senate amendment H-6362, filed by him and Horn of Linn and moved its adoption:

H-6381

- 1 Amend the Senate amendment H-6362 to House File
- 2 2580 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 5, by striking lines 31 through 34 and
- 5 inserting in lieu thereof the following:
- 6 "21. Page 40, line 6 by striking the words "drugs,
- 7 podiatry" and inserting in lieu thereof the word "drugs."
- 8 22. Page 40, by striking line 7."

Amendment H-6381 was adopted.

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—6391, to the Senate amendment H—6362, filed by him on April 25, 1980.

The following amendment H—6421, to the Senate amendment H—6362, filed by Smalley of Polk from the floor, was adopted by unanimous consent:

H—6421

- 1 Amend the Senate amendment H—6362 to House File 2580
- 2 as amended, passed and reprinted by the House as follows:
- 3 1. Page 6, by inserting after line 2 the following:
- 4 " . Second title page, by striking line 15 and
- 5 inserting in lieu thereof the following: "services,
- 6 prohibiting group policies of life, accident or health
- 7 insurance from excluding from coverage employees and
- 8 employees' spouses and dependents on the basis of their
- 9 eligibility for medical assistance under chapter two
- 10 hundred forty-nine A (249A) of the Code, and appropriating
- 11 funds for the merit employment commission and the older
- 12 Iowans' legislature." "

On motion by Welden of Hardin, the House concurred in the Senate amendment H—6362, as amended.

Welden of Hardin 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. 2580)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Diemer	Doyle	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Harbor	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hullinger	Hummel	Husak	Jay
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Larsen	Lind	Lloyd-Jones

Lonergan	McKean	Menke	Millen
Miller	Mullins	Norland	O'Kane
Oxley	Patchett	Pavich	Pellett
Perkins	Poffenberger	Pope	Rapp
Renken	Schnekloth	Schroeder	Sherzan
Shimapek	Shull	Smalley	Spear
Swearingen	Thompson	Tofte	Walter
Welden	Wells	Welsh	Woods
Mr. Speaker (Stromer)			

The nays were, 13:

Branstad	De Groot	Egenes	Hibbs
Johnson, J.	Lageschulte	Lorenzen	Lura
Maulsby	Pelton	Ritsema	Tyrrell
Van Maanen			

Absent or not voting, 2:

Jesse	West
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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.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 128

Danker of Pottawattamie called up for consideration House Concurrent Resolution 128, relating to jurisdictional transfers of roads or streets, filed on April 11, 1980 and found on pages 1537 and 1538 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 138

Pelton of Clinton called up for consideration House Concurrent Resolution 138, urging the citizens of Iowa to participate in and achieve the goals of Iowa Freedom Day, filed on April 24, 1980 and found on page 2081 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 126

Thompson of Polk called up for consideration Senate Concurrent Resolution 126, identifying autistic children, filed on April 15, 1980

and found on pages 1585 and 1586 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

Speaker Harbor in the chair at 2:45 p.m.

### SENATE AMENDMENT CONSIDERED

West of Marshall called up for consideration **House File 2597**, a bill for an act to provide for a temporary one-year delay in the phase-out of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics and providing for the reimbursement of each taxing district in an amount equal to the statement filed under section four hundred twenty-seven A point six (427A.6) of the Code, amended by the Senate, and moved that the House concur in the Senate amendment H-6414, received from the Senate on April 25, 1980 and found on page 2161 of the House Journal.

Roll call was requested by Jay of Appanoose and Groth of Buena Vista.

On the question "Shall the House concur in the Senate amendment H-6414?"

The ayes were, 59:

Anderson, J.	Bennett	Branstad	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Corey
Crabb	Crawford	Daggett	De Groot
Dieleman	Diemer	Egenes	Groth
Hall	Halvorson, R.A.	Hansen, I.	Hoffmann
Holt	Horn	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Oxley	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Shull	Smalley
Stromer	Swearingen	Thompson	Tofte

Tyrrell  
West

Van Maanen  
Woods

Welden  
Mr. Speaker

Wells

The nays were, 37:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Connolly	Connors	Cusack	Danker
Davitt	Doyle	Gettings	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Lloyd-Jones	Lonerган	Miller
Norland	Patchett	Pavich	Rapp
Sherzan	Shimanek	Spear	Walter
Welsh			

Absent or not voting, 4:

Cochran

O'Kane

Perkins

Schroeder

The motion prevailed and the House concurred in the Senate amendment H-6414.

West of Marshall 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. 2597)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Diemer	Doyle	Egenes	Gettings
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Holt	Horn
Howell	Hullinger	Hummel	Husak
Jay	Jesse	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Lonerган
Lorenzen	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Rapp	Schneklath	Schroeder	Sherzan

Shimaneck	Spear	Stromer	Swearingen
Thompson	Tofte	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, 14:

Branstad	Conlon	De Groot	Groth
Hinkhouse	Johnson, J.	Lura	Pope
Renken	Ritsema	Shull	Smalley
Tyrrell	Van Maanen		

Absent or not voting, 1:

Hoffmann

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES

Halvorson of Clayton asked and received unanimous consent that the following be immediately messaged to the Senate:

House Files 2593, 2580 and 2597; House Concurrent Resolutions 134, 128 and 138; and Senate Concurrent Resolution 126.

### 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 on the part of the Senate, appointed April 26, 1980, to House File 2535, a bill for an act relating to the administration, benefits, and funding of certain public retirement systems, and to make appropriations, are: The Senator from Boone, Senator Nystrom; the Senator from Dubuque, Senator Carr; the Senator from Black Hawk, Senator Comito; the Senator from Jefferson, Senator Schwengels; and the Senator from Pottawattamie, Senator Slater.

FRANK J. STORK, Secretary

### HOUSE REFUSES TO CONCUR

Conlon of Muscatine called up for consideration **Senate File 190**, a bill for an act relating to the perfection and enforcement of a mechanic's lien, amended by the House, further amended by the Senate amendment H-6404 to the House amendment, received from the Senate on April 25, 1980 and found on page 2140 of the House Journal.



Amendment H—6420, to the Senate amendment H—6404, (to the House amendment) filed by Woods of Polk and Davitt of Warren from the floor, was ruled out of order pursuant to joint rules.

Conlon of Muscatine moved that the House concur in the Senate amendment H—6404, to the House amendment.

Roll call was requested by Chiodo of Polk and Welsh of Dubuque.

Rule 80 was invoked.

On the question "Shall the House concur in the Senate amendment H—6404, to the House amendment?"

The ayes were, 48:

Anderson, J.	Bennett	Clark, B.J.	Clark, J.H.
Corey	Crabb	Crawford	Daggett
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Larsen	Lloyd-Jones	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

The nays were, 52:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Cochran	Conlon
Connolly	Connors	Cusack	Danker
Davitt	De Groot	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hibbs	Hinkhouse	Horn	Howell
Hullinger	Husak	Jay	Jesse
Jochum	Kirkenslager	Krewson	Lind
Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Ritsema	Sherzan	Tofte
Walter	Wells	Welsh	Woods

Absent or not voting, none.

The motion lost and the House refused to concur in the Senate amendment H—6404.

### SPECIAL ACKNOWLEDGEMENT

Loneragan of Boone rose on a point of personal privilege and extended thanks to the following members who will be retiring at the conclusion of the Sixty-eighth General Assembly or who are candidates for offices other than the House:

Hibbs of Johnson, Husak of Tama, Lorenzen of Scott, Lura of Marshall, Sherzan of Polk, Thompson of Polk, Walter of Pottawattamie, Wells of Linn and West of Marshall.

The House rose and expressed its appreciation to the above mentioned members.

Daggett of Taylor rose on a point of order and expressed appreciation to the Chief Clerk's staff, majority and minority caucus staffs and leadership staffs.

### Ways and Means Calendar

**Senate File 2376**, a bill for an act to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products, including a sales tax exemption for motor fuel containing at least ten percent alcohol distilled from agricultural products, subject to penalties provided by law, with report of committee recommending passage was taken up for consideration.

Norland of Worth offered the following amendment H-6358 filed by Norland, et al. :

H-6358

- 1 Amend Senate File 2376, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. The legislative council shall create
- 6 an interim joint subcommittee composed of members
- 7 of the agriculture and ways and means committees of
- 8 the House and Senate to study the promotion and
- 9 taxation of gasohol, and the collection of taxes on
- 10 the sale of gasohol, during the 1980 legislative
- 11 interim."
- 12 2. Amend the title page by striking lines 1
- 13 through 7 and inserting in lieu thereof the following:
- 14 "An act to mandate a study of the promotion and

- 15 taxation of gasohol, and the collection of taxes on  
 16 the sale of gasohol."

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—6361, to amendment H—6358, filed by him and Lura of Marshall on April 24, 1980.

Lageschulte of Bremer rose on a point of order that amendment H—6358 was not germane.

The Speaker ruled the point not well taken and amendment H—6358 germane.

Norland of Worth moved the adoption of amendment H—6358.

Roll call was requested by Davitt of Warren and Norland of Worth.

Rule 80 was invoked.

On the question "Shall amendment H—6358 be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Branstad	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hinkhouse	Horn	Howell	Hullinger
Husak	Jay	Jesse	Jochum
Lonergan	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Smalley	Spear
Walter	Wells	Welsh	Woods

The nays were, 51:

Anderson, J.	Bennett	Brandt	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R.A.	Hanson, D.	Hibbs
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Larsen	Lind	Lloyd-Jones	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellet	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath

Schroeder  
Thompson  
Welden

Shimanek  
Tofte  
West

Shull  
Tyrrell  
Mr. Speaker

Swearingen  
Van Maanen

Absent or not voting, 5:

Crawford  
Stromer

Hansen, I.

Krewson

Lorenzen

Amendment H—6358 lost.

Norland of Worth offered the following amendment H—6359 filed by him and Lloyd-Jones of Johnson:

H—6359

- 1 Amend Senate File 2376 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following
- 4 new section:
- 5 "Section 1. Section four hundred twenty-two point
- 6 sixty-nine (422.69), Code 1979, is amended by adding
- 7 the following new subsection:
- 8 NEW SUBSECTION. All taxes, interest, and penalties
- 9 collected under division four (IV) of this chapter
- 10 on the gross receipts from the sale of motor fuel
- 11 containing at least ten percent alcohol distilled
- 12 from agricultural products shall be credited monthly
- 13 to the railroad assistance fund created under section
- 14 three hundred twenty-seven H point eighteen (327H.18)
- 15 of the Code."

Lageschulte of Bremer rose on a point of order that amendment H—6359 was not germane.

The Speaker ruled the point well taken and amendment H—6359 not germane.

Norland of Worth moved that the rules be suspended to consider amendment H—6359.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 43, nays 49.

The motion lost placing out of order amendment H—6375, to amendment H—6359, filed by Norland of Worth on April 25, 1980.

Brandt of Black Hawk offered the following amendment H-6348 filed by her and moved its adoption:

H-6348

- 1 Amend Senate File 2376, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by striking the word "five"
- 4 and inserting in lieu thereof the words "four cents
- 5 for the period beginning July 1, 1980 and ending April
- 6 30, 1981 and five".
- 7 2. Page 6, by striking lines 24 and 25.

Roll call was requested by Brandt of Black Hawk and Lind of Black Hawk.

On the question "Shall amendment H-6348 be adopted?"

The ayes were, 32:

Arnould	Bina	Binneboese	Brandt
Bruner	Byerly	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Diemer	Doyle	Groth	Hall
Halvorson, R.N.	Hinkhouse	Howell	Hullinger
Jay	Jochum	Lind	Lloyd-Jones
Loneragan	Miller	O'Kane	Oxley
Rapp	Spear	Welsh	Woods

The nays were, 60:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crawford
Daggett	Danker	De Groot	Egenes
Gettings	Hansen, I.	Hanson, D.	Hibbs
Hoffmann	Holt	Horn	Hummel
Husak	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Larsen	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Mullins	Norland	Patchett
Pavich	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Sherzan	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Weiden	Wells	West	Mr. Speaker

Absent or not voting, 8:

Anderson, R.	Avenson	Chiodo	Crabb
Halvorson, R.A.	Jesse	Johnson, R.	Perkins

Amendment H—6348 lost.

Davitt of Warren offered the following amendment H—6353 filed by him and Halvorson of Webster and moved its adoption:

H—6353

- 1 Amend Senate File 2376 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 13, by striking the word "five"
- 4 and inserting in lieu thereof the word "four".

Roll call was requested by Davitt of Warren and Avenson of Fayette.

On the question "Shall amendment H—6353 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Bina	Binneboese
Branstad	Bruner	Byerly	Chiodo
Cochran	Copnolly	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Hall	Halvorson, R.N.	Hinkhouse
Horn	Howell	Hullinger	Husak
Jay	Jesse	Jochum	Krewson
Loneragan	Miller	Norland	O'Kane
Patchett	Pavich	Perkins	Rapp
Sherzan	Spear	Tyrrell	Walter
Wells	Welsh	Woods	

The nays were, 53:

Anderson, J.	Bennett	Brandt	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hibbs	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lloyd-Jones	Lorenzen	Lura	Maulsby
McKean	Menke	Mullins	Pellett
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Smalley	Stromer	Swearingen	Thompson
Tofte	Van Maanen	Weiden	West
Mr. Speaker			

Absent or not voting, 4:

Avenson

Millen

Oxley

Pelton

Amendment H—6353 lost.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H—6360 filed by him and Lura of Marshall on April 24, 1980, placing out of order amendment H—6402, to amendment H—6360, filed by Woods of Polk on April 25, 1980.

Howell of Floyd offered the following amendment H—6349 filed by him:

H—6349

- 1 Amend Senate File 2376, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 13 the following
- 4 new section:
- 5 "Sec. . Section three hundred twenty-four point
- 6 thirty-four (324.34), unnumbered paragraph one (1),
- 7 Code 1979, is amended to read as follows:
- 8 For the privilege of operating motor vehicles in
- 9 this state, there is hereby levied and imposed an
- 10 excise tax on the use (as defined herein) of special
- 11 fuel in any motor vehicle. The rate of tax on special
- 12 (diesel engine) fuel shall be ten cents per gallon
- 13 beginning July 1, 1978, and shall be eleven and one
- 14 half twelve cents per gallon beginning July 1, 1979
- 15 1980. On all other special fuel the per gallon rate
- 16 shall be the same as the motor fuel tax. The tax,
- 17 with respect to all special fuel delivered by a special
- 18 fuel dealer for use in this state as defined by section
- 19 324.33, shall attach at the time of the delivery and
- 20 shall be collected by the dealer from the special
- 21 fuel user and shall be paid over to the department
- 22 of revenue as hereinafter provided. The tax, with
- 23 respect to special fuel acquired by a special fuel
- 24 user in any manner other than by delivery by a special
- 25 fuel dealer into a fuel supply tank of a motor vehicle
- 26 or delivery into a motor vehicle special fuel holding
- 27 tank by a special fuel dealer or distributor, shall
- 28 attach at the time of the use (as herein defined)
- 29 of the fuel and shall be paid over to the department
- 30 of revenue by the user as hereinafter provided."
- 31 2. Renumber sections and correct internal
- 32 references as are necessary in accordance with this
- 33 amendment.

Howell of Floyd asked and received unanimous consent to withdraw amendments H—6364 and H—6365, to amendment H—6349, filed by him on April 25, 1980.

Lageschulte of Bremer rose on a point of order that amendment H—6349 was not germane.

The Speaker ruled the point well taken and amendment H—6349 not germane.

Howell of Floyd moved that the rules be suspended to consider amendment H—6349.

Thompson of Polk in the chair at 4:05 p.m.

A non-record roll call was requested.

The ayes were 38, nays 53.

The motion lost.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2376)

The ayes were, 58:

Anderson, J.	Bennett	Brandt	Clark, B.J.
Clark, J.H.	Conlon	Connolly	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Hall
Halvorson, R.A.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Hummel
Jesse	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Larsen	Lind	Lloyd-Jones	Maulsby
Menke	Millen	Miller	Mullins
Pellett	Pelton	Perkins	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimaneck	Shull	Stromer
Swearingen	Tofte	Welden	West
Woods	Madam Speaker (Thompson)		



The nays were, 42:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Branstad	Bruner	Byerly
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doyle	Gettings
Groth	Halvorson, R.N.	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Lonergan	Lorenzen	Lura	McKean
Norland	O'Kane	Oxley	Patchett
Pavich	Rapp	Sherzan	Smalley
Spear	Tyrrell	Van Maanen	Walter
Wells	Welsh		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE CONCURS

(Senate File 190)

Rapp of Black Hawk called up for consideration the motion to reconsider Senate amendment H-6404, found on page 2140 of the House Journal, to Senate File 190, a bill for an act relating to the perfection and enforcement of a mechanic's lien, filed by him from the floor and moved to reconsider the vote by which the House refused to concur in the Senate amendment H-6404 on April 26, 1980.

A non-record roll call was requested.

The ayes were 56, nays 37.

The motion prevailed and the House reconsidered the Senate amendment H-6404 to Senate File 190.

Conlon of Muscatine moved that the House concur in the Senate amendment H-6404.

A non-record roll call was requested.

The ayes were 55, nays 36.

The motion prevailed and the House concurred in the Senate amendment H-6404.

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. 190)

The ayes were, 80:

Anderson, J.	Arnould	Bennett	Bina
Brandt	Bruner	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Doyle	Egenes	Groth	Hall
Halvorson, R.N.	Hansen, I.	Hanson, D.	Harbor
Hibbs	Hoffmann	Holt	Horn
Hummel	Jesse	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krowson
Lageschulte	Larsen	Lloyd-Jones	Lonergan
Lorenzen	Lura	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Perkins	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklloth
Sherzan	Shimanek	Shull	Smalley
Spear	Stromer	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Madam Speaker (Thompson)

The nays were, 12:

Anderson, R.	Avenson	Binneboese	Branstad
Chiodo	Cochran	Davitt	Hinkhouse
Howell	Husak	Jay	Lind

Absent or not voting, 8:

Connors	Gettings	Halvorson, R.A.	Hullinger
Maulsby	Pelton	Schroeder	Swearingen

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 April 26, 1980 amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2584, a bill for an act relating to claims against the state of Iowa.

Also: That the Senate has on April 26, 1980, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2595, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly.

Also: That the Senate has, on April 26, 1980, adopted the conference committee report and passed Senate File 2243, a bill for an act establishing the Iowa family farm development authority and prescribing its powers and duties.

Also: That the Senate has, on April 26, 1980, adopted the conference committee report and passed Senate File 2361, a bill for an act relating to transportation, making technical corrections and providing penalties.

FRANK J. STORK, Secretary

### MOTION TO SUSPEND RULES LOST

Tyrrell of Iowa moved that the rules be suspended to withdraw **House File 2588**, a bill for an act to delay the scheduled increase in legislative salaries for 1981 for one year and eliminate the increase scheduled for 1982, from the committee on state government, for immediate consideration.

A non-record roll call was requested.

The ayes were 34, nays 49.

The motion lost.

Rapp of Black Hawk moved to suspend the rules for the immediate consideration of **Senate File 2354**, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

The Speaker ruled the motion out of order.

Rapp of Black Hawk moved that the rules be suspended to withdraw Senate File 2354 from the committee on ways and means for its immediate consideration.

Speaker Harbor in the chair at 4:32 p.m.

Roll call was requested by Rapp of Black Hawk and Davitt of Warren.

On the question "Shall the rules be suspended to consider Senate File 2354?"

The ayes were, 37:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Cochran
Connolly	Crabb	Davitt	De Groot
Diemer	Egenes	Gettings	Groth
Hall	Halvorson, R.N.	Hansen, I.	Hinkhouse
Hoffmann	Holt	Horn	Howell
Husak	Jay	Jochum	Lloyd-Jones
Miller	Mullins	Patchett	Rapp
Ritsema	Sherzan	Shull	Spear
Welsh			

The nays were, 58:

Anderson, J.	Bennett	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Connors
Corey	Crawford	Cusack	Danker
Dieleman	Doyle	Halvorson, R.A.	Hanson, D.
Hibbs	Hummel	Jesse	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Larsen	Lind	Lonergan
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Norland	O'Kane
Oxley	Pavich	Pellett	Poffenberger
Pope	Renken	Schneklath	Schroeder
Shimanek	Smalley	Stromer	Swearingen
Thompson	Tofte	Tyrrell	Van Maanen
Walter	Welden	Wells	West
Woods	Mr. Speaker		

Absent or not voting, 5:

Chiodo	Daggett	Hullinger	Pelton
Perkins			

The motion lost.

## SENATE AMENDMENTS CONSIDERED

Welden of Hardin called up for consideration **House File 2595**, a bill for an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act and to authorize the fair board to accept gifts and to

authorize a study committee to be appointed by the legislative council, amended by the Senate, and moved that the House concur in the following Senate amendment H—6423.

H—6423

- 1 Amend House File 2595 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, line 20, by inserting after the word
- 4 "subparagraph." the following: "The appropriation
- 5 made in this subparagraph is conditioned upon the
- 6 employees located in the east side of the corridor
- 7 in the office of the auditor of state being moved
- 8 to the Robert Lucas building and that space being
- 9 assigned to the legislative fiscal bureau."

The motion prevailed and the House concurred in the Senate amendment H—6423.

Welden of Hardin 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. 2595)

The ayes were, 88:

Anderson, J.	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Gettings	Groth	Hall
Halvorson, R.A.	Halvorson, R.N.	Hansen, I.	Hanson, D.
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lorenzen	Lura	Maulsby
McKean	Menke	Millen	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, 9:

Anderson, R.	Arnould	Bina	Cusack
Hibbs	Jesse	Lloyd-Jones	Lonergan
Patchett			

Absent or not voting, 3:

Avenson	Hullinger	Welden
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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 2584**, a bill for an act relating to claims against the state of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the state of Iowa, amended by the Senate, and moved that the House concur in the following Senate amendment H-6425:

H-6425

1 Amend House File 2584, as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by inserting after line 15 the following:  
 4 "16. Marion Health Center, 5705-68-25 Alcoholism \$1,862.50"  
 5 St. Vincent Unit treatment  
 6 Sioux City, Iowa reimbursement  
 7 2. Page 2, by inserting after line 26 the  
 8 following:  
 9 "Sec. . Section one hundred twenty-five point  
 10 forty-four (125.44), unnumbered paragraph one (1),  
 11 Code 1979, is amended to read as follows:  
 12 The director may, consistent with the comprehensive  
 13 substance abuse program, enter into written agreements  
 14 with a facility as defined in section 125.2 to pay  
 15 for seventy-five percent of the cost of the care,  
 16 maintenance and treatment of a substance abuser,  
 17 except that the state's liability shall be one hundred  
 18 percent of the total cost of care, maintenance and  
 19 treatment when a substance abuser is a state patient.  
 20 All payments for state patients shall be made in  
 21 accordance with the limitations of this section.  
 22 Such contracts shall be for a period of no more than  
 23 one year. The commission shall review and evaluate  
 24 at least once each year all such agreements and  
 25 determine whether or not they shall be continued."  
 26 3. Page 4, by striking lines 13 through 18 and  
 27 inserting in lieu thereof the words "A person committed  
 28 under this subsection who is not possessed of

29 sufficient income or estate to enable him or her to  
 30 make payment of the costs of such treatment in whole  
 31 or in part shall be considered a state patient and  
 32 the costs of treatment shall be paid as provided in  
 33 section one hundred twenty-five point forty-four  
 34 (125.44) of the Code. The determination of ability".

35 4. Page 6, by striking lines 15 through 18 and  
 36 inserting in lieu thereof the words "or drugs. A  
 37 person committed under this section who is not  
 38 possessed of sufficient income or estate to enable  
 39 him or her to make payment of the costs of such  
 40 treatment in whole or in part shall be considered  
 41 a state patient and the costs of treatment shall be  
 42 paid as provided in section one hundred twenty-five  
 43 point forty-four (125.44) of the Code."

44 5. By striking page 6, line 30 through page 7,  
 45 line 1 and inserting in lieu thereof the words "was  
 46 referred. A person referred under this section who is not  
 47 possessed of sufficient income or estate to enable him  
 48 or her to make payment of the costs of such treatment  
 49 in whole or in part shall be considered a state  
 50 patient, and charges and costs for treatment shall

#### Page 2

1 be paid for in the manner provided for payment for  
 2 treatment of alcoholics who have no legal residence  
 3 in this state as provided in section one hundred  
 4 twenty-five point forty-four (125.44) of the Code."

The motion prevailed and the House concurred in the Senate amendment H—6425.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2584)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann

Holt	Horn	Howell	Hummel
Husak	Jay	Jesse	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Larsen	Lind	Lloyd-Jones
Lorenzen	Lura	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Renken
Ritsema	Schneklloth	Schroeder	Sherzan
Shimanek	Shull	Smalley	Spear
Stromer	Swearingen	Thompson	Tofte
Tyrrell	Van Maanen	Walter	Welden
Wells	Welsh	West	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Hullinger	Krewson	Loneragan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### ADOPTION OF THE CONFERENCE COMMITTEE REPORT (Senate File 2361)

Bennett of Ida called up for consideration the report of the conference committee on **Senate File 2361**, a bill for an act relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, making technical corrections, and



providing penalties, found on pages 2168 and 2169 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.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2361)

The ayes were, 83:

Anderson, J.	Anderson, R.	Bennett	Bina
Binneboese	Brandt	Branstad	Bruner
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doyle
Egenes	Groth	Hall	Halvorson, R.A.
Halvorson, R.N.	Hansen, I.	Hanson, D.	Hibbs
Hinkhouse	Hoffmann	Holt	Horn
Howell	Hummel	Husak	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lloyd-Jones
Lonergan	Maulsby	McKean	Menke
Miller	Mullins	Norland	Oxley
Patchett	Pellett	Pelton	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	Wells	Welsh
West	Woods	Mr. Speaker	

The nays were, 14:

Arnould	Chiodo	Connolly	Cusack
Gettings	Jesse	Lind	Lorenzen
Lura	Millen	O'Kane	Pavich
Perkins	Walter		

Absent or not voting, 3:

Avenson	Hullinger	Krewson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**ADOPTION OF THE CONFERENCE COMMITTEE REPORT**  
(Senate File 2243)

Anderson of Audubon called up for consideration the report of the conference committee on **Senate File 2243**, a bill for an act establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds, found on pages 2162 through 2168 of the House Journal, and moved the adoption of the conference committee report and the amendments contained therein.

Roll call was requested by Pope of Polk and Schroeder of Pottawattamie.

Rule 80 was invoked.

On the question "Shall the conference committee report be adopted?"

The ayes were, 55:

Anderson, J.	Anderson, R.	Bennett	Branstad
Byerly	Clark, B.J.	Clark, J.H.	Cochran
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Gettings	Groth	Halvorson, R.A.	Hansen, I.
Hanson, D.	Hinkhouse	Hoffmann	Holt
Howell	Husak	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Larsen
Lind	Maulsby	McKean	Menke
Millen	Mullins	Pellett	Perkins
Poffenberger	Pope	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	West	Mr. Speaker	

The nays were, 42:

Arnould	Bina	Binneboese	Brandt
Bruner	Chiodo	Conlon	Connolly
Connors	Corey	Cusack	Doyle
Egenes	Hall	Halvorson, R.N.	Hibbs
Horn	Hummel	Jesse	Jochum
Kirkenslager	Krewson	Lloyd-Jones	Lonergan
Lorenzen	Lura	Miller	Norland
O'Kane	Oxley	Patchett	Pavich
Pelton	Rapp	Renken	Sherzan

Smalley  
Welsh

Spear  
Woods

Walter

Wells

Absent or not voting, 3:

Avenson

Hullinger

Welden

The motion prevailed and the conference committee report was adopted.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2243)

The ayes were, 86:

Anderson, J.	Anderson, R.	Bennett	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, J.H.	Cochran	Connolly	Connors
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doyle	Egenes	Gettings
Groth	Hall	Halvorson, R.A.	Halvorson, R.N.
Hansen, I.	Hanson, D.	Hibbs	Hinkhouse
Hoffmann	Holt	Horn	Howell
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Larsen	Lind
Lloyd-Jones	Lonergan	Maulsby	McKean
Menke	Millen	Miller	Mullins
Norland	O'Kane	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poffenberger	Pope	Rapp	Ritsema
Schneklath	Schroeder	Shimanek	Shull
Spear	Stromer	Swearingen	Thompson
Tofte	Tyrrell	Van Maanen	Walter
Welden	Wells	Welsh	West
Woods	Mr. Speaker		

The nays were, 11:

Arnould	Bina	Clark, B.J.	Conlon
Cusack	Krewson	Lorenzen	Lura
Renken	Sherzan	Smalley	

Absent or not voting, 3:

Avenson

Binneboese

Hullinger

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 April 26, 1980, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 142, requesting the department of revenue to submit the new productivity formula to the standing committees on ways and means.

FRANK J. STORK, Secretary

### ADOPTION OF SENATE CONCURRENT RESOLUTION 142

West of Marshall asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 142 as follows and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 142

By Committee on Ways and Means

- 1 *Whereas*, the productivity formula is the basis for
- 2 valuing and assessing agricultural property for property
- 3 tax purposes in this state; and
- 4 *Whereas*, the department of revenue is currently
- 5 developing a new productivity formula to be used for
- 6 valuing and assessing agricultural property with the
- 7 assistance of Iowa state university; and
- 8 *Whereas*, the productivity formula currently being
- 9 developed has come under the close scrutiny of members
- 10 of the general assembly and the citizens of this
- 11 state; and
- 12 *Whereas*, members of the general assembly and the
- 13 citizens of this state have expressed concern about
- 14 the new productivity formula; *Now Therefore*,
- 15 *Be It Resolved by the Senate, the House Concurring*,
- 16 That the department is hereby requested to submit the
- 17 new productivity formula to the respective standing
- 18 committees on ways and means for its review prior to
- 19 the implementation of the new productivity formula for
- 20 valuing and assessing agricultural property.

The motion prevailed and the resolution was adopted.

The House stood at ease at 5:22 p.m., until the fall of the gavel.

The House resumed session at 5:53 p.m., Speaker Harbor in the chair.

### INTRODUCTION OF BILL

**House File 2598**, by Halvorson of Clayton and Avenson, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

Read first time and **passed on file**.

### UNANIMOUS CONSENT FOR IMMEDIATE CONSIDERATION

Halvorson of Clayton asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2598.

**House File 2598**, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations, was taken up for consideration.

Jochum of Dubuque offered the following amendment H-6426, filed by Byerly of Polk and him from the floor:

H-6426

1 Amend House File 2598 as follows:  
2 1. Page 25, line 24, by inserting after the  
3 figure "1981" the words and figures "and except  
4 that retirement allowance changes in sections five  
5 (5) and thirty-two (32) of this Act for members  
6 who retired on or after July 1, 1976 and before  
7 July 1, 1980 who had attained fifty-five years of  
8 age and were retired for accidental or ordinary  
9 disability under chapter ninety-seven A (97A) or  
10 four hundred eleven (411) of the Code and have  
11 been receiving a service retirement allowance are  
12 retroactive to the date of the member's  
13 retirement".

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

Jochum of Dubuque moved the adoption of amendment H—6426.

Roll call was requested by Jochum of Dubuque and Walter of Pottawattamie.

Rule 80 was invoked.

On the question "Shall amendment H—6426 be adopted?"

The ayes were, 48:

Anderson, R.	Arnould	Avenson	Bina
Binneboese	Brandt	Bruner	Byerly
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doyle
Gettings	Groth	Hall	Halvorson, R.N.
Hanson, D.	Hibbs	Hinkhouse	Horn
Howell	Hullinger	Husak	Jay
Jesse	Jochum	Kirkenslager	Lloyd-Jones
Lonerган	Miller	Norland	O'Kane
Oxley	Patchett	Pavich	Perkins
Rapp	Sherzan	Shimanek	Spear
Walter	Wells	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Halvorson, R.A.	Hansen, I.
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Larsen	Lind	Lorenzen	Lura
Maulsby	McKean	Menke	Millen
Mullins	Pellett	Pelton	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shull	Smalley	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Welden	West	Mr. Speaker

Absent or not voting, none.

Amendment H—6426 lost.

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?" (H.F. 2598)

The ayes were, 100:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Bina	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doyle	Egenes	Gettings	Groth
Hall	Halvorson, R.A.	Halvorson, R.N.	Hansen, I.
Hanson, D.	Hibbs	Hinkhouse	Hoffmann
Holt	Horn	Howell	Hullinger
Hummel	Husak	Jay	Jesse
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Larsen
Lind	Lloyd-Jones	Loneragan	Lorenzen
Lura	Maulsby	McKean	Menke
Millen	Miller	Mullins	Norland
O'Kane	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poffenberger
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Sherzan	Shimanek
Shull	Smalley	Spear	Stromer
Swearingen	Thompson	Tofte	Tyrrell
Van Maanen	Walter	Welden	Wells
Welsh	West	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REMARKS BY SPEAKER HARBOR.

Speaker Harbor offered the following remarks:

As we draw the Sixty-eighth General Assembly to a close and go our individual ways, it seems appropriate to momentarily reflect on the 1980 Session.

From its beginning, we were beset with problems and concerns. In January the glow of prosperity still embraced Iowa, but there was an undercurrent of uncertainty. Inflation was escalating like a volcanic eruption, costs of doing business were back breaking and confidence in all government was being lost because of the lack of responsible legislation.

However, you, on both sides of the political aisle, after seeking to make political hay, did settle down to meet the challenges with candor and dispatch. Many were the needed concerns whose answers called for an unpopular choice. In fact, it was necessary to change course in the middle of the appropriation stream. However, you cast aside the politically popular solutions and acted as sound and economically prudent people in meeting these needs.

There are those who will be critical of some of our solutions, but the silent majority will approve and will show thanks in their own way and with a grateful heart.

Not everyone will be entirely happy with what we have done, but good legislation is the art of compromise and responsible actions for all of Iowa. This you have done.

As your Speaker, you have my heartfelt thanks for your cooperation and personal discipline through some emotionally trying times and for working for the good of the State instead of your personal gain. It is my hope and prayer that I have lived up to what you expected. I have given you my best.

It is an honor to call all of you — pages, clerks, colleagues, staff and everyone associated with the legislature — my friends. Thank you, everyone, for a job well done. It has been a pleasure working with you.

What the future will bring is known only to a power higher than us, but of this I am sure — Iowa will be a much better place by virtue of your having served in her behalf.

Some of us will return to this House, while others will find new endeavors; however, the important thing for all of us to remember is that wherever we want to go in life, we won't get there unless we bend our efforts — mental, physical and spiritual — toward that end. Having set our sights, we must set out, knowing that the longest journey always begins with a single step. These elements have brought us to this moment of adjournment, together and with one purpose, that of making the State we all love the star in the union.

To paraphrase the closing of my 1972 Speakership, I give you my version of an old Irish prayer. It goes like this:

"May the soft breezes ever fill your sails,

"May the wind always be at your back;

"May God hold you always in the palm of his hand; and,

"May you be in Heaven fifteen minutes before the devil knows you are dead."

So, until we meet again, may God bless you all.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 140

Halvorson of Clayton asked and received unanimous consent for



the immediate consideration of House Concurrent Resolution 140 as follows and moved its adoption:

HOUSE CONCURRENT RESOLUTION 140

By Halvorson of Clayton and Avenson

- 1 *Be It Resolved by the House of Representatives,*
- 2 *the Senate Concurring,* That the Sixty-eighth
- 3 General Assembly adjourn sine die Saturday, April 26,
- 4 1980.

The motion prevailed and the resolution was adopted.

The House stood at ease at 6:35 p.m., until the fall of the gavel.

The House resumed session, Speaker Harbor 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 April 26, 1980, adopted the second conference committee report and passed House File 2475, a bill for an act relating to the determination of the salaries for the area education agency administrators.

Also: That the Senate has on April 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2567, a bill for an act relating to the determination of actual and assessed value of property for tax purposes and defining that property which may be included within a tax increment financing district established pursuant to the Code.

Also: That the Senate has on April 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2577, a bill for an act relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund.

Also: That the Senate has on April 26, 1980, 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 2580, a bill for an act relating to appropriations to various state agencies for supplemental appropriations.

Also: That the Senate has on April 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2593, a bill for an act relating to certain administrative and financial procedures of certain public schools.

Also: That the Senate has on April 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2596, a bill for an act to provide a penalty for violations of an executive order issued by the governor pursuant to a proclamation of an emergency by the governor under section ninety-three point eight of the Code.

Also: That the Senate has on April 26, 1980, passed the following bill in which the concurrence of the Senate was asked:

House File 2598, a bill for an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

Also: That the Senate has on April 26, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2125, a bill for an act to increase the fee for transfers made in the transfer books by the county auditor.

Also: That the Senate has on April 26, 1980, 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 establishing the office of state appellate defender.

Also: That the Senate has on April 26, 1980, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2357, a bill for an act relating to the composition and powers of conservancy district boards of directors and authorizing the levying of a tax by watershed funding districts.

Also: That the Senate has on April 26, 1980, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2378, a bill for an act creating the Iowa railway finance authority.

Also: That the Senate has on April 26, 1980, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 140, providing for adjournment sine die of the Sixty-eighth General Assembly on Saturday, April 26, 1980.

FRANK J. STORK, Secretary

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Assistant Chief Clerk of the House submitted the following report:

Mr. Speaker: The Assistant Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of April, 1980: House Files 54, 315, 685, 695, 700, 707, 717, 733, 736, 2105, 2138, 2168, 2277, 2340, 2425, 2443, 2463, 2475, 2482, 2486, 2495, 2500, 2501, 2504, 2511, 2513, 2516, 2533, 2536, 2537, 2546, 2550, 2551, 2554, 2561, 2562, 2587, 2577, 2580, 2581, 2583, 2584, 2587, 2591, 2593, 2594, 2595, 2596, 2597 and 2598.

**BRUCE GRAHAM**

Assistant Chief Clerk of the House

Report adopted.

**COMMUNICATIONS RECEIVED**

The following communications were received and are on file in the office of the Chief Clerk:

**DEPARTMENT OF HEALTH**

A report on the State Radiation Safety Plan, dated March 1980, prepared by the Interagency Coordinating Council for Radiation Safety pursuant to Section 4 Chapter 136B, Code of Iowa.

**SECRETARY OF STATE OF CALIFORNIA**

A copy of Senate Concurrent Resolution No. 36, adopted by the State of California, requesting the President and Congress of the United States to take necessary action to increase the permanent federal expenditure augmentation of funds allocated pursuant to Title XX (42 U.S.C.A. 1397).

**CERTIFICATES OF RECOGNITION**

**MR. SPEAKER:** The Assistant Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1980-44	Francis I. Graham, Iowa City, Iowa
1980-45	City of Gladbrook, Iowa
1980-46	City of Conrad, Iowa
1980-47	City of Garwin, Iowa
1980-48	City of Wellsburg, Iowa
1980-49	City of Tripoli, Iowa

1980-50	City of New Hampton, Iowa
1980-51	City of Riceville, Iowa
1980-52	Brian Tietjens of North Central High School, Manly, Iowa
1980-53	City of Lake View, Iowa
1980-54	Steve Ross, Ames Senior High School, Ames, Iowa
1980-55	Joe Gibbons, Ames Senior High School, Ames, Iowa
1980-56	Ron Galimore, Iowa State University Gymnastics Team
1980-57	Coach Harold Nichols and the 1980 Iowa State University Big 8 Champion Wrestling Team
1980-58	Coach Ed Gagnier and the 1980 Iowa State University Men's Gymnastics Team
1980-59	Mark Baker, Ballard High School, Huxley, Iowa
1980-60	Dordt College, Sioux Center, Iowa
1980-61	City of Nashua, Iowa
1980-62	Indianola Girls Track Team

BRUCE GRAHAM  
Assistant Chief Clerk of the House

### COMMITTEE TO NOTIFY THE GOVERNOR

Thompson of Polk moved that a committee of three be appointed to notify the Governor that the House was ready to adjourn in accordance with House Concurrent Resolution 140.

The motion prevailed and the Speaker appointed as such committee Thompson of Polk, Van Maanen of Mahaska and Connors of Polk.

### COMMITTEE TO NOTIFY THE SENATE

Lura of Marshall moved that a committee of three be appointed to notify the Senate that the House was ready to adjourn in accordance with House Concurrent Resolution 140.

The motion prevailed and the Speaker appointed as such committee Lura of Marshall, Hummel of Benton and Davitt of Warren.

### COMMITTEE FROM THE SENATE

Senator Coleman appeared and notified the House that the Senate was ready to adjourn.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

**REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR**

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and the Governor had sent the following message:

OFFICE OF THE GOVERNOR  
State Capitol  
Des Moines, Iowa 50319

The Honorable Bill Harbor  
Speaker of the House  
Sixty-eighth General Assembly  
State Capitol  
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

As you return today to adjourn the Second Session of the Sixty-eighth General Assembly, it is apparent that the attention of our Iowans is centered on both Washington, D. C. and Tehran — with growing and anxious concerns for a worsening, national recession and an anguishing international crisis.

At the same time, Iowa, a state with a tradition of deciding, not ducking, tough issues, met several problems of real concern to our people. The 1980 legislature, to its credit, extended that tradition. This legislature confronted, coped with, and concluded a number of current issues in a constructive way.

Each legislature has its own set of obstacles to overcome, and legislators meeting in this first year of the new decade had more than their share. The predictable partisan differences in a political year paled in comparison to the unpredictable and sudden drop experienced in state revenues. Iowa, like our neighbors, is a state buffeted by a volatile, uncertain economy. Interest rates, inflation, and job layoffs are running far beyond anyone's expectations just a few short months ago. Farmers, business people, families — and yes, state government, are all scrambling to make ends meet. This legislature also faced the unanticipated elimination of federal revenue sharing and reductions in other federal assistance.

I want to give credit to legislators who responded quickly to changing economic conditions and positively to my Special Message of April 9. You followed my requests to keep a balanced budget, provide support for important government services to people, continue tax relief, and ensure a treasury balance for needed cash flow.

In addition to the difficult decisions to limit state expenditures, this legislature successfully adopted a number of key measures which will benefit Iowans now and in the future. Some significant accomplishments include:

— Tax relief to owners of commercial property with additional homestead and ag land tax credits, with indexing of the Iowa income tax strengthened.

- Additional energy-saving measures, such as increased speeding fines, heavier trucks, and a conservation ethic for public utilities.
- An innovative bonding plan with the potential to rebuild critical railroad mainlines.
- Stepped up state support for deaf services, assistance to cities and counties, and maintenance of vital human services programs such as Medicaid, ADC, Title XX, and eldercare.
- Several priority items to improve state government: reorganization of the Department of Environmental Quality, bipartisan reapportionment, and multi-year professional licensing.
- Adjusted interest limitations to reflect the rapidly changing business climate and to assure Iowans continued access to credit.
- Increased bonding for the Iowa Housing Finance Authority to assist low-income Iowans and stimulate the home construction industry, and to make funds available for solar energy improvements.
- Increased IPERS benefits for present and future public employee retirees.

At a time when the federal government seems to have turned its back on the American farmer, you took positive steps to assist Iowa agriculture. The Family Farm Development Authority holds the promise of aiding beginning farmers. You wisely boosted state funding for soil conservation cost-share efforts and implemented the innovative Iowa Soil 2000 program. Producers, buyers and sellers of livestock will benefit from revisions of the implied warranty law. These actions, coupled with last year's legislation to make 100 percent productivity permanent and to restrict the purchase of farm land by aliens, mark a legislature and state government concerned with the advancement of agriculture.

Other measures that I had hoped would cross my desk for signature were not successful. At the beginning of the session, some legislators said I had given them an extremely ambitious program, so it does not come as a surprise that certain decisions remain to be made. We were unable to agree upon mental health reorganization. The road fund remains underfinanced. "Fair Play" for local governments has not yet been adopted although the purpose of the bill is being served by its promotion. And, better enforcement of Iowa's drunk driving laws was not secured.

Several important and cost-cutting Governor's Economy Committee '79 recommendations met the resistance and inertia that often greet new proposals when first introduced. While I regret that more of these thoughtful approaches were not adopted, I hope they will be achievements one year from now. I expect the legislature to pursue these proposals during the interim, just as we will continue to implement many practical suggestions to save tax dollars in the executive branch.

The work of this Sixty-eighth General Assembly in my estimation was made less difficult and hectic by your willingness to employ the new rules designed to limit the length of the legislative session. I have been impressed by the orderly fashion you have concluded your business this year and last, especially in contrast to the all-night,

marathon sessions used to wind down previous legislatures. Your new procedures have proved effective and give hope that we can retain a citizens legislature."

Many of you will be facing the electorate this fall. In addition to legislative races, our Iowa voters will be deciding the fate of the proposed State Equal Rights Amendment, a measure the large majority of you favored. In the campaign season ahead, you will have the opportunity to provide the voters with good and accurate information on the issues so that they, too, can make wise decisions.

Challenges and problems lie ahead. But so do opportunities and ideas. On balance, the work of this Second Session of the General Assembly, coupled with the productive efforts of the First Session, deserves to be judged well by our Iowans, as it is by me.

Best regards.

Sincerely,  
Robert D. Ray  
Governor

The report was received and the committee discharged.

#### FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 140, duly adopted, the Speaker of the House declared the 1980 Regular Session of the Sixty-eighth General Assembly adjourned sine die.

### AMENDMENTS FILED

Amendments filed during the Sixty-eighth General Assembly, 1980 Session, not otherwise printed in the House Journal.

H-5006

- 1 Amend House File 2071 as follows:  
 2 1. Page 2, by inserting after line 9 the following:  
 3 "e. Beginning with the 1981 calendar year, the  
 4 dollar amount specified in paragraph d of this  
 5 subsection in regard to the unobligated state general  
 6 fund balance shall be multiplied by a factor equal  
 7 to the product of the annual inflation factor for  
 8 the 1980 calendar year and all annual inflation factors  
 9 for subsequent calendar years as determined pursuant  
 10 to paragraph a of this subsection. The resulting  
 11 dollar amount shall be rounded off to the nearest  
 12 ten thousand dollars."

MILLER of Buchanan  
 SPEAR of Lee  
 HUMMEL of Benton

H-5009

- 1 Amend House File 2012 as follows:  
 2 1. Page 1, line 19, by striking the words "speech  
 3 and hearing".  
 4 2. Page 1, line 19, by inserting after the word  
 5 "services" the words "for speech, hearing and  
 6 psychological services".  
 7 3. Page 1, line 24, by striking the word "premises"  
 8 and inserting in lieu thereof the words "premises  
 9 neutral sites".  
 10 4. Page 1, line 26, by striking the words "speech  
 11 and hearing".  
 12 5. Page 1, line 26, by inserting after the word  
 13 "services" the words "for speech, hearing, and  
 14 psychological services".

GROTH of Buena Vista  
 SPEAR of Lee  
 HALVORSON of Webster



H-5014

1 Amend House File 2072 as follows:

2 1. Page 10, by inserting after line 12 the  
3 following:

4 "Sec. 8. NEW SECTION. Sections eight (8) through  
5 sixteen (16) of this Act establishes a state urban  
6 funding formula. For each fiscal year, each city  
7 in the state is entitled to receive state urban funding  
8 which shall be an amount per resident of the city  
9 equal to the difference between the amount per resident  
10 of general fund property tax in the city and the state  
11 urban funding base or the city cost per resident,  
12 whichever difference is less. However, if the amount  
13 of difference for a city is less than twenty dollars  
14 per resident, the city is entitled to receive not  
15 less than twenty dollars per resident unless the total  
16 amount of aid received plus the amount of the general  
17 fund property tax exceeds the city cost for the fiscal  
18 year. In such case, the city shall receive in urban  
19 funding aid an amount equal to the difference between  
20 the amount of the general fund property tax and the  
21 city cost for the fiscal year.

22 Sec. 9. NEW SECTION. As used in sections eight  
23 (8) through sixteen (16) of this Act:

24 1. "City" means the same as defined in section  
25 three hundred sixty-two point two (362.2) of the Code.

26 2. "Per resident" or "per urban resident" means  
27 for each resident based on the weighted number of  
28 residents.

29 3. "Weighted number of residents" is the number  
30 as computed pursuant to section fifteen (15) of this  
31 Act.

32 Sec. 10. NEW SECTION.

33 1. The general fund property tax for a city shall  
34 be deemed to be the amount of property tax that would  
35 be raised in the fiscal year if the eight dollar and  
36 ten cent per thousand dollars of the taxable value  
37 limit specified in section three hundred eighty-four  
38 point one (384.1) of the Code were levied.

39 2. The amount per resident of general fund property  
40 tax for a city is the amount of general fund property  
41 tax that would be raised in the fiscal year as  
42 determined under subsection one (1) of this section,  
43 regardless of whether that amount is actually raised,  
44 divided by the weighted number of residents of the  
45 city for that fiscal year.

46 Sec. 11. NEW SECTION. The state urban funding  
47 base for the fiscal year beginning on July 1, 1980,  
48 is seventy percent of the state cost per urban  
49 resident. For each succeeding fiscal year, the state  
50 urban funding base shall be increased by the amount

Page 2

1 of one percent of the state cost per urban resident  
2 up to a maximum of eighty percent of the state cost  
3 per urban resident. The state cost per urban resident  
4 shall be as computed pursuant to section twelve (12)  
5 of this Act.

6 Sec. 12. NEW SECTION.

7 1. The state cost per urban resident for the  
8 fiscal year beginning on July 1, 1980, is the amount  
9 determined by dividing the total amount of general  
10 fund property taxes actually raised by every city  
11 within the state under section three hundred eighty-  
12 four point one (384.1) of the Code, excluding the  
13 levies authorized in section three hundred eighty-  
14 four point twelve (384.12) of the Code, in the previous  
15 fiscal year by the weighted number of residents in  
16 every city within the state as of the beginning of  
17 the previous fiscal year.

18 2. For each succeeding fiscal year, the state  
19 cost per urban resident for that fiscal year, is equal  
20 to the state cost per urban resident for the previous  
21 fiscal year plus the allowable growth for the fiscal  
22 year.

23 3. The allowable growth for a fiscal year, for  
24 purposes of the computations in sections twelve (12)  
25 and fourteen (14) of this Act, is equal to the product  
26 of the state cost per urban resident for the previous  
27 fiscal year times the state percent of growth for  
28 the previous fiscal year as determined under section  
29 thirteen (13) of this Act.

30 Sec. 13. NEW SECTION. The state percent of growth  
31 for the fiscal year beginning July 1, 1980 and for  
32 each succeeding fiscal year shall be computed by the  
33 state comptroller prior to September fifteenth  
34 immediately following that fiscal year. The state  
35 percent of growth shall be the difference between  
36 the percent change in the state general fund revenues  
37 for that fiscal year, adjusted for changes in rates  
38 or basis, and the state general fund revenues for  
39 the previous fiscal year minus the percent change  
40 in the Iowa consumer price index as of the end of  
41 that fiscal year and the Iowa consumer price index  
42 as of the end of the previous fiscal year. If the  
43 difference as computed is negative, then the state  
44 percent of growth for that fiscal year shall be zero.

45 If an Iowa consumer price index is not available  
46 from the bureau of labor statistics of the United  
47 States department of labor or successor agency, the  
48 state comptroller shall compute a consumer price index  
49 based upon a comprehensive sampling of the costs of  
50 goods and services within Iowa.

Page 3

1     Sec. 14. NEW SECTION.

2     1. The city cost per resident for the fiscal year  
3 beginning on July 1, 1980, is the amount determined  
4 by dividing the amount of general fund property taxes  
5 actually raised by the city under section three hundred  
6 eighty-four point one (384.1) of the Code, excluding  
7 the amount raised by the levies authorized in section  
8 three hundred eighty-four point twelve (384.12) of  
9 the Code, in the previous fiscal year by the weighted  
10 number of residents of the city as of the beginning  
11 of the previous fiscal year.

12    2. For each succeeding fiscal year, the city cost  
13 per resident for that fiscal year is equal to the  
14 city cost per resident for the previous fiscal year  
15 plus the allowable growth for the fiscal year.

16    3. The city cost for a fiscal year is equal to  
17 the city cost per resident for the fiscal year  
18 multiplied by the weighted number of residents of  
19 the city for the fiscal year.

20     Sec. 15. NEW SECTION. The weighted number of  
21 residents of a city for a fiscal year is the population  
22 of the city, as provided under chapter four hundred  
23 five (405) of the Code, adjusted by the sum of the  
24 following:

25     1. The population of the city multiplied by the  
26 percent of unemployed residents of the city in excess  
27 of the average state percent of unemployed residents  
28 of all cities in the state during the calendar year  
29 ending in the previous fiscal year as determined by  
30 the department of job service.

31     2. The population of the city multiplied by the  
32 percent of the population of the city in excess of  
33 the average state percent of the population of all  
34 cities in the state which have received credit or  
35 reimbursement under sections four hundred twenty-five  
36 point sixteen (425.16) to four hundred twenty-five  
37 point thirty-nine (425.39) of the Code during the  
38 calendar year ending in the previous fiscal year as  
39 determined by the department of revenue.

40     3. The population of the city multiplied by the  
41 percent of the population of the city in excess of  
42 the average state percent of the population of all  
43 cities in the state which have received at any time  
44 during the calendar year ending in the previous fiscal  
45 year state supplemental assistance pursuant to chapter  
46 two hundred forty-nine (249) of the Code as determined  
47 by the department of social services.

48     Sec. 16. NEW SECTION. There is appropriated  
49 annually from the general fund of the state to the  
50 treasurer of state to be credited to the state urban

## Page 4

1 funding account, which fund is hereby created, from  
 2 funds not otherwise appropriated, an amount sufficient  
 3 to carry out the provisions of this Act. On or before  
 4 December fifteenth of each fiscal year the state  
 5 comptroller shall distribute the money in this fund  
 6 to each city in the amount to which each city is  
 7 entitled under sections eight (8) through sixteen  
 8 (16) of this Act as state urban funding aid."

9 2. Title page, line 7, by inserting after the  
 10 word "purposes" the words "and providing for state  
 11 urban funding, making an appropriation".

12 3. By renumbering and changing internal references  
 13 as required by this amendment.

BINA of Scott

## H-5016

1 Amend Senate File 278 as amended, passed and  
 2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 23 the follow-  
 4 ing:

5 "Sec. . Section three hundred twenty-one point  
 6 two hundred eighty-one (321.281), unnumbered paragraphs  
 7 one (1), three (3) and four (4), Code 1979, are amended  
 8 to read as follows:

9 Whoever operates a motor vehicle upon the public  
 10 highways of this state while under the influence of  
 11 an alcoholic beverage, a narcotic, hypnotic or other  
 12 drug, including marijuana, or any combination of such  
 13 substances shall, upon conviction or a plea of guilty,  
 14 be guilty of a serious misdemeanor for the first  
 15 offense and shall be imprisoned in the county jail  
 16 for not less than two days; be guilty of an aggravated  
 17 misdemeanor for the second offense and shall be  
 18 imprisoned in the county jail not less than seven  
 19 days; and be guilty of a class "D" felony for a third  
 20 offense and each offense thereafter.

21 The court in pronouncing sentence may provide as  
 22 to the period during which a new license to operate  
 23 a motor vehicle shall not be issued to the defendant,  
 24 provided said period shall not be less than one hundred  
 25 twenty days for conviction of a first offense of  
 26 operating a motor vehicle while under the influence  
 27 of an alcoholic beverage, a narcotic, hypnotic or  
 28 other drug, including marijuana, or any combination  
 29 of such substances; of not less than two hundred forty  
 30 days for conviction of a second offense of such charge;  
 31 and not less than one year for conviction of a third

32 offense of such charge and for each offense thereafter,  
 33 notwithstanding the provisions of section 321.212;  
 34 and the clerk of court shall forthwith certify to  
 35 the department a true copy of the judgment sentencing  
 36 the defendant under this section. The department  
 37 may receive an application for and shall grant a new  
 38 license at the expiration of the period provided in  
 39 the judgment of the court notwithstanding the  
 40 provisions of sections 321.177 and 321.212.

41 This section shall not apply to a person operating  
 42 a motor vehicle while under the influence of a  
 43 narcotic, hypnotic or other drug, including marijuana,  
 44 if such substances were prescribed for such person  
 45 and have been taken under such prescription and in  
 46 accordance with the directions of a medical  
 47 practitioner as defined in section 155.3, subsection  
 48 11, provided however there is no evidence of the  
 49 consumption of alcohol and further provided said  
 50 medical practitioner has not directed such person

**Page 2**

- 1 to refrain from operating a motor vehicle;"
- 2 2. By renumbering the sections to conform with
- 3 this amendment.

LIND of Black Hawk

**H-5022**

- 1 Amend House File 2072 as follows:
- 2 1. Page 1, line 7, by striking the word "fifty".
- 3 2. Page 1, line 11, by striking the word "fifty".
- 4 3. Page 2, line 2, by striking the word "fifty".
- 5 4. Page 2, line 6, by striking the word "fifty".
- 6 5. Page 3, line 27, by striking the word "ten"
- 7 and inserting in lieu thereof the word "eight".
- 8 6. Page 5, line 4, by striking the word "ten"
- 9 and inserting in lieu thereof the word "six".
- 10 7. Page 5, line 30, by inserting after the word
- 11 "herein" the words ", except that any references to
- 12 eight percent in this subsection shall be six percent".
- 13 8. Page 7, line 27, by striking the word "ten"
- 14 and inserting in lieu thereof the word "eight".
- 15 9. Page 8, line 28, by striking the word "and".
- 16 10. Page 8, by striking lines 29 through 32.
- 17 11. Page 8, line 33, by striking the words and
- 18 numerals "hundred thirty-eight (438) of the Code".
- 19 12. Page 9, line 6, by inserting after the period
- 20 the words "For valuations established as of January
- 21 1, 1981, and each year thereafter, in a special charter

22 city which levies and collects its own taxes, the  
 23 percentage of actual value at which property valued  
 24 by the department of revenue pursuant to chapters  
 25 four hundred twenty-eight (428), four hundred thirty-  
 26 three (433), four hundred thirty-six (436), four  
 27 hundred thirty-seven (437), and four hundred thirty-  
 28 eight (438) of the Code shall be assessed shall be  
 29 calculated in accordance with the methods provided  
 30 herein, except that any references to eight percent  
 31 in this subsection shall be six percent."

32 13. Page 10, by inserting after line 29 the  
 33 following new section:

34 "Sec. Acts of the Sixty-eighth General  
 35 Assembly, 1979 Session, chapter four (4), sections  
 36 four (4) and five (5), are amended to read as follows:

37 Sec. 4. There is appropriated from the general  
 38 fund of the state to the county government assistance  
 39 fund, established in section three hundred thirty-  
 40 four A point one (334A.1) of the Code, for each fiscal  
 41 year of the fiscal biennium beginning July 1, 1979  
 42 and ending June 30, 1981, the following amounts, or  
 43 so much thereof as may be necessary, to be used for  
 44 state assistance to counties, with distribution in  
 45 accordance with section three hundred thirty-four  
 46 A point two (334A.2) of the Code.

47	1979-1980	1980-1981
48	<u>Fiscal Year</u>	<u>Fiscal Year</u>
49	\$ 5,000,000	\$ 5,000,000
50		<u>5,350,000</u>

Page 2

1 Sec. 5. There is appropriated from the general  
 2 fund of the state to the municipal assistance fund,  
 3 established in section four hundred five point one  
 4 (405.1) of the Code, for each fiscal year of the  
 5 fiscal biennium beginning July 1, 1979 and ending  
 6 June 30, 1981, the following amounts, or so much  
 7 thereof as may be necessary, to be used for state  
 8 assistance to municipalities, with distribution in  
 9 accordance with section four hundred five point one  
 10 (405.1) of the Code.

11	1979-1980	1980-1981
12	<u>Fiscal Year</u>	<u>Fiscal Year</u>
13	\$13,000,000	\$13,000,000
14		<u>14,650,000"</u>

15 14. Amend the title, line 7, by inserting after  
 16 the word "purposes" the words ", appropriating moneys  
 17 to the county assistance and municipal assistance  
 18 funds,".

H-5027

1 Amend Senate File 278 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 23 the follow-  
4 ing:

5 "Sec. . Section three hundred twenty-one point  
6 two hundred seven (321.207), Code 1979, is amended  
7 to read as follows:

8 321.207 RECORD FORWARDED. Every court having  
9 jurisdiction over offenses committed under this  
10 chapter, or any other law of this state or any city  
11 traffic ordinances, other than parking regulations,  
12 regulating the operation of motor vehicles on highways,  
13 shall forward to the department a record of the  
14 conviction of any person in said court for a violation  
15 of any said laws, and may recommend the suspension  
16 of the operator's or chauffeur's license of the person  
17 so convicted, and the department shall thereupon  
18 consider and act upon such recommendation in such  
19 manner as may seem to it best. However, a record  
20 of conviction for a scheduled excessive speed violation  
21 shall not be forwarded to the department nor result  
22 in a license suspension or revocation if the person  
23 signed the admission of violation on the citation  
24 and complaint pursuant to section eight hundred five  
25 point nine (805.9), subsection one (1) of the Code.

26 Sec. . Section three hundred twenty-one point  
27 four hundred ninety-one (321.491), unnumbered paragraph  
28 two (2), Code 1979, is amended to read as follows:

29 Within ten days after the conviction or forfeiture  
30 of bail of a person upon a charge of violating any  
31 provision of this chapter or other law regulating  
32 the operation of vehicles on highways every said  
33 magistrate of the court or clerk of the court of  
34 record in which such conviction was had or bail was  
35 forfeited shall prepare and immediately forward to  
36 the department an abstract of the record of said court  
37 covering the case in which said person was so convicted  
38 or forfeited bail, which abstract must be certified  
39 by the person so required to prepare the same to be  
40 true and correct. However, a record of conviction  
41 for a scheduled excessive speed violation shall not  
42 be forwarded to the department nor result in a license  
43 suspension or revocation if the person signed the  
44 admission of violation on the citation and complaint  
45 pursuant to section eight hundred five point nine  
46 (805.9), subsection one (1) of the Code."

47 2. Page 3, by inserting after line 11 the follow-  
48 ing:

49 "Sec. . Section eight hundred five point six  
50 (805.6), subsection one (1), paragraph a, Code 1979,

## Page 2

1 is amended to read as follows:  
2 a. The commissioner of public safety and the state  
3 conservation director, acting jointly, shall adopt  
4 a uniform, combined citation and complaint which shall  
5 be used for charging all traffic violations in Iowa  
6 under state law or local regulation or ordinance,  
7 and which shall be used for charging all other  
8 violations which are designated by section 805.8 to  
9 be scheduled violations. This subsection shall not  
10 be deemed to prevent the charging of any of those  
11 violations by information, by private complaint filed  
12 under the provisions of chapter 804, or by a simple  
13 notice of fine where permitted by section 321.236,  
14 subsection 1. Each uniform citation and complaint  
15 shall be serially numbered and shall be in  
16 quintuplicate, and the officer shall deliver the  
17 original and a copy to the court where the defendant  
18 is to appear, two copies to the defendant, and a copy  
19 to the law enforcement agency of the officer. The  
20 court shall forward the copy of the uniform citation  
21 and complaint in accordance with section 321.207 when  
22 applicable. The uniform citation and complaint shall  
23 contain spaces for the parties names; the address  
24 of the alleged offender; the registration number of  
25 the offender's vehicle; the information required by  
26 section 805.2; a promise to appear as provided in  
27 section 805.3 and a place where the cited person may  
28 sign the promise to appear; a list of the scheduled  
29 fines prescribed by section 805.8, either separately  
30 or by group, and a statement that the court costs  
31 in scheduled offense cases, whether or not a court  
32 appearance is required or is demanded, shall be five  
33 dollars; a brief explanation of sections 805.9 and  
34 805.10; a space where the defendant may sign an  
35 admission of the violation when permitted by section  
36 805.9; a space where the peace officer shall, when  
37 charging a speeding violation, indicate the date and  
38 time that the officer's speed detection equipment  
39 was last tested for accuracy and the date when the  
40 officer was last instructed in the use of the  
41 equipment; a statement that certain speed detection  
42 equipment has not been proved to be accurate; and  
43 the uniform citation and complaint shall require that  
44 the defendant appear before a court at a specified  
45 time and place. The uniform citation and complaint  
46 also may contain a space for the imprint of a credit  
47 card, and may contain any other information which  
48 the commissioner of public safety and the state  
49 conservation director may determine."  
50 3. By renumbering the sections to conform with

## Page 3

1 this amendment.



H-5031

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, by striking lines 19 through 25.

HUSAK of Tama

H-5033

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 2, line 1, by inserting after the word "every":
- 3 the word "diplomatic".

AVENSON of Fayette

H-5034

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 2, by inserting after line 5 the following:
- 3 "Be it further resolved that, as a demonstration
- 4 of unity and support for the nation and the President
- 5 in a time of international tension, the House of
- 6 Representatives of the State of Iowa hereby commends
- 7 President Carter for taking strong action to show the
- 8 displeasure of the United States at Soviet aggression
- 9 in Afghanistan so as to prevent future confrontation
- 10 and possible escalation of hostilities."

AVENSON of Fayette

H-5038

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, by striking line 21 and inserting in
- 3 lieu thereof the following:
- 4 "2. Offer a paid diversion program."

COCHRAN of Webster

H-5039

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, by striking line 6 and inserting in
- 3 lieu thereof the following: "as a part of the retaliatory
- 4 action against Russian aggression; and".
- 5 2. Page 1, by striking lines 7 and 8.
- 6 3. Page 1, by striking lines 22 through 25.
- 7 4. Page 2, by striking lines 1 through 3.

HULLINGER of Decatur

H-5040

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "date," the words "which affects Iowa farmers,".
- 4 2. Page 1, line 7, by striking the word "is" and
- 5 inserting in lieu thereof the words "might be".
- 6 3. Page 1, by striking lines 15 through 18 and
- 7 inserting in lieu thereof the following:
- 8 "OF IOWA, That the House of Representatives endorses
- 9 the actions of the President of the United States
- 10 and his commitment to bolster grain prices and spread
- 11 the effect of the embargo to all Americans, and ask
- 12 the President to consider the following actions:".

ANDERSON of Jasper

H-5041

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, line 22, by striking the word "Open"
- 3 and inserting in lieu thereof the words "Monitor
- 4 the possibility of opening".

DAVITT of Warren

H-5042

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 2, by inserting after line 5 the
- 3 following:
- 4 "6. Immediately take all steps possible to
- 5 protect the grain marketing and transportation
- 6 network from irreparable damage from the
- 7 embargo.".

PERKINS of Carroll

H-5043

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 2, by striking lines 1 through 3 and
- 3 inserting in lieu thereof the following:
- 4 4. "Make every effort to insure that Brazil and
- 5 Argentina honor the terms of the embargo, as have
- 6 our other trading partners."

WELSH of Dubuque  
BINNEBOESE of Plymouth

H-5044

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, line 25, by inserting after the word
- 3 "program." the following: "However, farmers who
- 4 participated in the 1979 feed grain program and eligible
- 5 for support, should receive additional benefits in
- 6 amounts equal to or near equal to farmers made eligible
- 7 for benefits pursuant to this section."

MILLER of Buchanan

H-5045

- 1 Amend amendment, H-5034 to House Resolution 102 as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word "for"
- 4 the word "finally".

SCHNEKLOTH of Scott

H-5046

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 2, line 5, by inserting after the word
- 3 "Union" the words ", such as the recently announced
- 4 sales increase to Mexico, and expand the Food For
- 5 Peace and Export Credit programs".

GROTH of Buena Vista

H-5047

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 2, by inserting after line 5 the
- 3 following:
- 4 "*Be It Further Resolved*, That the Iowa House
- 5 of Representatives congratulates the President of
- 6 the United States for his commitment to increase
- 7 alcohol fuel production as a means of insuring
- 8 markets for agricultural products and of lessening
- 9 our dependency on foreign oil."

DAVITT of Warren  
AVENSON of Fayette

H-5048

- 1 Amend amendment H-5044 to House Resolution
- 2 102 as follows:
- 3 1. Line 6, by striking the words
- 4 "equal to or near equal" and inserting in lieu
- 5 thereof the words "greater than that available".

NORLAND of Worth

H-5049

- 1 Amend House Resolution 102 as follows:
- 2 1. Page 1, by inserting after the period in line
- 3 21 the following: "On those set-aside acres production
- 4 should be permitted of any product that can be sold only
- 5 for the purpose of relieving the energy crisis that
- 6 faces our nation today."
- 7 2. Page 1, by striking lines 22 through 25.

HINKHOUSE of Cedar

H-5050

- 1 Amend House File 2086 as follows:
- 2 1. Page 15, by striking lines 7 and 8 and inserting
- 3 in lieu thereof the following:
- 4 "Sec. 20. This Act takes effect January first
- 5 following its enactment, except that section sixteen
- 6 (16) takes effect July first following the effective
- 7 date of the remainder of the Act."
- 8 2. Page 16, line 28, by inserting after the word
- 9 "enactment" the words ", except that section sixteen
- 10 (16) would become law on July first following the
- 11 January first effective date".

KIRKENSLAGER of Des Moines  
 CONNORS of Polk  
 CRABB of Crawford

H-5054

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "of" the words "physical and".
- 5 2. Page 6, by striking lines 13 through 15 and
- 6 inserting in lieu thereof the following:
- 7 "chiropractic, chiropractic examiners; for physical
- 8 therapists and occupational therapists, physical and
- 9 occupational therapy examiners; for nursing, board
- 10 of nursing;"

11 3. Page 6, by inserting after line 21 the  
12 following:

13 "Sec. . Section one hundred forty-seven point  
14 fourteen (147.14), subsection one (1), Code 1979,  
15 is amended to read as follows:

16 1. For podiatry, ~~physical therapy~~, cosmetology,  
17 barbering, and mortuary science, three members each,  
18 licensed to practice the profession for which the  
19 board conducts examinations, and two members who are  
20 not licensed to practice the profession for which  
21 the board conducts examinations and who shall represent  
22 the general public. A quorum shall consist of a  
23 majority of the members of the board."

24 4. Page 6, by striking lines 25 through 30 and  
25 inserting in lieu thereof the following:

26 "NEW SUBSECTION. For physical therapy and  
27 occupational therapy, three members licensed to  
28 practice physical therapy, two members licensed to  
29 practice occupational therapy, and two members who  
30 are not licensed to practice physical therapy or  
31 occupational therapy and who shall represent the  
32 general public. A quorum shall consist of a majority  
33 of the members of the board."

34 5. Page 6, by inserting after line 30 the  
35 following:

36 "Sec. . Section one hundred forty-seven point  
37 twenty-five (147.25), unnumbered paragraph four (4),  
38 Code 1979, is amended to read as follows:

39 In addition to any other fee provided by law, a  
40 fee may be set by the respective examining boards  
41 for each license and renewal of a license to practice  
42 medicine, surgery, podiatry, osteopathy, osteopathic  
43 medicine and surgery, chiropractic, nursing, dentistry,  
44 dental hygiene, optometry, pharmacy, physical therapy,  
45 occupational therapy, and veterinary medicine, which  
46 fee shall be based on the annual cost of collecting  
47 information for use by the department of health in  
48 the administration of the system of health manpower  
49 statistics established by this section. The fee shall  
50 be collected, transmitted to the treasurer of state

## Page 2

1 and deposited in the general fund of the state in  
2 the manner in which license and renewal fees of the  
3 respective professions are collected, transmitted,  
4 and deposited in the general fund."

5 6. Page 6, by inserting before line 31 the  
6 following:

7 "Sec. . Section one hundred forty-seven point  
8 eighty (147.80), subsection seven (7), Code 1979,  
9 is amended to read as follows:

10 7. License to practice physical therapy issued  
 11 upon the basis of an examination given by the board  
 12 of physical and occupational therapy examiners, license  
 13 to practice physical therapy issued under a reciprocal  
 14 agreement, renewal of a license to practice physical  
 15 therapy."

16 7. Page 7, line 1, by inserting after the word  
 17 "of" the words "physical and".

18 8. Page 7, line 6, by inserting after the word  
 19 "of" the words "physical and".

20 9. Page 7, by inserting after line 9 the following:

21 "Sec. . Section two hundred fifty-eight A point  
 22 one (258A.1), subsection one (1), paragraph r, Code  
 23 1979, is amended by striking the paragraph and  
 24 inserting in lieu thereof the following:

25 r. The board of physical and occupational therapy  
 26 examiners, created pursuant to chapter one hundred  
 27 forty-seven (147) of the Code."

28 10. Page 7, by inserting after line 35 the  
 29 following:

30 "Sec. . The members of the board of physical  
 31 therapy examiners shall become members of the board  
 32 of physical and occupational therapy examiners and  
 33 may continue to serve the terms to which they were  
 34 appointed; however, service on both boards shall be  
 35 considered together for the purposes of section one  
 36 hundred forty-seven point nineteen (147.19) of the  
 37 Code. The governor shall appoint two persons who  
 38 would be qualified to take or have waived the  
 39 examination to become a licensed occupational therapist  
 40 pursuant to this Act to the initial positions for  
 41 licensed occupational therapists on the board of  
 42 physical and occupational therapy examiners. The  
 43 board shall grant these appointees licenses as  
 44 occupational therapists. One initial appointee shall  
 45 be appointed to a term of three years and the other  
 46 to a term of two years."

47 11. By renumbering the sections and correcting  
 48 internal references to conform with this amendment.

HANSEN of O'Brien  
 O'KANE of Woodbury

H-5055

1 Amend House File 747 as follows:

2 1. Page 3, by inserting after line 14 the following  
 3 new lettered paragraph:

4 " . A combination of three vehicles coupled  
 5 together, one of which is a motor vehicle, which has  
 6 an overall length, inclusive of front and rear bumpers,  
 7 exceeding sixty feet in length but not exceeding  
 8 sixty-five feet, shall be subject to a special  
 9 registration fee of one hundred dollars which shall  
 10 be in addition to any other registration fees imposed  
 11 under this section."

HOWELL of Floyd

H-5066

- 1 Amend the Evans et al amendment, H-4371, to House
- 2 File 747, as follows:
- 3 1. Page 1, by striking lines 2 through 46 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 2, by striking lines 20 through 35 and
- 6 inserting in lieu thereof the following:

7 14 tons.....	15 tons.....	\$ 390
8 15 tons.....	16 tons.....	\$ 440
9 16 tons.....	17 tons.....	\$ 490
10 17 tons.....	18 tons.....	\$ 540
11 18 tons.....	19 tons.....	\$ 590
12 19 tons.....	20 tons.....	\$ 640
13 20 tons.....	21 tons.....	\$ 690
14 21 tons.....	22 tons.....	\$ 740
15 22 tons.....	23 tons.....	\$ 790
16 23 tons.....	24 tons.....	\$ 840
17 24 tons.....	25 tons.....	\$ 890
18 25 tons.....	26 tons.....	\$ 940
19 26 tons.....	27 tons.....	\$ 990
20 27 tons.....	28 tons.....	\$1,040
21 28 tons.....	29 tons.....	\$1,090
22 29 tons.....	30 tons.....	\$1,140
23 30 tons.....	31 tons.....	\$1,190
24 31 tons.....	32 tons.....	\$1,240
25 32 tons.....	33 tons.....	\$1,290
26 33 tons.....	34 tons.....	\$1,340
27 34 tons.....	35 tons.....	\$1,390
28 35 tons.....	36 tons.....	\$1,440
29 36 tons.....	37 tons.....	\$1,490
30 37 tons.....	38 tons.....	\$1,540
31 38 tons.....	39 tons.....	\$1,590
32 39 tons.....	40 tons.....	\$1,640

- 33 2. Page 3, by striking lines 1 through 10.
- 34 3. Page 3, line 13, by striking the word "twenty-
- 35 five" and inserting in lieu thereof the word "forty"."

VAN MAANEN of Mahaska

H-5067

- 1 Amend House File 2098 as follows:
- 2 1. Page 1, by striking lines 7 through 9, and
- 3 inserting in lieu thereof the following: "under a
- 4 collective bargaining agreement which provides
- 5 otherwise, retires under the".

BRANDT of Black Hawk

H-5069

- 1 Amend House File 2082 as follows:
- 2 1. Page 5, line 25, by striking the word "ten"
- 3 and inserting in lieu thereof the word "thirty".

BRANDT of Black Hawk

H-5070

- 1 Amend amendment H-4371, to House File 747, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 13, and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 2, by striking lines 17 through 35,
- 6 and inserting in lieu thereof the following:

NORLAND of Worth

H-5071

- 1 Amend Senate File 426 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking lines 8 and 9.

SPEAR of Lee

H-5077

- 1 Amend Senate File 432, 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 "j. Prior to the licensing of an individual, a
- 6 required, written social assessment of the quality
- 7 of the living situation in the home of the individual,
- 8 and a required compilation of personal references
- 9 for the individual other than those references given
- 10 by the individual."
- 11 2. Page 5, by striking line 11 and inserting in
- 12 lieu thereof the words "at least one annual unannounced
- 13 inspection of each facility to assess the quality
- 14 of the living situation and".
- 15 3. Page 6, by inserting after line 17 the follow-
- 16 ing:
- 17 "Sec. NEW SECTION. FOSTER CARE EDUCATION
- 18 REQUIREMENTS.
- 19 1. As a condition of licensure by the department
- 20 as an individual out-of-home care facility, an
- 21 individual shall complete three hours of pre-service
- 22 out-of-home care training within one year of li-



23 censure. An individual may be conditionally licensed  
 24 by the department if the individual submits proof  
 25 of intent to complete the three-hour pre-service  
 26 training requirement within one year.

27 2. As a continuing condition of licensure an  
 28 individual shall submit to the department proof of  
 29 completion of three hours per year of in-service or  
 30 educational training approved under subsection three  
 31 (3) of this section.

32 3. The department shall promulgate rules for  
 33 approval of programs to meet the requirements of this  
 34 section. The programs may include, but need not be  
 35 limited to pre-service training; in-service training;  
 36 workshops and seminars developed by the department  
 37 or by county departments of social services or national  
 38 conferences; courses taught in universities, colleges  
 39 or area colleges, including university extension  
 40 courses; courses taught in vocational, technical and  
 41 adult schools; workshops, seminars and courses offered  
 42 through private parent education agencies or private  
 43 placement agencies; and workshops, seminars and courses  
 44 pertaining to behavioral and developmental  
 45 disabilities. The department may approve programs  
 46 under this subsection only after consideration of  
 47 relevant factors including level of education, useful  
 48 or necessary skills, location and other criteria as  
 49 determined by the department. The department shall  
 50 promulgate rules for the review of programs approved

**Page 2**

1 under this subsection.

2 4. The department shall ensure that educational  
 3 programs approved under subsection three (3) of this  
 4 section are available to all individuals within a  
 5 reasonable traveling distance. The department shall promulgate  
 6 attempt to contract for federal Title twenty (XX)  
 7 educational funds to enable individuals to attend  
 8 educational programs approved under subsection three  
 9 (3) of this section. The department shall promulgate  
 10 rules concerning disbursement of such funds. Moneys  
 11 disbursed under this subsection may be used for the  
 12 following purposes:

- 13 a. Course materials and fees for individuals.
- 14 b. Specialized workshops, seminars and courses
- 15 pertaining to behavioral and developmental
- 16 disabilities.
- 17 c. Other expenses related to educational programs
- 18 under this section which the department deems
- 19 appropriate."

H-5078

- 1 Amend House File 747 as follows:  
 2 1. Page 5, line 8, by striking the word "thirty-four"  
 3 and inserting in lieu thereof the word "thirty-five".

VAN MAANEN of Mahaska

H-5081

- 1 Amend amendment H-5002 to House File 747, as  
 2 follows:  
 3 1. Page 1, by striking lines 35 through 42, and  
 4 inserting in lieu thereof the following:  
 5 "Sec. Acts of the Sixty-eighth General  
 6 Assembly, 1979 Session, chapter seventy (70), section  
 7 six (6), subsection three (3), amending chapter three  
 8 hundred twenty-one (321), Code 1979, is amended to  
 9 read as follows:  
 10 3. The annual registration fee for motor homes  
 11 and multipurpose vehicles is as follows:  
 12 a. For class A motor homes with a list price of  
 13 thirty-five thousand dollars or more as certified to  
 14 the department by the manufacturer, four hundred  
 15 dollars for the first ten five registrations and  
 16 three hundred dollars for each succeeding registration.  
 17 b. For class A motor homes with a list price of  
 18 less than thirty-five thousand dollars as certified to  
 19 the department by the manufacturer, one hundred forty  
 20 dollars for the first ten five registrations and one  
 21 hundred five dollars for each succeeding registration.  
 22 c. For class B motor homes, ninety dollars for  
 23 the first ten five registrations and sixty-five  
 24 dollars for each succeeding registration.  
 25 d. For class C motor homes, one hundred ten  
 26 dollars for the first ten five registrations and  
 27 eighty dollars for each succeeding registration.  
 28 e. For multipurpose vehicles, seventy-five  
 29 dollars for the first ten five registrations and  
 30 fifty-five dollars for each succeeding registration."

WALTER of Pottawattamie  
 PAVICH of Pottawattamie  
 BINA of Scott  
 GETTINGS of Wapello  
 KIRKENSLAGER of Des Moines  
 WOODS of Polk

H-5082

1 Amend House File 747 as follows:

2 1. Page 2, by striking lines 10 through 35 and  
3 inserting in lieu thereof the following:

4	"4 tons.....	5 tons.....	\$ 90
5	5 tons.....	6 tons.....	\$ 110
6	6 tons.....	7 tons.....	\$ 140
7	7 tons.....	8 tons.....	\$ 175
8	8 tons.....	9 tons.....	\$ 210
9	9 tons.....	10 tons.....	\$ 245
10	10 tons.....	11 tons.....	\$ 290
11	11 tons.....	12 tohs.....	\$ 315
12	12 tons.....	13 tons.....	\$ 350
13	13 tons.....	14 tons.....	\$ 385
14	14 tons.....	15 tons.....	\$ 470
15	15 tons.....	16 tons.....	\$ 515
16	16 tons.....	17 tons.....	\$ 560
17	17 tons.....	18 tons.....	\$ 605
18	18 tons.....	19 tons.....	\$ 650
19	19 tons.....	20 tons.....	\$ 715
20	20 tons.....	21 tons.....	\$ 760
21	21 tons.....	22 tons.....	\$ 805
22	22 tons.....	23 tons.....	\$ 850
23	23 tons.....	24 tons.....	\$ 895
24	24 tons.....	25 tons.....	\$1,015
25	25 tons.....	26 tons.....	\$1,065
26	26 tons.....	27 tons.....	\$1,115
27	27 tons.....	28 tons.....	\$1,165
28	28 tons.....	29 tons.....	\$1,215
29	29 tons.....	30 tons.....	\$1,265
30	30 tons.....	31 tons.....	\$1,315
31	31 tons.....	32 tons.....	\$1,365
32	32 tons.....	33 tons.....	\$1,415
33	33 tons.....	34 tons.....	\$1,490
34	34 tons.....	35 tons.....	\$1,540
35	35 tons.....	36 tons.....	\$1,590
36	36 tons.....	37 tons.....	\$1,640
37	37 tons.....	38 tons.....	\$1,690
38	38 tons.....	39 tons.....	\$1,740
39	39 tons.....	40 tons.....	\$1,790"

40 2. Page 3, by striking lines 1  
41 through 10.

42 3. Page 3, line 12, by striking the word "six" and  
43 inserting in lieu thereof the word "seven".

44 4. Page 3, line 13, by striking the word "twenty-five"  
45 and inserting in lieu thereof the word "ninety".

46 5. Page 3, line 13, by striking the word "eighty" and  
47 inserting in lieu thereof the word "fifty".

EGENES of Story  
KREWSON of Polk  
PAVICH of Pottawattamie

H-5092

1 Amend House File 180 as follows:

2 1. Page 1, by striking lines 13 through 15 and  
3 inserting in lieu thereof the following:

4 "However a person shall not hunt or train a dog  
5 during the dark hours for a period of fifteen days  
6 prior to the hunting season on raccoon. This paragraph  
7 shall not apply to activities under a field trial  
8 permit or if a person has secured the permission of  
9 an officer of the commission to conduct a hunting  
10 trial of a dog for the purpose of its sale. The  
11 officer may grant the permission if notified of the  
12 time and place of the trial and the person conducting  
13 it."

GETTINGS of Wapello

H-5093

1 Amend House File 747 as follows:

2 1. Page 1, line 18, by inserting after the word  
3 "tons" the words "up to and including eighteen tons".

4 2. Page 1, line 18, by inserting after the period  
5 the words "The registration fee for a special truck  
6 which consists of a truck tractor and semitrailer  
7 for a gross weight in excess of eighteen tons but  
8 not exceeding thirty-three tons shall be equal to  
9 one-half of the registration fee as computed under  
10 section three hundred twenty-one point one hundred  
11 twenty-two (321.122), subsection one (1), paragraph  
12 c, of the Code."

SCHROEDER of Pottawattamie  
NORLAND of Worth  
BRANSTAD of Winnebago

H-5094

1 Amend amendment H-5062 to page 5 of Senate File  
2 436 as follows:

3 1. By striking lines 3 through 11 and inserting  
4 in lieu thereof the following:

5 "1. Page 5, line 5, by inserting after the word  
6 "consumers." the words "The department may make the  
7 raw test results public, however, the department  
8 shall not issue any approval or disapproval until  
9 after a determination on the granting of an exemption  
10 is made. All public water supply systems exempted

11 shall be approved or remain approved in the same  
 12 manner as any other public water supply system that  
 13 is in compliance with the requirements of this  
 14 chapter." "

SMALLEY of Polk  
 MILLER of Buchanan

H-5095

1 Amend amendment H-5063 to page 1 of Senate File  
 2 436, as follows:  
 3 1. By striking lines 18 through 26 and inserting  
 4 in lieu thereof the following: "Rules proposed under  
 5 this subsection which would require an appropriation  
 6 to be operative shall not become effective until  
 7 monies to implement the rules are appropriated."

SMALLEY of Polk  
 MILLER of Buchanan

H-5102

1 Amend the amendment H-4371 to House File 747 as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 46 and  
 4 inserting in lieu thereof the following:  
 5 "1. Page 2, line 1, by striking the word "thirty-  
 6 five" and inserting in lieu thereof the word "forty-  
 7 five".  
 8 2. Page 2, lines 1 and 2, by striking the word  
 9 "twenty-five" and inserting in lieu thereof the word  
 10 "thirty-five".  
 11 3. Page 2, by striking lines 3 and 4.  
 12 4. Page 2, by striking lines 10 through 35 and  
 13 inserting in lieu thereof the following:  
 14 "3 tons..... 4 tons..... \$ 60  
 15 4 tons..... 5 tons..... \$ 70  
 16 5 tons..... 6 tons..... \$ 85  
 17 6 tons..... 7 tons..... \$ 110  
 18 7 tons..... 8 tons..... \$ 145  
 19 8 tons..... 9 tons..... \$ 180  
 20 9 tons..... 10 tons..... \$ 215  
 21 10 tons..... 11 tons..... \$ 250  
 22 11 tons..... 12 tons..... \$ 285  
 23 12 tons..... 13 tons..... \$ 320  
 24 13 tons..... 14 tons..... \$ 355  
 25 14 tons..... 15 tons..... \$ 445  
 26 15 tons..... 16 tons..... \$ 485  
 27 16 tons..... 17 tons..... \$ 525

28	17 tons.....	18 tons.....	\$ 565
29	18 tons.....	19 tons.....	\$ 610
30	19 tons.....	20 tons.....	\$ 675
31	20 tons.....	21 tons.....	\$ 715
32	21 tons.....	22 tons.....	\$ 755
33	22 tons.....	23 tons.....	\$ 795
34	23 tons.....	24 tons.....	\$ 835
35	24 tons.....	25 tons.....	\$ 965
36	25 tons.....	26 tons.....	\$1,010
37	26 tons.....	27 tons.....	\$1,060
38	27 tons.....	28 tons.....	\$1,105
39	28 tons.....	29 tons.....	\$1,150
40	29 tons.....	30 tons.....	\$1,200
41	30 tons.....	31 tons.....	\$1,245
42	31 tons.....	32 tons.....	\$1,295
43	32 tons.....	33 tons.....	\$1,340
44	33 tons.....	34 tons.....	\$1,415
45	34 tons.....	35 tons.....	\$1,465
46	35 tons.....	36 tons.....	\$1,510
47	36 tons.....	37 tons.....	\$1,555
48	37 tons.....	38 tons.....	\$1,605
49	38 tons.....	39 tons.....	\$1,650
50	39 tons.....	40 tons.....	\$1,695

**Page 2**

- 1 5. Page 3, by striking lines 1 through 10.
- 2 6. Page 3, line 13, by striking the word "twenty-
- 3 five" and inserting in lieu thereof the word "ninety-
- 4 five".

SCHROEDER of Pottawattamie  
 BENNETT of Ida  
 EGENES of Story

**H-5105**

- 1 Amend House File 584 as follows:
- 2 1. Page 1, line 4, by striking the word "Collector"
- 3 and inserting in lieu thereof the words "Commemorative
- 4 bottle collector".
- 5 2. Page 1, line 7, by inserting after the word
- 6 "bottle" the words ", or is a member of a club
- 7 affiliated with a national or international association
- 8 of liquor bottle and specialty clubs".
- 9 3. Page 1, by inserting after line 11, the fol-
- 10 lowing:
- 11 "NEW SUBSECTION. "Commemorative bottle dealer"
- 12 means a person who buys or imports commemorative
- 13 bottles, or both, for resale to collectors or bottle
- 14 collecting clubs, or both."

15 4. Page 1, line 13, by striking the word "section"  
 16 and inserting in lieu thereof the word "sections".  
 17 5. Page 1, line 14, by striking the word "BOTTLES"  
 18 and inserting in lieu thereof the words "BOTTLE  
 19 DEALERS".  
 20 6. Page 1, by striking lines 17 through 20, and  
 21 inserting in lieu thereof the following: "of legal  
 22 age who is a commemorative bottle dealer and who has  
 23 a commemorative bottle dealers' license, may import  
 24 and have in his or her possession up to twelve  
 25 commemorative bottles for purposes of collecting the  
 26 bottles, sale of the bottles to commemorative bottle  
 27 collectors or other commemorative bottle dealers,  
 28 or both,".

29 7. Page 1, by striking lines 25 through 27, and  
 30 inserting in lieu thereof the following: "alcoholic  
 31 liquor. A commemorative bottle dealers' license may  
 32 be issued by the director upon application being made  
 33 to the department in the form and manner prescribed  
 34 by the director, accompanied by a twenty-five dol-  
 35 lar fee, and upon the director being satisfied that  
 36 the applicant has complied with departmental rules  
 37 established for the issuance of the license. The  
 38 license unless sooner suspended or revoked shall  
 39 expire one year after the date of issuance but may  
 40 be renewed in a manner prescribed by the director.  
 41 **NEW SECTION. COMMEMORATIVE BOTTLE COLLECTORS.**  
 42 Notwithstanding any other provision of chapter one  
 43 hundred twenty-three (123) of the Code, but subject  
 44 to rules of the department, a person of legal age  
 45 who is a collector of commemorative bottles may import  
 46 and have in his or her possession up to twelve  
 47 commemorative bottles for purposes of collecting the  
 48 bottles, and may so import and collect commemorative  
 49 bottles without obtaining a license, permit,  
 50 certificate of compliance, seals and labeling, required

**Page 2**

1 under chapter one hundred twenty-three (123) of the  
 2 Code of other importers of alcoholic liquor."  
 3 8. Title page, line 1, by striking the words "the  
 4 sale of".

JOHNSON of Linn

H-5110

1 Amend House Resolution 103 as follows:  
 2 1. Page 1, by inserting after line 4 the  
 3 following:  
 4 "1. Rule 39 is amended to read as follows:  
 5 Rule 39  
 6 The members of the majority floor leadership . . .

7 shall cause a weekly debate calendar consisting of  
 8 bills and joint resolutions on the regular house  
 9 calendar to be prepared and distributed to the  
 10 house members by the chief clerk. Said The weekly  
 11 debate calendar shall be available by noon on the  
 12 last session day of any week when floor action by  
 13 the house is scheduled for the next week. Any bill  
 14 except appropriations and ways and means bills not  
 15 listed on the weekly debate calendar shall not be  
 16 considered by the house during the week covered  
 17 by the weekly debate calendar.

18 The majority floor leadership shall cause to be  
 19 prepared and distributed to the members at the  
 20 opening of each session day when floor action is  
 21 scheduled, a daily calendar consisting of bills and  
 22 joint resolutions from the weekly debate calendar,  
 23 setting forth the number, title, and order of  
 24 consideration of bills for the next session day  
 25 that floor action is scheduled.

26 A bill or joint resolution listed on the daily  
 27 calendar which is not taken up in proper order  
 28 shall be deleted from the debate calendar and be  
 29 placed on the regular calendar."

BYERLY of Polk  
 AVENSON of Fayette

H-5111

1 Amend Senate File 97 as follows:  
 2 1. Page 3, by striking lines 11 through 17.  
 3 2. Page 4, line 31, by striking the word  
 4 "necessary" and by inserting the words "permitted  
 5 by law".

CONLON of Muscatine

H-5113

1 Amend House File 2286 as follows:  
 2 1. Page 1, by inserting before line 1 the following  
 3 section:  
 4 "Section 1. Section three hundred forty A point  
 5 two (340A.2), unnumbered paragraph one (1), Code 1979,  
 6 is amended to read as follows:  
 7 The county auditor shall convene the conventions  
 8 of the mayors and the boards of directors of the  
 9 school districts each year during the month of August,  
 10 1975, and each four years thereafter during the month  
 11 of June, by written notice stating the date, time  
 12 and location of each convention meeting to each person  
 13 eligible to attend the convention. When a vacancy



14 exists which must be filled by a convention, the  
 15 county auditor shall convene a special meeting of  
 16 ~~such~~ the convention within thirty days after the  
 17 county auditor becomes aware of the vacancy."

18 2. By renumbering sections as necessary in  
 19 accordance with this amendment.

MAULSBY of Calhoun

H-5114

1 Amend House Resolution 103 as follows:

2 1. Page 1, by inserting after line 4 the  
 3 following:

4 "1. Rule 36.8 is amended to read as follows:

5 Rule 36.8

6 No amendment to the rules of the house, to any  
 7 resolution or bill, except technical amendments and  
 8 amendments to bills substituted for by Senate Files  
 9 containing substantially identical title, language,  
 10 subject matter, purpose and intrasectional arrange-  
 11 ment, and ways and means, appropriations and sifting  
 12 committee bills, shall be considered by the member-  
 13 ship of the house without a copy of the amendment  
 14 having been filed with the chief clerk on the day  
 15 preceding floor debate on the amendment. This pro-  
 16 vision shall not apply to any proposal debated on  
 17 the floor of the house after the fifteenth week of  
 18 the first session and the thirteenth week of the  
 19 second session. No amendment or amendment to an  
 20 amendment to a bill, rule of the house, or resolution  
 21 shall be considered by the membership of the house  
 22 without a copy of said amendment being on the desk  
 23 of the entire membership of the house prior to  
 24 consideration."

BYERLY of Polk  
 AVENSON of Fayette

H-5119

1 Amend Senate File 97 as amended, passed and  
 2 reprinted by the Senate as follows:

3 1. Page 5, line 4, by striking the words "dental  
 4 hygienist," and inserting in lieu thereof the words  
 5 "dental hygienist,".

6 2. Page 5, line 11, by striking the words "dental  
 7 hygiene," and inserting in lieu thereof the words  
 8 "dental hygiene,".

9 3. Page 5, line 20, by striking the words "dental  
 10 hygiene," and inserting in lieu thereof the words

- 11 "dental hygiene."  
 12 4. Page 6, line 16, by striking the words "and  
 13 dental hygiene" and inserting in lieu thereof the  
 14 words "and dental hygiene".

RITSEMA of Sioux

H-5122

- 1 Amend Amendment H-5107 to Senate File 97 as  
 2 follows:  
 3 1. Page 1, by striking lines 4 and 5 and in-  
 4 serting in lieu thereof the words "its subdivisions,  
 5 by".

LURA of Marshall

H-5125

- 1 Amend Amendment H-5107 to Senate File 97 as  
 2 follows:  
 3 1. Page 1, line 6 by inserting after the word  
 4 "doctor" the words ", chiropractic doctor".

LURA of Marshall

H-5126

- 1 Amend Senate File 97 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, by striking lines 28 through 35.  
 4 2. Page 3, by striking line 1.  
 5 3. By renumbering other sections as necessary.

LURA of Marshall

H-5127

- 1 Amend Senate File 97 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, by striking lines 34 through 35.  
 4 2. Page 4, by striking lines 1 through 21.  
 5 3. By renumbering other sections as necessary.

LURA of Marshall

H-5131

- 1 Amend House File 2199 as follows:  
 2 1. By striking page 1, line 4 through page 2,  
 3 line 11, and inserting in lieu thereof the following:

4     "3. a. (1) The Except where a higher rate is  
5 permitted by subparagraph three (3) of this paragraph,  
6 the maximum lawful rate of interest which may be  
7 provided for in any written agreement for the payment  
8 of interest entered into during any calendar month  
9 commencing on or after April 13, 1979, shall be two  
10 percentage points above the monthly average ten-year  
11 constant maturity interest rate of United States  
12 government notes and bonds as published by the board  
13 of governors of the federal reserve system for the  
14 calendar month second preceding the month during which  
15 the maximum rate based thereon will be effective,  
16 rounded to the nearest one-fourth of one percent per  
17 year.

18     (2) On or before the twentieth day of each month  
19 the superintendent of banking shall determine the  
20 maximum lawful rate of interest for the following  
21 calendar month as according to the formula prescribed  
22 herein in subparagraph one (1) of this paragraph,  
23 and shall cause this rate to be published, as a notice  
24 in the Iowa administrative bulletin or as a legal  
25 notice in a newspaper of general circulation published  
26 in Polk county, prior to the first day of the following  
27 calendar month. This maximum lawful rate of interest  
28 shall be effective on the first day of the calendar  
29 month following publication. The determination of  
30 the maximum lawful rate of interest by the  
31 superintendent of banking shall be under subparagraphs  
32 one (1) and two (2) of this paragraph is exempt from  
33 the provisions of chapter 17A.

34     NEW SUBPARAGRAPH. (3) Notwithstanding the  
35 limitation provided in subparagraphs one (1) and two  
36 (2) of this paragraph, a written agreement for the  
37 payment of interest may provide for the payment of  
38 any rate of interest which does not exceed one  
39 percentage point above the discount rate on ninety-  
40 day commercial paper in effect at the federal reserve  
41 bank located in Chicago, Illinois, at the time the  
42 agreement is made, rounded to the nearest one-fourth  
43 of one percent per year."

44     2. Amend the title, line 3, by striking the words  
45 "as the index" and inserting in lieu thereof the words  
46 "as an alternative index".

POFFENBERGER of Dallas

H-5132

1     Amend Senate File 436 as passed by the Senate as  
2 follows:

3     1. Page 5, by inserting after line 5 the following:

4 "Sec. . . Section four hundred fifty-five B point  
5 fifty-three (455B.53), Code 1979, is amended to read  
6 as follows:

7 455B.53 BOARD. The governor shall appoint, subject  
8 to the approval of two-thirds of the members of the  
9 senate, a board of certification consisting of the  
10 following five seven members:

11 1. One member who is a waterworks operator holding  
12 a valid certificate of the highest classification  
13 issued by the department.

14 2. One member who is a waterworks operator holding  
15 a valid certificate and currently working for a water  
16 system in a city of three thousand or less population.

17 3. One member who is a waste waterworks operator  
18 holding a valid certificate of the highest  
19 classification issued by the department.

20 4. One member who is a waste waterworks operator  
21 holding a valid certificate and currently working  
22 for a waste water system in a city of three thousand  
23 or less population.

24 5. One member employed by the department who  
25 is qualified in water and waste waterworks operation.

26 6. Two members who shall not be certificated  
27 waterworks operators or certificated waste waterworks  
28 operators, but who shall be interested and  
29 knowledgeable in water supply or waste water collection  
30 and treatment, and who shall represent the general  
31 public.

32 The members prescribed in subsections 1 to 3 five  
33 (5) shall have been engaged in the practice of their  
34 professions for five years preceding their  
35 appointments, the last two years of which shall have  
36 been in Iowa.

37 Professional associations or societies composed  
38 of waterworks operators or waste waterworks operators  
39 may recommend the names of potential board members  
40 to the governor, but the governor shall not be bound  
41 by the recommendations. Members of the board shall  
42 not be required to be members of any such associations  
43 or societies.

44 The members of the board shall be appointed for  
45 three-year terms. Any vacancy shall be filled by  
46 appointment for the unexpired term. Members shall  
47 be limited to serving three terms or nine years,  
48 whichever, is less."

49 2. By renumbering the sections to conform with  
50 this amendment.

DAGGETT of Taylor  
PERKINS of Greene  
MILLER of Buchanan

H-5135

1 Amend House File 2291 as follows:  
 2 1. Page 2, by inserting after line 16 the  
 3 following:  
 4 "6. The insurance department citizens' aide shall  
 5 submit a report to the governor and the general  
 6 assembly in January of each year. The report shall  
 7 include a summary of the number and types of  
 8 complaints received by the insurance department during  
 9 the reporting period against persons who are subject  
 10 to regulation under Title twenty (XX) of the Code,  
 11 and the status or disposition of those complaints.  
 12 The report may contain other information as determined  
 13 by the commissioner or the citizens' aide."

BRANDT of Black Hawk

H-5136

1 Amend Senate File 97 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 5, by striking line 7 and inserting in  
 4 lieu thereof the following: "or practitioner of  
 5 barbering or funeral director shall mean means"  
 6 2. Page 5, lines 13 and 14, by striking the  
 7 words "barbering or mortuary science" and inserting  
 8 in lieu thereof the following: "or barbering or  
 9 mortuary science".  
 10 3. Page 5, line 22, by striking the words  
 11 "barbering or mortuary science" and inserting in  
 12 lieu thereof the following: "or barbering or  
 13 mortuary science".  
 14 4. Page 6, line 3, by striking the words  
 15 "barbering or mortuary science" and inserting in  
 16 lieu thereof the following "or barbering or  
 17 mortuary science".  
 18 5. Page 6, lines 20 and 21, by striking the  
 19 words "examiners; for mortuary science, mortuary  
 20 science examiners" and inserting in lieu thereof  
 21 the following: "examiners; for mortuary science,  
 22 mortuary science examiners".

RITSEMA of Sioux

H-5140

1 Amend amendment H-5077 to Senate File 432, as  
 2 amended, passed and reprinted by the Senate, as fol-  
 3 lows:  
 4 1. Page 1, line 17, by striking the word "FOS-  
 5 TER" and inserting in lieu thereof the words "OUT-  
 6 OF-HOME".

CONNOLLY of Dubuque

H-5142

1 Amend House File 2003, page 1, line 5, by  
 2 inserting after the word "vessel" the following:  
 3 "except when accompanied by a responsible person  
 4 of at least eighteen years of age who is ex-  
 5 perienced in motor boat operation".

LURA of Marshall  
 PERKINS of Greene

H-5145

1 Amend the Committee on Transportation amendment,  
 2 H-5086, to House File 2095, as follows:  
 3 1. Page 1, by striking lines 2 through 10 and  
 4 inserting in lieu thereof the following:  
 5 "1. By striking everything following the enacting  
 6 clause and inserting in lieu thereof the following:  
 7 "Section 1. Section three hundred twenty-four  
 8 point two (324.2), Code 1979, as that section is  
 9 amended by Acts of the Sixty-eighth General Assembly,  
 10 1979 Session, chapter seventy-five (75), section one  
 11 (1), is amended by adding the following new subsection:  
 12 NEW SUBSECTION. "Gasohol" means motor fuel  
 13 containing at least ten percent alcohol distilled  
 14 from agricultural products.  
 15 Sec. 2. Section three hundred twenty-four point  
 16 three (324.3), unnumbered paragraph one (1), Code  
 17 1979, is amended to read as follows:  
 18 For the privilege of operating motor vehicles in  
 19 this state an excise tax of eight and one-half cents  
 20 per gallon beginning July 1, 1978, and ten cents per  
 21 gallon beginning July 1, 1979 is hereby imposed upon  
 22 the use of all motor fuel used for any purpose except  
 23 motor fuel containing at least ten percent alcohol  
 24 distilled from agricultural products as otherwise  
 25 provided in this division. However, gasohol shall  
 26 have an excise tax of only three cents per gallon  
 27 imposed for the period beginning July 1, 1978 1980  
 28 and ending June 30, 1983 and except as otherwise  
 29 provided in this division. The tax shall be paid  
 30 in the first instance by the distributor upon the  
 31 invoiced gallonage of all motor fuel received by the  
 32 distributor in this state, within the meaning of the  
 33 word "received" as defined in this division, less  
 34 the deductions hereinafter authorized. Thereafter,  
 35 except as otherwise provided, the per gallon amount  
 36 of such tax shall be added to the selling price of  
 37 each and every gallon of such motor fuel sold in this  
 38 state and collected from the purchaser to the end  
 39 that the ultimate consumer shall bear the burden of

40 such tax; provided, however, that no tax shall be  
 41 imposed or collected under this division with respect  
 42 to the following:"

43 2. Amend the title, line 1, by striking the word  
 44 "sales"."

DAVITT of Warren

H-5146

1 Amend House File 2169 as follows:

2 1. Page 1, by adding the following new  
 3 section after line 7:

4 "Sec. Chapter three hundred nine (309), Code  
 5 1979, is amended by adding the following new section:  
 6 NEW SECTION. A county may employ its own road  
 7 or bridge construction crews and such crews may carry  
 8 out completion of any such public project without  
 9 public letting."

SCHROEDER of Pottawattamie

H-5147

1 Amend House File 2275 as follows:

2 1. Page 1, by inserting before line 1 the  
 3 following:

4 "Section 1. Section four hundred forty-two point  
 5 seven (442.7), subsection five (5), paragraph a, Code  
 6 1979, as amended by Acts of the Sixty-eighth General  
 7 Assembly, 1979 Session, chapter one hundred six (106),  
 8 section ten (10), and as the section is amended by  
 9 Acts of the Sixty-eighth General Assembly, 1979  
 10 Session, chapter one hundred six (106), sections six  
 11 (6) through nine (9), is amended by striking the  
 12 paragraph and inserting in lieu thereof the following:  
 13 a. If the state cost per pupil for the budget  
 14 year exceeds the district cost per pupil for the  
 15 budget year, the basic allowable growth per pupil  
 16 for the budget year is modified to equal one hundred  
 17 ten percent of the product of the state cost per pupil  
 18 for the base year times the state percent of growth  
 19 for the budget year. However, the basic allowable  
 20 growth per pupil for the budget year under this  
 21 paragraph shall not exceed the difference between  
 22 the state cost per pupil for the budget year and the  
 23 district cost per pupil for the budget year. For  
 24 purposes of this paragraph the state cost per pupil  
 25 and the district cost per pupil shall not include  
 26 special education support service costs, and the  
 27 district cost per pupil for the budget year shall

28 not include that portion of the district cost per  
 29 pupil created by additions to the allowable growth  
 30 per pupil provided under this paragraph, paragraph  
 31 b of this subsection and section four hundred forty-  
 32 two point thirty-one (442.31) of the Code, but shall  
 33 include reductions to the allowable growth except  
 34 those provided under section four hundred forty-two  
 35 point thirteen (442.13), subsection four (4) of the  
 36 Code."

37 2. Page 3, line 16, by inserting after the word  
 38 "Iowa." the words "However section one (1) of this  
 39 Act takes effect July 1, 1980."

40 3. Title page, line 3, by inserting after the  
 41 word "year" the words "and additional allowable growth  
 42 for certain eligible school districts".

43 4. By renumbering sections and internal references  
 44 as necessary in conformance with this amendment.

LIND of Black Hawk  
 BRANDT of Black Hawk

H-5149

1 Amend House File 2242 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Section eighty point seventeen (80.17),  
 5 Code 1979, is amended by adding the following new  
 6 subsection:

7 NEW SUBSECTION. Division of state law enforcement  
 8 planning.

9 Sec. 2. Section eighty C point two (80C.2), Code  
 10 1979, is amended to read as follows:

11 80C.2 COMMISSION ESTABLISHED. There is hereby  
 12 established within the office of the governor the  
 13 Iowa crime commission, hereinafter called referred  
 14 to subsequently in this chapter as the commission.  
 15 The commission shall be within the office of the  
 16 governor. The division of state law enforcement  
 17 planning in the department of public safety shall  
 18 provide staff assistance to the commission.

19 Sec. 3. Section eighty C point three (80C.3),  
 20 Code 1979, is amended to read as follows:

21 80C.3 COMMISSION FUNCTIONS. The commission shall  
 22 act as direct the division of state law enforcement  
 23 planning agency, referred to subsequently in this  
 24 chapter as the planning division, for purposes  
 25 established by state or federal agencies. The  
 26 commission planning division may conduct inquiries,  
 27 investigations, analyses and studies of all state,  
 28 county, and city departments and agencies concerned



29 with the problems of crime, and the ~~commission~~ may  
30 conduct inquiries, investigations, analyses, and  
31 studies into the incidence and causes of crime in  
32 Iowa, in ~~co-operation~~ cooperation with state, area,  
33 city and county agencies; ~~and~~. The planning division  
34 may develop a state-wide program of interagency ~~co-~~  
35 ~~operation~~ cooperation, in association with federal  
36 agencies and officials, and those of other states  
37 concerned with the problems of crime ~~and based~~  
38 ~~thereupon~~. Based upon these activities, the commission  
39 may make recommendations to the governor, general  
40 assembly, and state agencies to carry out the policy  
41 and purposes of this chapter. The commission in ~~co-~~  
42 ~~operation~~ cooperation with city, county and area  
43 agencies, and in conformity with such guidelines as  
44 may be promulgated by federal agencies, shall direct  
45 research, planning and action programs in furtherance  
46 of the policy and purpose of this chapter.

47 Sec. 4. Section eighty C point four (80C.4), Code  
48 1979, is amended to read as follows:

49 80C.4 DUTY TO FILE REPORT. ~~The commission during~~  
50 ~~the continuance of its operations~~ planning division

## Page 2

1 shall file periodic reports of its progress activities  
2 with the commission, which shall make periodic reports  
3 to the governor, and shall present a report to each  
4 annual session of the general assembly.

5 Sec. 5. Section eighty C point five (80C.5), Code  
6 1979, is amended to read as follows:

7 80C.5 ACCEPTANCE OF GRANTS. ~~The commission~~  
8 planning division on behalf of the commission with  
9 approval of the governor may accept funds, grants,  
10 services, facilities and property from any source,  
11 and all such receipts of the commission, including  
12 gifts, grants-in-aid and other revenue, are hereby  
13 appropriated for carrying out the purposes of this  
14 chapter. The expenditure of any funds available to  
15 the commission shall be by warrant to the treasurer  
16 of the state, drawn by the state comptroller upon  
17 vouchers authorized by the executive director  
18 commissioner of the commission the department of  
19 public safety or the commissioner's designee.

20 The planning division on behalf of the commission  
21 may:

22 1. Expend such moneys as may be appropriated by  
23 the general assembly, or otherwise shall be made  
24 available, for study, research, investigation, planning  
25 and implementation.

26 2. Make grants to cities, counties and areas

27 pursuant to law and such applicable regulations as  
28 may be applicable.

29 3. Provide supplies, facilities, personnel and  
30 staff for the function and operations of the  
31 commission, and for such other purposes as may be  
32 necessary and proper to accomplish the policy of this  
33 chapter.

34 Sec. 6. Section eighty C point six (80C.6), Code  
35 1979, is amended to read as follows:

36 80C.6 COMMISSION MEMBERSHIP. The commission shall  
37 consist of twelve members who are concerned with and  
38 knowledgeable about the problems of criminal justice  
39 and who are meet the requirements set forth in the  
40 Justice System Improvement Act of 1979, Pub. L. No.  
41 96-157. They shall be appointed for four-year terms  
42 by the governor subject to confirmation by two-thirds  
43 of the members of the senate.

44 The governor shall appoint an executive director  
45 of the commission who shall be the governor's official  
46 representative, and who shall be the principal  
47 executive administrator of the commission.

48 No A member of the general assembly shall not be  
49 appointed as a voting member of the commission.

50 Sec. 7. This Act takes effect January first

### Page 3

1 following its enactment. On that date, records,  
2 supplies and equipment in possession of crime  
3 commission staff shall be transferred to the division  
4 of state law enforcement planning of the department  
5 of public safety. Thirteen persons employed by the  
6 crime commission shall become employees of the  
7 department and shall be classified by the merit  
8 employment department in positions most equivalent  
9 to the positions which they held with the crime  
10 commission. Policies and procedures established for  
11 the crime commission shall apply to the division of  
12 state law enforcement planning in the department of  
13 public safety until changed as provided by law or  
14 rule."

BINA of Scott

H-5150

1 Amend House File 2003 as follows:

2 1. Page 1, line 5, by inserting after the word  
3 "vessel" the words "except when the person is  
4 accompanied by a parent or guardian".

PERKINS of Greene

H-5154

1 Amend Senate File 358, as passed by the Senate  
2 as follows:

3 1. Page 1, line 2, by striking the word "title"  
4 and inserting in lieu thereof the word "Act".

5 2. Page 1, line 15, by striking the words "a  
6 license to practice ophthalmic dispensing" and  
7 inserting in lieu thereof the words "certification  
8 as an ophthalmic dispenser".

9 3. Page 1, line 13, by inserting after line 13  
10 the following:

11 "For the purpose of this Act, state department  
12 and department mean the state department of health."

13 4. Page 1, line 26, by striking the word "board"  
14 and inserting in lieu thereof the words "state  
15 department".

16 5. Page 1, line 30, by striking the word "board"  
17 and inserting in lieu thereof the words "state  
18 department".

19 6. Page 1, by striking lines 31 through 35 and  
20 inserting in lieu thereof the following:

21 "3. Possession of a certificate of examination  
22 issued to an ophthalmic dispenser by the American  
23 opticians association, the American board of  
24 opticianry, or the national committee of contact lens  
25 examiners."

26 7. Page 2, by striking lines 1 through 7.

27 8. Page 2, by striking line 11 and inserting in  
28 lieu thereof the words "or certified ophthalmic  
29 dispenser".

30 9. Page 2, line 13, by striking the word "board"  
31 and inserting in lieu thereof the words "state  
32 department".

33 10. Page 2, line 16, by striking the word "board"  
34 and inserting in lieu thereof the words "state  
35 department".

36 11. Page 2, by striking lines 21, 22, and 23,  
37 and inserting in lieu thereof the following:

38 "Sec. 5. NEW SECTION. CONTINUING EDUCATION.

39 The state department shall require the annual  
40 completion of continuing education by certified  
41 ophthalmic dispensers which shall include attendance".

42 12. Page 2, line 30, by striking the word "board"  
43 and inserting in lieu thereof the words "state  
44 department".

45 13. Page 2, line 33, by inserting after the word  
46 "value." the words "Section two hundred fifty-eight  
47 A point two (258A.2) shall apply to ophthalmic  
48 dispensers with the state department of health filling  
49 the duties of the board under that section."

50 14. By striking page 2, line 34 through page 8,

## Page 2

1 line 4 and inserting in lieu thereof the following:  
2 "Sec. . NEW SECTION. QUALIFICATIONS. A n  
3 applicant for a certificate as an ophthalmic dispenser  
4 shall not be ineligible because of age, citizenship,  
5 sex, race, religion, marital status, or national  
6 origin, although the application form may require  
7 citizenship information. The state department may  
8 consider the past felony record of an applicant only  
9 if the felony conviction relates directly to practice  
10 as an ophthalmic dispenser. Character references  
11 may be required, but shall not be obtained from  
12 certificated ophthalmic dispensers.

13 Sec. . NEW SECTION. DISPLAY OF CERTIFICATE.  
14 A person who possesses a certificate as an ophthalmic  
15 dispenser shall publicly display the certificate in  
16 the business location in which the ophthalmic dispenser  
17 is employed.

18 Sec. . NEW SECTION. RECORD. The state  
19 department of health shall enter the name, location,  
20 number of years of practice of the person to whom  
21 the certificate as an ophthalmic dispenser is issued,  
22 the number of the certificate, and the date the  
23 certificate is issued in a registry book. The registry  
24 book is open to the public. In addition, the state  
25 department shall send a list containing the names  
26 and addresses of each certified ophthalmic dispenser  
27 to each physician and surgeon, osteopathic physician,  
28 osteopathic physician and surgeon, and optometrist  
29 licensed to practice in this state. The list shall  
30 be made available to patients.

31 Sec. . NEW SECTION. CHANGE OF RESIDENCE.  
32 A certified ophthalmic dispenser shall notify the  
33 state department of a change of residence.

34 Sec. . NEW SECTION. RENEWAL. A certificate  
35 as an ophthalmic dispenser shall expire annually as  
36 determined by the state department and shall be renewed  
37 annually upon application by the certified ophthalmic  
38 dispenser. Application for renewal shall be made  
39 in writing to the state department accompanied by  
40 the required fee at least thirty days prior to the  
41 expiration of the certificate. A renewal shall be  
42 displayed with the certificate. Every year the state  
43 department shall notify certificate holders by mail  
44 of the expiration of their certificates. Failure  
45 to renew the certificate within a reasonable time  
46 after the certificate's expiration shall not invalidate  
47 the certificate, but a reasonable penalty may be  
48 assessed by the state department.

49 Sec. . NEW SECTION. TITLES. Only a certified  
50 ophthalmic dispenser is entitled to use the words

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1 "certified ophthalmic dispenser" after the certified  
 2 ophthalmic dispenser's name and to use the letters  
 3 C.O.D.  
 4 Sec. . NEW SECTION. FEES. The state department  
 5 shall set the fees for initial issuance of a  
 6 certificate and for renewal of a certificate. The  
 7 fees shall be based upon the actual costs of the state  
 8 department for issuing and renewing certificates as  
 9 ophthalmic dispensers. Fees shall be collected by  
 10 the state department, paid to the treasurer of state  
 11 and deposited in the general fund of the state."  
 12 15. By numbering and renumbering sections as  
 13 necessary in accordance with this amendment.

HANSEN of O'Brien  
 O'KANE of Woodbury

H-5155

1 Amend the Senate amendment, H-5144, to House  
 2 File 2072, as amended, passed, and reprinted by the  
 3 House, as follows:  
 4 1. Page 4, line 40, by striking the number "15"  
 5 and inserting in lieu thereof the number "11".

AVENSON of Fayette

H-5156

1 Amend Senate amendment H-5144 to House File 2072  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by inserting after line 2 the following:  
 5 "1. Page 1, line 13, by inserting after the word  
 6 "such" the word "twice".  
 7 2. Page 1, line 20, by inserting after the word  
 8 "to" the word "twice".  
 9 3. Page 1, line 21, by striking the word "The"  
 10 and inserting in lieu thereof the words "The Twice  
 11 the".  
 12 4. Page 1, line 23, by inserting after the word  
 13 "though" the word "twice".  
 14 5. Page 2, by inserting after line 12 the  
 15 following:  
 16 "Sec. . Section four hundred twenty-five point  
 17 four (425.4), Code 1979, is amended to read as follows:  
 18 425.4 CERTIFICATION TO TREASURER. All claims  
 19 which have been allowed by the board of supervisors  
 20 shall be certified on or before August 1, in each

21 year, by the county auditor to the county treasurer,  
 22 which certificates shall list the total amount of  
 23 dollars, listed by taxing district in the county,  
 24 due for homestead tax credits claimed and allowed.  
 25 The county treasurer shall forthwith certify to the  
 26 department of revenue twice the total amount of  
 27 dollars, listed by taxing district in the county,  
 28 due for homestead tax credits claimed and allowed." "

29 2. Renumber and correct internal references as  
 30 necessary.

BINA of Scott

H—5157

1 Amend amendment H—5111 to Senate File 97, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking line 2 and inserting  
 5 in lieu thereof the following:  
 6 "1. Page 3, by striking lines 11 through 17  
 7 and inserting in lieu thereof the following:  
 8 "(1) For an occupational therapist, the  
 9 program must be one accredited by the American  
 10 medical association." "

HANSON of Delaware

H—5163

1 Amend House Resolution 103 as follows:  
 2 1. Page 5, by inserting the following after  
 3 line 13: "or at a meeting of the administrative  
 4 rules review committee or energy policy council".

POFFENBERGER of Dallas

H—5170

1 Amend House File 2313 as follows:  
 2 1. Page 1, line 5, by inserting after the  
 3 word "seed" the words "of a species native to Iowa".

BRANDT of Black Hawk

H—5171

1 Amend House File 2393 as follows:  
 2 1. Page 1, line 6, by inserting after the word  
 3 "employment." the words "However it is not a public

- 4 offense to require a polygraph examination of the  
 5 following persons:
- 6 1. Peace officers as defined in section eight  
 7 hundred one point four (801.4) of the Code and peace  
 8 officer applicants.
  - 9 2. Correctional officer and correctional officer  
 10 applicants.
  - 11 3. Jailers and jailer applicants.
  - 12 4. Law enforcement radio dispatchers and law  
 13 enforcement dispatcher applicants.
  - 14 5. Criminal records clerks and criminal records  
 15 clerk applicants."
- 16 2. Title page, line 2, by inserting after the  
 17 word "employment" the words "and providing a penalty".

SCHROEDER of Pottawattamie  
 HOLT of Clay  
 CRABB of Crawford

H-5172

- 1 Amend the Senate amendment, H-5144, to House File  
 2 2072, as amended, passed, and reprinted by the Senate,  
 3 as follows:
- 4 1. Page 1, by inserting after line 2 the following:  
 5 " . Page 3, by inserting after line 2 the  
 6 following new section:  
 7 " . Section four hundred forty-one point  
 8 twenty-one (441.21), subsection five (5), Code 1979,  
 9 as amended by Acts of the Sixty-eighth General  
 10 Assembly, 1979 Session, chapter twenty-five (25),  
 11 section five (5), is amended to read as follows:  
 12 5. For valuations established as of January 1,  
 13 1979, and each odd-numbered year thereafter, the  
 14 percentage of actual value at which agricultural and  
 15 residential property shall be assessed shall be the  
 16 quotient of the dividend and divisor as defined in  
 17 this section. The dividend for each class of property  
 18 shall be the dividend as determined for each class  
 19 of property for valuations established as of January  
 20 ~~1, 1978~~ first of the preceding year, adjusted by the  
 21 product obtained by multiplying the percentage  
 22 determined for that year by the amount of any additions  
 23 or deletions to actual value, excluding those resulting  
 24 from the revaluation of existing properties, as  
 25 reported by the assessors on the abstracts of  
 26 assessment for ~~1978~~ that year, plus six percent of  
 27 the amount so determined. However, if the difference  
 28 between the dividend so determined for either class  
 29 of property and the dividend for that class of property  
 30 for valuations established as of January ~~1, 1978~~ first

31 of that year, adjusted by the product obtained by  
32 multiplying the percentage determined for that year  
33 by the amount of any additions or deletions to actual  
34 value, excluding those resulting from the revaluation  
35 of existing properties, as reported by the assessors  
36 on the abstracts of assessment for 1978 that year,  
37 is less than six percent, the 1979 current year  
38 dividend for the other class of property shall be  
39 the dividend as determined for that class of property  
40 for valuations established as of January 1, 1978 first  
41 of the preceding year, adjusted by the product obtained  
42 by multiplying the percentage determined for that  
43 year by the amount of any additions or deletions to  
44 actual value, excluding those resulting from the  
45 revaluation of existing properties, as reported by  
46 the assessors on the abstracts of assessment for 1978  
47 that year, plus a percentage of the amount so  
48 determined which is equal to the percentage by which  
49 the dividend as determined for the other class of  
50 property for valuations established as of January

**Page 2**

1 1, 1978 first of that year, adjusted by the product  
2 obtained by multiplying the percentage determined  
3 for that year by the amount of any additions or  
4 deletions to actual value, excluding those resulting  
5 from the revaluation of existing properties, as  
6 reported by the assessors on the abstracts of  
7 assessment for 1978 the preceding year, is increased  
8 in arriving at the 1979 current year's dividend for  
9 the other class of property. The divisor for each  
10 class of property shall be the total actual value  
11 of all such property in the state in the preceding  
12 year, as reported by the assessors on the abstracts  
13 of assessment submitted for 1978 the preceding year,  
14 plus the amount of value added to said total actual  
15 value by the revaluation of existing properties in  
16 1979 the reassessment year as equalized by the director  
17 of revenue pursuant to section 441.49. The director  
18 shall utilize information reported on abstracts of  
19 assessment submitted pursuant to section 441.45 in  
20 determining such percentage. For valuations  
21 established as of January 1, 1980, and each even-  
22 numbered year thereafter, the percentage of actual  
23 value as equalized by the director of revenue as  
24 provided in section 441.49 at which agricultural and  
25 residential property shall be assessed shall be  
26 calculated in accordance with the methods provided  
27 herein including the limitation of increases in  
28 agricultural and residential assessed values to the



29 percentage increase of the other class of property  
 30 if the other class increases less than the allowable  
 31 limit adjusted to include the applicable and current  
 32 values as equalized by the director of revenue, except  
 33 that any references to six percent in this subsection  
 34 shall be four percent.

35 . Page 3, line 10, by inserting after the  
 36 figure "1979," the words "and January first of each  
 37 odd-numbered year thereafter,".

38 . Page 3, line 17, by inserting after the  
 39 figure "1979," the words "and January first of each  
 40 odd-numbered year thereafter,".

41 . Page 3, line 21, by striking the figure  
 42 "1978" and inserting in lieu thereof the words "January  
 43 first of the preceding year".

44 . Page 3, line 24, by striking the figure  
 45 "1978" and inserting in lieu thereof the words "January  
 46 first of the preceding year".

47 . Page 3, line 25, by striking the figure  
 48 "1978" and inserting in lieu thereof the words "that  
 49 year".

50 . Page 3, line 27, by inserting after the

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1 figure "1979" the words "and each odd-numbered year  
 2 thereafter".

3 . Page 3, line 29, by inserting after the  
 4 figure "1979," the words "and January first of each  
 5 odd-numbered year thereafter,".

6 . Page 4, line 3, by inserting after the figure  
 7 "1979," the words "and January first of each odd-  
 8 numbered year thereafter,".

9 . Page 4, line 6, by striking the figure "1978"  
 10 and inserting in lieu thereof the words "January first  
 11 of the preceding year".

12 . Page 4, line 15, by inserting after the  
 13 figure "1979" the words ", and January first of each  
 14 odd-numbered year thereafter".

15 . Page 4, line 16, by inserting after the  
 16 figure "1980," the words "and January first of each  
 17 even-numbered year thereafter,".

18 . Page 4, line 23, by inserting after the  
 19 figure "1980," the words "and January first of each  
 20 even-numbered year thereafter,".

21 . Page 4, line 27, by striking the figures  
 22 "1, 1979" and inserting in lieu thereof the words  
 23 "first of the preceding year".

24 . Page 4, line 32, by striking the figure  
 25 "1979" and inserting in lieu thereof the words "that  
 26 year".

- 27 . Page 4, line 35, by striking the figure  
 28 "1979" and inserting in lieu thereof the words "the  
 29 preceding year".
- 30 . Page 5, line 4, by striking the figure "1980"  
 31 and inserting in lieu thereof the words "the current  
 32 year".
- 33 . Page 5, line 8, by inserting after the figure  
 34 "1980," the words "and January first of each even-  
 35 numbered year thereafter,".
- 36 . Page 5, line 16, by inserting after the  
 37 figure "1980," the words "and January first of each  
 38 even-numbered year thereafter,".
- 39 . Page 5, line 19, by striking the figure  
 40 "1979" and inserting in lieu thereof the words "January  
 41 first of the preceding year".
- 42 . Page 5, line 25, by striking the figure  
 43 "1979" and inserting in lieu thereof the words "January  
 44 first of the preceding year".
- 45 . Page 5, line 27, by striking the figures  
 46 "1, 1980" and inserting in lieu thereof the words  
 47 "first of the current year".
- 48 . Page 5, line 27, by striking the word "For".
- 49 . Page 5, by striking lines 28 through 35.
- 50 . Page 6, by striking lines 1 through 10.

#### Page 4

- 1 . Page 6, line 11, by striking the words "in  
 2 this subsection shall be eight percent." "
- 3 . Page 7, by inserting after line 5 the  
 4 following new section:
- 5 "Sec. . . Section four hundred forty-one point  
 6 twenty-one (441.21), subsection eight (8), Code 1979,  
 7 as amended by Acts of the Sixty-eighth General  
 8 Assembly, 1979 Session, chapter twenty-five (25),  
 9 section five (5), is amended to read as follows:
- 10 8. For valuations established as of January 1,  
 11 1979, and each succeeding odd-numbered year, against  
 12 which taxes will be levied for the fiscal year  
 13 beginning in the 1979 calendar year, and each  
 14 succeeding odd-numbered calendar year, by any special  
 15 charter city that levies and collects its own taxes,  
 16 the percentage of actual value at which agricultural  
 17 and residential property shall be assessed shall be  
 18 the quotient of the dividend and divisor as defined  
 19 in this section. The dividend for each class of  
 20 property shall be the valuation for each class of  
 21 property for valuations established as of January  
 22 1, 1978 first of the preceding year, and upon which  
 23 any special charter city levied its taxes in 1978  
 24 that year, adjusted by the product obtained by

25 multiplying the percentage determined for that year  
26 by the amount of any additions or deletions to actual  
27 value, excluding those resulting from the revaluation  
28 of existing properties, as reported by the assessor  
29 on the abstract of assessment for 1978 that year,  
30 plus six percent of the amount so determined. The  
31 divisor for each class of property shall be the total  
32 actual value of all such property in the city in the  
33 preceding year, as reported by the assessor on the  
34 abstract of assessment submitted for 1978 that year,  
35 plus the amount of value added to said total actual  
36 value by the revaluation of existing properties in  
37 1979 the current year. However, if the estimated  
38 statewide growth in assessed valuation is less than  
39 six percent for either class of property for 1979  
40 any year, the director shall estimate the percentages  
41 by which the statewide valuation of residential and  
42 agricultural property will increase in 1979 that year.  
43 The lower percentage shall be used in lieu of six  
44 percent for both classes of property in calculating  
45 the percentages at which agricultural and residential  
46 property shall be assessed. The percentage at which  
47 agricultural and residential property shall be assessed  
48 will be certified by the director on or before May  
49 31, 1979 thirty-first of each year to the appropriate  
50 city official in special charter cities that levy

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1 and collect their own taxes. The percentage so  
2 certified shall be applicable only to those valuations  
3 against which the special charter city levies its  
4 own tax. For valuations established as of January  
5 1, 1980, and each even-numbered year thereafter for  
6 any special charter city that levies and collects  
7 its own taxes, the percentage of actual value as  
8 equalized by the director of revenue as provided in  
9 section 441.49 at which agricultural and residential  
10 property shall be assessed shall be calculated in  
11 accordance with the methods provided herein adjusted  
12 to include the applicable and current values as  
13 equalized by the director of revenue, except that  
14 any references to six percent in this subsection shall  
15 be four percent plus four percent of the amount so  
16 determined. The assessor shall provide valuation  
17 information to the director of revenue sufficient  
18 for the computation of the assessment percentage by  
19 May fifteenth of each year on forms prescribed by  
20 the director of revenue.

21 . Page 7, line 13, by inserting after the  
22 figure "1980," the words "and January first of each

- 23 even-numbered year thereafter.”
- 24 . Page 7, line 14, by inserting after the word
- 25 “year” the words “and each even-numbered calendar
- 26 year thereafter”.
- 27 . Page 7, line 23, by striking the figure “1,
- 28 1979” and inserting in lieu thereof the words “first
- 29 of the preceding year”.
- 30 . Page 7, line 24, by striking the figure
- 31 “1979” and inserting in lieu thereof the words “that
- 32 year”.
- 33 . Page 7, line 26, by striking the figure
- 34 “1979” and inserting in lieu thereof the words “that
- 35 year”.
- 36 . Page 7, line 30, by striking the figure
- 37 “1980” and inserting in lieu thereof the words “the
- 38 current year”.
- 39 . Page 7, line 31, by inserting after the
- 40 figure “1980,” the words “and January first of each
- 41 even-numbered year thereafter,”.
- 42 . Page 8, line 5, by inserting after the figure
- 43 “1980,” the words “and January first of each even-
- 44 numbered year thereafter,”.
- 45 . Page 8, line 7, by striking the figure “1979”
- 46 and inserting in lieu thereof the words “January first
- 47 of the preceding year.”
- 48 2. Page 1, by inserting after line 4 the following:
- 49 “ . Page 8, line 14, by striking the figure
- 50 “1979” and inserting in lieu thereof the words “for

### Page 6

- 1 the preceding year”.
- 2 . Page 8, line 16, by inserting after the
- 3 figure “1980” the words “, and January first of each
- 4 even-numbered year thereafter.”
- 5 3. Page 1, by inserting after line 8 the following:
- 6 “ . Page 9, line 3, by inserting after the word
- 7 “each” the words “odd-numbered”.
- 8 . Page 9, line 18, by inserting after the word
- 9 “each” the word “odd-numbered.”

NORLAND of Worth

H-5176

- 1 Amend House File 2134 as follows:
- 2 1. Page 1, by striking lines 3 through 17 and
- 3 inserting in lieu thereof the following:
- 4 “NEW SECTION. ELECTIVE OFFICIALS. An active,
- 5 vested, or retired member who was an elective official
- 6 during all or a portion of the period beginning January,

7 1, 1946 and ending July 3, 1953, and was not eligible  
 8 for membership in the retirement system established  
 9 in chapter ninety-seven (97) of the Code during the  
 10 elective official's term of office, may elect in  
 11 writing to the department to pay accumulated taxes  
 12 that would have been paid by the elective official  
 13 if the elective official had been an employee covered  
 14 under chapter ninety-seven (97) of the Code as chapter  
 15 ninety-seven (97) of the Code was in effect during  
 16 the period of the elective official's term of office.  
 17 The accumulated taxes are equal to the taxes which  
 18 would have been paid by the elective official for  
 19 the elective official's term of office plus interest  
 20 on the taxes for the period from July 4, 1953 to the  
 21 date of the payment of the taxes by the member equal  
 22 to two percent plus the interest dividend rate  
 23 applicable for each year, compounded annually.

24 There is appropriated from the general fund of  
 25 the state to the department of job service an amount  
 26 equal to the accumulated taxes paid by the active,  
 27 vested, or retired member under this section."

28 2. Amend the title, line 1, by striking the word  
 29 "repay" and inserting in lieu thereof the word "pay".

30 3. Amend the title, by striking lines 2, 3, and  
 31 4 and inserting in lieu thereof the words "taxes to  
 32 the retirement system established in chapter ninety-  
 33 seven (97) of the Code and receive credit for service  
 34 and to make an appropriation."

CRABB of Crawford

H-5177

1 Amend House File 2324 as follows:

2 1. Page 1, by inserting after line 29 the following  
 3 section:

4 "Sec. . Section one (1) of this Act does not  
 5 apply to persons whose names are on the certified  
 6 eligible list for original appointment on the effective  
 7 date of this Act."

JOHNSON of Linn

H-5181

1 Amend House File 2003 as follows:

2 1. Page 1, by striking lines 3 through 11 and  
 3 inserting in lieu thereof the following:

4 "6. No An owner or operator of a vessel propelled  
 5 by a motor of more than forty horsepower shall not  
 6 permit a person under sixteen years of age to operate

7 the vessel on waters under the jurisdiction of the  
 8 commission unless the person is at least twelve years  
 9 of age and holds a valid boat safety certificate  
 10 issued or recognized by the commission. An owner  
 11 or operator of any a vessel propelled by a motor of  
 12 more than six horsepower and less than or equal to  
 13 forty horsepower shall not permit any a person under  
 14 twelve years of age to operate such the vessel on  
 15 waters under the jursidiction of the commission except  
 16 when accompanied by a responsible person of at least  
 17 eighteen years of age who is experienced in motorboat  
 18 operation."

19 2. Page 1, by inserting after line 11 the  
 20 following:

21 "Sec. 2. Section one hundred six point twelve  
 22 (106.12), Code 1979, is amended by adding the following  
 23 new subsection:

24 NEW SUBSECTION. A vessel registered in an adjoining  
 25 state which is being operated on the flowing waters  
 26 of a boundary river of this state shall be deemed  
 27 to be in compliance with the laws of this state  
 28 regarding the use, operation and equipment of vessels  
 29 if it is in compliance with the regulations of the  
 30 state adjacent to this state at the place of  
 31 operation."

32 3. By renumbering the sections to conform with  
 33 this amendment.

PERKINS of Greene  
 LORENZEN of Scott

H-5184

1 Amend House File 2409 as follows:

2 1. Page 1, line 28, by inserting after the word  
 3 "premises" the words "with the permission of the  
 4 lawful custodian".

LURA of Marshall

H-5186

1 Amend House File 610 as follows:

2 1. Page 1, line 6, by striking the word  
 3 "dentures" and inserting in lieu thereof the words  
 4 "dental work".

5 2. Page 1, line 20, by striking the word  
 6 "dentures" and inserting in lieu thereof the words  
 7 "dental work".

8 3. Page 1, line 24, by striking the word  
 9 "dentures" and inserting in lieu thereof the words  
 10 "dental work".

KIRKENSLAGER of Des Moines

H-5194

- 1 Amend House File 2447 as follows:
- 2 1. Page 1, line 10, by striking the word "and"
- 3 and inserting in lieu thereof the words "and a vehicle
- 4 registered by a person sixty-five years of age or
- 5 older, a vehicle registered by a handicapped or
- 6 paraplegic person, as defined in section six hundred
- 7 one E point one (601E.1) of the Code, or".

CONNOLLY of Dubuque

H-5196

- 1 Amend amendment H-5181 to House File 2003 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "commission" the words "except when the person is
- 5 accompanied by a parent or guardian or".

PERKINS of Greene

H-5199

- 1 Amend House File 2086 as follows:
- 2 1. Page 13, lines 29 and 30, by striking the words
- 3 "any of the carriers or employers" and inserting in
- 4 lieu thereof the words "the parties".

KIRKENSLAGER of Des Moines

H-5200

- 1 Amend House File 2160 by striking the enacting
- 2 clause.

DE GROOT of Lyon

H-5203

- 1 Amend House File 2459 as follows:
- 2 1. Page 1, line 23, by striking the words "road
- 3 use tax" and inserting in lieu thereof the words
- 4 "railroad assistance".
- 5 2. Title, line 2, by striking the words "road
- 6 use tax" and inserting in lieu thereof the words
- 7 "railroad assistance".

LLOYD-JONES of Johnson

H-5211

- 1 Amend House File 2409 as follows:  
 2 1. Page 1, line 19, by inserting after the word  
 3 "hearing," the word "vision".  
 4 2. Page 1, line 27, by inserting after the word  
 5 "hearing," the word "vision".

MILLER of Buchanan  
 HUMMEL of Benton

H-5213

- 1 Amend Senate File 176 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by striking lines 1 and 2 and inserting  
 4 in lieu thereof the following:  
 5 "Section 1. The general assembly finds and declares  
 6 that distribution and sales of motor fuels and special  
 7 fuels in this state affect the general economy of  
 8 the state, the public interest, and the public welfare,  
 9 and that competition and the well-being of franchisees  
 10 under distributor and dealer franchises are essential  
 11 to the fair and efficient functioning of a free market  
 12 economy within the petroleum industry. The general  
 13 assembly finds and declares that existing petroleum  
 14 franchise agreements provide for their automatic  
 15 termination upon the death of the franchisee. The  
 16 general assembly finds and declares that the  
 17 protections provided in this Act encourage the fair  
 18 and efficient functioning of a free market economy  
 19 within the petroleum industry.  
 20 "Sec. 2. Chapter three hundred twenty-three (323),  
 21 Code 1979, is amended by adding the following new  
 22 section:  
 23 **NEW SECTION. DEATH OF FRANCHISEE—SUCCESSOR.**  
 24 1. It is unlawful to include in any distributor  
 25 franchise or dealer franchise agreement any term which  
 26 provides for the termination of the franchise by the  
 27 franchisor upon the death of the franchisee if the  
 28 franchisee, prior to his or her demise, designates  
 29 a successor-in-interest in a form prescribed by and  
 30 delivered to the franchisor. For the purposes of  
 31 this section, "successor-in-interest" is restricted  
 32 to either a surviving spouse or adult child of the  
 33 franchisee; provided that the spouse or child, at  
 34 the time of the franchisee's death, must be able to  
 35 meet the reasonable qualifications then being required  
 36 of distributors or dealers by the franchisor.  
 37 2. The successor-in-interest designated as provided  
 38 in subsection one (1) of this section shall be allowed



39 twenty-one days after the death of the franchisee  
40 to give written notice of his or her election to  
41 assume and operate the franchise. The notification  
42 shall contain information regarding business experience  
43 and credit worthiness as is reasonably required by  
44 the franchisor. The successor-in-interest must offer  
45 to assume and commence operation of the franchise  
46 within ten days after the franchisor approves the  
47 assumption.

48 3. A franchisor may require that a franchisee  
49 desiring to designate a successor-in-interest pursuant  
50 to this section deposit with the franchisor at the

**Page 2**

1 time of making the designation such sum as would be  
2 reasonably estimated to be necessary to compensate  
3 the franchisor for income under the franchise for  
4 a period of twenty-one days. This deposit is intended  
5 to compensate the franchisor in the event the  
6 designated successor-in-interest fails to assume the  
7 franchise obligation. Any unearned portion of the  
8 deposit resulting from the successor-in-interest  
9 assuming responsibility for the franchise sooner than  
10 twenty-one days after the date of the franchisee's  
11 death, or from the temporary operation of the facility  
12 by the franchisor during that period, shall be refunded  
13 by the franchisor to the estate or legal representative  
14 of the deceased franchisee. In addition to this  
15 deposit, the franchisor may require a franchisee  
16 desiring to qualify under this section to arrange  
17 for the discharge or performance of other franchise  
18 obligations including but not limited to the  
19 maintenance of a policy of insurance, but excluding  
20 any obligation to customers of the franchise, for  
21 a period of up to twenty-one days after the death  
22 of the franchisee.

23 4. The franchise available to the successor-in-  
24 interest pursuant to this section shall be no greater  
25 or less than the franchise as it existed in the name  
26 of the deceased franchisee at the time of the  
27 franchisee's death.

28 5. A franchisee may designate a primary and one  
29 alternate successor-in-interest. The alternate, if  
30 one is designated, shall not have rights under this  
31 section in the event of any exercise of rights by  
32 the primary successor-in-interest. If an alternate  
33 desires to assume and operate the franchise in the  
34 event the primary successor-in-interest fails to do  
35 so, the alternate must give notice of such election  
36 and otherwise comply with subsection two (2) of this  
37 section.

38 6. Unless otherwise specifically provided in this  
39 section, actions to be performed by the franchisor  
40 or by the successor-in-interest under this section  
41 shall be performed within a reasonable time.  
42 7. Unless the franchisor otherwise agrees in  
43 writing, there shall be no operation of the franchise  
44 following the death of the franchisee by any person  
45 other than the franchisor for its own account until  
46 all parts of the franchise have been expressly assumed  
47 as provided in this section, including, but not limited  
48 to, such items as lease or leases, products agree-  
49 ment, loaned equipment agreement, federal and state  
50 law compliance agreements, licensing, and tax permits.

Page 3

1 8. Following the death of a franchisee, and prior  
2 to the operation of the franchise by the successor-  
3 in-interest as provided in this section, the franchisor  
4 shall have the option to operate the franchise by  
5 contract or otherwise for its own account without  
6 obligation or duty to the heirs or estate of the  
7 deceased franchisee or to the successor-in-interest  
8 except for the obligation to account to the heirs  
9 or the estate of the deceased franchisee for the  
10 inapplicable portion of any prepaid rent or other  
11 sums prepaid to the franchisor, and for any physical  
12 inventory salvaged from the franchise and used or  
13 sold by the franchisor.

14 9. If the successor-in-interest assumes the  
15 franchise and there has been no intervening operation  
16 of the franchise by the franchisor, the successor-  
17 in-interest shall account to the heirs or estate of  
18 the deceased franchisee for the value or other  
19 disposition of personal property of the franchisee  
20 located at or related to the franchise.

21 10. Violation of this section by a franchisor  
22 is a serious misdemeanor.

23 11. A franchisee or successor-in-interest may  
24 commence a civil action to compel compliance by a  
25 franchisor with this section, or to obtain damages  
26 caused by a violation of this section, or both."

27 2. Amend the title, lines 1 and 2, by striking  
28 the words "repealing chapter three hundred twenty-  
29 three (323) of the Code,".

H-5215

1 Amend House File 2160 as follows:

2 1. Page 1, line 13, by striking the word  
3 "fourteen" and inserting in lieu thereof the words  
4 "fourteen sixteen".

5 2. Page 1, by inserting after line 28 the  
6 following:

7 "Sec. . Section three hundred twenty-one  
8 point one hundred eighty-nine (321.189), subsection  
9 two (2), paragraph a, Code 1979, is amended to  
10 read as follows:

11 a. The department may issue a motorized bicycle  
12 license to any person ~~fourteen sixteen~~ years of age  
13 or older who has passed a vision test and a written  
14 examination on the rules of the road. A motorized  
15 bicycle license shall entitle the licensee to operate  
16 a motorized bicycle while having the license in  
17 immediate possession on the highways of the state  
18 for a period of two years."

PERKINS of Greene  
DE GROOT of Lyon  
TYRRELL of Iowa  
BRANSTAD of Winnebago  
CHIODO of Polk  
LONERGAN of Boone

H-5216

1 Amend House File 530 as follows:

2 1. Page 3, by inserting after line 4 the following  
3 new section:

4 "Sec. . Section two hundred three A point three  
5 (203A.3), Code 1979, is amended by adding the following  
6 new subsection:

7 **NEW SUBSECTION.** The sale, delivery for sale,  
8 holding for sale or offering for sale of any drug  
9 which has been classified by the United States food  
10 and drug administration as ineffective. If the United  
11 States food and drug administration has classified  
12 a drug as ineffective only for a specified purpose  
13 or purposes, the sale, delivery for sale, holding  
14 for sale or offering for sale of that drug for any  
15 otherwise lawful purpose not so specified is not a  
16 violation of this subsection."

17 2. Title, line 2, by striking the words "by medical  
18 practitioners".

MILLER of Buchanan

H-5220

1 Amend House File 530 as follows:

2 1. Page 2, by inserting after line 33 the following  
3 new section:

4 "Sec. . Chapter one hundred fifty-five (155),  
5 Code 1979, is amended by adding the following new  
6 section:

7 NEW SECTION. PRESCRIPTION DRUG CONTAINERS.

8 1. A pharmacist, before dispensing a prescription  
9 drug, shall ask the purchaser if the purchaser would  
10 like to request one of the following types of  
11 prescription drug containers:

12 a. A child-resistant container with the safety-  
13 closure screw-type or snap-type top; or

14 b. A container which is not child-resistant with an  
15 ordinary screw-type or snap-type top.

16 2. The pharmacist shall have available at all  
17 times containers which are not child-resistant which are  
18 comparable in size, design, and color to child-  
19 resistant containers. The pharmacist shall comply  
20 with the purchaser's request for either a child-  
21 resistant container or a container which is not child-  
22 resistant."

23 2. Title, line 2, by striking the words "by medical  
24 practitioners".

LIND of Black Hawk

H-5226

1 Amend the House Committee amendment, H-5152, to  
2 Senate File 432, as amended, passed, and reprinted  
3 by the Senate, as follows:

4 1. Page 1, by inserting after line 12 the  
5 following:

6 "e. Care furnished by a registered or nonregistered  
7 preschool educational care center under chapter two  
8 hundred thirty-seven A (237A) of the Code."

9 2. Page 1, by inserting after line 46 the  
10 following:

11 " . Page 6, by inserting after line 17 the  
12 following:

13 "Sec. . Section two hundred thirty-seven A  
14 point one (237A.1), subsection seven (7), Code 1979,  
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. Preschool educational care.

17 Sec. . Section two hundred thirty-seven A point  
18 one (237A.1), Code 1979, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. "Preschool educational care" means

21 a prekindergarten program of instruction and  
 22 supervision, of a child by a person other than the  
 23 parent, guardian, relative or custodian for periods  
 24 of not more than eight hours per day per child in  
 25 a place other than the child's home, designed to  
 26 develop the child's sense of self and perception of  
 27 others, to assist the child's self-expression, to  
 28 assist the child to work and play with other children,  
 29 to teach the child to use and manage the body, and  
 30 to extend the child's interests and understanding  
 31 of the world.

32 Sec. . Chapter two hundred thirty-seven A  
 33 (237A), Code 1979, is amended by adding the following  
 34 new section:

35 **NEW SECTION.** A person who establishes and operates  
 36 a preschool educational care center may apply to the  
 37 department for registration under the provisions of  
 38 this chapter. The department shall issue a certificate  
 39 of registration upon receipt of a statement that the  
 40 center complies with rules promulgated by the  
 41 department. The department shall promulgate pursuant  
 42 to chapter seventeen A (17A) of the Code necessary  
 43 rules to implement this section. The rules shall  
 44 include but are not limited to registration procedures,  
 45 suspension and revocation of registration, posting  
 46 of registration certificates, physical facilities,  
 47 maximum number of children to be received, health,  
 48 safety and medical policies for children, personnel  
 49 requirements, educational activities, and record-  
 50 keeping." "

SCHROEDER of Pottawattamie

H-5231

1 Amend House File 2253 as follows:  
 2 1. Page 2, by inserting after line 16 the  
 3 following:  
 4 "Sec. . Chapter five hundred seven B (507B),  
 5 Code 1979, is amended by adding the following new  
 6 section:  
 7 **NEW SECTION. RESTITUTION.**  
 8 1. A person who is aggrieved by a violation of  
 9 section one (1) of this Act may file a petition with  
 10 the commissioner for restitution.  
 11 2. Upon receipt of a petition under subsection  
 12 one (1) of this section, the commissioner shall cause  
 13 an investigation to be made. If the commissioner  
 14 finds reasonable grounds to believe that the petitioner  
 15 has incurred financial loss in the form of unnecessary  
 16 premium payments made as a result of a violation of  
 17 section one (1) of this Act, the commissioner shall

18 cause the matter to be heard as a contested case under  
19 chapter seventeen A (17A) of the Code.

20 3. If upon hearing the commissioner finds that  
21 the petitioner has incurred financial loss in the  
22 form of unnecessary premium payments made as a result  
23 of a violation of section one (1) of this Act, the  
24 commissioner shall order the violator to refund all  
25 premium payments. The order also shall require the  
26 violator to pay interest on each premium payment to  
27 be refunded, at a rate to be determined by the  
28 commissioner, and commencing as of the date the premium  
29 payment was made. The violator shall not be liable  
30 to refund any premium payment received more than ten  
31 years prior to the date proceedings are commenced  
32 under subsection two (2) of this section.

33 4. In a proceeding under section five hundred  
34 seven B point six (507B.6) of the Code involving an  
35 alleged violation of section one (1) of this Act,  
36 the commissioner may give notice that an order of  
37 restitution may be issued upon the finding of a  
38 violation. The notice need not state the names or  
39 numbers of persons to whom restitution may be ordered,  
40 and need not state the amount which may be ordered  
41 as restitution. If the commissioner finds that a  
42 violation of section one (1) of this Act has occurred,  
43 the commissioner may order the violator to make  
44 restitution to the extent provided in subsection three  
45 (3) of this section to all persons aggrieved by the  
46 violation.

47 5. The commissioner shall adopt rules to implement  
48 the provisions of this section."

49 2. Renumber sections and correct internal references as  
50 are necessary in accordance with this amendment.

BRANDT of Black Hawk

H - 5232

1 Amend House File 2345 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. TEMPORARY TAX LEVY.  
5 1. Notwithstanding the tax levy limitations  
6 specified in sections three hundred forty-seven point  
7 seven (347.7) and three hundred forty-seven point  
8 twenty-seven (347.27) of the Code, the board of  
9 supervisors of a county having a population of two  
10 hundred twenty-five thousand or more may levy an  
11 annual tax not exceeding one dollar and eighty-nine  
12 cents per thousand dollars of assessed value of the  
13 taxable property in the county to pay expenses for  
14 the operation, improvement, and maintenance of the

15 county public hospital for the fiscal years beginning  
16 July 1, 1980 and July 1, 1981. The tax proceeds shall  
17 be credited to the county public hospital fund and  
18 expended only for the operation, improvement and  
19 maintenance of the county public hospital as provided  
20 in chapter three hundred forty-seven (347) of the  
21 Code.

22 2. The tax levy authorized in subsection one (1)  
23 of this section is in lieu of the tax levies authorized  
24 in sections three hundred forty-seven point seven  
25 (347.7) and three hundred forty-seven point twenty-  
26 seven (347.27) of the Code for the operation,  
27 maintenance and improvement of a county public hospital  
28 in a county having a population of two hundred twenty-  
29 five thousand or more.

30 Sec. 2. COUNTY PUBLIC HOSPITAL STUDY.

31 1. The commissioner of public health shall conduct  
32 a study of the county public hospitals in counties  
33 having a population of two hundred twenty-five thousand  
34 or more for the purpose of determining the need for  
35 the quantity and kind of medical services and  
36 facilities provided by the counties. The study shall  
37 include, but is not limited to, a comparison of  
38 charges, rates and costs of providing the medical  
39 services by the county public hospitals and by other  
40 hospitals and medical facilities in the counties,  
41 the availability of the medical services to the  
42 residents of the counties at other hospitals and medi-  
43 cal facilities in the counties, areas of unnecessary  
44 duplication of medical facilities and services, and  
45 recommendations for the reduction of medical services  
46 and facilities provided by the county public hospitals  
47 or the costs of providing the medical services, or  
48 both.

49 2. The study shall be completed and transmitted  
50 to the presiding officers of each house of the general

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1 assembly by January 15, 1981.

2 Sec. 3. Section three hundred forty-seven point  
3 seven (347.7), unnumbered paragraph two (2), Code  
4 1979, is amended to read as follows:

5 ~~No~~ A levy shall ~~not~~ be made for the improvement,  
6 maintenance, or replacements of the hospital until  
7 the hospital has been constructed, staffed, and  
8 receiving patients. ~~Whenever~~ When revenue bonds are  
9 issued and outstanding under the provisions of section  
10 347.27, the authority contained in section 347.27  
11 to levy the tax to pay operating and maintenance  
12 expenses, ~~when and as therein provided, shall be is~~

13 in lieu of and not in addition to the authority  
 14 contained in this section to levy the tax of not to  
 15 exceed twenty-seven cents per thousand dollars of  
 16 assessed value for the improvement, maintenance and  
 17 replacements of the hospital and of not to exceed  
 18 one dollar and ~~twenty-one and one-half~~ thirty-five  
 19 cents per thousand dollars of assessed value for  
 20 improvements and maintenance of the hospital in  
 21 counties having a population of two hundred twenty-  
 22 five thousand inhabitants or over.

23 Sec. 4. Section three hundred forty-seven point  
 24 twenty-seven (347.27), unnumbered paragraph four (4),  
 25 Code 1979, is amended to read as follows:

26 The board of hospital trustees shall fix rates;  
 27 fees, and charges for the services furnished by the  
 28 county public hospital so that the revenues of the  
 29 county public hospital will be at all times sufficient  
 30 to provide for the payment of the interest on and  
 31 principal of all revenue bonds issued and outstanding  
 32 under the provisions of this section, and for the  
 33 payment of all operating and maintenance expenses  
 34 of the county public hospital. If in any year, after  
 35 payment of the accruing interest on and principal  
 36 due of any revenue bonds issued ~~hereunder~~ under this  
 37 section from the revenues derived from the operation  
 38 of such the hospital, there be is a balance of such  
 39 the revenues insufficient to pay the expenses of  
 40 operation and maintenance of the county public hospital,  
 41 the board of hospital trustees shall certify that  
 42 fact as soon as ascertained to the board of supervisors  
 43 of such the county, and thereupon it shall be the  
 44 duty of such the board of supervisors to shall make  
 45 the amount of such the deficiency for paying the  
 46 expenses of operation and maintenance of the county  
 47 public hospital available from other county funds  
 48 or, the board of supervisors of such the county shall  
 49 levy a tax not to exceed twenty-seven cents per  
 50 thousand dollars of assessed value in counties having

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1 a population of less than two hundred twenty-five  
 2 thousand inhabitants, or one dollar and ~~twenty-one~~  
 3 ~~and one-half~~ thirty-five cents per thousand dollars  
 4 of assessed value in counties having a population  
 5 of two hundred twenty-five thousand inhabitants or  
 6 over, in any one a year on all the taxable property  
 7 in said the county in an amount sufficient for that  
 8 purpose, ~~it being conditioned that no~~ The general  
 9 county funds or the proceeds of any taxes shall ever  
 10 not be used or applied to the payment of the interest



11 on or principal of any revenue bonds issued under  
 12 the provisions of this section, but ~~that such the~~  
 13 general county funds or proceeds of taxes may only  
 14 be used and applied to pay ~~such the~~ expenses of  
 15 operation and maintenance of the county public hospital  
 16 as cannot be paid which are not payable from available  
 17 revenues derived from ~~such the~~ operation.

18 Sec. 5. This Act, being deemed of immediate  
 19 importance, takes effect from and after its publication  
 20 in The Des Moines Register, a newspaper published  
 21 in Des Moines, Iowa, and in the Urbandale News, a  
 22 newspaper published in Urbandale, Iowa."

23 2. Amend the title by striking line 2 and inserting  
 24 in lieu thereof the following: "maintenance and  
 25 replacements of certain county public hospitals, and  
 26 to provide for a study."

THOMPSON of Polk  
 JESSE of Polk  
 BYERLY of Polk  
 KREWSON of Polk  
 CONNORS of Polk

H-5233

1 Amend House File 2443 as follows:  
 2 1. Page 2, line 6, by striking the word "officers"  
 3 and inserting in lieu thereof the word "officer".

SPEAR of Lee

H-5234

1 Amend House File 2105 as follows:  
 2 1. Page 1, by adding the following after  
 3 line 20:  
 4 "Sec. . Section three hundred twenty-one point  
 5 three hundred seventy-two (321.372), unnumbered paragraph  
 6 four (4), Code 1979, is amended to read as follows:  
 7 "This section shall ~~not~~ apply to "business" and  
 8 "residence" districts, unless ~~so~~ otherwise provided by  
 9 ordinance, ~~but~~ and shall apply in suburban districts of  
 10 cities where the speed limit is in excess of thirty-five'  
 11 miles per hour." "

SHERZAN of Polk

H-5235

1 Amend House File 2409, as follows:  
 2 1. Page 1, line 25, by striking the words "premises

- 3 other than" and inserting in lieu thereof the following:  
 4 "premises other than neutral sites, or in mobile units  
 5 located off the nonpublic school premises as determined by  
 6 the boards of the school districts and area education  
 7 agencies providing the services, and not on".

CONNOLLY of Dubuque

H - 5237

- 1 Amend House File 2019 as follows:  
 2 1. Page 1, line 18, by striking the word, "sixty"  
 3 and inserting in lieu thereof the word, "ninety".

HORN of Linn

H - 5248

- 1 Amend House File 2192 as follows:  
 2 1. Page 1, line 3, by striking the word  
 3 "subsection" and inserting in lieu thereof the word  
 4 "subsections".  
 5 2. Page 1, by striking lines 7 and 8 and inserting  
 6 in lieu thereof the following: "which do not have  
 7 a state liquor store."  
 8 NEW SUBSECTION. "Special retail liquor license"  
 9 means a license issued to a special liquor retailer  
 10 which authorizes the purchase and resale of alcoholic  
 11 liquor as provided for in section one hundred twenty-  
 12 three point twenty-three (123.23), subsection four  
 13 (4) of the Code.  
 14 NEW SUBSECTION. "Special retail liquor  
 15 establishment" means a store at which a special liquor  
 16 retailer sells alcoholic liquor at retail."  
 17 3. Page 2, by striking line 3 and inserting in  
 18 lieu thereof the following: "stores and special  
 19 retail liquor establishments."  
 20 4. Page 2, by striking lines 18 through 20 and  
 21 inserting in lieu thereof the following: "stores  
 22 and special retail liquor establishments for cause,  
 23 and to determine the cities in which such the stores  
 24 or establishments shall be located. However, no  
 25 liquor store or special retail liquor establishment  
 26 shall".  
 27 5. Page 2, line 28, by striking the words "liquor  
 28 retailers" and inserting in lieu thereof the words  
 29 "retail liquor establishments".  
 30 6. Page 2, line 31, by striking the word "liquor".  
 31 7. Page 2, line 32, by striking the word  
 32 "retailers" and inserting in lieu thereof the words  
 33 "retail liquor establishments".

- 34 8. Page 3, line 1, by striking the words "liquor  
 35 retailers" and inserting in lieu thereof the words  
 36 "retail liquor establishments".
- 37 9. Page 3, line 4, by striking the words "by any  
 38 special liquor retailer" and inserting in lieu thereof  
 39 the words "at any special retail liquor establishment".
- 40 10. Page 3, line 6, by inserting after the word  
 41 "special" the word "retail".
- 42 11. Page 3, line 7, by striking the word  
 43 "retailers" and inserting in lieu thereof the word  
 44 "establishment".
- 45 12. Page 3, line 10, by striking the words "liquor  
 46 retailers" and inserting in lieu thereof the words  
 47 "retail liquor establishments".
- 48 13. Page 3, line 14, by inserting after the word  
 49 "STORES" the following: "- SPECIAL LIQUOR RETAILERS".
- 50 14. Page 3, by striking lines 17 and 18 and

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- 1 inserting in lieu thereof the words "or stores for".
- 2 15. Page 3, by striking lines 25 through 34, and  
 3 inserting in lieu thereof the following:
- 4 "2. a. The city council of a city which does  
 5 not have a state liquor store may approve an  
 6 application for a special retail liquor license after  
 7 adoption of a resolution authorizing a special retail  
 8 liquor establishment. No more than one special retail  
 9 liquor establishment shall be located in a city.  
 10 From the date the city passes the resolution  
 11 authorizing a special liquor retailer, persons shall  
 12 have ninety days to file with the city clerk  
 13 applications for a special retail liquor license.  
 14 The city council shall approve only one of the  
 15 applications. If the applicant which the city council  
 16 approved as the special liquor retailer meets all  
 17 the requirements of the Code, the department shall  
 18 issue the license to the applicant. There is no fee  
 19 for a special retail liquor license. Special retail  
 20 liquor licenses expire two years from the date of  
 21 issuance, unless sooner revoked or suspended but may  
 22 be reapproved by the city council and reissued by  
 23 the department every two years. A city council shall  
 24 not disapprove the renewal application of the person  
 25 who has been the special liquor retailer for the last  
 26 two years except for reasonable cause. A special  
 27 liquor retailer who has his or her renewal application  
 28 denied by the city council may appeal the decision  
 29 to the hearing board.
- 30 b. A special liquor retailer is authorized to  
 31 sell alcoholic liquors for consumption off the premises

32 only. A special liquor retailer shall not be the  
 33 holder of a class "A", "B", "C" or "D" liquor control  
 34 license nor a class "B" beer permit. A person,  
 35 partnership or corporation can only own one special  
 36 retail liquor establishment.

37 c. Upon submission of a bond to the state in the  
 38 penal sum of five thousand dollars with surety and  
 39 conditions".

40 16. Page 4, line 3, by striking the words "liquor  
 41 retailer" and inserting in lieu thereof the words  
 42 "retail liquor".

43 17. Page 4, line 11, by striking the words "When  
 44 required by the director, a" and inserting in lieu  
 45 thereof the word "A".

46 18. Page 4, by striking lines 14 through 35.

47 19. Page 5, by striking lines 1 through 14 and  
 48 inserting in lieu thereof the following:

49 "d. Upon notice in writing and after an opportunity  
 50 for hearing, a special retail liquor license may be

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1 suspended or revoked for any of the following causes:".

2 20. Page 5, by striking lines 28 through 35.

3 21. Page 6, by striking lines 1 through 35 and  
 4 inserting in lieu thereof the following:

5 "A city council or the director may suspend or  
 6 revoke special retail liquor licenses for a violation  
 7 of this Chapter. A city council may suspend or revoke  
 8 a special retail liquor license for a violation of  
 9 an ordinance adopted by the city council. A city  
 10 council may adopt an ordinance for the location or  
 11 control of the special retail liquor establishment  
 12 in its city, which is not in conflict with the  
 13 provisions of this chapter and which does not diminish  
 14 the hours during which the special liquor retailer  
 15 may be open for business.

16 e. The department may establish a state liquor  
 17 store in a city to replace the special retail liquor  
 18 establishment. However, a state liquor store shall  
 19 not be established in a city while a special retail  
 20 liquor license is in effect in the city, and where  
 21 such action is intended, the department shall give  
 22 the special liquor retailer a one year's notice that  
 23 the special retail liquor license will not be renewed.

24 3. If a special retail liquor license has been  
 25 revoked or is not renewed for any reason, the  
 26 department shall repurchase the special liquor  
 27 retailer's remaining stock of alcoholic liquors, for  
 28 sale in the department's liquor stores.

29 4. Special liquor retailers shall purchase

30 alcoholic liquor for resale from the department's  
 31 state liquor stores only and shall sell the liquor  
 32 at prices which are established by the department  
 33 for sales by state liquor stores to the public. The  
 34 department's state liquor stores may sell liquor to  
 35 special liquor retailers at wholesale prices to be  
 36 fixed by the department in a manner which will afford  
 37 the special liquor retailers a predetermined profit  
 38 margin upon resale. The department shall not set  
 39 other than a single wholesale price for an item, or  
 40 otherwise discriminate between special liquor  
 41 retailers.

42 5. Special liquor retailers may sell liquor for  
 43 resale to persons holding a class "A", "B" or "C"  
 44 liquor control license. Departmental rules shall  
 45 provide for the assessment, collection, reporting  
 46 and payment by the special liquor retailers of the  
 47 tax provided in section one hundred twenty-three point  
 48 ninety-six (123.96) of the Code. Sales to licensees  
 49 by special liquor retailers are exempt from other  
 50 sales tax. Special liquor retailers are not required

**Page 4**

1 to pay a sales tax or other tax on purchases from  
 2 the department, but shall assess, collect, report  
 3 and pay to the state the sales taxes and shall assess,  
 4 collect, report and pay to the department the licensee  
 5 tax provided for in section one hundred twenty-three  
 6 point ninety-six (123.96) of the Code."

7 22. Page 7, by striking lines 3 and 4 and inserting  
 8 in lieu thereof the following: "continue the store  
 9 and the city council may pass a resolution and approve  
 10 an application for a special retail liquor license.

11 7. There shall not be a special retail liquor  
 12 establishment in".

13 23. Page 7, by striking line 22, and inserting  
 14 in lieu thereof the following: "any state warehouse  
 15 or, liquor store or special retail liquor  
 16 establishment."

17 24. Page 7, line 31, by striking the words "liquor  
 18 retailer" and inserting in lieu thereof the words  
 19 "retail liquor establishment".

20 25. Page 8, line 2, by striking the words "liquor  
 21 retailer" and inserting in lieu thereof the words  
 22 "retail liquor establishment".

23 26. Page 8, line 7, by striking the words "liquor  
 24 retailer" and inserting in lieu thereof the words  
 25 "retail liquor establishment".

26 27. Page 8, line 30, by striking the words "liquor  
 27 retailers" and inserting in lieu thereof the words

28 "retail liquor establishments".

29 28. Page 9, line 5, by striking the words "liquor  
30 retailers" and inserting in lieu thereof the words  
31 "retail liquor establishments".

32 29. Page 9, by striking lines 12 through 15 and  
33 inserting in lieu thereof the following: "alcoholic  
34 liquors from only the department only, or from special  
35 liquor retailers, and".

36 30. Page 9, by striking lines 22 through 24 and  
37 inserting in lieu thereof the following: "or from  
38 special liquor retailers,".

39 31. Page 9, by striking line 35 and inserting  
40 in lieu thereof the following: "only, or from special  
41 liquor retailers,".

42 32. Page 10, by striking lines 1 through 3 and  
43 inserting in lieu thereof the following: "and to  
44 sell such liquors, and beer to patrons by".

45 33. Page 10, line 29, by striking the word  
46 "subsection" and inserting in lieu thereof the words  
47 "subsections one (1) and".

48 34. Page 11, by inserting after line 2 the  
49 following:

50 "Sec. . Section one hundred twenty-three point

#### Page 5

1 thirty-two (123.32), subsection four (4), Code 1979,  
2 is amended to read as follows:  
3 4. APPEAL TO HEARING BOARD. Any applicant for  
4 a liquor control license or beer permit may appeal  
5 to the department hearing board, established pursuant  
6 to section 123.15, from the director's disapproval  
7 of an application for a license or permit. If, upon  
8 such appeal the hearing board shall determine that  
9 the local authority acted arbitrarily, capriciously,  
10 or without reasonable cause in disapproving the  
11 application, or that, where the local authority  
12 approved the application, the director's own  
13 disapproval should be reversed, it shall order issuance  
14 of a license or permit. The same right of appeal  
15 to the hearing board shall be afforded a liquor control  
16 licensee or beer permittee whose license or permit  
17 has been suspended or revoked under this chapter,  
18 and the hearing board shall reduce the period of  
19 suspension or order reinstatement of such license  
20 or permit for good cause shown. An applicant, whose  
21 initial application for a special retail liquor license  
22 is denied by a city council, has no appeal to the  
23 hearing board. However, a person who has been a  
24 special liquor retailer for the past two years whose  
25 renewal of the special retail liquor license is denied

26 can appeal to the hearing board the city's denial  
 27 of the application for a renewal. If the hearing  
 28 board finds that the city council's denial was  
 29 unreasonable, the hearing board shall overrule the  
 30 city council and shall issue the renewal special  
 31 retail liquor license."

32 35. Page 11, line 7, by striking the words "from  
 33 a special liquor retailer" and inserting in lieu  
 34 thereof the words "or in a special retail liquor  
 35 establishment".

36 36. Page 12, line 35, by striking the words  
 37 "special liquor" and inserting in lieu thereof the  
 38 words "the number of new special retail liquor  
 39 establishments".

40 37. Page 13, line 1, by striking the words  
 41 "retailers appointed".

42 38. Page 13, by striking lines 22 through 35.

43 39. Page 14, by striking lines 1 through 13.

44 40. Page 14, by striking lines 17 and 18, and  
 45 inserting in lieu thereof the following:

46 "NEW LETTERED PARAGRAPH. That the applicant does  
 47 not hold an interest in a special retail liquor  
 48 establishment."

BINA of Scott

H-5249

1 Amend House File 2368 as follows:

2 1. Page 8, by inserting after line 23 the  
 3 following:

4 "3. A person who violates section three hundred  
 5 twenty-one A point two (321A.2), or section three  
 6 hundred twenty-one A point three (321A.3), subsection  
 7 two (2) of the Code is guilty of a serious  
 8 misdemeanor."

9 2. Page 16, by striking lines 11 through 21.

10 3. By renumbering sections and internal references  
 11 as necessary.

O'KANE of Woodbury

H-5251

1 Amend House File 2268 as follows:

2 1. Page 1, by striking lines 5 through 13 and  
 3 inserting in lieu thereof the following: "to hear  
 4 and determine all matters involving the rights of  
 5 civil service employees, and may affirm, modify, or  
 6 reverse any case on its merits. A grievance which  
 7 is subject to resolution by grievance procedures under  
 8 a collective bargaining agreement covering civil

9 service employees may be heard and determined by the  
 10 commission under this chapter or in accordance with  
 11 collective bargaining grievance procedures, but the  
 12 commission shall refuse to hear and determine a  
 13 grievance which has previously been submitted for  
 14 resolution under the collective bargaining grievance  
 15 procedures."

LARSEN of Wapello

H-5252

1 Amend House File 2268 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section four hundred point eleven  
 5 (400.11), unnumbered paragraph two (2), Code 1979,  
 6 is amended to read as follows:  
 7 In cities of fifty thousand or more population,  
 8 the The commission shall hold in reserve a second  
 9 list of the ten persons next highest in standing,  
 10 in order of their grade, or such number as may qualify  
 11 and, thereafter, if the list of ten persons provided  
 12 in the first paragraph hereof be of this section is  
 13 exhausted within one year, may certify such the second  
 14 list of persons to the council as eligible for  
 15 appointment to fill such vacancies as may exist."  
 16 2. By renumbering sections to conform to this  
 17 amendment.  
 18 3. Amend the title, by striking lines 1 through  
 19 3 and inserting in lieu thereof the following: "An  
 20 Act relating to the powers and duties of a civil  
 21 service commission."

LARSEN of Wapello

H-5253

1 Amend House File 2281 as follows:  
 2 1. Page 1, line 10, by striking the words "and  
 3 the" and inserting in lieu thereof the following:  
 4 "and the but a collective bargaining agreement with  
 5 a political subdivision of the state shall provide  
 6 for adjustments to salary or wage benefits based on  
 7 the consumer price index published by the United States  
 8 Department of Labor. The".

O'KANE of Woodbury



H-5254

1 Amend House File 2132 as follows:

2 1. Page 1, line 10, by striking the words "and  
3 the" and inserting in lieu thereof the following:  
4 "and the but a collective bargaining agreement with  
5 a political subdivision of the state shall provide  
6 for adjustments to salary or wage benefits based on  
7 the consumer price index published by the United  
8 States Department of Labor. The".

O'KANE of Woodbury

H-5256

1 Amend House File 2459 as follows:

2 1. Page 1, line 23, by striking the words "road  
3 use tax".  
4 2. Page 1, line 24, by striking the word "fund"  
5 and inserting in lieu thereof the words "state  
6 department of transportation for public transit  
7 purposes to implement or fund an existing state  
8 assistance plan approved by the general assembly".  
9 3. Title, line 2, by striking the words "road  
10 use tax fund" and inserting in lieu thereof the words  
11 "state public transit assistance plan".

BRUNER of Story

H-5257

1 Amend House File 2180 as follows:

2 1. Page 1, line 1, by striking the word and figure  
3 "thirty-seven (337)" and inserting in lieu thereof  
4 the word and figure "sixty-two (362)".  
5 2. Page 1, line 3, by striking the words  
6 "ADDITIONAL LAW ENFORCEMENT" and inserting in lieu  
7 thereof the words "OPTION TO EXERCISE CITY POWERS".  
8 3. Page 1, by striking lines 9 through 15 and  
9 inserting in lieu thereof the following: "with their  
10 additions or subdivisions shall be deemed to be one  
11 incorporated city at the option of the corporation  
12 for purposes of any one or more of the statutes or  
13 laws of the state of Iowa. The corporation may  
14 exercise the option with respect to any particular  
15 law or statute by giving written notice to the  
16 secretary of state. A decision to exercise this  
17 option is effective when received and filed by the  
18 secretary of state and until the corporation revokes  
19 its decision by filing a written notice of revocation  
20 with the secretary of state."

21 4. Amend the title, lines 1 and 2, by striking  
 22 the words "contract for additional law enforcement  
 23 services" and inserting in lieu thereof the words  
 24 "choose to be deemed to be an incorporated city for  
 25 purposes of one or more statutes or laws of this  
 26 state".

TYRRELL of Iowa

H-5259

1 Amend House File 2459 as follows:  
 2 1. Page 1, lines 23 and 24, by striking the words "to  
 3 the road use tax fund" and inserting in lieu thereof the  
 4 words "one-half to the secondary road fund of the  
 5 counties and one-half to the street fund of the cities  
 6 which shall be apportioned as provided in section  
 7 three hundred twelve point three (312.3) of the Code".  
 8 2. Title, line 2, by striking the words "to the  
 9 road use tax" and inserting in lieu thereof the words  
 10 "equally between the secondary road fund and the  
 11 street".

WALTER of Pottawattamie

H-5260

1 Amend House File 584 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Section one hundred twenty-three point  
 5 three (123.3), Code 1979, is amended by adding the  
 6 following new subsections:  
 7 NEW SUBSECTION. "Commemorative bottle" means a  
 8 ceramic alcoholic liquor bottle or other specially  
 9 designed alcoholic liquor decanter, which has value  
 10 as a collector's item and on which there is affixed  
 11 an unbroken federal tax stamp.  
 12 NEW SUBSECTION. "Commemorative bottle collector"  
 13 means a person who collects commemorative bottles  
 14 for his or her use and enjoyment as a collector's item  
 15 and not for the consumption of the alcoholic liquor  
 16 contained in the commemorative bottle, or is a member  
 17 of a club affiliated with a national or international  
 18 association of liquor bottle and specialty clubs.  
 19 NEW SUBSECTION. "Commemorative bottle dealer"  
 20 means a person who buys or imports commemorative  
 21 bottles, or both, for resale to collectors or bottle  
 22 collecting clubs, or both.  
 23 Sec. 2. Chapter one hundred twenty-three (123),  
 24 Code 1979, is amended by adding the following new  
 25 sections:

**26 NEW SECTION. COMMEMORATIVE BOTTLE DEALERS.**

27 Notwithstanding any other provision of chapter one  
28 hundred twenty-three (123) of the Code, but subject  
29 to rules of the department, a person of legal age  
30 who is a commemorative bottle dealer and who has a  
31 commemorative bottle dealer's license, may import  
32 and have in his or her possession commemorative bottles  
33 for purposes of collecting the bottles, sale of the  
34 bottles to commemorative bottle collectors or other  
35 commemorative bottle dealers, or both, and may so  
36 import, sell and collect commemorative bottles without  
37 obtaining any other license, permit, certificate of  
38 compliance, seals and labeling, required under chapter  
39 one hundred twenty-three (123) of the Code of other  
40 importers or sellers of alcoholic liquor. A commemora-  
41 tive bottle dealer's license may be issued by the  
42 director upon application being made to the department  
43 in the form and manner prescribed by the director,  
44 accompanied by a twenty-five dollar fee, and upon  
45 the director being satisfied that the applicant has  
46 complied with departmental rules established for the  
47 issuance of the license. The license unless sooner  
48 suspended or revoked shall expire one year after the  
49 date of issuance but may be renewed in a manner  
50 prescribed by the director.

**Page 2****1 NEW SECTION. COMMEMORATIVE BOTTLE COLLECTORS.**

2 Notwithstanding any other provision of chapter one  
3 hundred twenty-three (123) of the Code, but subject  
4 to rules of the department, a person of legal age  
5 who is a collector of commemorative bottles and who  
6 has a commemorative bottle collector's license may  
7 import and have in his or her possession commemorative  
8 bottles for purposes of collecting the bottles, and  
9 may so import and collect commemorative bottles without  
10 obtaining any other license, permit, certificate of  
11 compliance, seals and labeling, required under chapter  
12 one hundred twenty-three (123) of the Code of other  
13 importers of alcoholic liquor.

14 A commemorative bottle collector's license may  
15 be issued by the director upon application being made  
16 to the department in the form and manner prescribed  
17 by the director, accompanied by a twenty-five dol-  
18 lar fee, and upon the director being satisfied that  
19 the applicant has complied with departmental rules  
20 established for the issuance of the license. The  
21 license unless sooner suspended or revoked shall  
22 expire one year after the date of issuance but may  
23 be renewed in a manner prescribed by the director.

24 Once a commemorative bottle collector's license  
 25 expires, possession of the commemorative bottles  
 26 acquired pursuant to the license remains lawful.

27 Nothing in this section prohibits the collecting  
 28 and possession of commemorative bottles purchased  
 29 from a state liquor store, nor the importation of  
 30 commemorative bottles within the legal limits of  
 31 section one hundred twenty-three point twenty-two  
 32 (123.22) of the Code, without a commemorative bottle  
 33 collectors' license."

34 2. Title page, line 1, by striking the words "the  
 35 sale of".

JOHNSON of Linn  
 BINA of Scott

H—5282

1 Amend House File 2475 as follows:

2 1. Page 1, line 19, by inserting after the word  
 3 "employees," the following: "However, the annual  
 4 salary of an area education agency administrator shall  
 5 be increased only if the ratio between the number  
 6 of full-time equivalent employees of the area education  
 7 agency on July first compared to the number of full-  
 8 time equivalent employees of the area education agency  
 9 on the preceding July first is less than the ratio  
 10 between the population of the state according to the  
 11 most recent federal decennial census figures compared  
 12 to the population of the state according to the next  
 13 most recent federal decennial census figures."

SCHNEKLOTH of Scott

H—5283

1 Amend House File 2475 as follows:

2 1. Page 1, line 19, by inserting after the word  
 3 "employees," the following: "However, the beginning  
 4 annual salary for an area education agency  
 5 administrator shall not exceed an amount equal to  
 6 one hundred five percent times the final annual salary  
 7 of the previous administrator."

SCHNEKLOTH of Scott

H—5297

1 Amend House File 2200 as follows:

2 1. Page 3, by inserting after line 27 the  
 3 following:  
 4 " . The provisions of this section are in  
 5 addition to any statutory right of an insured to

- 6 convert from group coverage to individual coverage."
- 7 2. By renumbering subsections.

BRANDT of Black Hawk

H-5308

- 1 Amend House File 2484 as follows:
- 2 1. Page 1, line 13, by striking the words
- 3 "CESTUI QUE", and by inserting in lieu thereof the
- 4 words "CESTUI QUE BENEFICIARY OF".
- 5 2. Page 1, line 19, by striking the words
- 6 "cestui que", and by inserting in lieu thereof the
- 7 words "cestui que beneficiary of the".
- 8 3. Page 1, line 21, by striking the word
- 9 "cestui", and by inserting in lieu thereof the word
- 10 "beneficiary".
- 11 4. Page 1, line 22, by striking the words
- 12 "que trust".
- 13 5. Page 1, line 24, by striking the words
- 14 "cestui que trust", and by inserting in lieu
- 15 thereof the words "cestui que trust beneficiary".
- 16 6. Page 1, line 26, by striking the words
- 17 "cestui que trust", and by inserting in lieu
- 18 thereof the words "cestui que trust beneficiary".

CONLON of Muscatine

H-5310

- 1 Amend House File 2208 as follows:
- 2 1. Page 1, by striking lines 18 and 19.

SPEAR of Lee

H-5317

- 1 Amend Senate File 205 as follows:
- 2 1. Page 19, by striking lines 6 and 7.
- 3 2. Page 19, line 8, by striking the figure "8" and
- 4 inserting in lieu thereof the figure "7".

SPEAR of Lee

H-5320

- 1 Amend amendment H-5215 to House File 2160 as
- 2 follows:
- 3 1. Page 1, by inserting after line 18, the
- 4 following:
- 5 "3. Page 2, by inserting after line 20 the
- 6 following:

7 "Sec. . Section three hundred twenty-one point  
 8 two hundred seventy-five (321.275), Code 1979, is  
 9 amended by adding the following new subsection:  
 10 **NEW SUBSECTION.** No motorized bicycle may be operated  
 11 unless a red flag or cloth, at least eight inches square,  
 12 is attached to a pole affixed to the motorized bicycle,  
 13 and at a sufficient height so as to be clearly visible to  
 14 both the front and rear of the motorized bicycle during  
 15 its operation." "

DE GROOT of Lyon

H-5322

1 Amend House File 2208 as follows:  
 2 1. Page 1, line 17, by inserting after the word  
 3 "city," the words "The provisions of this section  
 4 are mandatory for those cities which are required  
 5 to have civil service under chapter four hundred (400)  
 6 of the Code and are voluntary for all other cities."

TYRRELL of Iowa  
 SPEAR of Lee

H-5323

1 Amend House File 2160 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Section three hundred twenty-one point  
 5 one hundred ninety-four (321.194), Code 1979, is  
 6 amended to read as follows:  
 7 321.194 MINORS' SCHOOL LICENSES. Whenever the  
 8 necessity ~~therefor~~ is shown, a restricted license  
 9 may be issued to any person between the ages of  
 10 fourteen and eighteen years which license shall entitle  
 11 entitles the holder thereof, while having ~~such~~ the  
 12 license in his immediate possession, to operate a  
 13 motor vehicle during between the hours of 7 a.m. to  
 14 6 p.m. over the most direct and accessible route  
 15 between the licensee's residence and his school of  
 16 enrollment for the purpose of attending duly scheduled  
 17 courses of instruction at ~~such~~ the school or at any  
 18 time when accompanied by a parent or guardian who  
 19 is a holder of a valid operator's or chauffeur's  
 20 license, and who is actually occupying a seat beside  
 21 the driver. The licensee, when operating a motor  
 22 vehicle without the accompaniment of a parent or  
 23 guardian, shall not transport any persons except  
 24 immediate family members. Such ~~The~~ license shall  
 25 expire on the licensee's eighteenth birthday or upon

26 issuance of a temporary driver's permit. For the  
27 purpose of establishing a need for the license provided  
28 for in this section, each application shall be  
29 accompanied by an affidavit from the school board  
30 or superintendent of the applicant's school which  
31 affidavit shall be upon a form provided by the  
32 department and shall state the facts deemed to justify  
33 the issuance of a license to the applicant. Neither  
34 such affidavit nor the inability to obtain the same  
35 shall be binding on the department but may be  
36 considered by the department in its determining of  
37 whether or not to grant the application. The license  
38 shall be granted or refused within thirty days after  
39 application. The fact that the applicant resides  
40 at a distance lives less than one mile three miles  
41 from his the applicant's high school shall be or,  
42 if applicable, less than two miles from the applicant's  
43 elementary school is prima-facie evidence of the  
44 nonexistence of any necessity for the issuance of  
45 such a the license. The restricted license shall  
46 not be issued if there is available regular and  
47 activity school bus service for the applicant or if  
48 the applicant's school is reimbursing the applicant's  
49 parents or guardians for transportation to and from  
50 the school under section two hundred eighty-five point

Page 2

1 one (285.1), subsection three (3) of the Code. A  
2 The restricted license issued hereunder is subject  
3 to suspension or revocation in like manner as any  
4 other license or permit issued under any law of this  
5 state and in addition thereto the department may  
6 suspend such the license upon receiving satisfactory  
7 evidence that the licensee has violated the  
8 restrictions of such the license or has been involved  
9 in two one or more accidents chargeable to such the  
10 licensee and the department shall revoke any restricted  
11 license issued hereunder upon receiving a record of  
12 such the licensee's conviction for two one or more  
13 violations of any law of this state or city ordinance,  
14 other than parking regulations, regulating the  
15 operation of motor vehicles on highways and after  
16 revoking a the license, hereunder the department shall  
17 not grant application for any new license or permit  
18 until the expiration of one year or until the licensee  
19 attains his sixteenth birthday whichever is the longer  
20 period. For purposes of this section, "immediate  
21 family members" means brother, sisters, mother, father,  
22 step-mother, step-father, step-brothers, and step-  
23 sisters. "High school" is defined as provided in

- 24 section two hundred eighty-five point one (285.1)  
 25 of the Code."  
 26 2. Title, line 1, by striking the word "repealing"  
 27 and inserting in lieu thereof the words "regarding,  
 28 the issuance and use of".

HANSEN of O'Brien  
 DE GROOT of Lyon  
 KIRKENSLAGER of Des Moines  
 PERKINS of Greene

H-5327

- 1 Amend House File 2472 as follows:  
 2 1. Page 2, by inserting after line 28 the  
 3 following:  
 4 "Sec. Chapter one hundred ninety-two (192),  
 5 Code 1979, is amended by adding the following new  
 6 section:  
 7 **NEW SECTION. RAW MILK - MINIMUM STANDARDS. Grade**  
 8 **"A"** certified raw milk shall be sold only from a dairy  
 9 farm directly to the final consumer, which shall  
 10 include home delivery. Each dairy farm whose milk  
 11 is intended for consumption as grade "A" certified  
 12 raw milk shall be inspected and the milk certified  
 13 by the secretary prior to the issuance of the permit  
 14 provided in section one hundred ninety-two point five  
 15 (192.5) of the Code and the milk shall be certified  
 16 biweekly after the issuance of the permit. Individuals  
 17 handling raw milk to be sold shall pass a physical  
 18 examination once every six months. The department  
 19 shall prepare a form to be completed by a licensed  
 20 physician. The completed form shall be returned to  
 21 the department for verification. The secretary may  
 22 suspend the permit as provided in section one hundred  
 23 ninety-two point five (192.5) of the Code.  
 24 Grade "A" certified raw milk is market milk which  
 25 conforms to the following minimum standards:  
 26 1. The health of the cows or goats shall be  
 27 determined at least twice each year by a representative  
 28 of the secretary. The ring test and the tuberculosis  
 29 tests shall be mandatory. The premises shall meet  
 30 the sanitation standards provided in section one  
 31 hundred ninety-two point twenty (192.20) of the Code.  
 32 2. It shall be bottled on the premises where



33 produced and sold in containers which have the pouring  
34 lip completely protected from contamination.

35 3. It shall be cooled within two hours after being  
36 drawn from the cow or goat to forty degrees Fahrenheit  
37 or less and maintained at that temperature until  
38 purchased by the consumer, at which time it shall  
39 contain not more than ten thousand bacteria per  
40 milliliter and no pathogenic species.

41 4. It shall be sold to the consumer within forty-  
42 eight hours after production and labeled to indicate  
43 to the consumer the date of bottling.

44 The references made to milk in chapters one hundred  
45 ninety (190), one hundred ninety-one (191) and one  
46 hundred ninety-two (192) of the Code apply to raw  
47 milk to the extent they are applicable."

48 2. By renumbering as necessary.

McKEAN of Jones  
SHIMANEK of Jones  
HUSAk of Tama  
PELTON of Clinton  
HALL of Linn

H—5335

1 Amend Senate File 2102 as follows:

2 1. Page 13, by inserting after line 15 the  
3 following new section:

4 "Sec. Section two hundred forty-six point  
5 seventeen (246.17), Code 1979, is repealed."

6 2. By renumbering sections as made necessary by  
7 this amendment.

RITSEMA of Sioux

H—5342

1 Amend amendment H—5323 to House File 2160 as  
2 follows:

3 1. Page 1, by striking lines 21 through 24 and  
4 inserting in lieu thereof the following: "the driver.  
5 Such The license shall".

6 2. Page 2, by striking lines 20 through 25 and  
7 inserting in lieu thereof the following: "period."

HANSEN of O'Brien

H—5344

- 1 Amend House File 2491 as follows:  
 2 1. Page 1, by inserting after line 11 the following  
 3 new paragraph:  
 4 "The Iowa development commission established under  
 5 chapter twenty-eight (28) of the Code is authorized  
 6 and directed to establish, operate and maintain a  
 7 foreign-trade zone, as defined in 19 United States  
 8 Code, s. 81a, at a location which is within a radius  
 9 of fifty miles of the city of Dubuque, Iowa, or as  
 10 closely thereto as may be authorized by the grant  
 11 of authority issued to the Iowa development commission.  
 12 The Iowa development commission has all powers  
 13 necessary or convenient for applying for a grant of  
 14 authority to establish, operate and maintain a foreign-  
 15 trade zone under the provisions of 19 United States  
 16 Code, s. 81a, et seq., and rules promulgated  
 17 thereunder, and for establishing, operating and  
 18 maintaining a foreign-trade zone pursuant to that  
 19 grant of authority."

MILLER of Buchanan

H—5348

- 1 Amend Senate File 2102 as follows:  
 2 1. Page 12, by striking line 26 through page 13,  
 3 line 5.  
 4 2. By renumbering sections as made necessary by  
 5 this amendment.

WELSH of Dubuque

H—5349

- 1 Amend House File 2491 as follows:  
 2 1. Page 1, by inserting after line 11 the following  
 3 new paragraph:  
 4 "The Iowa development commission established under  
 5 chapter twenty-eight (28) of the Code is authorized  
 6 and directed to establish, operate and maintain a  
 7 foreign-trade zone, as defined in 19 United States  
 8 Code, s. 81a. The Iowa development commission is granted  
 9 all powers necessary or convenient for applying for  
 10 a grant of authority to establish, operate and maintain  
 11 a foreign-trade zone under the provisions of 19 United  
 12 States Code, s. 81a, et seq., and rules promulgated  
 13 thereunder, and for establishing, operating and  
 14 maintaining a foreign-trade zone pursuant to that  
 15 grant of authority."

MILLER of Buchanan

H—5352

1 Amend House File 2492 as follows:

2 1. By striking everything after page 1, line 21,  
3 and inserting in lieu thereof the following:  
4 "Sec. 2. NEW SECTION. INTEREST RATE COMMISSION.

5 1. There is established an interest rate  
6 commission, composed of five members who shall be  
7 appointed by the governor, subject to confirmation  
8 by the affirmative vote of two-thirds of the members  
9 of the senate. Not more than three of the members  
10 shall be affiliated with the same political party.

11 2. Members of the commission shall serve terms  
12 ending June 30, 1984, and June thirtieth of each  
13 fourth year thereafter. A member of the commission  
14 is eligible for reappointment to successive terms.  
15 Appointments to fill within-term vacancies shall be  
16 for the remainder of the unexpired term.

17 3. The membership of the commission shall contain  
18 the following:

19 a. One person who is experienced in the banking  
20 industry.

21 b. One person who is experienced in the savings  
22 and loan industry.

23 c. One person who is experienced in the credit  
24 union industry.

25 d. Two persons who are not affiliated, either  
26 directly or indirectly, with a bank, savings and loan  
27 association or credit union, or with any person who  
28 is affiliated, either directly or indirectly, with  
29 a bank, savings and loan association or credit union.

30 4. A person shall not exercise any of the duties  
31 of a member of the interest rate commission until  
32 that person's appointment has been confirmed by the  
33 senate. A person shall cease to be a member of the  
34 commission upon the expiration of the person's term  
35 of appointment, notwithstanding the hold-over  
36 provisions of section sixty-nine point one (69.1)  
37 of the Code, unless the person has been reappointed  
38 and the appointment confirmed by the senate prior  
39 to the expiration of the prior term.

40 5. Each member of the commission shall be paid  
41 reimbursement for actual and necessary expenses, plus  
42 the sum of forty dollars for each day or major portion  
43 thereof spent in performing commission duties,  
44 including time spent in travel to and from Des Moines.

45 Sec. 3. NEW SECTION. DUTIES. The commission  
46 created by section two (2) of this Act shall establish  
47 maximum numerical rates of interest which may be  
48 imposed in transactions which respectively are subject  
49 to the limitations on interest rate contained in  
50 section three hundred twenty-two point nineteen

## Page 2

1 (322.19), five hundred twenty-four point nine hundred  
2 six (524.906), five hundred thirty-three point fourteen  
3 (533.14), five hundred thirty-four point nineteen  
4 (534.19), five hundred thirty-five point two (535.2),  
5 five hundred thirty-five point three (535.3), five  
6 hundred thirty-six point thirteen (536.13), five  
7 hundred thirty-six A point twenty-three (536A.23),  
8 five hundred thirty-seven point two thousand two  
9 hundred one (537.2201), five hundred thirty-seven  
10 point two thousand two hundred two (537.2202), five  
11 hundred thirty-seven point two thousand four hundred  
12 one (537.2401), or five hundred thirty-seven point  
13 two thousand four hundred two (537.2402) of the Code.

14 2. Interest rates to be established by the  
15 commission under section two (2) of this Act shall  
16 be promulgated by administrative rule under chapter  
17 seventeen A (17A) of the Code. Notwithstanding section  
18 seventeen A point four (17A.4) of the Code, notice  
19 and public hearing is required for each rule  
20 establishing a changed interest rate. The commission  
21 shall cause reasonable advance notice of any such  
22 hearing to be published in the Iowa administrative  
23 bulletin and in two newspapers, each having a  
24 circulation of not less than ten thousand subscribers  
25 in this state.

26 3. The commission shall meet as often as necessary  
27 to accomplish its duties, and shall select one of  
28 its members to serve as chairperson of the commission.

29 4. The commission may promulgate new interest  
30 rate limitations for any one or more of the sections  
31 referred to in subsection one (1) of this section  
32 from time to time as appropriate in the discretion  
33 of the commission, according to the standards con-  
34 tained in subsection five (5) of this section. Each  
35 rate established by the commission shall be in effect  
36 as of the date provided in the rule by which it is  
37 established and until superseded by a subsequent rule.

38 5. When establishing interest rate limitations  
39 under this section the commission shall comply with  
40 the following standards:

41 a. Each interest rate limitation shall be designed  
42 to encourage the free flow of funds into the lending  
43 or credit activities to which it applies, while  
44 preventing the extraction of rates of interest which  
45 in the opinion of the commission are unconscionable.  
46 The commission shall consider relevant factors,  
47 including but not limited to the costs to the  
48 industries of the lending or credit activities  
49 involved, and the risks inherent in the types of loans  
50 or credit involved.

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1     b. Each interest rate limitation shall bear a  
2 reasonable relationship, as determined by the  
3 commission, to actual interest rates which prevail  
4 in the relevant money markets, including but not  
5 limited to interest rates payable on obligations of  
6 the United States government, nationwide averages  
7 for interest rates payable on mortgage loans bought  
8 by the federal national mortgage association and  
9 similar instrumentalities, and interest rates paid  
10 by member banks on funds borrowed from federal reserve  
11 banks.

12     c. The commission shall not, at any time, establish  
13 interest rate limitaions for the purpose of diverting  
14 funds from one sector of the economy to another.

15     6. Rules adopted by the commission under this  
16 section do not expire by reason of the failure to  
17 reappoint or confirm new members at the expiration  
18 of terms of office. Rules in effect upon the ex-  
19 piration of the terms of office of members of the  
20 commission shall continue to have effect until  
21 superseded by rules subsequently adopted or until  
22 repealed by subsequent legislation.

23     Sec. 4. NEW SECTION. LIMITATION. The authority  
24 of the interest rate commission under section three  
25 (3) of this Act is limited to the establishment of  
26 numerical interest rate limitations. The commis-  
27 sion shall not adopt any rule which purports to exempt  
28 a transaction from a section of the Code limiting  
29 the rate of interest in that transaction, or which  
30 purports to establish classifications of transactions  
31 other than those classifications which exist by  
32 statute.

33     Sec. 5. NEW SECTION. JUDICIAL REVIEW. The Iowa  
34 supreme court has exclusive original jurisdiction  
35 under section seventeen A point nineteen (17A.19)  
36 of the Code with respect to judicial review of rules  
37 adopted by the commission. Pertinent provisions of  
38 chapter seventeen A (17A) of the Code apply to those  
39 review proceedings in the supreme court.

40     Sec. 6. NEW SECTION. ADMINISTRATIVE PROVISIONS.

41     1. The secretary of the executive council shall  
42 serve as the secretary of the interest rate commission,  
43 and is the custodian of all records of the commission.

44     2. The secretary of the executive council shall  
45 provide administrative assistance to the commission,  
46 including but not limited to secretarial staff and  
47 physical facilities.

48     3. The interest rate commission shall hold each  
49 of its meetings and hearings at the state house.

50     Sec. 7. Section three hundred twenty-two point

## Page 4

1 nineteen (322.19), Code 1979, is amended by adding  
2 the following new unnumbered paragraph:  
3 NEW UNNUMBERED PARAGRAPH. The limitations on  
4 interest rates which are contained in this section  
5 are effective until superseded by administrative rule  
6 adopted under section three (3) of this Act.

7 Sec. 8. Section five hundred twenty-four point  
8 nine hundred six (524.906), Code 1979, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. The limitation on interest which  
11 is contained in this section is effective until  
12 superseded by administrative rule adopted under section  
13 three (3) of this Act.

14 Sec. 9. Section five hundred thirty-three point  
15 fourteen (533.14), Code 1979, as amended by Acts of  
16 the Sixty-eighth General Assembly, 1979 Session,  
17 chapter one hundred thirty (130), section seven (7),  
18 is amended by adding the following new subsection:

19 NEW SUBSECTION. The limitation on interest rate  
20 which is contained in this section is effective until  
21 superseded by administrative rule adopted under section  
22 three (3) of this Act.

23 Sec. 10. Section five hundred thirty-four point  
24 nineteen (534.19), subsection six (6), Code 1979,  
25 as the section is amended by Acts of the Sixty-eighth  
26 General Assembly, 1979 Session, chapter one hundred  
27 twenty-nine (129), section seven (7), is amended by  
28 adding the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. The limitation on  
30 interest rate which is contained in this subsection  
31 is effective until superseded by administrative rule  
32 adopted under section three (3) of this Act.

33 Sec. 11. Section five hundred thirty-five point  
34 two (535.2), subsection one (1), Code 1979 Supplement,  
35 is amended by adding the following new unnumbered  
36 paragraph:

37 NEW UNNUMBERED PARAGRAPH. The numerical rate of  
38 interest specified in this subsection is effective  
39 until superseded by administrative rule adopted under  
40 section three (3) of this Act.

41 Sec. 12. Section five hundred thirty-five point  
42 two (535.2), subsection three (3), Code 1979  
43 Supplement, is amended by adding the following new  
44 lettered paragraph:

45 NEW LETTERED PARAGRAPH. The limitation on interest  
46 rate which is contained in this subsection is effective  
47 until superseded by administrative rule adopted under  
48 section three (3) of this Act.

49 Sec. 13. Section five hundred thirty-five point  
50 three (535.3), Code 1979, is amended by adding the

Page 5

1 following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The numerical rate of  
3 interest specified in this section is effective until  
4 superseded by administrative rule adopted under section  
5 three (3) of this Act.

6 Sec. 14. Section five hundred thirty-five point  
7 six (535.6), Code 1979, is amended by adding the  
8 following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. The provisions of this  
10 section do not apply with respect to any transaction  
11 which is lawful under administrative rule adopted under  
12 section three (3) of this Act.

13 Sec. 15. Section five hundred thirty-six point  
14 thirteen (536.13), Code 1979, as the section is amended  
15 by Acts of the Sixty-eighth General Assembly, 1979  
16 Session, chapter one hundred thirty-one (131), section  
17 two (2), is amended by adding the following new  
18 subsection:

19 NEW SUBSECTION. The limitations on interest rate  
20 which are contained in this section or which are  
21 contained in rules adopted by the state banking board  
22 are effective until superseded by administrative  
23 rule adopted under section three (3) of this Act.

24 Sec. 16. Section five hundred thirty-six A point  
25 twenty-three (536A.23), subsection one (1), Code 1979  
26 Supplement, is amended by adding the following new  
27 unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. The limitation on  
29 interest rate which is contained in this subsection  
30 is effective until superseded by administrative rule  
31 adopted under section three (3) of this Act.

32 Sec. 17. Section five hundred thirty-seven point  
33 two thousand two hundred one (537.2201), subsection  
34 two (2), Code 1979, is amended by adding the following  
35 new unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. The limitation on finance  
37 charge which is contained in this subsection is  
38 effective until superseded by administrative rule  
39 adopted under section three (3) of this Act.

40 Sec. 18. Section five hundred thirty-seven point  
41 two thousand two hundred two (537.2202), subsection  
42 three (3), Code 1979, is amended by adding the  
43 following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. The limitations on  
45 finance charge which are contained in this subsection  
46 are effective until superseded by administrative rule  
47 adopted under section three (3) of this Act.

48 Sec. 19. Section five hundred thirty-seven point  
49 two thousand four hundred one (537.2401), subsection  
50 one (1), Code 1979, is amended by adding the following

## Page 6

- 1 new unnumbered paragraph:  
 2 NEW UNNUMBERED PARAGRAPH. The limitation on finance  
 3 charge which is contained in this subsection is  
 4 effective until superseded by administrative rule  
 5 adopted under section three (3) of this Act.  
 6 Sec. 20. Section five hundred thirty-seven point  
 7 two thousand four hundred two (537.2402), subsection  
 8 three (3), Code 1979, is amended by adding the  
 9 following new unnumbered paragraph:  
 10 NEW UNNUMBERED PARAGRAPH. The limitations on  
 11 finance charge which are contained in this subsection  
 12 are effective until superseded by administrative rule  
 13 adopted under section three (3) of this Act.  
 14 Sec. 21. This Act, being deemed of immediate  
 15 importance, takes effect from and after its publication  
 16 in the Independence Conservative, a newspaper published  
 17 in Independence, Iowa, and in the Atlantic News-  
 18 Telegraph, a newspaper published in Atlantic, Iowa."  
 19 2. Amend the title by striking lines 1 through  
 20 5 and inserting in lieu thereof the words "An Act  
 21 relating to statutory limitations or interest rates."

MILLER of Buchanan

## H—5361

- 1 Amend House File 2492 by striking lines  
 2 5 through 21 on page 1 and inserting in lieu  
 3 thereof "amended by striking the paragraph."

JOCHUM of Dubuque  
 BRUNER of Story  
 CHIODO of Polk  
 RAPP of Black Hawk  
 CONNOLLY of Dubuque  
 CUSACK of Scott  
 BINA of Scott

## H—5363

- 1 Amend Amendment H—5171 to House File 2393 as  
 2 follows:  
 3 1. Page 1, line 4, by inserting after the word  
 4 "examination" the words "or a voice stress analysis".

KIRKENSLAGER of Des Moines  
 GETTINGS of Wapello



H-5364

- 1 Amend House File 2492, page 1, line 8, by
- 2 inserting after the word "days," the words
- 3 "request authority to".

BRUNER of Story  
 JOCHUM of Dubuque  
 RAPP of Black Hawk  
 CHIODO of Polk

H-5365

- 1 Amend House File 2492, page 1, line 21, by
- 2 inserting after the word "annually." the
- 3 following new sentence: "This rate of interest
- 4 shall also be the maximum interest or penalty
- 5 charged by all public utilities for utility
- 6 services provided in the past on which cus-
- 7 tomers have not made payment."

RAPP of Black Hawk  
 JOCHUM of Dubuque  
 BRUNER of Story  
 CONNOLLY of Dubuque  
 CHIODO of Polk

H-5366

- 1 Amend House File 2393 as follows:
- 2 1. Page 1, line 1, by inserting after the
- 3 word "examination" the words "and voice stress
- 4 analysis examination".
- 5 2. Page 1, line 4, by inserting after the
- 6 word "examination" the words "or a voice stress
- 7 analysis examination".
- 8 3. Amend the title page, line 1, by inserting
- 9 after the words "examination" the words "and voice
- 10 stress analysis examinations".

KIRKENSLAGER of Des Moines  
 GETTINGS of Wapello

H-5369

- 1 Amend House File 2492 as follows:
- 2 1. Page 3, by inserting after line 27 the
- 3 following:
- 4 "(7) A city borrowing money or obtaining credit
- 5 for the purpose of obtaining funds to pay all or part
- 6 of the cost of a project, as defined in section three
- 7 hundred eighty-four point eighty (384.80) of the Code,
- 8 if the total cost of the project is fifty million

9 dollars or more. The governing body may authorize  
 10 the execution of these loan or credit agreements by  
 11 resolution adopted at a regular or special meeting.  
 12 Debt so incurred shall be repayable solely out of  
 13 the net revenues of the city utility, combined utility  
 14 system, city enterprise or combined city enterprise  
 15 of which the project is or will be a part, or out  
 16 of the proceeds of revenue bonds payable from those  
 17 net revenues. The governing body may provide for  
 18 the payment of interest at such stated or variable  
 19 rates as the governing body deems advisable. This  
 20 subparagraph does not apply to any bond issued by  
 21 a governing body."

CONLON of Muscatine

H-5372

1 Amend House File 2486 as follows:  
 2 1. Page 2, lines 13 and 14, by striking the words  
 3 "and which is owned wholly or in part by one or more  
 4 banks or bank holding companies,".

JOHNSON of Woodbury

H-5374

1 Amend House File 2492 as follows:  
 2 1. Page 13, by inserting after line 9 the  
 3 following:  
 4 "Sec. . Chapter three hundred twenty-one (321),  
 5 Code 1979, is amended by adding the following new  
 6 section:  
 7 NEW SECTION. RETAIL SALES OF MOBILE HOMES AND  
 8 TRAVEL TRAILERS—INTEREST RATE.  
 9 1. A retail installment contract or agreement  
 10 for the sale of a mobile home or travel trailer may  
 11 include a finance charge not in excess of the following  
 12 applicable rate:  
 13 a. With respect to a new mobile home or new travel  
 14 trailer, an amount per month which is equivalent to  
 15 one-twelfth of the sum of the maximum rate in effect  
 16 under section five hundred thirty-five point two  
 17 (535.2), subsection three (3) of the Code as of the  
 18 date of sale plus three percentage points, simple  
 19 interest on the unpaid balances of the amount financed.  
 20 b. With respect to a used mobile home or travel  
 21 trailer, an amount per month which is equivalent to  
 22 one-twelfth of the sum of the maximum rate in effect  
 23 under section five hundred thirty-five point two  
 24 (535.2), subsection three (3) of the Code as of the  
 25 date of sale plus five percentage points, simple  
 26 interest on the unpaid balances of the amount financed.  
 27 2. The limitations contained in this section do  
 28 not apply in a transaction referred to in section

29 five hundred thirty-five point two (535.2), subsection  
30 two (2), paragraph a, of the Code. With respect to  
31 a consumer credit transaction, as defined in section  
32 five hundred thirty-seven point one thousand three  
33 hundred one (537.1301) of the Code, the limitations  
34 contained in this section supersede conflicting  
35 provisions of chapter five hundred thirty-seven (537),  
36 article two (2), part two (2) of the Code.

JOHNSON of Linn  
MILLER of Buchanan

H-5375

1 Amend House File 2492 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "DIVISION I

5 Section 1. Section four hundred seventy-six point  
6 six (476.6), unnumbered paragraph six (6), Code 1979,  
7 as amended by Acts of the Sixty-eighth General  
8 Assembly, 1979 Session, chapter one hundred seventeen  
9 (117), section one (1), is amended to read as follows:

10 However, a public utility ~~shall have the right~~  
11 may at any time after ~~said~~ rates, charges, schedules  
12 or regulations have been suspended for ninety days,  
13 ~~to place in effect any or all of such the~~ suspended  
14 rates, charges, schedules or regulations by filing  
15 with the commission a bond or other undertaking  
16 approved by the commission conditioned upon the refund  
17 in a manner to be prescribed by the commission of  
18 any amounts collected ~~thereunder~~ in excess of the  
19 amounts which would have been collected under rates,  
20 charges, schedules or regulations finally approved  
21 by the commission. The commission shall establish  
22 a rate of interest to be paid by a public utility  
23 to persons receiving refunds. ~~Such~~ The rate of  
24 interest shall be a reasonable rate as determined  
25 by the commission, but not less than five percent  
26 per annum, nor more than twelve percent per annum,  
27 and the interest shall be compounded annually.

28 DIVISION II

29 Sec. 2. **NEW SECTION. INTEREST RATE COMMISSION.**

30 1. There is established an interest rate

31 commission, composed of the following persons:

32 a. The treasurer of state, who shall be the  
33 chairperson of the commission and a voting member.

34 b. The auditor of state, who shall be a voting  
35 member.

36 c. The commissioner of insurance, who shall be  
37 a voting member.

38 d. A person appointed by the governor, who shall  
39 be a voting member, and who shall be selected and  
40 appointed by the governor on the basis of superior  
41 knowledge and experience in professional or  
42 occupational activities relating to the financing  
43 of governmental operations through the issuance of  
44 public bonds and other debt obligations.

45 e. A person appointed by the governor, who shall  
46 be a voting member, and who shall be selected and  
47 appointed by the governor to represent the general  
48 public. The governor shall not appoint any person  
49 to serve under this paragraph who directly or  
50 indirectly has any affiliation with a financial

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1 institution, a state or local governmental unit, or  
2 a bond underwriter or an investment company.

3 f. The superintendent of banking, the credit union  
4 administrator and the supervisor of savings and loan  
5 associations. These persons shall be advisory members  
6 of the commission, and shall not vote on any matter  
7 before the commission.

8 2. Members of the commission who are officers  
9 of state government may designate their respective  
10 first deputies to exercise duties and responsibilities  
11 relating to the commission. The duties and  
12 responsibilities of other members shall not be  
13 delegated.

14 3. For purposes of this section, "appointive  
15 member" means each of those persons appointed to the  
16 commission by the governor under subsection one (1),  
17 paragraphs d and e, of this section.

18 4. Each appointive member of the commission shall  
19 be paid reimbursement for actual and necessary  
20 expenses, plus the sum of forty dollars for each day  
21 or major portion thereof spent in performing commission  
22 duties, including time spent in travel to and from  
23 Des Moines.

24 5. The commission shall not take any affirmative  
25 action except upon the affirmative vote of at least  
26 three of the voting members.

27 **Sec. 3. NEW SECTION. DUTIES.**

28 1. Subject to the limitations contained in this  
29 section and section four (4) of this Act, the  
30 commission created by section two (2) of this Act  
31 shall establish maximum numerical rates of interest  
32 for purposes of section three hundred twenty-two point  
33 nineteen (322.19), five hundred twenty-four point  
34 nine hundred six (524.906), five hundred thirty-three  
35 point fourteen (533.14), five hundred thirty-four

36 point nineteen (534.19), five hundred thirty-five  
37 point two (535.2), five hundred thirty-six point  
38 thirteen (536.13), five hundred thirty-six A point  
39 twenty-three (536A.23), five hundred thirty-seven  
40 point two thousand two hundred one (537.2201), five  
41 hundred twenty-seven point two thousand two hundred  
42 two (537.2202), five hundred thirty-seven point two  
43 thousand four hundred one (537.2401), or five hundred  
44 thirty-seven point two thousand four hundred two  
45 (537.2402) of the Code, and section twenty-five (25)  
46 of this Act.

47 2. Interest rates to be established by the  
48 commission under section one (1) or thirty-nine (39)  
49 of this Act shall be promulgated by administrative  
50 rule under chapter seventeen A (17A) of the Code.

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1 Notwithstanding section seventeen A point four (17A.4)  
2 of the Code, notice and public hearing is required  
3 for each rule establishing a changed interest rate.  
4 The commission shall cause reasonable advance notice  
5 of any such hearing to be published in the Iowa  
6 administrative bulletin and in two newspapers, each  
7 having a circulation of not less than ten thousand  
8 subscribers in this state. Notwithstanding any  
9 contrary provisions of chapter seventeen A (17A) of  
10 the Code, the commission may adopt a rule at any time  
11 after the close of the public hearing, and the rule  
12 shall take effect upon publication in the Iowa adminis-  
13 trative bulletin or at such later date following  
14 publication as may be specified in the rule as adopted  
15 by the commission. Section seventeen A point four  
16 (17A.4), subsection one (1), paragraphs b and c, and  
17 subsections four (4), five (5) and six (6) do not  
18 apply to rules issued under this section or section  
19 thirty-nine (39) of this Act.

20 3. The commission shall meet as often as necessary  
21 to accomplish its duties. The commission shall meet  
22 at the call of the chairperson or upon the request  
23 of any two of its members.

24 4. The commission may promulgate new interest  
25 rate limitations for any one or more of the sections  
26 referred to in subsection one (1) of this section  
27 from time to time as appropriate in the discretion  
28 of the commission, according to the standards con-  
29 tained in subsection five (5) of this section. Each  
30 rate established by the commission shall be in effect  
31 as of the date provided in the rule by which it is  
32 established and until superseded by a subsequent rule.

33 5. When establishing interest rate limitations

34 under this section the commission shall comply with  
35 the following standards:

36 a. Each interest rate limitation shall be designed  
37 to encourage the free flow of funds into the lending  
38 or credit activities to which it applies, while  
39 preventing the extraction of rates of interest which  
40 in the opinion of the commission are unconscionable.  
41 The commission shall consider relevant factors,  
42 including but not limited to the costs to the  
43 industries of the lending or credit activities  
44 involved, and the risks inherent in the types of loans  
45 or credit involved.

46 b. Each interest rate limitation shall bear a  
47 reasonable relationship, as determined by the  
48 commission, to actual interest rates which prevail  
49 in the relevant money markets, including but not  
50 limited to interest rates payable on obligations of

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1 the United States government, nationwide averages  
2 for interest rates payable on mortgage loans bought  
3 by the federal national mortgage association and  
4 similar instrumentalities, and interest rates paid  
5 by member banks on funds borrowed from federal reserve  
6 banks.

7 c. The commission shall not, at any time, establish  
8 interest rate limitations for the purpose of diverting  
9 funds from one sector of the economy to another.

10 6. Rules adopted by the commission do not expire  
11 by reason of the failure to reappoint or confirm new  
12 members at the expiration of terms of office. Rules  
13 in effect upon the expiration of the terms of office  
14 of members of the commission shall continue to have  
15 effect until superseded by rules subsequently adopted,  
16 or until repealed by subsequent legislation.

17 7. The commission also shall have the duties  
18 specified in section thirty-nine (39) of this Act.

19 **Sec. 4. NEW SECTION. LIMITATIONS.**

20 1. The authority of the interest rate commission  
21 under section three (3) of this Act is limited to  
22 the establishment of numerical interest rate  
23 limitations. The commission shall not adopt any rule  
24 which purports to exempt a transaction from a section  
25 of the Code limiting the rate of interest in that  
26 transaction, or which purports to establish  
27 classifications of transactions other than those  
28 classifications which exist by statute.

29 2. The commission shall not modify maximum interest  
30 rates under section five hundred thirty-seven point  
31 two thousand two hundred two (537.2202) or five hundred

32 thirty-seven point two thousand four hundred two  
33 (537.2402) of the Code more than once in any twelve-  
34 month period.

35 3. The commission shall not establish a maximum  
36 rate of interest for purposes of section three hundred  
37 twenty-two point nineteen (322.19), five hundred  
38 thirty-seven point two thousand two hundred one  
39 (537.2201), five hundred thirty-seven point two  
40 thousand two hundred two (537.2202), five hundred  
41 thirty-seven point two thousand four hundred one  
42 (537.2401) or five hundred thirty-seven point two  
43 thousand four hundred two (537.2402) of the Code or  
44 section twenty-five (25) of this Act prior to July  
45 1, 1981.

46 4. The maximum lawful rate which may be established  
47 by the commission for purposes of any of the sections  
48 of the Code referred to in section three (3),  
49 subsection one (1) of this Act shall be an annual  
50 rate which is equal to the sum of six percentage

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1 points plus that percentage which is the arithmetic  
2 average of the weekly discount rates as reported and  
3 published by the United States treasury bills with  
4 six-month maturities sold at auction at the twelve  
5 most recent weekly auctions held prior to the date  
6 notice of the proposed rule is published under section  
7 three (3), subsection two (2), of this Act, rounded  
8 to the nearest one-fourth of one percent per year.  
9 All interest rates established by the commission shall  
10 be simple interest.

11 **Sec. 5. NEW SECTION. ADMINISTRATIVE PROVISIONS.**

12 1. The secretary of the executive council shall  
13 serve as the secretary of the interest rate commission,  
14 and is the custodian of all records of the commission.

15 2. The secretary of the executive council shall  
16 provide administrative assistance to the commission,  
17 including but not limited to secretarial staff and  
18 physical facilities.

19 3. The interest rate commission shall hold each  
20 of its meetings and hearings at the state house.

21 Sec. 6. Section three hundred twenty-two point  
22 nineteen (322.19), Code 1979, is amended by adding  
23 the following new unnumbered paragraph:

24 **NEW UNNUMBERED PARAGRAPH.** The limitations on  
25 interest rates which are contained in this section  
26 are effective until superseded by administrative rule  
27 adopted under section two (2) of this Act.

28 Sec. 7. Section five hundred twenty-four point  
29 nine hundred six (534.906), Code 1979, is amended

30 by adding the following new subsection:  
 31 NEW SUBSECTION. The limitation on interest which  
 32 is contained in this section is effective until  
 33 superseded by administrative rule adopted under section  
 34 two (2) of this Act.

35 Sec. 8. Section five hundred thirty-three point  
 36 fourteen (533.14), Code 1979, as amended by Acts of  
 37 the Sixty-eighth General Assembly, 1979 Session,  
 38 chapter one hundred thirty (130), section seven (7),  
 39 is amended by adding the following new subsection:

40 NEW SUBSECTION. The limitation on interest rate  
 41 which is contained in this section is effective until  
 42 superseded by administrative rule adopted under section  
 43 two (2) of this Act.

44 Sec. 9. Section five hundred thirty-four point  
 45 nineteen (534.19), subsection six (6), Code 1979,  
 46 as the section is amended by Acts of the Sixty-eighth  
 47 General Assembly, 1979 Session, chapter one hundred  
 48 twenty-nine (129), section seven (7), is amended by  
 49 adding the following new unnumbered paragraph:  
 50 NEW UNNUMBERED PARAGRAPH. The limitation on

**Page 6**

1 interest rate which is contained in this subsection  
 2 is effective until superseded by administrative rule  
 3 adopted under section two (2) of this Act.

4 Sec. 10. Section five hundred thirty-five point  
 5 two (535.2), subsection one (1), Code 1979 Supplement,  
 6 is amended by adding the following new unnumbered  
 7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The numerical rate of  
 9 interest specified in this subsection is effective  
 10 until superseded by administrative rule adopted under  
 11 section two (2) of this Act.

12 Sec. 11. Section five hundred thirty-five point  
 13 two (535.2), subsection three (3), Code 1979  
 14 Supplement, is amended by adding the following new  
 15 lettered paragraph:

16 NEW LETTERED PARAGRAPH. The limitation on interest  
 17 rate which is contained in this subsection is effective  
 18 until superseded by administrative rule adopted under  
 19 section two (2) of this Act.

20 Sec. 12. Section five hundred thirty-five point  
 21 three (535.3), Code 1979, is amended by adding the  
 22 following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The numerical rate of  
 24 interest specified in this section is effective until  
 25 superseded by administrative rule adopted under section  
 26 two (2) of this Act.

27 Sec. 13. Section five hundred thirty-five point



28 six (535.6), Code 1979, is amended by adding the  
29 following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. The provisions of this  
31 section do not apply with respect to any transaction  
32 which is lawful under administrative rule adopted under  
33 section two (2) of this Act.

34 Sec. 14. Section five hundred thirty-six point  
35 thirteen (536.13), Code 1979, as the section is amended  
36 by Acts of the Sixty-eighth General Assembly, 1979  
37 Session, chapter one hundred thirty-one (131), section  
38 two (2), is amended by adding the following new  
39 subsection:

40 NEW SUBSECTION. The limitations on interest rate  
41 which are contained in this section or which are  
42 contained in rules adopted by the state banking board  
43 are effective until superseded by administrative  
44 rule adopted under section two (2) of this Act.

45 Sec. 15. Section five hundred thirty-six A point  
46 twenty-three (536A.23), subsection one (1), Code 1979  
47 Supplement, is amended by adding the following new  
48 unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. The limitation on  
50 interest rate which is contained in this subsection

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1 is effective until superseded by administrative rule  
2 adopted under section two (2) of this Act.

3 Sec. 16. Section five hundred thirty-seven point  
4 two thousand two hundred one (537.2201), subsection  
5 two (2), Code 1979, is amended by adding the following  
6 new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The limitation on finance  
8 charge which is contained in this subsection is  
9 effective until superseded by administrative rule  
10 adopted under section two (2) of this Act.

11 Sec. 17. Section five hundred thirty-seven point  
12 two thousand two hundred two (537.2202), subsection  
13 three (3), Code 1979, is amended by adding the  
14 following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. The limitations on  
16 finance charge which are contained in this subsection  
17 are effective until superseded by administrative rule  
18 adopted under section two (2) of this Act.

19 Sec. 18. Section five hundred thirty-seven point  
20 two thousand four hundred one (537.2401), subsection  
21 one (1), Code 1979, is amended by adding the following  
22 new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The limitation on finance  
24 charge which is contained in this subsection is  
25 effective until superseded by administrative rule

26 adopted under section two (2) of this Act.

27 Sec. 19. Section five hundred thirty-seven point  
28 two thousand four hundred two (537.2402), subsection  
29 three (3), Code 1979, is amended by adding the  
30 following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. The limitations on  
32 finance charge which are contained in this subsection  
33 are effective until superseded by administrative rule  
34 adopted under section two (2) of this Act.

35 **DIVISION III**

36 Sec. 20. Section three hundred twenty-two point  
37 nineteen (322.19), unnumbered paragraph two (2), Code  
38 1979, is amended to read as follows:

39 Class 1. Any new motor vehicle designated by the  
40 manufacturer by a year model not earlier than the  
41 year in which the sale is made, an amount equivalent  
42 to one and ~~one-fourth~~ one-half percent per month  
43 simple interest on the declining balance of the amount  
44 financed.

45 Sec. 21. Section five hundred thirty-seven point  
46 two thousand two hundred one (537.2201), subsection  
47 two (2), Code 1979, is amended to read as follows:

48 2. The finance charge, calculated according to  
49 the actuarial method, may not exceed ~~fifteen~~ eighteen  
50 percent per year on the unpaid balances of the amount

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1 financed.

2 Sec. 22. Section five hundred thirty-seven point  
3 two thousand two hundred two (537.2202), subsection  
4 three (3), Code 1979, is amended to read as follows:

5 3. If the billing cycle is monthly, the charge  
6 may not exceed an amount equal to one and one-half  
7 percent of that part of the maximum amount pursuant  
8 to subsection 2 which is ~~five hundred dollars or less~~  
9 and one and one-fourth percent of that part of the  
10 maximum amount which is more than five hundred dollars.

11 If the billing cycle is not monthly, the maximum  
12 charge for the billing cycle shall bear the same  
13 relation to the applicable monthly maximum charge  
14 as the number of days in the billing cycle bears to  
15 three hundred sixty-five divided by twelve. A billing  
16 cycle is monthly if the closing date of the cycle  
17 is the same date each month or does not vary by more  
18 than four days from the regular date.

19 Sec. 23. Section five hundred thirty-seven point  
20 two thousand four hundred one (537.2401), subsection  
21 one (1), Code 1979, is amended to read as follows:

22 1. Except as provided with respect to a finance  
23 charge for loans pursuant to open end credit under

24 section 537.2402, a lender may contract for and receive  
 25 a finance charge not exceeding the maximum charge  
 26 permitted by the laws of this state or of the United  
 27 States for similar lenders, and, in addition, with  
 28 respect to a consumer loan not secured by a first  
 29 lien on a dwelling of the debtor given to finance  
 30 the acquisition of that dwelling, a supervised  
 31 financial organization may contract for and receive  
 32 a finance charge, calculated according to the actuarial  
 33 method, not exceeding fifteen eighteen percent per  
 34 year on the unpaid balance of the amount financed.

35 Sec. 24. Section five hundred thirty-seven point  
 36 two thousand four hundred two (537,2402), subsection  
 37 three (3), Code 1979, is amended to read as follows:

38 3. If the billing cycle is monthly, the charge  
 39 may not exceed an amount equal to one and one-half  
 40 percent of that part of the maximum amount pursuant  
 41 to subsection 2 which is five hundred dollars or less  
 42 and one and one-fourth percent of that part of the  
 43 maximum amount which is more than five hundred dollars.  
 44 If the billing cycle is not monthly, the maximum  
 45 charge for the billing cycle shall bear the same  
 46 relation to the applicable monthly maximum charge  
 47 as the number of days in the billing cycle bears to  
 48 three hundred sixty-five divided by twelve. A billing  
 49 cycle is monthly if the closing date of the cycle  
 50 is the same date each month or does not vary by more

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1 than four days from the regular date.

2 Sec. 25. Acts of the Sixty-eighth General Assembly,  
 3 1979 Session, chapter one hundred twenty-eight (128),  
 4 section one (1), amending chapter three hundred twenty-  
 5 one (321) of the Code, is amended to read as follows:

6 NEW SECTION. SEMITRAILER, MOBILE HOME OR TRAVEL  
 7 TRAILER RETAIL INSTALLMENT CONTRACT - FINANCE CHARGES.

8 Notwithstanding the provisions of any other law, a  
 9 A retail installment contract or agreement for the  
 10 sale of a semitrailer, mobile home or travel trailer  
 11 may include a finance charge not in excess of the,  
 12 following rates:

13 Class 1. Any new semitrailer, mobile home or  
 14 travel trailer designated by the manufacturer by a  
 15 year model not earlier than the year in which the  
 16 sale is made, an amount equivalent to one and one-  
 17 fourth one-half percent per month simple interest  
 18 on the declining balance of the amount financed.

19 Class 2. Any new semitrailer, mobile home or  
 20 travel trailer not in Class 1 and any used semitrailer  
 21 designated by the manufacturer by a year model of

22 the same or not more than two years prior to the year  
 23 in which the sale is made, an amount equivalent to  
 24 one and three-fourths percent per month simple interest  
 25 on the declining balance of the amount financed.

26 Class 3. Any used semitrailer, mobile home or  
 27 travel trailer not in Class 2 and designated by the  
 28 manufacturer by a year model more than two years prior  
 29 to the year in which the sale is made, an amount  
 30 equivalent to two and one-fourth percent per month  
 31 simple interest on the declining balance of the amount  
 32 financed.

33 Amount financed shall be as defined in section  
 34 five hundred thirty-seven point one thousand three  
 35 hundred one (537.1301) of the Code.

36 The limitations contained in this section do not  
 37 apply in a transaction referred to in section five  
 38 hundred thirty-five point two (535.2), subsection  
 39 two (2) of the Code. With respect to a consumer  
 40 credit sale, as defined in section five hundred thirty-  
 41 seven point one thousand three hundred one (537.1301)  
 42 of the Code, the limitations contained in this section  
 43 supersede conflicting provisions of chapter five  
 44 hundred thirty-seven (537), article two (2), part  
 45 two (2) of the Code.

#### 46 . DIVISION IV

47 Sec. 26. Section seventy-four point one (74.1),  
 48 Code 1979, is amended to read as follows:

49 74.1 APPLICABILITY.

50 1. This The procedures of this chapter shall apply

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1 to all warrants which are legally drawn on a public  
 2 treasury, including the treasury of a city, and which,  
 3 when presented for payment, are not paid for want  
 4 of funds.

5 2. This The procedures of this chapter and its  
 6 procedures shall also apply whenever a municipality,  
 7 as defined in section 24.2, or a city shall determine  
 8 that there are not or will not be sufficient funds  
 9 on hand to pay the legal obligations of a fund. Said  
 10 municipality Each of these municipalities is authorized  
 11 to provide for the payment of such present and future  
 12 obligations by drawing one or more anticipatory  
 13 warrants payable to a bank or other business entity  
 14 authorized by law to loan money in an amount or amounts  
 15 legally available and believed to be sufficient to  
 16 cover the anticipated deficiencies. The duties imposed  
 17 on the treasurer by this chapter may be assigned by  
 18 the a city council to another city officer.

19 3. The procedures of this chapter also apply to

20 the issuance of anticipatory warrants by the state  
 21 under section nineteen point eight (19.8) of the Code.

22 4. The procedures of this chapter also apply to  
 23 anticipatory warrants, pledge orders, improvement  
 24 certificates, anticipatory certificates or similar  
 25 obligations payable from special assessments against  
 26 benefited properties, or payable from charges, fees  
 27 or other operating income from a publicly owned  
 28 enterprise or utility.

29 Sec. 27. Section seventy-four point two (74.2),  
 30 Code 1979, as amended by Acts of the Sixty-eighth  
 31 General Assembly, 1979 Session, chapter twenty-four  
 32 (24), section three (3), is amended to read as follows:

33 74.2 ENDORSEMENT AND INTEREST. Except as provided  
 34 in section 74.8, when any such If a warrant other  
 35 than an anticipatory warrant is presented for payment,  
 36 and is not paid for want of funds, or is only partially  
 37 paid, the treasurer shall endorse the fact thereon,  
 38 with the date of presentation, and sign the  
 39 endorsement, and thereafter the warrant or the balance  
 40 due thereon, shall draw bear interest at six percent  
 41 per annum on state and county warrants, and six percent  
 42 per annum on city and school warrants, unless the  
 43 treasurer arranges for the sale of said warrant at  
 44 par at a lower rate of interest the rate specified  
 45 in section thirty-five (35) of this Act.

46 An anticipatory warrant issued under the authority  
 47 of section one (1), subsection two (2) of this Act  
 48 shall bear interest at a rate determined by the issuing  
 49 governmental body, but not exceeding that permitted  
 50 by chapter seventy-four A (74A) of the Code.

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1 Sec. 28. Section seventy-four point three (74.3),  
 2 Code 1979, is amended to read as follows:

3 74.3 RECORD OF WARRANTS OBLIGATIONS. The treasurer  
 4 shall keep a record of all warrants so endorsed, each  
 5 interest-bearing obligation which record shall show  
 6 the number and amount, the date of presentation  
 7 interest commences, the rate of interest, and the  
 8 name and post-office address of the holder, of each  
 9 warrant of the obligation.

10 Sec. 29. Section seventy-four point four (74.4),  
 11 Code 1979, is amended to read as follows:

12 74.4 ASSIGNMENT OF WARRANT OBLIGATION. When any  
 13 warrant shall be a nonnegotiable interest-bearing  
 14 obligation is assigned or transferred after being  
 15 so endorsed, the assignee or transferee shall be under  
 16 duty, for his own protection, to must notify the  
 17 treasurer in writing of such the assignment or transfer

18 and of his the post-office address of the assignee  
 19 or transferee. Upon receiving ~~such~~ notification,  
 20 the treasurer accordingly shall correct the aforesaid  
 21 record accordingly the record maintained under section  
 22 twenty-eight (28) of this Act.

23 Sec. 30. Section seventy-four point five (74.5),  
 24 Code 1979, is amended by striking the section and  
 25 inserting in lieu thereof the following:

26 74.5 CALL FOR PAYMENT. When a fund contains  
 27 sufficient money to pay one or more interest-bearing  
 28 obligations which are outstanding against the fund,  
 29 the treasurer shall call those obligations for payment.  
 30 Obligations may be paid in the order of presentation.  
 31 This section does not authorize a fixed-term obligation  
 32 to be called at a date earlier than is provided by  
 33 the conditions and terms upon which it was issued.

34 Sec. 31. Section seventy-four point six (74.6),  
 35 Code 1979, is amended by striking the section and  
 36 inserting in lieu thereof the following:

37 74.6 NOTICE OF CALL -- TERMINATION OF INTEREST.

38 1. The treasurer shall make a call for payment  
 39 under section five (5) of this Act by mailing to the  
 40 holder of the obligation, as shown in the records  
 41 maintained under section twenty-eight (28) of this  
 42 Act, a notice of call which describes the obliga-  
 43 tion by number and amount, and which specifies a date,  
 44 not more than ten days thereafter ~~when~~ interest ceases  
 45 to accrue on the obligation. The treasurer shall  
 46 enter the date of mailing of the notice in the records  
 47 maintained under section twenty-eight (28) of this  
 48 Act.

49 2. Interest on an interest-bearing obligation  
 50 shall cease to accrue as of the date specified in

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1 the notice of call issued under subsection one (1)  
 2 of this section.

3 3. This section does not apply if the parties  
 4 have otherwise agreed in writing.

5 Sec. 32. Section seventy-four point seven (74.7),  
 6 Code 1979, is amended to read as follows:

7 74.7 ENDORSEMENT OF INTEREST. When a ~~warrant~~  
 8 an obligation which legally draws interest is paid,  
 9 the treasurer shall endorse upon it the date of  
 10 payment, and the amount of interest ~~allowed paid.~~  
 11 The treasurer also shall enter into the records  
 12 maintained under section twenty-eight (28) of this  
 13 Act the date of payment and the amount of interest  
 14 paid.

15 Sec. 33. Sections ~~thirty-four~~ (34) through forty-

16 one (41) of this Act are enacted as a new chapter  
 17 seventy-four A (74A) of the Code, which shall be  
 18 entitled "INTEREST RATES FOR PUBLIC OBLIGATIONS AND  
 19 ASSESSMENTS".

20 Sec. 34. NEW SECTION. APPLICABILITY.

21 1. Except as otherwise provided by law, this  
 22 chapter establishes the interest rates which are  
 23 applicable to all bonds, warrants, anticipatory  
 24 warrants, pledge orders, improvement certificates,  
 25 and anticipation certificates issued by a governmental  
 26 body or agency under the laws of this state, and the  
 27 interest rates which are applicable to assessments  
 28 levied by a governmental body or agency under the  
 29 laws of this state against benefited properties for  
 30 the retirement of public debt.

31 2. This chapter does not authorize the issuance  
 32 of a public obligation or the levying of an assessment,  
 33 and does not create an obligation to pay interest,  
 34 and does not determine when interest commences or  
 35 ceases to accrue.

36 3. This chapter does not impose an interest rate  
 37 or interest rate limitation where by law the rate  
 38 of interest payable on an obligation is within the  
 39 discretion of the governmental body or agency, unless  
 40 that discretion is expressly made subject to the  
 41 limitations contained in this chapter.

42 Sec. 35. NEW SECTION. UNPAID WARRANTS. A warrant  
 43 not paid upon presentation for want of funds bears  
 44 interest on unpaid balances at the rate in effect  
 45 at the time the warrant is first presented for payment,  
 46 as established by rule pursuant to section thirty-  
 47 nine (39) of this Act. This section does not apply  
 48 to an obligation which by law bears interest from  
 49 the time it is issued.

50 Sec. 36. NEW SECTION. MAXIMUM RATES FOR PUBLIC

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1 OBLIGATIONS. Except as otherwise provided by law,  
 2 the maximum rates of interest on obligations issued  
 3 by this state, or by a county, school district, city  
 4 special improvement district, or any other governmental  
 5 body or agency are as follows:

6 1. General obligation bonds, warrants, or other  
 7 evidences of indebtedness which are payable from  
 8 general taxation or from the state's sinking fund  
 9 for public deposits may bear interest at a rate not  
 10 exceeding the maximum rate in effect at the time the  
 11 obligation is issued, as established by rule pursuant  
 12 to section thirty-nine (39) of this Act.

13 2. Revenue bonds, warrants, pledge orders or other

14 obligations, the principal and interest of which are  
 15 to be paid solely from the revenue derived from the  
 16 operations of the publicly owned enterprise or utility  
 17 for which the bonds or obligations are issued, may  
 18 bear interest at a rate not exceeding the maximum  
 19 rate in effect at the time the obligation is issued,  
 20 as established by rule pursuant to section thirty-nine  
 21 (39) of this Act. This limitation does not apply  
 22 to revenue bonds issued pursuant to chapter four  
 23 hundred nineteen (419) of the Code.

24 3. Special assessment bonds, certificates, warrants  
 25 or other obligations, the principal and interest of  
 26 which are payable from special assessments levied  
 27 against benefited property may bear interest at a  
 28 rate not exceeding the maximum rate in effect at the  
 29 time the obligation is issued, as established by rule  
 30 pursuant to section thirty-nine (39) of this Act.

31 Sec. 37. NEW SECTION. MAXIMUM RATES ON SPECIAL  
 32 ASSESSMENTS. Except as otherwise provided by law,  
 33 the rate of interest payable on unpaid balances of  
 34 special assessments levied against benefited properties  
 35 shall not exceed the maximum rate in effect at the  
 36 time of adoption of the final assessment schedule,  
 37 as established by rule pursuant to section thirty-  
 38 nine (39) of this Act.

39 Sec. 38. NEW SECTION. RELATIVE RATE ON ASSESSMENT  
 40 BONDS. Bonds payable from special assessments shall  
 41 not be sold bearing a higher rate of interest than  
 42 is payable on the assessments from which those bonds  
 43 are made payable.

44 Sec. 39. NEW SECTION. RULES TO ESTABLISH RATES.

45 1. The rule-making authority contained in this  
 46 section shall be exercised by the commission  
 47 established under section two (2) of this Act.

48 2. The commission shall adopt rules establishing  
 49 the following:

50 a. The annual interest rate to be applicable under

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1 section thirty-five (35) of this Act.

2 b. The maximum annual interest rate to be  
 3 applicable under section thirty-six (36), subsection  
 4 one (1) of this Act.

5 c. The maximum annual interest rate to be  
 6 applicable under section thirty-six (36), subsection  
 7 two (2) of this Act.

8 d. The maximum annual interest rate to be  
 9 applicable under section thirty-six (36), subsection  
 10 three (3) of this Act.

11 e. The maximum annual interest rate to be



12 applicable under section thirty-seven (37) of this  
13 Act.

14 3. The commission shall establish and from time  
15 to time modify one or more of the interest rates  
16 referred to in subsection two (2) of this section  
17 as may be necessary in the opinion of the commission  
18 to permit the orderly financing of governmental  
19 activities, and to minimize interest costs to  
20 governmental bodies while permitting a fair return  
21 to persons whose funds are used to finance governmental  
22 activities. The commission shall consider relevant  
23 indices of actual interest rates in the economy when  
24 establishing rates under this section, including but  
25 not necessarily limited to maximum lawful interest  
26 rates payable by depository financial institutions  
27 on customer deposits, interest rates payable on  
28 obligations issued by the United States government,  
29 and interest rates payable on obligations issued by  
30 governmental bodies other than those of this state.

31 4. An interest rate established by the commission  
32 under this section shall be in effect commencing on  
33 the date specified in the rule, and until superseded  
34 by a subsequent rule.

35 5. The commission shall not establish interest  
36 rates for types or categories of obligations other  
37 than as specified in subsection two (2) of this  
38 section. The commission shall not establish  
39 subcategories within any of the categories referred  
40 to in paragraphs a through e of subsection two (2)  
41 of this section.

42 Sec. 40. NEW SECTION. EMERGENCY VARIANCE.

43 1. If following the adoption of an ordinance or  
44 resolution authorizing the issuance of interest-bearing  
45 obligations, the issuing governmental body or agency  
46 finds that the obligations are not marketable because  
47 of the interest-rate limitations contained in section  
48 thirty-six (36) or thirty-eight (38) of this Act,  
49 the governmental body or agency, upon compliance with  
50 the requirements of subsection two (2) of this section,

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1 may by special resolution authorize the sale of those  
2 obligations at a rate of interest not more than two  
3 percentage points above the rate otherwise permitted  
4 under section thirty-six (36) or thirty-eight (38)  
5 of this Act.

6 2. A governmental body or agency may use the  
7 emergency authority contained in subsection one (1)  
8 of this section upon satisfaction of the following  
9 conditions:

10 a. The governmental agency or body receives from  
11 bond counsel a written certification based upon good  
12 faith efforts to sell the obligations that it is  
13 reasonable to conclude that the obligations are not  
14 marketable at the maximum lawful rate of interest.

15 b. The governmental agency or body publishes a  
16 notice of its intended action, specifying the date,  
17 time and place of the meeting at which the intended  
18 action is to be taken, the reason for the intended  
19 action, the rate of interest originally authorized,  
20 and the proposed rate of interest.

21 c. The governmental body or agency maintains for  
22 public inspection on and after the date of publication  
23 of the notice of its intended action, and until the  
24 date action is taken, a copy of the statement of bond  
25 counsel referred to in paragraph a of this subsection.

26 d. The governmental body or agency receives and  
27 considers oral or written objections which may be  
28 presented by affected taxpayers at the meeting as  
29 scheduled or at any adjournment thereof.

30 3. The notice specified in subsection two (2)  
31 of this section shall be published in the manner  
32 provided by law for the publication by the governing  
33 body of a notice of intent to institute original  
34 proceedings for the issuance of the obligations.

35 4. This section does not apply to anticipatory  
36 warrants issued by a school district.

37 **Sec. 41. NEW SECTION. SCHOOL DISTRICT WARRANTS.**

38 1. The treasurer of a school district shall sell  
39 anticipatory warrants authorized by section one (1),  
40 subsection two (2) of this Act at the maximum rate  
41 of interest provided in section thirty-six (36) of  
42 this Act or at a lower rate of interest.

43 2. Each bank or other business entity authorized  
44 by law to loan money which refuses to purchase warrants  
45 at a rate of interest permitted by subsection one  
46 (1) of this section shall submit a certificate of  
47 refusal to the treasurer of the school district.

48 3. If the treasurer of a school district is unable  
49 to sell the warrants at a rate of interest permitted  
50 by subsection one (1) of this section and receives

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1 at least two certificates of refusal, the treasurer  
2 may offer the warrants for public sale at par, by  
3 publishing notice of the sale for two consecutive  
4 weeks in a newspaper of general circulation in the  
5 jurisdiction of the school district issuing the  
6 warrants, giving not less than ten days' notice of  
7 the time and place of the sale. The notice shall

8 include a statement of the amount of the warrants  
9 offered for sale.

10 4. Sealed bids may be received at any time up  
11 to the time all bids are opened. The treasurer shall  
12 sell the warrants to the bidder offering the lowest  
13 interest rate, provided that the treasurer may reject  
14 all bids and readvertise the sale of the warrants  
15 pursuant to the provisions of this section.

16 5. This section applies only to school districts  
17 whose anticipated receipts allocable to the current  
18 budget are at least equal to their legally approved  
19 budget for the current year.

#### 20 DIVISION V

21 Sec. 42. Section nineteen point eight (19.8),  
22 Code 1979, as amended by Acts of the Sixty-eighth  
23 General Assembly, 1979 Session, chapter twenty-four  
24 (24), section one (1), is amended to read as follows:

25 19.8 ANTICIPATION OF REVENUES. The executive  
26 council may anticipate the revenues for any year,  
27 when the current revenues for that year are  
28 insufficient to pay all warrants issued in that year,  
29 by causing state warrants, in an amount not exceeding  
30 the estimated state revenues for that year, and ~~drawing~~  
31 ~~not to exceed six percent per annum bearing interest~~  
32 ~~at a rate not exceeding that permitted by chapter~~  
33 ~~seventy-four A (74A) of the Code, to be issued,~~  
34 ~~advertised, and sold on sealed bids, and to the highest~~  
35 ~~bidder offering the lowest interest rate. All bids~~  
36 ~~and all records pertaining thereto, and the names~~  
37 ~~of all purchasers shall be kept on file. The treasurer~~  
38 ~~of state shall comply with the provisions of chapter~~  
39 ~~seventy-four (74) of the Code.~~

40 Sec. 43. Section twenty-eight F point eight  
41 (28F.8), Code 1979, is amended to read as follows:

42 28F.8 DETAILS OF REVENUE BONDS. Revenue bonds  
43 issued pursuant to the provisions of this chapter  
44 shall bear interest at a rate or rates not exceeding  
45 ~~seven percentum per annum that permitted by chapter~~  
46 ~~seventy-four A (74A) of the Code, may be in one or~~  
47 ~~more series, may bear such date or dates, may mature~~  
48 ~~at such time or times not exceeding forty years from~~  
49 ~~their respective dates, may be payable in such medium~~  
50 ~~of payment, at such place or places within the state,~~

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1 may carry such registration privileges, may be subject  
2 to such terms of prior redemption, with or without  
3 premium, may be executed in such manner, may contain  
4 such terms, covenants and conditions, and may be in  
5 such form otherwise, as such resolution or subsequent

6 resolutions shall provide.

7 Sec. 44. Section thirty-seven point six (37.6),

8 Code 1979, is amended to read as follows:

9 37.6 BONDS. For the purpose of providing funds  
10 for the acquisition of necessary ground therefor,  
11 and for purchasing, erecting, constructing, or  
12 reconstructing such building or monument, and for  
13 the necessary equipment therefor, the county may issue  
14 bonds to be known as liberty memorial bonds, to be  
15 issued and sold as provided by law relative to general  
16 county bonds; it shall provide for portions of such  
17 bonds to become due at different, definite periods,  
18 but none in more than twenty years from date. In  
19 issuing such bonds, such county may become indebted  
20 in an amount which, added to all other indebtedness,  
21 shall not exceed five percent of the actual value  
22 of the taxable property in such county as determined  
23 by the last state and county tax lists. Such bonds  
24 shall bear interest at a rate not exceeding seven  
25 percent per annum that permitted by chapter seventy-  
26 four A (74A) of the Code. Bonds issued by a city  
27 must be issued in accordance with provisions of law  
28 relating to general corporate purpose bonds of a city.

29 Sec. 45. Section thirty-seven point twenty-eight  
30 (37.28), Code 1979, as amended by Acts of the Sixty-  
31 eighth General Assembly, 1979 Session, chapter twenty-  
32 four (24), section two (2), is amended to read as  
33 follows:

34 37.28 ANTICIPATORY WARRANTS. If the funds raised  
35 under the provisions of this chapter are insufficient  
36 for any fiscal year to pay the principal and interest  
37 due in that year on any bonds issued for hospital  
38 purposes under section 37.6 and to pay the expenses  
39 of the operation and maintenance of the hospital and  
40 any other hospital expenses authorized by this chapter  
41 for the fiscal year, the commission may issue tax  
42 anticipatory warrants drawn on the funds to be raised  
43 by the taxes levied under sections 37.7 and 37.8.  
44 The warrants shall be in denominations of one hundred,  
45 five hundred and one thousand dollars and shall draw  
46 interest at a rate not to exceed six percent per annum  
47 exceeding that permitted by chapter seventy-four A  
48 (74A) of the Code. These warrants shall not be a  
49 general obligation of any political subdivision which  
50 owns the hospital.

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1 Sec. 46. Section one hundred eleven A point six

2 (111A.6), unnumbered paragraph two (2), Code 1979,

3 is amended to read as follows:

4 In order to make immediately available to the  
5 county conservation board the proceeds of the annual  
6 tax hereinbefore authorized to be levied for recreation  
7 and conservation purposes, bonds of any county may  
8 be issued in anticipation of the collection of such  
9 tax in the manner hereinafter provided. Upon the  
10 filing of a petition by the conservation board with  
11 the county board of supervisors asking that bonds  
12 be issued in a specified amount for the purpose of  
13 paying the cost of acquiring land and developing the  
14 same for public museum, park, parkway, preserve,  
15 playground, or other recreation or conservation  
16 purposes within the county, then the board of  
17 supervisors may call a special election to be held  
18 in the county to vote on the proposition of issuing  
19 such bonds. Notice of such election shall be published  
20 once each week for at least four consecutive weeks  
21 in one of the official county newspapers, and the  
22 election shall be held on a day not less than five  
23 nor more than twenty days after the last publication  
24 of such notice. Voting machines may be used for the  
25 purpose of voting on said proposition or, in the  
26 discretion of the board of supervisors, the proposition  
27 may be submitted to the voters on paper ballots.  
28 The proposition shall be submitted in substantially  
29 the following form:

30 "Shall ..... County, Iowa, issue its bonds  
31 in the  
32 amount of \$..... for the purpose of  
33 ....."?"

34 The expenses incurred in connection with the conduct  
35 of such election shall be paid by the conservation  
36 board from the county conservation fund. If the vote  
37 in favor of issuing the bonds is equal to at least  
38 sixty percent of the total votes cast for and against  
39 the proposition, the board of supervisors shall issue  
40 the bonds in the amount voted, and shall provide for  
41 the levy of an annual tax, within the limits of the  
42 special tax hereinbefore authorized, sufficient to  
43 pay said bonds and the interest thereon as the same  
44 respectively become due. Said bonds shall mature  
45 in not more than twenty years, shall bear interest  
46 at a rate or rates not exceeding seven percent per  
47 annum that permitted by chapter seventy-four A (74A)  
48 of the Code, shall be in such form as the board of  
49 supervisors shall by resolution provide, and shall  
50 be payable as to both principal and interest from

2 authorized to be levied for recreation and conservation  
3 purposes, or so much thereof as will be sufficient  
4 to pay the principal thereof and interest thereon,  
5 and prior to the authorization and issuance of such  
6 bonds the board of supervisors may, with or without  
7 notice, negotiate and enter into an agreement or  
8 agreements with any bank, investment banker, trust  
9 company or insurance company or group thereof  
10 whereunder the marketing of such bonds may be assured  
11 and consummated. The proceeds of such bonds shall  
12 be deposited in a special fund, to be kept separate  
13 and apart from all other funds of the county, and  
14 shall be paid out upon warrants drawn by the county  
15 auditor upon requisition of the conservation board  
16 to pay the cost of acquiring land and developing the  
17 same for recreation and conservation purposes as  
18 specified in the election proposition.

19 Sec. 47. Section one hundred forty-five A point  
20 seventeen (145A.17), Code 1979, is amended to read  
21 as follows:

22 145A.17 INDEBTEDNESS AND BONDS. Boards of hospital  
23 trustees may acquire sites and erect and equip  
24 buildings for use by area hospitals and may contract  
25 indebtedness and issue bonds bearing interest at a  
26 rate not exceeding seven percent per annum that  
27 permitted by chapter seventy-four A (74A) of the Code  
28 to raise funds for such purposes in accordance with  
29 chapter 75.

30 Sec. 48. Section two hundred two point five  
31 (202.5), Code 1979, is amended to read as follows:

32 202.5 INTEREST ON INSTALLMENTS. All unpaid  
33 installments of the special assessment tax levied  
34 against the property described in section 202.4 shall  
35 bear interest at the rate of six percent a rate not  
36 exceeding that permitted by chapter seventy-four A  
37 (74A) of the Code and all delinquent installments  
38 shall be subject to the same penalties as are now  
39 applied to delinquent general taxes.

40 Sec. 49. Section two hundred two point six (202.6),  
41 Code 1979, as amended by Acts of the Sixty-eighth  
42 General Assembly, 1979 Session, chapter twenty-four  
43 (24), section four (4), is amended to read as follows:

44 202.6 ANTICIPATORY WARRANTS. The board shall  
45 have the authority for the purpose of financing and  
46 carrying out the provisions of this chapter to issue  
47 anticipatory warrants drawn on the county, in  
48 denominations of one hundred dollars, five hundred  
49 dollars and one thousand dollars, which anticipatory  
50 warrants shall draw interest at not more than six

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1 percent per annum a rate not exceeding that permitted  
2 by chapter seventy-four A (74A) of the Code; and  
3 shall not be a general obligation on the county and  
4 be secured only by the special assessment tax levy  
5 as herein provided.

6 Sec. 50. Section two hundred eighty A point twenty-  
7 two (280A.22), unnumbered paragraph two (2), Code  
8 1979, is amended to read as follows:

9 In order to make immediately available to the  
10 merged area the proceeds of the voted tax hereinbefore  
11 authorized to be levied, the board of directors of  
12 any such merged area is hereby authorized, without  
13 the necessity for any further election, to borrow  
14 money and enter into loan agreements in anticipation  
15 of the collection of such tax, and such board shall,  
16 by resolution, provide for the levy of an annual tax,  
17 within the limits of the special voted tax hereinbefore  
18 authorized, sufficient to pay the amount of any such  
19 loan and the interest thereon to maturity as the same  
20 becomes due. A certified copy of this resolution  
21 shall be filed with the county auditors of the counties  
22 in which such merged area is located, and the filing  
23 thereof shall make it a duty of such auditors to enter  
24 annually this levy for collection until funds are  
25 realized to repay the loan and interest thereon in  
26 full. Said loan must mature within the number of  
27 years for which the tax has been voted and shall bear  
28 interest at a rate or rates not exceeding seven percent  
29 per annum that permitted by chapter seventy-four A  
30 (74A) of the Code. Any loan agreement entered into  
31 pursuant to authority herein contained shall be in  
32 such form as the board of directors shall by resolution  
33 provide and the loan shall be payable as to both  
34 principal and interest from the proceeds of the annual  
35 levy of the voted tax hereinbefore authorized, or  
36 so much thereof as will be sufficient to pay the loan  
37 and interest thereon. In furtherance of the foregoing  
38 the board of directors of such merged area may, with  
39 or without notice, negotiate and enter into a loan  
40 agreement or agreements with any bank, investment  
41 banker, trust company, insurance company or group  
42 thereof, whereunder the borrowing of the necessary  
43 funds may be assured and consummated. The proceeds  
44 of such loan shall be deposited in a special fund,  
45 to be kept separate and apart from all other funds  
46 of the merged area, and shall be paid out upon warrants  
47 drawn by the president and secretary of the board  
48 of directors to pay the cost of acquiring the school  
49 facilities for which the tax was voted.

50 Sec. 51. Section two hundred eighty-five point

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1 ten (285.10), subsection seven (7), paragraph b, Code  
2 1979, is amended to read as follows:

3 b. May purchase buses and enter into contract  
4 to pay for such buses over a five-year period as  
5 follows: One-fourth of the cost when bus is delivered  
6 and the balance in equal annual installments, plus  
7 simple interest due. The interest rate shall be the  
8 lowest rate available and shall not exceed ~~four percent~~  
9 simple interest the rate in effect under section  
10 thirty-five (35) of this Act. The bus shall serve  
11 as security for balance due. Bus bodies and chassis  
12 shall be purchased on separate contracts unless the  
13 bus is constructed as an integral unit, inseparable  
14 as to body and chassis, by the manufacturer or is  
15 a used or demonstrator bus.

16 Sec. 52. Section two hundred ninety-six point  
17 one (296.1), Code 1979, is amended to read as follows:

18 296.1 INDEBTEDNESS AUTHORIZED. Subject to the  
19 approval of the voters thereof, school districts are  
20 hereby authorized to contract indebtedness and to  
21 issue general obligation bonds to provide funds to  
22 defray the cost of purchasing, building, furnishing,  
23 reconstructing, repairing, improving or remodeling  
24 a schoolhouse or schoolhouses and additions thereto,  
25 gymnasium, stadium, field house, school bus garage,  
26 teachers' or superintendent's home or homes, and  
27 procuring a site or sites therefor, or purchasing  
28 land to add to a site already owned, or procuring  
29 and improving a site for an athletic field, or  
30 improving a site already owned for an athletic field,  
31 and for any one or more of such purposes. Taxes for  
32 the payment of said bonds shall be levied in accordance  
33 with chapter 76, and said bonds shall mature within  
34 a period not exceeding twenty years from date of  
35 issue, shall bear interest at a rate or rates not  
36 exceeding ~~seven percent per annum~~ that permitted by  
37 chapter seventy-four A (74A) of the Code and shall  
38 be of such form as the board of directors of such  
39 school district shall by resolution provide, but the  
40 aggregate indebtedness of any school district shall  
41 not exceed five percent of the actual value of the  
42 taxable property within said school district, as  
43 ascertained by the last preceding state and county  
44 tax lists.

45 Sec. 53. Section two hundred ninety-eight point  
46 twenty-two (298.22), unnumbered paragraph one (1),  
47 Code 1979, is amended to read as follows:

48 All of said bonds shall be substantially in the  
49 form provided for county bonds, but subject to changes  
50 that will conform them to the action of the board



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1 providing therefor; shall run not more than twenty  
2 years, and may be sooner paid if so nominated in the  
3 bond; bear a rate of interest not exceeding seven  
4 percent per annum that permitted by chapter seventy-  
5 four A (74A) of the Code, payable semiannually; be  
6 signed by the president and countersigned by the  
7 secretary of the board of directors; and shall not  
8 be disposed of for less than par value, nor issued  
9 for other purposes than this chapter provides.

10 Sec. 54. Section three hundred two point twelve  
11 (302.12), Code 1979, is amended to read as follows:

12 302.12 BONDS TO COVER LOSSES. When any sum not  
13 less than one thousand dollars shall be so audited  
14 and so become a debt of the state to the fund, as  
15 provided by the Constitution, the auditor of state  
16 shall issue the bond or bonds of the state in favor  
17 of the fund, bearing six percent interest at a rate  
18 not exceeding that permitted by chapter seventy-four  
19 A (74A) of the Code, payable semiannually on the first  
20 day of January and July after issuance, and the amount  
21 to pay the interest as it becomes due is appropriated  
22 out of any funds in the state treasury.

23 Sec. 55. Section three hundred nine point forty-  
24 seven (309.47), subsection four (4), Code 1979, is  
25 amended to read as follows:

26 4. The rate of interest which each certificate  
27 shall bear which shall not exceed five percent per  
28 annum that permitted by chapter seventy-four A (74A)  
29 of the Code, payable annually.

30 Sec. 56. Section three hundred nine point seventy-  
31 three (309.73), unnumbered paragraph three (3), Code  
32 1979, is amended to read as follows:

33 Taxes for the payment of county bonds shall be  
34 levied in accordance with chapter 76 and said bonds  
35 shall be payable in not more than twenty years and  
36 bear interest at a rate not exceeding five percent  
37 per annum that permitted by chapter seventy-four A  
38 (74A) of the Code, and shall be of such form as the  
39 respective councils or board of supervisors shall  
40 by resolution provide, but no city or county shall  
41 become indebted in excess of five percent of the  
42 actual value of taxable property within its taxing  
43 jurisdiction as shown by the last preceding state  
44 and county tax lists. The indebtedness incurred for  
45 the purpose provided in this section shall not be  
46 considered an indebtedness incurred for general or  
47 ordinary purposes.

48 Sec. 57. Section three hundred eleven point sixteen  
49 (311.16), unnumbered paragraph two (2), Code 1979,  
50 as amended by Acts of the Sixty-eighth General

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1 Assembly, 1979 Session, chapter sixty-eight (68),  
2 section one (1), is amended to read as follows:

3 On the final determination the board shall levy  
4 the assessments and all installments thereof upon  
5 the real estate within the district as finally  
6 established. The entire amount of the assessment  
7 shall be then due and payable, and bear interest at  
8 six percent per annum a rate not exceeding that  
9 permitted by chapter seventy-four A (74A) of the Code  
10 commencing twenty days from the date of the levy,  
11 and shall be collected at the succeeding September  
12 semiannual payment of ordinary taxes.

13 Sec. 58. Section three hundred eleven point  
14 seventeen (311.17), unnumbered paragraph one (1),  
15 Code 1979, as amended by Acts of the Sixty-eighth  
16 General Assembly, 1979 Session, chapter sixty-eight  
17 (68), section two (2), is amended to read as follows:

18 If an owner other than the state or a county or  
19 city, of any tracts of land on which the assessment  
20 is more than ten dollars, shall, within twenty days  
21 from the date of the assessment, agree in writing  
22 filed in the office of the county auditor, that in  
23 consideration of the owner having the right to pay  
24 the assessment in installments, the owner will not  
25 make any objection of illegality or irregularity as  
26 to the assessment upon the real estate, and will pay  
27 the assessment plus six percent annual interest, the  
28 assessment shall be payable in ten equal installments.  
29 The first installment shall be payable on the date  
30 of the agreement. The other installments with interest  
31 on the whole amount unpaid shall be paid annually  
32 at the same time and in the same manner as the  
33 September semiannual payment of ordinary taxes. The  
34 rate of interest shall be as established by the board,  
35 but not exceeding that permitted by chapter seventy-  
36 four A (74A) of the Code.

37 Sec. 59. Section three hundred eleven point twenty-  
38 eight (311.28), Code 1979, is amended to read as  
39 follows:

40 311.28 CERTIFICATES ANTICIPATING ASSESSMENTS.

41 In order to render immediately available that amount  
42 of the estimated cost of an improvement which has  
43 been specially assessed, the board may issue road  
44 certificates in the name of the county in an aggregate  
45 amount not exceeding the then unpaid amount of the  
46 special assessment levied in said district. Each  
47 issue of certificates shall be under, and in accordance  
48 with, a duly adopted resolution of the board and which  
49 shall recite (1) the name or designation of the road  
50 district on account of which the certificates are

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1 issued; (2) that a stated amount (naming the amount)  
2 has been specially assessed against the lands within  
3 said district; (3) that a stated amount of said  
4 aggregate special assessment has not yet been paid  
5 (naming the unpaid amount); (4) that it is necessary  
6 to render such unpaid amount immediately available;  
7 (5) the number of road certificates authorized and  
8 the specific amount of each certificate; (6) the  
9 specific numbering or designation of such certificates;  
10 (7) the rate of interest which each certificate shall  
11 bear from date, ~~to wit, not to exceed six percent~~  
12 ~~per annum exceeding that permitted by chapter seventy-~~  
13 ~~four A (74A) of the Code;~~ (8) the fact that said  
14 certificates are payable solely from the proceeds  
15 of the special assessments which have been levied  
16 on the lands within said districts; (9) that each  
17 certificate shall be payable on or before the first  
18 day of January of the first year following the maturity  
19 of the last installment of such special assessments,  
20 and that interest thereon shall be paid annually;  
21 (10) the authorization to the chairman of the board,  
22 and to the county auditor, respectively, to sign and  
23 countersign each of said certificates.

24 Sec. 60. Section three hundred thirty point seven  
25 (330.7), unnumbered paragraph five (5), Code 1979,  
26 is amended to read as follows:

27 Taxes for the payment of said bonds shall be levied  
28 in accordance with chapter 76 and said bonds shall  
29 be payable in not more than twenty years and bear  
30 interest at a rate not exceeding ~~seven percent per~~  
31 ~~annum that permitted by chapter seventy-four A (74A)~~  
32 ~~of the Code and shall be of such form as the governing~~  
33 ~~body shall by resolution provide, but no county or~~  
34 ~~township shall become indebted in excess of five~~  
35 ~~percent of the actual value of its taxable property,~~  
36 ~~as shown by the last preceding state and county tax~~  
37 ~~lists. The indebtedness incurred for the purpose~~  
38 ~~provided in this section shall not be considered an~~  
39 ~~indebtedness incurred for general or ordinary purposes.~~

40 Sec. 61. Section three hundred thirty point  
41 fourteen (330.14), Code 1979, is amended to read as  
42 follows:

43 330.14 PAYMENT FROM EARNINGS. All political  
44 subdivisions authorized by this chapter to acquire,  
45 establish, improve, maintain, and operate airports  
46 may, in connection therewith, purchase or construct,  
47 or contract for the construction of, and maintain  
48 and operate, hangars, administration and office  
49 buildings and other aeronautical and commercial  
50 facilities for which fees are charged, and pay for

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1 the same solely and only out of the earnings thereof.  
2 Such political subdivisions are authorized to borrow  
3 money for the purpose of purchasing or constructing  
4 the improvements herein authorized, and as evidence  
5 of such money borrowed to issue their bonds payable  
6 solely and only from the revenues derived from such  
7 improvements. Such bonds may be issued in such amounts  
8 as may be necessary to provide sufficient funds to  
9 pay all the costs of construction and operation of  
10 such improvement, including engineering and other  
11 expenses, together with interest to a date six months  
12 subsequent to the estimated date of completion. Bonds  
13 issued under the provisions of this section are  
14 declared to be negotiable instruments. The principal  
15 and interest of said bonds shall be payable solely  
16 and only from the special fund herein provided for  
17 such payments, and said bonds shall not in any respect  
18 be a general obligation of such political subdivision,  
19 nor shall they be payable in any manner by taxation.  
20 All details pertaining to the issuance of such bonds  
21 and the terms and conditions thereof shall be  
22 determined by ordinance or resolution duly adopted  
23 by the governing body of such political subdivision,  
24 which may pledge the property purchased or constructed,  
25 and the net earnings thereof, to the payment of said  
26 bonds and the interest thereon, and provide that the  
27 net earnings thereof shall be set apart as a sinking  
28 fund for that purpose. Such political subdivision  
29 is authorized and directed to charge the users of  
30 such improvements at rates which at all time, shall  
31 be sufficient to pay the principal and interest on  
32 the bonds issued under the provisions of this chapter,  
33 and the cost of operation and maintenance, and to  
34 provide an adequate depreciation fund. Bonds issued  
35 pursuant to the provisions of this section shall bear  
36 interest at a rate not exceeding seven percent per  
37 annum that permitted by chapter seventy-four A (74A)  
38 of the Code. This section shall be construed as  
39 granting additional power, without limiting the power  
40 already existing in political subdivisions.

41 Sec. 62. Section three hundred thirty point sixteen  
42 (330.16), unnumbered paragraph two (2), Code 1979,  
43 is amended to read as follows:

44 Taxes for the payment of said bonds shall be levied  
45 in accordance with chapter 76 and said bonds shall  
46 be payable in not more than twenty years and bear  
47 interest at a rate not exceeding seven percent per  
48 annum that permitted by chapter seventy-four A (74A)  
49 of the Code and shall be of such form as the governing  
50 body shall by resolution provide, but no county or

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1 township shall become indebted in excess of five  
2 percent of the actual value of its taxable property,  
3 as shown by the last preceding state and county tax  
4 lists. The indebtedness incurred for the purpose  
5 provided in this section shall not be considered an  
6 indebtedness incurred for general or ordinary purposes.

7 Sec. 63. Section three hundred thirty A point  
8 nine (330A.9), subsection one (1), Code 1979, is  
9 amended to read as follows:

10 1. The bonds issued by an authority pursuant to  
11 this chapter shall be authorized by resolution of  
12 the board thereof and shall be either term or serial  
13 bonds, shall bear such date or dates, mature at such  
14 time or times, not exceeding forty years from their  
15 respective dates, bear interest at such rate or rates,  
16 not exceeding eight per centum per annum that per-  
17 mitted by chapter seventy-four A (74A) of the Code,  
18 payable semiannually, be in such denominations, be  
19 in such form, either coupon or fully registered shall  
20 carry such registration, exchangeability and  
21 interchangeability privileges, be payable in such  
22 medium of payment and at such place or places, within  
23 or without the state, be subject to such terms of  
24 redemption and be entitled to such priorities on the  
25 revenues, rates, fees, rentals, or other charges or  
26 receipts of the authority as such resolution or any  
27 resolution subsequent thereto may provide. The bonds  
28 shall be executed either by manual or facsimile  
29 signature by such officers as an authority shall  
30 determine, provided that such bonds shall bear at  
31 least one signature which is manually executed thereon,  
32 and the coupons attached to such bonds shall bear  
33 the facsimile signature or signatures of such officer  
34 or officers as shall be designated by an authority  
35 and the bonds shall have the seal of the authority,  
36 affixed, imprinted, reproduced, or lithographed  
37 thereon, all as may be prescribed in such resolution  
38 or resolutions. Said bonds shall be sold at public  
39 sale at such price or prices as the authority shall  
40 determine to be in the best interests of the authority  
41 provided that such bonds shall not be sold at less  
42 than the par value thereof, plus accrued interest  
43 and provided that the net interest cost shall not  
44 exceed eight per centum per annum that permitted  
45 by chapter seventy-four A (74A) of the Code. Pending  
46 the preparation of definitive bonds, interim  
47 certificates or temporary bonds may be issued to the  
48 purchaser or purchasers of such bonds, and may contain  
49 such terms and conditions as the authority may  
50 determine.

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1 Sec. 64. Section three hundred thirty-two point  
2 forty-four (332.44), subsection eight (8), unnumbered  
3 paragraph two (2), Code 1979, is amended to read as  
4 follows:

5 Bonds issued pursuant to the provisions of this  
6 section shall bear interest at a rate not exceeding  
7 ~~seven percent per annum that permitted by chapter~~  
8 seventy-four A (74A) of the Code.

9 Sec. 65. Section three hundred forty-five point  
10 sixteen (345.16), Code 1979, is amended to read as  
11 follows:

12 345.16 INTEREST RATE ON BONDS. Bonds issued  
13 pursuant to the provisions of this chapter shall bear  
14 interest at a rate not exceeding ~~seven percent per~~  
15 annum that permitted by chapter seventy-four A (74A)  
16 of the Code.

17 Sec. 66. Section three hundred forty-six point  
18 three (346.3), unnumbered paragraph one (1), Code  
19 1979, is amended to read as follows:

20 Said bonds shall bear interest ~~not exceeding seven~~  
21 percent per annum at a rate not exceeding that  
22 permitted by chapter seventy-four A (74A) of the Code,  
23 payable semiannually, and be substantially in the  
24 following form, but subject to changes that will  
25 conform them to the resolution of said board, to wit:

26 Sec. 67. Section three hundred forty-six point  
27 twenty-three (346.23), unnumbered paragraph two (2),  
28 Code 1979, is amended to read as follows:

29 Such bonds shall be in denominations of not less  
30 than one hundred dollars nor more than ten thousand  
31 dollars, and shall draw interest at a rate not to  
32 ~~exceed seven percent per annum exceeding that permitted~~  
33 by chapter seventy-four A (74A) of the Code, payable  
34 annually or semiannually. Such bonds shall be due  
35 and payable in not more than twenty years from the  
36 date of issuance but may be made subject to redemption  
37 in such manner and upon such terms as is stated on  
38 the face thereof, shall be in such form as the board  
39 of supervisors shall by resolution provide, and shall  
40 show on their face that they are county sanitary  
41 disposal bonds payable from the fund hereinafter  
42 provided. Funds available pursuant to the levy  
43 authorized by section 455B.81 shall be used to pay  
44 the interest and principal of such bonds as they  
45 become due. The limitation referred to in section  
46 455B.81 shall not limit the source of payment of bonds  
47 and interest but shall only restrict the amount of  
48 bonds which may be issued. The money arising from  
49 such levies shall be known as the sanitary disposal  
50 bond fund and shall be used for the payment of such

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1 bonds and interest thereon only; and the treasurer  
2 shall open and keep in his or her books a separate  
3 account thereof, which shall show the exact condition  
4 of such fund. Such bonds shall be sold at public  
5 sale and the county treasurer shall comply with and  
6 be governed by all provisions of chapter 75.

7 Sec. 68. Section three hundred forty-six point  
8 twenty-six (346.26), subsection three (3), Code 1979,  
9 is amended to read as follows:

10 3. County bonds may bear interest at a rate not  
11 exceeding ~~seven percent per annum~~ that permitted by  
12 chapter seventy-four A (74A) of the Code payable  
13 semiannually and the principal shall be scheduled  
14 to mature in not more than twenty years from the date  
15 of the bonds. When a county has issued bonds it shall  
16 annually levy on all taxable property in the county,  
17 a tax sufficient to pay the interest and principal  
18 of the bonds as they become due, and each county may  
19 levy taxes sufficient to pay its portion of the cost  
20 of operating, maintaining, and keeping insured the  
21 building acquired or constructed under this section.

22 Sec. 69. Section three hundred forty-six point  
23 twenty-seven (346.27), subsection fourteen (14), Code  
24 1979, is amended to read as follows:

25 14. Bonds issued under this section may be issued  
26 as serial or term bonds, shall be of such denomination  
27 or denominations and form, including interest coupons  
28 to be attached, shall be payable at such place or  
29 places and bear such date as the board of commissioners  
30 fix by the resolution authorizing the bonds, shall  
31 mature within a period not to exceed fifty years,  
32 and may be redeemable prior to maturity with or without  
33 premium, at the option of the board of commissioners,  
34 upon terms and conditions the board shall fix by the  
35 resolution authorizing the issuance of bonds. The  
36 board of commissioners may provide for the registration  
37 of bonds in the name of the owner as to the principal  
38 alone or as to both principal and interest upon terms  
39 and conditions the board determines. All bonds issued  
40 by an authority shall be sold at a price so that the  
41 interest cost to the commission of the proceeds of  
42 the bonds shall not exceed ~~seven percent per annum~~  
43 that permitted by chapter seventy-four A (74A) of  
44 the Code, payable semiannually, computed to maturity,  
45 and shall be sold in the manner and at the time the  
46 board of commissioners determines.

47 Sec. 70. Section three hundred forty-six A point  
48 three (346A.3), unnumbered paragraph two (2), Code  
49 1979, is amended to read as follows:

50 "Shall the county of ....., in the state of

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11owa issue bonds in the amount of ..... for the  
2 purpose of .....?" No such proposition shall  
3 be declared carried unless the vote in favor of the  
4 issuance of the bonds is equal to at least sixty  
5 percent of the total vote cast for and against the  
6 proposition at the election. Before the issuance  
7 of bonds under this chapter, the board shall adopt  
8 a resolution providing for the levy of annual taxes  
9 sufficient to pay maturing installments of the  
10 principal of and interest on said bonds in accordance  
11 with the provisions of chapter 76, and said bonds  
12 shall mature within a period not exceeding twenty  
13 years from date of issue, shall bear interest at a  
14 rate or rates not exceeding seven percent per annum  
15 that permitted by chapter seventy-four A (74A) of  
16 the Code and shall be of such form as the board shall  
17 by resolution provide, but the aggregate indebtedness  
18 of any such county shall not exceed five percent of  
19 the actual value of the taxable property within the  
20 county as ascertained by the last preceding state  
21 and county tax lists.

22 Sec. 71. Section three hundred forty-seven point  
23 five (347.5), Code 1979, is amended to read as follows:

24 347.5 BONDS. Should a majority of all the votes  
25 cast upon the proposition at a general election be  
26 in favor of establishing such hospital, the board  
27 of supervisors shall proceed to issue bonds of the  
28 county not to exceed the amount specified in said  
29 proposition, in denominations of not less than one  
30 hundred dollars nor more than one thousand dollars,  
31 drawing interest at a rate not to exceed seven percent  
32 per annum exceeding that permitted by chapter seventy-  
33 four A (74A) of the Code, payable annually or  
34 semiannually. Said bonds shall be due and payable  
35 in twenty years from date of issuance, but at the  
36 option of the county payable at any time after ten  
37 years from such date, and shall be substantially in  
38 the form provided for county bonds, and shall show  
39 on their face that they are county public hospital  
40 bonds payable only from the county public hospital  
41 fund as provided for in section 347.7.

42 Sec. 72. Section three hundred forty-seven point  
43 twenty-seven (347.27), unnumbered paragraphs one (1)  
44 and three (3), Code 1979, are amended to read as  
45 follows:

46 Any county having theretofore established a county  
47 public hospital being operated under the provisions  
48 of this chapter may equip, enlarge, and improve the  
49 county public hospital and acquire the necessary  
50 lands, rights of way, and other property. For the



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1 purpose of equipping, enlarging, and improving any  
2 such county public hospital, including the acquisition  
3 of the necessary lands, rights of way, and other  
4 property, any county may, pursuant to resolution of  
5 the board of supervisors of the county and after it  
6 has been determined by the board of hospital trustees  
7 to be advisable, from time to time issue and dispose  
8 of its negotiable interest-bearing revenue bonds,  
9 payable solely as to both principal and interest from  
10 the revenues derived from the operation of the county  
11 public hospital. All such bonds may bear such date  
12 or dates, may mature at such time or times not  
13 exceeding thirty years from their respective dates,  
14 may bear interest at such rate or rates not exceeding  
15 seven percent per annum that permitted by chapter  
16 seventy-four A (74A) of the Code payable semiannually,  
17 may be in such form and payable at such place or  
18 places, and may be subject to such redemption  
19 privileges as are stated on the face thereof and as  
20 may be provided in the resolution.

21 Under no circumstances shall any revenue bonds  
22 issued under the provisions of this section be or  
23 become an indebtedness of the county within the purview  
24 of any constitutional or statutory limitation or  
25 provision. It shall be plainly stated on the face  
26 of each bond that it does not constitute such an  
27 indebtedness, but is payable solely from revenues  
28 derived from the operation of the county hospital.  
29 All the bonds shall be sold in a manner and upon terms  
30 prescribed by the resolution authorizing the issuance  
31 of the bonds, however no bonds shall be sold upon  
32 terms that will result in an interest cost computed  
33 to maturity of the bonds according to standard tables  
34 of bond values of more than seven percent per annum  
35 which exceeds that permitted by chapter seventy-four  
36 A (74A) of the Code. The resolution authorizing the  
37 revenue bonds may contain any covenants determined  
38 by the board of supervisors to be desirable in  
39 connection with the use and application of the bond  
40 proceeds, the operation of the county public hospital,  
41 and the custody and application of the revenues from  
42 this operation. The sole remedy for any breach or  
43 default of the terms of any bonds or proceedings for  
44 their issuance shall be by mandamus in a court of  
45 competent jurisdiction to compel performance and  
46 compliance therewith.

47 Sec. 73. Section three hundred forty-seven A point  
48 two (347A.2), Code 1979, is amended to read as follows:  
49 347A.2 BONDS—AUTHORIZATION—PAYMENT. For the  
50 purpose of acquiring, constructing, equipping,

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1 enlarging or improving such hospital or any part  
2 thereof, any such county may, pursuant to resolution  
3 of the board of supervisors of such county, from time  
4 to time issue and dispose of its negotiable interest-  
5 bearing revenue bonds payable solely as to both  
6 principal and interest from the revenues to be derived  
7 from the operation of such hospital. All such bonds  
8 may bear such date or dates, may mature at such time  
9 or times not exceeding thirty years from their  
10 respective dates, may bear interest at such rate or  
11 rates not exceeding ~~seven percent per annum~~ that  
12 permitted by chapter seventy-four A (74A) of the Code  
13 payable semiannually, may be in such form and payable  
14 at such place or places, and may be subject to such  
15 redemption privileges as is stated on the face thereof  
16 and as may be provided in such resolution. After  
17 a resolution authorizing such revenue bonds has been  
18 adopted the county auditor shall publish notice of  
19 such adoption in at least one newspaper of general  
20 circulation in the county at least once each week  
21 for two consecutive weeks. Such notice shall identify  
22 the resolution by the date of its adoption and shall  
23 specify the amount of bonds proposed to be issued,  
24 and if within twenty days following the date of the  
25 first publication of such notice a petition is filed  
26 with the county auditor signed by qualified voters  
27 of said county in number equal to or exceeding twenty  
28 percent of the total number of votes cast in such  
29 county for governor at the last preceding regular  
30 election whereat a governor was elected then the bonds  
31 authorized by such resolution shall not be issued  
32 unless and until the proposition to issue same shall  
33 have been submitted at an election throughout the  
34 county and approved by not less than sixty percent  
35 of the votes cast for and against the proposition.  
36 When any such petition is filed it shall be referred  
37 to the board of supervisors at its next meeting and  
38 thereupon the board of supervisors may either repeal  
39 the bond resolution or order the election which shall  
40 be called and conducted in the manner provided by  
41 chapter 345. If there be no petition filed within  
42 the time hereinbefore provided or if there be a  
43 petition filed and the proposition of issuing such  
44 bonds is approved at such election then the board  
45 of supervisors may proceed with the acquisition,  
46 construction, equipment, operation and maintenance  
47 of the county hospital and the issuance of bonds in  
48 connection therewith, all as in this chapter permitted  
49 and provided. Under no circumstances shall any revenue  
50 bonds issued under the provisions of this chapter

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1 be or become an indebtedness of the county within  
2 the purview of any constitutional or statutory  
3 limitation or provision, and it shall be plainly  
4 stated on the face of each bond that it does not  
5 constitute such an indebtedness, but is payable solely  
6 from the revenues as aforesaid. All such bonds shall  
7 be sold in such manner and upon such terms as is  
8 prescribed by the resolution authorizing the issuance  
9 thereof, provided, that no bonds shall be sold upon  
10 terms that will result in an interest cost computed  
11 to maturity of the bonds according to standard tables  
12 of bond values of ~~more than seven percent per annum~~  
13 ~~which exceeds that permitted by chapter seventy-four~~  
14 ~~A (74A) of the Code.~~ The resolution authorizing such  
15 revenue bonds may contain such covenants as are  
16 determined by the board of supervisors to be desirable  
17 in connection with the use and application of the  
18 bond proceeds, the operation of the county hospital  
19 and the custody and application of the revenues from  
20 such operation. The sole remedy for any breach or  
21 default of the terms of any such bonds or proceedings  
22 for their issuance shall be by mandamus in a court  
23 of competent jurisdiction to compel performance and  
24 compliance therewith.

25 Sec. 74. Section three hundred forty-seven A point  
26 seven (347A.7), unnumbered paragraph one (1), Code  
27 1979, is amended to read as follows:

28 For the purpose of enlarging and improving any  
29 county hospital or hospitals theretofore acquired  
30 and being operated under the provisions of this  
31 chapter, any such county, upon petition and  
32 recommendation of the board of hospital trustees,  
33 and pursuant to resolution of the board of supervisors  
34 of such county, may from time to time incur  
35 indebtedness and issue and sell the negotiable  
36 interest-bearing general obligation bonds of said  
37 county, provided that the principal amount of all  
38 such bonds which may be issued and outstanding under  
39 this section shall not be in excess of two percent  
40 of the assessed value of the taxable property in such  
41 county as shown by the latest state and county tax  
42 lists. All such bonds may bear such date or dates,  
43 may mature at such time or times not exceeding twenty  
44 years from their respective dates, may bear interest  
45 at such rate or rates not exceeding ~~seven percent~~  
46 ~~per annum~~ that permitted by chapter seventy-four A  
47 (74A) of the Code payable semiannually, may be in  
48 such form and payable at such place or places, and  
49 may be made subject to such privileges of redemption  
50 prior to maturity and upon such terms of redemption

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1 as are stated on the face of such bonds and as may  
2 be provided in such resolution.

3 Sec. 75. Section three hundred fifty-seven point  
4 twenty (357.20), Code 1979, is amended to read as  
5 follows:

6 357.20 DUE DATE—BONDS. Assessments of less than  
7 ten dollars will come due at the first tax-paying  
8 date after the approval of the final assessment, and  
9 assessments of ten dollars or more may be paid in  
10 ten annual installments with interest at ~~six percent~~  
11 on the unpaid balance at a rate not exceeding that  
12 permitted by chapter seventy-four A (74A) of the Code.  
13 The board of supervisors shall issue bonds against  
14 the completed assessment in an amount equal to the  
15 total cost of the project, so that the amount of the  
16 assessment will be approximately ten percent greater  
17 than the amount of the bonds.

18 Sec. 76. Section three hundred fifty-seven A point  
19 eleven (357A.11), subsection eight (8), Code 1979,  
20 is amended to read as follows:

21 8. Have power to finance up to ninety-five percent  
22 of the cost of the construction or purchase of any  
23 project necessary to carry out the purposes for which  
24 the district is incorporated, provided the balance  
25 of the cost of construction or purchase is acquired  
26 by subscription, donation, gift, or otherwise than  
27 through the medium of loans, or to refinance up to  
28 ninety-five percent of the original cost of any such  
29 project, and to evidence such financing by issuance  
30 of revenue bonds or notes which shall mature in a  
31 period not to exceed forty years from date of issuance,  
32 shall bear interest, or combined interest and insurance  
33 charges, at a rate not to exceed ~~six percent per annum~~  
34 that permitted by chapter seventy-four A (74A) of  
35 the Code, shall be payable only from revenue derived  
36 from sale of water by the district, and shall never  
37 become or be construed to be a debt against the state  
38 of Iowa or any of its political subdivisions other  
39 than the district issuing the bonds. A statutory  
40 mortgage lien shall exist upon the water system and  
41 appurtenances and extensions so acquired in favor  
42 of the holders of the bonds and notes.

43 Sec. 77. Section three hundred fifty-seven B point  
44 four (357B.4), Code 1979, is amended to read as  
45 follows:

46 357B.4 ANTICIPATION OF TAX. The board of trustees  
47 of a benefited fire district may anticipate the  
48 collection of taxes authorized under section 357B.3  
49 and, for the purpose of providing fire protection,  
50 may issue bonds payable in not more than ten equal

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1 installments at an interest rate not exceeding seven  
2 percent per annum that permitted by chapter seventy-  
3 four A (74A) of the Code. The bonds shall be in such  
4 form and payable at such place as specified by  
5 resolution of the board of trustees. The provisions  
6 of sections 23.12 to 23.16 and chapter 384 shall apply  
7 to such bonds to the extent applicable.

8 Sec. 78. Section three hundred fifty-seven C point  
9 ten (357C.10), Code 1979, is amended to read as  
10 follows:

11 357C.10 BONDS IN ANTICIPATION OF REVENUE.

12 Benefited street lighting districts may anticipate  
13 the collection of taxes by the levy herein provided,  
14 and to carry out the purposes of this chapter may  
15 issue bonds payable in not more than ten equal  
16 installments, with the rate of interest thereon to  
17 not exceed seven percent per annum exceeding that  
18 permitted by chapter seventy-four A (74A) of the Code.  
19 No indebtedness shall be incurred under this Act until  
20 authorized by an election. Such election shall be  
21 held and notice given in the same manner as the  
22 election provided herein for the authorization of  
23 a tax levy, and the same sixty percent vote shall  
24 be necessary to authorize indebtedness. Both  
25 propositions may be submitted to the voters in the  
26 same election.

27 Sec. 79. Section three hundred fifty-eight point  
28 twenty-one (358.21), unnumbered paragraph four (4),  
29 Code 1979, is amended to read as follows:

30 The proceeds of any bond issue made under the  
31 provisions of this section shall be used only for  
32 the purpose of acquiring, locating, laying out,  
33 establishing and construction of drainage facilities,  
34 conduits, treatment plants, pumping plants, works,  
35 ditches, channels and outlets of such capacity and  
36 character as may be required for the treatment,  
37 carrying off and disposal of the sewage and industrial  
38 wastes and other drainage incidental thereto of such  
39 district, or to repair, change, enlarge and add to  
40 such facilities as may be necessary or proper to meet  
41 the requirements present and future for the purposes  
42 aforesaid. Proceeds from such bond issue may also  
43 be used for the payment of special assessment  
44 deficiencies. Said bonds shall be payable in not  
45 more than forty annual installments and at interest  
46 not exceeding seven percent per annum with interest  
47 at a rate not exceeding that permitted by chapter  
48 seventy-four A (74A) of the Code, and shall be made  
49 payable at such place and be of such form as the board  
50 of trustees shall by resolution designate. Any

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1 sanitary districts issuing bonds as authorized in this  
2 section is hereby granted authority to pledge the  
3 future avails of a tax levy not exceeding one dollar  
4 and thirty-five cents per thousand dollars of assessed  
5 value of taxable property per annum to the payment  
6 of the principal and interest of such bonds after  
7 the same come due, and the power to impose and certify  
8 said levy is hereby granted to the trustees of sanitary  
9 districts organized under the provisions of this  
10 chapter.

11 Sec. 80. Section three hundred fifty-nine point  
12 forty-five (359.45), Code 1979, is amended to read  
13 as follows:

14 359.45 ANTICIPATORY BONDS. Townships may  
15 anticipate the collection of taxes authorized by  
16 section 359.43 and for such purposes may issue bonds  
17 payable in not more than ten equal annual installments  
18 and at a rate of interest not exceeding seven percent  
19 per annum that permitted by chapter seventy-four A  
20 (74A) of the Code and payable at such place and be  
21 in such form as the board of trustees shall designate  
22 by resolution. Sections 23.12 and 23.16, inclusive,  
23 and provisions of law relating to essential corporate  
24 purpose bonds of a city, so far as applicable, shall  
25 apply to such bonds.

26 Sec. 81. Section three hundred eighty-four point  
27 fifty-seven (384.57), Code 1979, is amended to read  
28 as follows:

29 384.57 MONTHLY PAYMENTS. The city may contract  
30 to pay not to exceed ninety percent of the engineer's  
31 estimated value of the acceptable work completed  
32 during the month to the contractor at the end of each  
33 month. Payment may be made in warrants drawn on any  
34 fund or funds from which payment for the work may  
35 be made. The warrants, unless paid upon presentation,  
36 draw interest at a rate not to exceed seven percent  
37 per annum from and after the date of presentation  
38 for payment. If such funds are depleted, anticipatory  
39 warrants may be issued bearing a rate of interest  
40 not exceeding that permitted by chapter seventy-four  
41 A (74A) of the Code, which do not constitute a  
42 violation of section 384.10, even if the collection  
43 of taxes or special assessments or income from the  
44 sale of bonds applicable to the public improvement  
45 is after the end of the fiscal year in which the  
46 warrants are issued. If the city arranges for the  
47 private sale of anticipatory warrants, they may be  
48 sold and the proceeds used to pay the contractor.  
49 Such warrants may also be used to pay other persons  
50 furnishing services constituting a part of the cost

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1 of the public improvement.

2 Sec. 82. Section three hundred eighty-four point  
3 sixty (384.60), subsections three (3) and five (5),  
4 Code 1979, are amended to read as follows:

5 3. Provide for interest on all unpaid installments  
6 at not more than seven percent per annum a rate not  
7 exceeding that permitted by chapter seventy-four A  
8 (74A) of the Code.

9 5. Direct the clerk to certify the final schedule  
10 to the auditor of the county or counties in which  
11 the assessed property is located, and to publish  
12 notice thereof once each week for two consecutive  
13 weeks in the manner provided in section 362.3, the  
14 first publication of which shall be not more than  
15 fifteen days from the date of filing of the final  
16 schedule. On or before the second publication of  
17 the notice, the clerk shall send by certified mail  
18 to each property owner whose property is subject to  
19 assessment for the improvement, as shown by the records  
20 in the office of the county auditor, a copy of the  
21 notice. Such notice shall also include a statement  
22 in substance that assessments may be paid in full  
23 or in part without interest within thirty days after  
24 the date of certification, and thereafter all unpaid  
25 special assessments will draw annual interest at seven  
26 percent bear interest at the rate specified by the  
27 board, but not exceeding that permitted by chapter  
28 seventy-four A (74A) of the Code, computed to the  
29 December 1 next following the due dates of the  
30 respective installments, and each installment will  
31 be delinquent on September 30 following its due date,  
32 and will draw additionally the same delinquent interest  
33 and the same penalties as ordinary taxes. Such notice  
34 shall also state substantially that property owners  
35 may elect to pay any installment semiannually in  
36 advance. If a property is shown by the records to  
37 be in the name of more than one owner at the same  
38 mailing address, a single notice may be mailed to  
39 all owners at that address. Failure to receive a  
40 mailed notice is not a defense to the special  
41 assessment.

42 The county auditor shall place on the tax list  
43 the amounts to be assessed against each lot within  
44 the assessment district, as certified.

45 Sec. 83. Section three hundred eighty-four point  
46 sixty-eight (384.68), subsections two (2) and four  
47 (4), Code 1979, are amended to read as follows:

48 2. All special assessment bonds are negotiable,  
49 must state on their face that they are issued under  
50 the provisions of this division, and are payable as

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1 to both principal and interest from the proceeds of  
2 the special assessments levied for the public  
3 improvement. Such bonds may bear interest at a rate  
4 not exceeding seven percent per annum that permitted  
5 by chapter seventy-four A (74A) of the Code payable  
6 annually or semiannually, must mature serially on  
7 December 1 of the years in which any of the principal  
8 is scheduled to become due, and may contain a provision  
9 that the city reserves the right and option of calling  
10 and redeeming any or all of the bonds prior to maturity  
11 on any interest payment date or within forty-five  
12 days thereafter upon the terms specified therein.  
13 Such bonds must be called "improvement bonds", must  
14 designate the general type of improvement or  
15 improvements for which issued, and may be issued in  
16 any denomination, not exceeding ten thousand dollars.  
17 Bonds issued for a public improvement authorized in  
18 section 384.38, subsection 2, must be named in a way  
19 to distinguish them from other improvement bonds of  
20 the city, and to designate the property specially  
21 assessed for the improvement. Improvement bonds  
22 issued for any one levy must bear the same date and  
23 be divided into as many series as there are years  
24 in which installments of the special assessment mature,  
25 and each series must be as nearly equal in amount  
26 as practicable.

27 4. Special assessment bonds must be sold at public  
28 or private sale in the manner provided by chapter  
29 75, and may not be sold for less than par value with  
30 accrued interest from date to the time of delivery,  
31 or if no bids are received at public sale, bonds  
32 bearing the same rate of interest as the special  
33 assessment may be delivered to the contractor in  
34 payment of the cost of the public improvement. The  
35 proceeds of the sale must be applied to the payment  
36 of the cost of the public improvement.

37 Sec. 84. Section three hundred eighty-four point  
38 eighty-three (384.83), subsections three (3) and six  
39 (6), Code 1979, are amended to read as follows:

40 3. Revenue bonds may bear dates, bear interest  
41 at rates not exceeding any limitations imposed by  
42 chapter 75 that permitted by chapter seventy-four  
43 A (74A) of the Code, mature in one or more  
44 installments, be in either coupon or registered form,  
45 carry registration and conversion privileges, be  
46 payable as to principal and interest at times and  
47 places, be subject to terms of redemption prior to  
48 maturity with or without premium, and be in one or  
49 more denominations, all as provided by the resolution  
50 of the governing body authorizing their issuance.



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1 The resolution may also prescribe additional  
2 provisions, terms, conditions, and covenants which  
3 the governing body deems advisable, consistent with  
4 the provisions of the city code, including provisions  
5 for creating and maintaining reserve funds, the  
6 issuance of additional revenue bonds ranking on a  
7 parity with such revenue bonds and additional revenue  
8 bonds junior and subordinate to such revenue bonds,  
9 and that such revenue bonds shall rank on a parity  
10 with or be junior and subordinate to any revenue bonds  
11 which may be then outstanding. Revenue bonds are  
12 a contract between the city and holders and the  
13 resolution is a part of the contract.

14 6. A city may issue pledge orders pursuant to  
15 a resolution of the governing body of the city utility,  
16 combined utility system, city enterprise, or combined  
17 city enterprise, adopted by a majority of the total  
18 number of members to which the governing body is  
19 entitled, at a regular or special meeting, ordering  
20 their issuance and delivery in payment for all or  
21 part of the cost of a project. Pledge orders may  
22 bear interest at rates not exceeding eight percent  
23 per annum that permitted by chapter seventy-four A  
24 (74A) of the Code:

25 Sec. 85. Section three hundred eighty-six point  
26 twelve (386.12), subsection four (4), Code 1979, is  
27 amended to read as follows:

28 4. Payment for the costs of an improvement may  
29 also be made in warrants drawn on any fund from which  
30 payment for the improvement may be made. ~~The warrants,~~  
31 ~~unless paid upon presentation, draw interest at a~~  
32 ~~rate not to exceed seven percent per annum from the~~  
33 ~~date of presentation for payment.~~ If such funds are  
34 depleted, anticipatory warrants may be issued bearing  
35 a rate of interest not exceeding that permitted by  
36 chapter seventy-four A (74A) of the Code, which do  
37 not constitute a violation of section 384.10, even  
38 if the collection of taxes or income from the sale  
39 of bonds applicable to the improvement is after the  
40 end of the fiscal year in which the warrants are  
41 issued. If the city arranges for the private sale  
42 of anticipatory warrants, they may be sold and the  
43 proceeds used to pay the costs of the improvement.  
44 Such warrants may be used to pay other persons  
45 furnishing services constituting a part of the cost  
46 of the improvement.

47 Sec. 86. Section three hundred ninety-four point  
48 one (394.1), unnumbered paragraph two (2), Code 1979,  
49 is amended to read as follows:

50 Taxes for the payment of said bonds shall be levied

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1 in accordance with chapter 76, and said bonds shall  
2 be payable through the debt service fund in not more  
3 than twenty years, and bear interest at a rate not  
4 exceeding seven percent per annum that permitted by  
5 chapter seventy-four A (74A) of the Code, and shall  
6 be of such form as the city council shall by resolution  
7 provide, but no city shall become indebted in excess  
8 of five percent of the actual value of the taxable  
9 property within said city, as shown by the last  
10 preceding state and county tax lists. The indebtedness  
11 incurred for the purpose provided in this section  
12 shall not be considered an indebtedness incurred for  
13 general or ordinary purposes.

14 Sec. 87. Section four hundred three point nine  
15 (403.9), subsection three (3), Code 1979, is amended  
16 to read as follows:

17 3. Bonds issued under this section shall be  
18 authorized by resolution or ordinance of the local  
19 governing body and may be issued in one or more series  
20 and shall bear such date or dates, be payable upon  
21 demand or mature at such time or times, bear interest  
22 at such rate or rates not exceeding seven per centum  
23 per annum that permitted by chapter seventy-four (74A)  
24 of the Code, be in such denomination or denominations,  
25 be in such form either coupon or registered, carry  
26 such conversion or registration privileges, have such  
27 rank or priority, be executed in such manner, be  
28 payable in such medium of payment, at such place or  
29 places, and be subject to such terms of redemption,  
30 with or without premium, be secured in such manner,  
31 and have such other characteristics, as may be provided  
32 by such resolution or trust indenture or mortgage  
33 issued pursuant thereto.

34 Sec. 88. Section four hundred three A point  
35 thirteen (403A.13), unnumbered paragraph one (1),  
36 Code 1979, is amended to read as follows:

37 Bonds of a municipality shall be authorized by  
38 its resolution and may be issued in one or more series  
39 and shall bear such date or dates, mature at such  
40 time or times, bear interest at such rate or rates,  
41 not exceeding seven per centum per annum that permitted  
42 by chapter seventy-four A (74A) of the Code, be in  
43 such denomination or denominations, be in such form  
44 either coupon or registered, carry such conversion  
45 or registration privileges, have such rank or priority,  
46 be executed in such manner, be payable in such medium  
47 of payment, at such place or places, and be subject  
48 to such terms of redemption (with or without premium)  
49 as such resolution, its trust indenture or mortgage  
50 may provide.

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1 Sec. 89. Section four hundred fifty-four point  
2 twenty (454.20), Code 1979, as amended by Acts of  
3 the Sixty-eighth General Assembly, 1979 Session,  
4 chapter twenty-four (24), section five (5), is amended  
5 to read as follows:

6 454.20 INTEREST. The warrants shall bear interest  
7 from date at a rate not to exceed six percent that  
8 permitted by chapter seventy-four A (74A) of the Code,  
9 which interest shall be payable at the end of each  
10 year, or for such shorter period as the warrants may  
11 remain unpaid.

12 Sec. 90. Section four hundred fifty-five point  
13 sixty-four (455.64), subsections one (1) and two (2),  
14 Code 1979, are amended to read as follows:

15 1. To pay one-third of the amount of such  
16 assessment at the time of filing such agreement; one-  
17 third within twenty days after the engineer in charge  
18 shall certify to the auditor that the improvement  
19 is one-half completed; and the remaining one-third  
20 within twenty days after the improvement has been  
21 completed and accepted by the board. All such  
22 installments shall be without interest if paid at  
23 said times, otherwise said assessments shall bear  
24 interest from the date of the levy at the rate of  
25 not to exceed seven percent per annum a rate not  
26 exceeding that permitted by chapter seventy-four A  
27 (74A) of the Code, payable annually, and be collected  
28 as other taxes on real estate, with like penalty for  
29 delinquency.

30 2. To pay such assessments in not less than ten  
31 nor more than twenty equal installments, the number  
32 to be fixed by the board and interest at the rate  
33 fixed by the board, not exceeding seven percent per  
34 annum that permitted by chapter seventy-four A (74A)  
35 of the Code. One such installment shall be payable  
36 at the September semiannual taxpaying date in each  
37 year; provided, however, that the county treasurer  
38 shall, at the September semiannual taxpaying date,  
39 require only the payment of a sufficient portion of  
40 the assessments to meet the interest and the amount  
41 maturing on bonds or certificates prior to the regular  
42 time for the payment of the second installment of  
43 taxes and the balance shall be collected with such  
44 second installment and without penalty.

45 Sec. 91. Section four hundred fifty-five point  
46 seventy-seven (455.77), unnumbered paragraph one (1),  
47 Code 1979, is amended to read as follows:

48 The board may provide by resolution for the payment  
49 of assessments in not more than twenty annual  
50 installments with interest at not to exceed seven

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1 percent per annum a rate not exceeding that permitted  
2 by chapter seventy-four A (74A) of the Code. The  
3 board may issue warrants bearing interest at the same  
4 rate, which warrants shall be numbered and state a  
5 maturity date in which event they shall bear interest  
6 from the date of issuance without being presented  
7 for payment and marked unpaid for want of funds.  
8 The warrants may be sold by the board for cash in  
9 an amount not less than the face value thereof,  
10 together with accrued interest, if any.

11 Sec. 92. Section four hundred fifty-five point  
12 seventy-nine (455.79), Code 1979, is amended to read  
13 as follows:

14 455.79 INTEREST — PLACE OF PAYMENT. Such  
15 certificates shall bear interest ~~not to exceed seven~~  
16 percent per annum at a rate not exceeding that  
17 permitted by chapter seventy-four A (74A) of the Code,  
18 payable annually, and shall be paid by the taxpayer  
19 to the county treasurer, who shall receipt for the  
20 same and cause the amount to be credited on the  
21 certificates issued therefor.

22 Sec. 93. Section four hundred fifty-five point  
23 eighty-three (455.83), Code 1979, is amended to read  
24 as follows:

25 455.83 AMOUNT — INTEREST — MATURITY. In no case  
26 shall the aggregate amount of all bonds issued exceed  
27 the benefits assessed. ~~Such~~ The bonds shall not be  
28 issued for a greater amount than the aggregate amount  
29 of assessments for the payment of which they are  
30 issued, nor for a longer period of maturity than  
31 twenty years; ~~and bear a rate of interest not to~~  
32 exceed seven percent per annum. The bonds shall bear  
33 interest at a rate not exceeding that permitted by  
34 chapter seventy-four A (74A) of the Code, payable  
35 semiannually, on June 1 and December 1 of each year.  
36 ~~Whenever the interest on bonds issued pursuant to~~  
37 ~~the provisions of this chapter exceeds four percent~~  
38 ~~per annum the interest on unpaid assessments shall~~  
39 ~~equal the interest on such bonds but not to exceed~~  
40 ~~seven percent per annum, the provisions of sections~~  
41 ~~455.57 and 455.64 to the contrary notwithstanding.~~  
42 The interest on unpaid assessments shall be at a rate  
43 not exceeding that permitted by chapter seventy-four  
44 A (74A) of the Code.

45 Sec. 94. Section four hundred fifty-five point  
46 one hundred seventy-five (455.175), Code 1979, is  
47 amended to read as follows:

48 455.175 FUNDS. Payment to the county auditor  
49 for such certificate shall be from the fund of said  
50 drainage or levee district, or subdistrict, on a

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1 warrant issued against that fund which shall have  
2 precedence over all other outstanding warrants drawn  
3 against that fund in the order of their payment.  
4 Should there not be a sufficient amount in the fund  
5 of said district, or subdistrict, to pay said warrant  
6 then the board of supervisors, or the trustees of  
7 the district, as the case may be, are authorized to  
8 borrow a sum of money sufficient for that purpose  
9 on a warrant for that amount on the fund of the  
10 district, or subdistrict, which warrant shall bear  
11 interest from date at six percent per annum a rate  
12 not exceeding that permitted by chapter seventy-four  
13 A (74A) of the Code and shall have preference in  
14 payment over all other unpaid warrants on said fund,  
15 and the county treasurer shall so enter the same on  
16 the list of warrants in his office and call the same  
17 for payment as soon as there is sufficient money in  
18 said fund.

19 Sec. 95. Section four hundred fifty-five point  
20 one hundred ninety-eight (455.198), Code 1979, is  
21 amended to read as follows:

22 455.198 WARRANTS NOT PAID FOR WANT OF FUNDS.  
23 Chapter 74 shall be applicable to all warrants which  
24 are legally drawn on levee and drainage district funds  
25 and are not paid for want of funds, ~~except that such~~  
26 ~~warrants shall bear interest at not to exceed seven~~  
27 ~~percent per annum.~~

28 Sec. 96. Section four hundred fifty-five point  
29 two hundred thirteen (455.213), Code 1979, is amended  
30 to read as follows:

31 455.213 INSTALLMENTS — WARRANTS. The board shall  
32 levy the costs contemplated in section 455.202 upon  
33 all of the lands of the district on the basis of the  
34 classification for benefits as finally established  
35 and the assessments so levied shall be paid in one  
36 installment unless the board in its discretion shall  
37 provide for the payment thereof in not more than  
38 twenty equal installments with interest at ~~not to~~  
39 ~~exceed seven percent per annum a rate not exceeding~~  
40 ~~that permitted by chapter seventy-four A (74A) of~~  
41 ~~the Code.~~ The board may issue anticipatory warrants  
42 bearing interest at not to exceed seven percent per  
43 annum against assessments a rate not exceeding that  
44 permitted by chapter seventy-four A (74A) of the Code.  
45 The warrants may be numbered and state a maturity  
46 date in which event they shall bear interest from  
47 the date of issue without being presented for payment  
48 and marked unpaid for want of funds. The warrants  
49 may be sold by the board for cash in an amount not  
50 less than the face value thereof, together with accrued

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1 interest, if any.

2 Sec. 97. Section four hundred sixty point seven  
3 (460.7), Code 1979, is amended to read as follows:  
4 460.7 ADVANCED PAYMENTS. The board on construction  
5 of such improvement may advance out of the secondary  
6 road construction fund or the secondary road  
7 maintenance fund, or out of both of said funds that  
8 portion to be collected by special assessment, the  
9 amount so advanced to be replaced in said road funds  
10 as the first special assessments are collected. The  
11 board may in lieu of making such advancements, issue  
12 warrants to be known as "Drainage Warrants", said  
13 warrants to ~~draw not to exceed four percent interest~~  
14 ~~per annum bear interest at a rate not exceeding that~~  
15 permitted by chapter seventy-four A (74A) of the Code  
16 payable annually from the date of issue and to be  
17 paid out of the special assessments levied therefor,  
18 when the same are collected.

19 Sec. 98. Section four hundred sixty-one point  
20 fourteen (461.14), Code 1979, is amended to read as  
21 follows:

22 461.14 FORM OF BONDS. Such bonds shall be issued  
23 in sums of not less than one hundred dollars or more  
24 than one thousand dollars each, running not more than  
25 twenty years, bearing interest not exceeding ~~six~~  
26 ~~percent per annum that permitted by chapter seventy-~~  
27 four A (74A) of the Code, payable annually or  
28 semiannually, and shall be substantially in the form  
29 provided by law for funding bonds issued for drainage  
30 purposes.

31 Sec. 99. Section four hundred sixty-three point  
32 ten (463.10), Code 1979, is amended to read as follows:

33 463.10 FORM OF BONDS. Drainage refunding bonds  
34 shall be issued in denominations of not less than  
35 one hundred dollars nor more than one thousand dollars,  
36 each, running not more than forty years, bearing  
37 interest ~~not exceeding six percent per annum at a~~  
38 rate not exceeding that permitted by chapter seventy-  
39 four A (74A) of the Code, payable semiannually, and  
40 shall be substantially in the form provided by law  
41 relating to drainage bonds, with such changes as shall  
42 be necessary to conform with this chapter.

43 Sec. 100. Section four hundred sixty-four point  
44 nine (464.9), Code 1979, is amended to read as follows:

45 464.9 REFUNDING BONDS. The court shall direct  
46 the board of supervisors to issue bonds in lieu of  
47 the outstanding drainage bonds for said drainage  
48 district, and additional bonds for the accrued interest  
49 and other indebtedness of said drainage district.  
50 Said bonds shall be payable in amounts, and at the

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1 time and manner, and with priority of payments as  
2 has been determined by order of court, as provided  
3 by section 464.8, and shall be called "conservator's  
4 drainage district bonds". Each bond shall be numbered  
5 and shall state on its face that it is a conservator's  
6 drainage district bond; that it is issued in pursuance  
7 of a resolution adopted by the board of supervisors,  
8 under order of court, and giving the name of the court  
9 and the county where such court is held; that it is  
10 issued to pay indebtedness of the drainage district;  
11 shall state the county where such district is located,  
12 and the number of the drainage district for which  
13 it is issued; shall state the date of maturity of  
14 the bond, the rate of interest thereon, which rate  
15 shall not be less than three and one-half percent  
16 per annum exceed that permitted by chapter seventy-  
17 four A (74A) of the Code, and that the bond is to  
18 be paid only from taxes assessed, levied and collected  
19 on the lands within the drainage district for which  
20 the bond is issued subject to the provisions of section  
21 464.8. All bonds shall be signed by the chairman  
22 of the board of supervisors and countersigned by the  
23 conservator designated as such. The interest coupons  
24 attached to said bonds shall be attested by the  
25 signature of the conservator or a facsimile thereof.  
26 When the bonds have been executed as herein required,  
27 the conservator may sell said bonds at not less than  
28 par with accrued interest thereon, and pay the  
29 indebtedness of said drainage district, or may exchange  
30 said bonds with the creditors of said drainage district  
31 in amounts as have been fixed and determined by the  
32 court, and the conservator shall cancel all drainage  
33 bonds, improvement certificates, warrants or other  
34 evidence of indebtedness received by him in lieu of  
35 the conservator's bonds.

36 Sec. 101. Section four hundred sixty-seven A point  
37 thirty-three (467A.33), unnumbered paragraph one (1),  
38 Code 1979, is amended to read as follows:

39 The governing body upon receiving the reports from  
40 three appointed appraisers and after holding the  
41 hearings shall transmit and certify the amounts of  
42 assessments to the respective boards of supervisors  
43 which upon receipt of certification from the governing  
44 body of the district, make the necessary levy of such  
45 assessments as fixed by the governing body upon the  
46 land within such subdistrict and all assessments shall  
47 be levied at that time as a tax and shall bear interest  
48 at not more than four percent per annum a rate not  
49 exceeding that permitted by chapter seventy-four A  
50 (74A) of the Code from that date payable annually

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1 except as hereafter provided as to cash payments  
2 therefor within a specified time. The assessment  
3 so levied shall be kept in a separate account by the  
4 appropriate county treasurer or treasurers, identified  
5 by the official name of the subdistrict and  
6 expenditures therefrom shall be made on requisition  
7 of the chairman and secretary of the governing body  
8 of the subdistrict.

9 Sec. 102. Section four hundred sixty-seven A point  
10 thirty-five (467A.35), subsections one (1) and two  
11 (2), Code 1979, are amended to read as follows:

12 1. To pay one half of the amount of such assessment  
13 at the time of filing such agreement and the remaining  
14 one half shall become due and payable one year from  
15 the date of filing such agreement. All such  
16 installments shall be without interest if paid at  
17 said times, otherwise said assessments shall bear  
18 interest from the date of the levy at the rate of  
19 four percent per annum a rate fixed by the governing  
20 body of the subdistrict, but not exceeding that  
21 permitted by chapter seventy-four A (74A) of the Code,  
22 payable annually, and be collected as other taxes  
23 on real estate, with like penalty for delinquency.

24 2. To pay such assessments in not less than ten  
25 nor more than forty equal installments, the number  
26 to be fixed by the governing body of the subdistrict  
27 and interest at the rate fixed by the governing body  
28 of the subdistrict, not exceeding four percent per  
29 annum that permitted by chapter seventy-four A (74A)  
30 of the Code. The first installment of each assessment  
31 shall become due and payable at the October semiannual  
32 tax paying date after the date of filing such  
33 agreement, unless the agreement is filed with the  
34 county auditor less than thirty days prior to such  
35 October semiannual tax paying date, in that event,  
36 the first installment shall become due and payable  
37 at the next succeeding October semiannual tax paying  
38 date. The second and each subsequent installment  
39 shall become due and payable at the October semiannual  
40 tax paying date each year thereafter. All such  
41 installments shall be collected with interest accrued  
42 on the unpaid balance to the October semiannual tax  
43 paying date and as other taxes on real estate, with  
44 like penalty for delinquency.

45 Sec. 103. Sections seventy-four point eight (74.8),  
46 seventy-five point eleven (75.11) and seventy-five  
47 point twelve (75.12), Code 1979, are repealed. It  
48 is the intent of the general assembly that the repeal  
49 of these sections, and the enactment of sections  
50 thirty-six (36), thirty-eight (38) and forty-one (41)



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1 of this Act shall be construed as a continuation  
2 of prior law, except to the extent amended by sections  
3 thirty-six (36) and thirty-eight (38) of this Act.

4 Sec. 104. Bonds sold on or after the effective  
5 date of this Act to finance an improvement for which  
6 a final assessment schedule was adopted prior to the  
7 effective date of this Act may bear any rate of  
8 interest permitted by rules issued under section  
9 thirty-nine (39) of this Act, and section thirty-eight  
10 (38) of this Act and any similar statutory restrictions  
11 and section forty (40) of this Act do not apply to  
12 these bonds.

13 Sec. 105. It is the intent of the general assembly  
14 that rules which take effect pursuant to the provisions  
15 of section thirty-nine (39) of this Act shall supersede  
16 any temporary legislation enacted by the Sixty-eighth  
17 General Assembly during the 1980 legislative session  
18 with respect to interest rates or maximum interest  
19 rates payable on public obligations or assessments  
20 against benefitted properties."

SCHROEDER of Pottawattamie

H-5376

1 Amend House File 2492 as follows:

2 1. By striking everything after page 1, line 21  
3 and inserting in lieu thereof the following:

4 "Sec. 2. **NEW SECTION. TEMPORARY EXEMPTIONS.**

5 1. Any of the following persons may agree in  
6 writing to pay any rate of interest, and a person  
7 so agreeing in writing shall not plead or interpose  
8 the claim or defense of usury in any action or  
9 proceeding, and the person agreeing to receive such  
10 rate of interest shall not be subject to any penalty  
11 or forfeiture for agreeing to receive or receiving  
12 such interest:

13 a. A person borrowing money or obtaining credit  
14 in the amount of twenty-five thousand dollars or more,  
15 exclusive of interest, for business or agricultural  
16 purposes. As used in this paragraph, "agricultural  
17 purposes" means and includes any of the purposes  
18 referred to in section five hundred thirty-seven point  
19 one thousand three hundred one (537.1301), subsection  
20 four (4) of the Code.

21 b. A person borrowing money to finance the  
22 construction or acquisition of real property which  
23 is used or to be used as residential property, including  
24 the refinancing of a contract for deed, the refinancing

25 of a prior loan, whether or not the borrower also  
 26 was the borrower under the prior loan, and, subject  
 27 to the limitation contained in section five hundred  
 28 thirty-five point eight (535.8), subsection two (2),  
 29 paragraph c of the Code, the assumption of a prior  
 30 loan; or a vendee under a contract for deed to real  
 31 property which is used or to be used as residential  
 32 property.

33 2. The provisions of subsection one (1) of this  
 34 section apply only to those written agreements  
 35 specified in subsection one (1) of this section which  
 36 are executed on or after the effective date of this  
 37 Act and before July 1, 1981, and with respect to those  
 38 agreements, supersede any interest-rate limitations  
 39 contained in the Code, including but not limited to  
 40 provisions of chapters three hundred twenty-one (321),  
 41 three hundred twenty-two (322), five hundred twenty-  
 42 four (524), five hundred thirty-three (533), five  
 43 hundred thirty-four (534), five hundred thirty-five  
 44 (535), five hundred thirty-six A (536A), and five  
 45 hundred thirty-seven (537) of the Code.

46 Sec. 3. Section five hundred thirty-seven point  
 47 two thousand two hundred one (537.2201), subsection  
 48 two (2), Code 1979, is amended to read as follows:

49 2. The finance charge, calculated according to  
 50 the actuarial method, may not exceed fifteen eighteen

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1 percent per year on the unpaid balances of the amount  
 2 financed.

3 Sec. 4. Section five hundred thirty-seven point  
 4 two thousand two hundred two (537.2202), subsection  
 5 three (3), Code 1979, is amended to read as follows:

6 3. If the billing cycle is monthly, the charge  
 7 may not exceed an amount equal to one and one-half  
 8 percent of ~~that part~~ of the maximum amount pursuant  
 9 to subsection 2 ~~which is five hundred dollars or less~~  
 10 ~~and one and one-fourth percent of that part of the~~  
 11 ~~maximum amount which is more than five hundred dollars.~~

12 If the billing cycle is not monthly, the maximum  
 13 charge for the billing cycle shall bear the same  
 14 relation to the applicable monthly maximum charge  
 15 as the number of days in the billing cycle bears to  
 16 three hundred sixty-five divided by twelve. A billing  
 17 cycle is monthly if the closing date of the cycle  
 18 is the same date each month or does not vary by more  
 19 than four days from the regular date.

20 Sec. 5. Section five hundred thirty-seven point  
 21 two thousand four hundred one (537.2401), subsection  
 22 one (1), Code 1979, is amended to read as follows:

23 1. Except as provided with respect to a finance  
24 charge for loans pursuant to open end credit under  
25 section 537.2402, a lender may contract for and receive  
26 a finance charge not exceeding the maximum charge  
27 permitted by the laws of this state or of the United  
28 States for similar lenders, and, in addition, with  
29 respect to a consumer loan not secured by a first  
30 lien on a dwelling of the debtor given to finance  
31 the acquisition of that dwelling, a supervised  
32 financial organization may contract for and receive  
33 a finance charge, calculated according to the actuarial  
34 method, not exceeding ~~fifteen~~ eighteen percent per  
35 year on the unpaid balance of the amount financed.

36 Sec. 6. Section five hundred thirty-seven point  
37 two thousand four hundred two (537.2402), subsection  
38 three (3), Code 1979, is amended to read as follows:

39 3. If the billing cycle is monthly, the charge  
40 may not exceed an amount equal to one and one-half  
41 percent of ~~that part of~~ the maximum amount pursuant  
42 to subsection 2 ~~which is five hundred dollars or less~~  
43 ~~and one and one-fourth percent of that part of the~~  
44 ~~maximum amount which is more than five hundred dollars.~~  
45 If the billing cycle is not monthly, the maximum  
46 charge for the billing cycle shall bear the same  
47 relation to the applicable monthly maximum charge  
48 as the number of days in the billing cycle bears to  
49 three hundred sixty-five divided by twelve. A billing  
50 cycle is monthly if the closing date of the cycle

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1 is the same date each month or does not vary by more  
2 than four days from the regular date.

3 Sec. 7. It is the intent of the general assembly  
4 in enacting sections three (3) through six (6) of  
5 this Act that the amendments contained in those  
6 sections are of temporary effect only, and that the  
7 provisions of law as amended by sections three (3)  
8 through six (6) of this Act shall be the law of this  
9 state only during the period commencing on the  
10 effective date of this Act and ending July 1, 1983.  
11 Effective July 1, 1983, the law of this state as  
12 amended by sections three (3) through six (6) of this  
13 Act expires, and the provisions of sections five  
14 hundred thirty-seven point two thousand two hundred  
15 one (537.2201), five hundred thirty-seven point two  
16 thousand two hundred two (537.2202), five hundred  
17 thirty-seven point two thousand four hundred one  
18 (537.2401) and five hundred thirty-seven point two  
19 thousand four hundred two (537.2402) of the Code as  
20 they existed prior to amendment by section three (3)

21 through six (6) of this Act shall be the law of this  
22 state on and after July 1, 1983.

23 Sec. 8.

24 1. This Act, being deemed of immediate importance,  
25 takes effect from and after its publication in the  
26 Quad City Times, a newspaper published in Davenport,  
27 Iowa, and in The Council Bluffs Nonpareil, a newspaper  
28 published in Council Bluffs, Iowa.

29 2. Section one (1) of this Act applies to any  
30 refund order issued by the Iowa state commerce  
31 commission on or after the effective date of this  
32 Act."

SCHROEDER of Pottawattamie

H-5377

1 Amend House File 2492 as follows:

2 1. By striking everything after page 1, line 21  
3 and inserting in lieu thereof the following:

4 "Sec. 2. **NEW SECTION. TEMPORARY EXEMPTIONS.**

5 1. a. A person borrowing money or obtaining  
6 credit in the amount of twenty-five thousand dollars  
7 or more, exclusive of interest, for business or  
8 agricultural purposes may agree in writing to pay  
9 any rate of interest, and a person so agreeing in  
10 writing shall not plead or interpose the claim or  
11 defense of usury in any action or proceeding, and  
12 the person agreeing to receive such rate of interest  
13 shall not be subject to any penalty or forfeiture  
14 for agreeing to receive or receiving such interest.  
15 As used in this paragraph, "agricultural purposes"  
16 means and includes any of the purposes referred to  
17 in section five hundred thirty-seven point one thousand  
18 three hundred one (537.1301), subsection four (4)  
19 of the Code.

20 b. The provisions of paragraph a of this subsection  
21 apply only to written agreements which are executed  
22 on or after the effective date of this Act and before  
23 July 1, 1983, and with respect to those agreements,  
24 supersede any conflicting interest-rate limitations  
25 contained in the Code, including but not limited to  
26 provisions of chapters three hundred twenty-one (321),  
27 three hundred twenty-two (322), five hundred twenty-  
28 four (524), five hundred thirty-three (533), five  
29 hundred thirty-four (534), five hundred thirty-five  
30 (535), five hundred thirty-six A (536A), and five  
31 hundred thirty-seven (537) of the Code.

32 2. a. A person borrowing money to finance the  
33 construction or acquisition of real property which  
34 is used or to be used as residential property or a

35 vendee under a contract for deed to real property  
36 which is used or to be used as residential property,  
37 may agree in writing to pay any rate of interest not  
38 exceeding the maximum rate in effect under paragraph  
39 b of this subsection, and a person so agreeing in  
40 writing shall not plead or interpose the claim or  
41 defense of usury in any action or proceeding, and  
42 the person agreeing to receive such rate of interest  
43 shall not be subject to any penalty or forfeiture  
44 for agreeing to receive or receiving such interest.  
45 b. The maximum lawful rate of interest which may  
46 be provided for in any written agreement for the  
47 payment of interest referred to in paragraph a of  
48 this subsection and entered into during any calendar  
49 week commencing on or after the effective date of  
50 this Act shall be an annual simple interest rate which

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1 is equal to 5 percentage points plus the Federal  
2 Discount Rate as established by the Federal Reserve  
3 Board.

4 c. The provisions of paragraph a of this subsection  
5 apply only to those written agreements which are  
6 executed on or after the effective date of this Act  
7 and before July 1, 1983, and with respect to those  
8 agreements, supersede any conflicting interest-rate  
9 limitations contained in the Code, including but not  
10 limited to provisions of chapters five hundred twenty-  
11 four (524), five hundred thirty-three (533), five  
12 hundred thirty-four (534), five hundred thirty-five  
13 (535) and five hundred thirty-six A (536A) of the  
14 Code.

15 Sec. 3

16 1. This Act, being deemed of immediate importance  
17 takes effect from and after its publication in the  
18 Quad City Times, a newspaper published in Davenport,  
19 Iowa, and in The Council Bluffs Nonpareil, a newspaper  
20 published in Council Bluffs, Iowa.

21 2. Section one (1) of this Act applies to any  
22 refund order issued by the Iowa state commerce  
23 commission on or after the effective date of this  
24 Act."

CHIODO of Polk

H-5383

1 Amend amendment H-5375 to House File 2492 by  
2 striking page 1, lines 2 through 27 and inserting  
3 in lieu thereof the following:

4 "1. By striking everything after the enacting  
 5 clause and inserting in lieu thereof the following:  
 6 "DIVISION I  
 7 Section 1. Section four hundred seventy-six point  
 8 six (476.6), unnumbered paragraph six (6), Code 1979,  
 9 as amended by Acts of the Sixty-eighth General  
 10 Assembly, 1979 Session, chapter one hundred seventeen  
 11 (117), section one (1), is amended to read as follows:  
 12 However, a public utility ~~shall have the right~~  
 13 ~~may~~, at any time after ~~said~~ rates, charges, schedules  
 14 or regulations have been suspended for ninety days,  
 15 request authority to place in effect any or all of  
 16 ~~such~~ the suspended rates, charges, schedules or  
 17 regulations by filing with the commission a bond or  
 18 other undertaking approved by the commission  
 19 conditioned upon the refund in a manner to be  
 20 prescribed by the commission of any amounts collected  
 21 ~~thereunder~~ in excess of the amounts which would have  
 22 been collected under rates, charges, schedules or  
 23 regulations finally approved by the commission. The  
 24 commission shall establish a rate of interest to be  
 25 paid by a public utility to persons receiving refunds.  
 26 ~~Such~~ The rate of interest shall be a reasonable rate  
 27 as determined by the commission, but not less than  
 28 five percent per annum, nor more than twelve percent  
 29 per annum, and the interest shall be compounded  
 30 annually. This rate of interest shall also be the  
 31 maximum interest or penalty charged by all public  
 32 utilities for utility services provided in the past  
 33 on which customers have not made payment."

BRUNER of Story

H - 5384

1 Amend amendment H - 5375 to House File 2492  
 2 as follows:  
 3 1. Page 2, by inserting after line 7  
 4 the following new lettered paragraph:  
 5 "g. Four members of the general assembly.  
 6 Two members shall be appointed by the speaker  
 7 of the house from the membership of the house  
 8 of representatives, not more than one of whom  
 9 shall be from the same political party. Two  
 10 members shall be appointed by the majority  
 11 leader of the senate from the membership  
 12 of the senate, not more than one of whom shall  
 13 be from the same political party. These persons  
 14 shall be advisory members of the commission, and  
 15 shall not vote on any matter before the  
 16 commission."

BRUNER of Story  
CHIODO of Polk

H-5386

1 Amend amendment H-5375 to House File 2492 as  
2 follows:

3 1. Page 6, by striking lines 20 through 26, and  
4 inserting in lieu thereof the following:

5 "Sec. . Section five hundred thirty-five point  
6 three (535.3), Code 1979, is amended to read as  
7 follows:

8 535.3 INTEREST ON JUDGMENTS AND DECREES. Interest  
9 shall be allowed on all money due on judgments and  
10 decrees of courts at the rate of seven cents on the  
11 hundred by the year, unless a different rate is fixed  
12 by the contract on which the judgment or decree is  
13 rendered, in which case the judgment or decree shall  
14 draw interest at the rate expressed in the contract,  
15 not exceeding the maximum ~~applicable~~ rate permitted  
16 by the ~~provisions of section 535.2~~ applicable law,  
17 which rate must be expressed in the judgment or  
18 decree."

SCHROEDER of Pottawattamie

H-5387

1 Amend amendment H-5375 to House File 2492  
2 as follows:

3 1. Page 1, by striking line 21, and inserting  
4 in lieu thereof the following: "by the commission.  
5 The interest rate commission established by this Act  
6 shall establish".

7 2. Page 1, line 25, by inserting after the  
8 word "the" the words "interest rate".

BRUNER of Story  
RAPP of Black Hawk

H-5388

1 Amend amendment H-5375 to House File 2492 as  
2 follows:

3 1. Page 2, line 38, by inserting before the word  
4 "five" the word "and".

5 2. Page 2, by striking lines 39 through 45 and  
6 inserting in lieu thereof the words "twenty-three  
7 (536A.23) of the Code, and section twenty-five (25)".

8 3. Page 4, by striking lines 29 through 34.

9 4. Page 4, by striking lines 37 through 43 and  
10 inserting in lieu thereof the words "twenty-two point  
11 nineteen (322.19) of the Code or".

12 5. Page 7, by striking lines 3 through 34.

- 13 6. Page 7, by striking lines 45 through 50.
- 14 7. Page 8, by striking lines 1 through 50.
- 15 8. Page 9, by striking line 1.
- 16 9. By renumbering sections and subsections and
- 17 correcting internal references.

SCHROEDER of Pottawattamie  
JOHNSON of Linn  
CHIODO of Polk

H—5389

- 1 Amend amendment H—5375 to House File 2492,
- 2 as follows:
- 3 1. Page 1, line 12, by inserting after the word "days,"
- 4 the words "request authority".
- 5 2. Page 1, line 13, by striking the word
- 6 "to" and inserting in lieu thereof the word
- 7 "to".

BRUNER of Story  
RAPP of Black Hawk  
BINA of Scott  
CHIODO of Polk  
JOCHUM of Dubuque

H—5390

- 1 Amend the amendment H—5375, to House File
- 2 2492, as follows:
- 3 1. Page 1, by striking lines 38 through 50 and
- 4 inserting in lieu thereof the following:
- 5 "d. Three persons appointed by the governor
- 6 and confirmed by the Senate, who shall be voting
- 7 members, and who shall not be officers or stockholders,
- 8 of any financial institution or bond underwriter or
- 9 investment company."
- 10 2. Page 2, by striking lines 1 and 2.
- 11 3. Page 2, line 3, by striking the letter "f"
- 12 and inserting in lieu thereof the letter "e".
- 13 4. Page 2, line 17, by striking the words
- 14 "paragraphs d and e," and inserting in lieu thereof
- 15 the words "paragraph d".
- 16 5. Page 2, line 26, by striking the word "three"
- 17 and inserting in lieu thereof the word "four".

NORLAND of Worth



H-5391

- 1 Amend amendment H-5375 to House File 2492
- 2 as follows:
- 3 1. Page 1, line 9, by striking the words
- 4 "to read as follows:" and inserting in lieu
- 5 thereof the words "by striking the paragraph."
- 6 2. Page 1, by striking lines 10 through
- 7 27.

JOCHUM of Dubuque  
 RAPP of Black Hawk  
 CHIODO of Polk  
 BRUNER of Story  
 CONNOLLY of Dubuque

H-5392

- 1 Amend amendment H-5375 to House File 2492,
- 2 Page 1, line 27, by inserting after the word
- 3 "annually," the following new sentence: "This
- 4 rate of interest shall also be the maximum
- 5 interest or penalty charged by all public
- 6 utilities for utility services provided in the
- 7 past on which customers have not made payment."

RAPP of Black Hawk  
 BRUNER of Story  
 BINA of Scott  
 CHIODO of Polk  
 CONNOLLY of Dubuque  
 JOCHUM of Dubuque

H-5393

- 1 Amend amendment H-5375 to House File 2492,
- 2 page 1, line 10, by inserting after the word
- 3 "However," the words "and for no more than one
- 4 filing before the commission within any twelve
- 5 month period".

JOCHUM of Dubuque  
 CHIODO of Polk  
 RAPP of Black Hawk  
 CONNOLLY of Dubuque  
 BRUNER of Story

H-5394

- 1 Amend the amendment, H-5375, to House File
- 2 2492, as follows:
- 3 1. Page 3, line 40, by striking the word
- 4 "unconscionable" and inserting in lieu thereof the
- 5 word "excessive".

PERKINS of Greene

H-5395

- 1 Amend amendment H-5375 to House File 2492,
- 2 page 1, line 27, by inserting after the word "annually."
- 3 the following: "If the commission finds, under section
- 4 four hundred seventy-six point three (476.3) of
- 5 the Code, that a public utility's rates produce
- 6 an excessive return, the commission may also
- 7 order a refund, with the rate of interest the
- 8 same as for other refunds provided by this
- 9 section, of amounts collected after the init-
- 10 iation of the formal proceeding in excess of
- 11 that amount which would have been collected
- 12 under the rates finally approved."

CHIODO of Polk  
 BRUNER of Story  
 JOCHUM of Dubuque  
 CONNOLLY of Dubuque  
 BINA of Scott

H-5399

- 1 Amend House File 2492 as follows:
- 2 1. By striking everything after page 1, line 21
- 3 and inserting in lieu thereof the following:
- 4 "Sec. 2. NEW SECTION. TEMPORARY EXEMPTIONS.
- 5 1. a. The following may agree in writing to pay
- 6 any rate of interest, and a person so agreeing in
- 7 writing shall not plead or interpose the claim or
- 8 defense of usury in any action or proceeding, and
- 9 the person agreeing to receive such rate of interest
- 10 shall not be subject to any penalty or forfeiture
- 11 for agreeing to receive or receiving such interest:
- 12 (1) A person borrowing money to finance the
- 13 construction or acquisition of real property which
- 14 is used or to be used as residential property, including
- 15 the refinancing of a contract for deed, the refinancing
- 16 of a prior loan, whether or not the borrower also
- 17 was the borrower under the prior loan, and, subject
- 18 to the limitation contained in section five hundred

19 thirty-five point eight (535.8), subsection two (2),  
 20 paragraph c of the Code, the assumption of a prior  
 21 loan.

22 (2) A vendee under a contract for deed to real  
 23 property which is used or to be used as residential  
 24 property.

25 b. A person borrowing money or obtaining credit  
 26 in the amount of twenty-five thousand dollars or more,  
 27 exclusive of interest, for business or agricultural  
 28 purposes may agree in writing to pay any rate of  
 29 interest, but not exceeding a rate which is equal,  
 30 to the sum of five percentage points plus the discount  
 31 rate on ninety-day commercial paper in effect at the  
 32 federal reserve bank of Chicago as of the day the  
 33 agreement is executed, and a person so agreeing in  
 34 writing shall not plead or interpose the claim or  
 35 defense of usury in any action or proceeding, and  
 36 the person agreeing to receive such rate of interest  
 37 shall not be subject to any penalty or forfeiture  
 38 for agreeing to receive or receiving such interest.

39 2. The provisions of subsection one (1) of this  
 40 section apply only to those written agreements  
 41 specified in subsection one (1) of this section which  
 42 are executed on or after the effective date of this  
 43 Act and before July 1, 1983, and with respect to those  
 44 agreements, supersede any interest-rate limitations  
 45 contained in the Code, including but not limited to  
 46 provisions of chapters three hundred twenty-one (321),  
 47 three hundred twenty-two (322), five hundred twenty-  
 48 four (524), five hundred thirty-three (533), five  
 49 hundred thirty-four (534), five hundred thirty-five  
 50 (535), five hundred thirty-six A (536A), and five

**Page 2**

1 hundred thirty-seven (537) of the Code.

2 Sec. 3. Section three hundred twenty-two point  
 3 nineteen (322.19), unnumbered paragraph two (2), Code  
 4 1979, is amended to read as follows:

5 Class 1. Any new motor vehicle designated by the  
 6 manufacturer by a year model not earlier than the  
 7 year in which the sale is made, an amount equivalent  
 8 to one and ~~one-fourth~~ one-half percent per month  
 9 simple interest on the declining balance of the amount  
 10 financed.

11 Sec. 4. Acts of the Sixty-eighth General Assembly,  
 12 1979 Session, chapter one hundred twenty-eight (128),  
 13 section one (1), amending chapter three hundred twenty-  
 14 one (321) of the Code, is amended to read as follows:

15 Section 1. Chapter three hundred twenty-one (321),  
 16 Code 1979, is amended by adding the following new  
 17 section:

18 NEW SECTION. SEMITRAILER, MOBILE HOME OR TRAVEL  
 19 TRAILER RETAIL INSTALLMENT CONTRACT - FINANCE CHARGES.

20 Notwithstanding the provisions of any other law, a  
 21 A retail installment contract or agreement for the  
 22 sale of a semitrailer, mobile home or travel trailer  
 23 may include a finance charge not in excess of the  
 24 following rates:

25 Class 1. Any new semitrailer, mobile home or  
 26 travel trailer designated by the manufacturer by a  
 27 year model not earlier than the year in which the  
 28 sale is made, an amount equivalent to one and one-  
 29 fourth one-half percent per month simple interest  
 30 on the declining balance of the amount financed.

31 Class 2. Any new semitrailer, mobile home or  
 32 travel trailer not in Class 1 and any used semitrailer  
 33 designated by the manufacturer by a year model of  
 34 the same or not more than two years prior to the year  
 35 in which the sale is made, an amount equivalent to  
 36 one and three-fourths percent per month simple interest  
 37 on the declining balance of the amount financed.

38 Class 3. Any used semitrailer, mobile home or  
 39 travel trailer not in Class 2 and designated by the  
 40 manufacturer by a year model more than two years prior  
 41 to the year in which the sale is made, an amount  
 42 equivalent to two and one-fourth percent per month  
 43 simple interest on the declining balance of the amount  
 44 financed.

45 Amount financed shall be as defined in section  
 46 five hundred thirty-seven point one thousand three  
 47 hundred one (537.1301) of the Code.

48 The limitations contained in this section do not  
 49 apply in a transaction referred to in section five  
 50 hundred thirty-five point two (535.2), subsection

Page 3

1 two (2) of the Code. With respect to a consumer  
 2 credit sale, as defined in section five hundred thirty-  
 3 seven point one thousand three hundred one (537.1301)  
 4 of the Code, the limitations contained in this section  
 5 supersede conflicting provisions of chapter five  
 6 hundred thirty-seven (537), article two (2), part  
 7 two (2) of the Code.

8 Sec. 5.

9 1. This Act, being deemed of immediate importance,  
 10 takes effect from and after its publication in the  
 11 Quad City Times, a newspaper published in Davenport,  
 12 Iowa, and in The Council Bluffs Nonpareil, a newspaper  
 13 published in Council Bluffs, Iowa.

14 2. Section one (1) of this Act applies to any  
 15 refund order issued by the Iowa state commerce

16 commission on or after the effective date of this  
17 Act."

CHIODO of Polk  
SCHROEDER of Pottawattamie  
JOHNSON of Linn

H-5401

1 Amend House File 2492 by striking page 1,  
2 lines 1 through 21 and inserting in lieu thereof  
3 the following:

4 "Section 1. Section four hundred seventy-six point  
5 six (476.6), unnumbered paragraph six (6), Code 1979,  
6 as amended by Acts of the Sixty-eighth General  
7 Assembly, 1979 Session, chapter one hundred seventeen  
8 (117), section one (1), is amended to read as follows:

9 However, a public utility shall have the right  
10 may, at any time after said rates, charges, schedules  
11 or regulations have been suspended for ninety days,  
12 request authority to place in effect any or all of  
13 such the suspended rates, charges, schedules or  
14 regulations by filing with the commission a bond or  
15 other undertaking approved by the commission  
16 conditioned upon the refund in a manner to be  
17 prescribed by the commission of any amounts collected  
18 thereunder in excess of the amounts which would have  
19 been collected under rates, charges, schedules or  
20 regulations finally approved by the commission. The  
21 commission shall establish a rate of interest to be  
22 paid by a public utility to persons receiving refunds.  
23 Such The rate of interest shall be a reasonable rate  
24 as determined by the commission, but not less than  
25 five percent per annum, nor more than twelve percent  
26 per annum, and the interest shall be compounded  
27 annually. This rate of interest shall also be the  
28 maximum interest or penalty charged by all public  
29 utilities for utility services provided in the past  
30 on which customers have not made payment.

31 If the commission finds, under section  
32 four hundred seventy-six point three (476.3) of  
33 the Code, that a public utility's rates produce  
34 an excessive return, the commission may also  
35 order a refund, with the rate of interest the  
36 same as for other refunds provided by this section,  
37 of amounts collected after the initiation of  
38 the formal proceeding in excess of that amount  
39 which would have been collected under the rates  
40 finally approved."

BRUNER of Story

H-5407

1 Amend amendment H-5213 to Senate File 176 as  
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 26 the  
4 following:

5 "Sec. 3. Sections three hundred twenty-three point  
6 two (323.2), three hundred twenty-three point three  
7 (323.3), three hundred twenty-three point four (323.4),  
8 three hundred twenty-three point five (323.5), three  
9 hundred twenty-three point six (323.6), three hundred  
10 twenty-three point seven (323.7), three hundred twenty-  
11 three point eight (323.8), three hundred twenty-three  
12 point nine (323.9), three hundred twenty-three point  
13 ten (323.10), three hundred twenty-three point eleven  
14 (323.11), three hundred twenty-three point twelve  
15 (323.12) and three hundred twenty-three point thirteen  
16 (323.13), Code 1979, are repealed. Section three  
17 hundred twenty-three point one (323.1), subsections  
18 eight (8) and ten (10), Code 1979, are amended by  
19 striking those subsections."

20 2. Page 3, by striking lines 27 through 29 and  
21 inserting in lieu thereof the following:

22 "2. Amend the title, by striking lines 1 through  
23 3 and inserting in lieu thereof the following: "An  
24 Act relating to franchises of distributors and dealers  
25 of motor fuels and special fuels, and amending chapter  
26 three hundred twenty-three (323) of the Code by adding  
27 new provisions relating to franchise rights upon the  
28 death of a franchise and by repealing sections three  
29 hundred twenty-three point two (323.2) through three  
30 hundred twenty-three point thirteen (323.13) of the  
31 Code." "

POFFENBERGER of Dallas

H-5408

1 Amend the Senate amendment, H-5228, to House File  
2 225 as follows:

3 1. Page 1, by striking lines 40 and 41 and  
4 inserting in lieu thereof the following:

5 "ten thousand cases . . . . . \$175.00  
6 6. Ten thousand cases or more but less than  
7 fifteen thousand cases . . . . . \$250.00  
8 7. Fifteen thousand cases or more . . . . . \$300.00."

VAN MAANEN of Mahaska

H-5416

- 1 Amend House File 2483 as follows:
- 2 1. Page 1, line 34, by striking the words "for
- 3 recycling" and inserting in lieu thereof the words
- 4 "or recycling".

JOCHUM of Dubuque

H-5418

- 1 Amend House File 2518 as follows:
- 2 1. Page 10, by striking line 25 through page 11,
- 3 line 15.
- 4 2. Page 13, by striking line 24 through page 14,
- 5 line 5.
- 6 3. Page 15, by inserting after line 12 the
- 7 following:
- 8 "Sec. . Sections twenty-nine A point thirty-
- 9 three (29A.33) and twenty-nine A point fifty-four
- 10 (29A.54), Code 1979, are repealed."
- 11 4. By renumbering the sections to conform with
- 12 this amendment.

DIELEMAN of Marion

H-5419

- 1 Amend House File 2432 as follows:
- 2 1. Page 1, line 17, by striking the word "owner"
- 3 and inserting in lieu thereof the words "natural person
- 4 from whom the property was acquired and who was
- 5 residing on the property at the time it was acquired".

BRANDT of Black Hawk

H-5420

- 1 Amend the Senate amendment H-5402 to House File
- 2 747 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 3, by striking lines 45 through 47 and
- 5 inserting in lieu thereof the following: "livestock, or
- 6 a semitrailer used".

CONNOLLY of Dubuque

H—5422

- 1 Amend the Committee on Transportation amendment  
 2 H—5356 to Senate File 333, as amended, passed and  
 3 reprinted by the Senate as follows:  
 4 1. Page 4, by inserting before line 29 the  
 5 following:  
 6 “ . FLAGS REQUIRED ON MOPEDS. A moped shall  
 7 not be operated on the highway unless a red flag or  
 8 cloth at least eight inches square is attached to  
 9 a flexible pole mounted on the rear of the moped.  
 10 The flag or cloth shall be displayed at a sufficient  
 11 height so as to be clearly visible in both the front  
 12 and back of the moped during its operation.”  
 13 2. By renumbering subsections as necessary.

JOHNSON of Linn

H—5425

- 1 Amend the amendment, H—3687, to House File  
 2 731 as follows:  
 3 1. Page 1, by striking lines 7 through 20  
 4 and inserting in lieu thereof the following:  
 5 “NEW SUBSECTION. If a creditor in a consumer  
 6 credit transaction commences an action for money  
 7 judgment prior to giving the customer notice of  
 8 right to cure as required by this section, the  
 9 court shall dismiss the action. If the action  
 10 was commenced as a small claim under chapter  
 11 six hundred thirty-one (631) of the Code, the  
 12 creditor shall not be in violation of this section  
 13 for purposes of section five hundred thirty-seven  
 14 point five thousand two hundred one (537.5201) of  
 15 the Code, and the penalty provided in that section  
 16 shall not apply to the creditor.”

BRUNER of Story

H—5429

- 1 Amend the amendment H—3687 to House File  
 2 731 as follows:  
 3 1. Page 1, by striking lines 7 through 20  
 4 and inserting in lieu thereof the following:



5     **NEW SUBSECTION.** If a creditor in a  
 6 consumer credit transaction commences an action  
 7 for money judgment prior to giving the customer  
 8 notice of right to cure as required by this  
 9 section and fails to follow the procedures set out in  
 10 this section, the court shall dismiss the action.  
 11 If the action was commenced as a small claim  
 12 under chapter six hundred thirty-one (631) of  
 13 the Code, the creditor shall not be in violation  
 14 of this section for purposes of section five  
 15 hundred thirty-seven point five thousand two  
 16 hundred one (537.5201) of the Code, and the  
 17 penalty provided in that section shall not apply  
 18 to the creditor."

BRUNER of Story

H-5431

1     Amend amendment H-5375 to House File 2492 as  
 2 follows:

3     1. Page 7, by inserting after line 44 the  
 4 following:

5     "Sec. . Chapter five hundred thirty-five (535),  
 6 Code 1979, is amended by adding the following new  
 7 section:

8     **NEW SECTION. FINANCE CHARGE ON ACCOUNTS RECEIVABLE.**

9     1. Except where the parties have agreed in writing  
 10 for the payment of a different finance charge or rate  
 11 of interest, a creditor may charge a finance charge  
 12 on the unpaid balance of an account receivable at  
 13 a rate not exceeding that permitted by this section  
 14 if at the time the debt arises the creditor gives  
 15 the notice required by subsection two (2) of this  
 16 section.

17     2. As a condition of imposing a finance charge  
 18 under subsection one (1) of this section the creditor  
 19 must give written notice to the debtor at the time  
 20 the debt arises. The notice shall be contained on  
 21 the invoice or bill of sale evidencing the transaction,  
 22 and shall disclose the rate of the finance charge,  
 23 and the date or day of the month before which payment  
 24 must be received if the finance charge is to be  
 25 avoided. With respect to open accounts, this notice  
 26 must be given each time credit is extended.

27 3. a. With respect to an account other than an  
28 open account the maximum finance charge which may  
29 be imposed under this section is one and one-fourth  
30 percent per month on the unpaid balance.

31 b. This subsection does not limit or restrict  
32 the manner of calculating the finance charge whether  
33 by way of add-on, discount, or otherwise, so long  
34 as the rate of the finance charge does not exceed  
35 that permitted by this subsection.

36 c. For the purposes of this subsection, an account  
37 balance arises on the date credit is granted or, if  
38 goods are delivered or services performed ten days  
39 or more after that date, with the date of commencement  
40 of delivery or performance. Any month may be counted  
41 as one-twelfth of a year, but a day is counted as  
42 one-three hundred sixty-fifth of a year. Subject  
43 to classifications and differentiations the seller  
44 may reasonably establish, a part of a month in excess  
45 of fifteen days may be treated as a full month if  
46 periods of fifteen days or less are disregarded and  
47 that procedure is not consistently used to obtain  
48 a greater yield than would otherwise be permitted.

49 d. Subject to classifications and differentiations  
50 the creditor may reasonably establish, the creditor

**Page 2**

1 may make the same finance charge on all amounts  
2 financed within a specified range. A finance charge  
3 so made does not violate this subsection if both of  
4 the following are applicable:

5 (1) When applied to the median amount within each  
6 range, the finance charge does not exceed the maximum  
7 rate permitted by this subsection.

8 (2) When applied to the lowest amount within each  
9 range, the finance charge does not produce a rate  
10 exceeding the rate calculated according to subparagraph  
11 one (1) of this paragraph by more than eight percent  
12 of the rate calculated according to subparagraph one  
13 (1) of this paragraph.

14 4. a. With respect to an open account, a creditor  
15 may contract for and receive a finance charge not  
16 exceeding that permitted in this subsection.

17 b. For each billing cycle, a charge may be made  
18 which is a percentage of an amount not exceeding the  
19 greatest of the following:

20 (1) The average daily balance of the open account  
21 in the billing cycle for which the charge is made,  
22 which is the sum of the amount unpaid each day during  
23 that cycle, divided by the number of days in that  
24 cycle. The amount unpaid on a day is determined by  
25 adding to the balance, if any, unpaid as of the  
26 beginning of that day all debits and deducting all  
27 credits received as of that day.

28 (2) The balance of the open account at the  
29 beginning of the first day of the billing cycle, after  
30 deducting all credits made in the cycle except credits  
31 attributable to additional debt charged to the account  
32 during the cycle.

33 (3) The median amount within a specified range  
34 including the balance of the open account not exceeding  
35 that permitted by subparagraphs one (1) or two (2)  
36 of this paragraph. A charge may be made pursuant  
37 to this paragraph only if the creditor, subject to  
38 classifications and differentiations the creditor  
39 may reasonably establish, makes the same charge on  
40 all balances within the specified range and if the  
41 percentage when applied to the median amount within  
42 the range does not produce a charge exceeding the  
43 charge resulting from applying that percentage to  
44 the lowest amount within the range by more than eight  
45 percent of the charge on the median amount.

46 c. If the billing cycle is monthly, the charge  
47 may not exceed an amount equal to one and one-half  
48 percent of that part of the maximum amount pursuant  
49 to paragraph b of this section which is five hundred  
50 dollars or less and one and one-fourth percent of

**Page 3**

1 that part of the maximum amount which is more than  
2 five hundred dollars. If the billing cycle is not  
3 monthly, the maximum charge for the billing cycle  
4 shall bear the same relation to the applicable monthly  
5 maximum charge as the number of days in the billing  
6 cycle bears to three hundred sixty-five divided by  
7 twelve. A billing cycle is monthly if the closing  
8 date of the cycle is the same date each month or does  
9 not vary by more than four days from the regular date.

10 5. As used in this section, open account means  
11 an account arrangement under which credit is extended  
12 from time to time and the debtor is authorized to  
13 make either partial or full payment when billed.

14 6. This section does not supersede any of the  
 15 provisions of chapter five hundred thirty-seven (537)  
 16 of the Code except sections five hundred thirty-seven  
 17 point three thousand two hundred one (537.3201) and  
 18 five hundred thirty-seven point three thousand two  
 19 hundred twelve (537.3212) of the Code, and a finance  
 20 charge imposed under this section is a finance charge  
 21 as defined and used in chapter five hundred thirty-  
 22 seven (537) of the Code. This section does not  
 23 authorize the compounding of a finance charge.

24 7. The finance charge authorized by this section  
 25 is in lieu of interest or a finance charge which may  
 26 be authorized under section five hundred thirty-five\*  
 27 point two (535.2), subsection one (1) of the Code  
 28 or any other provision of law. The rate of a finance  
 29 charge lawfully imposed under this section shall be  
 30 the rate applicable to a judgment rendered in an  
 31 action on the account, notwithstanding section five  
 32 hundred thirty-five point three (535.3) of the Code.

33 8. Imposing or receiving a finance charge which  
 34 is greater than that authorized by this section shall  
 35 subject the creditor to the civil and criminal  
 36 penalties provided in this chapter relating to unlawful  
 37 interest."

38 2. By renumbering sections and correcting internal  
 39 references.

SCHNEKLOTH of Scott

H-5434

1 Amend House File 2393 as follows:

- 2 1. Page 1, line 2, by striking the words
- 3 "public offense" and inserting in lieu thereof
- 4 the words "serious misdemeanor".

POFFENBERGER of Dallas

H-5435

1 Amend amendment H-5171 to House File 2393 as  
 2 follows:

- 3 1. Page 1, by striking lines 3 through 5 and
- 4 inserting in lieu thereof the following: " "employ-
- 5 ment." the words "However it is not a violation of
- 6 this section to require a polygraph examination of

7 the following persons, as a condition for further  
 8 interview regarding the employment application or as  
 9 a condition of employment:"

POFFENBERGER of Dallas

H-5442

1 Amend amendment H-5437 to House File 2492 as  
 2 follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "days," the words "request authority".  
 5 2. Page 1, line 13, by striking the word "to"  
 6 and inserting in lieu thereof the word "to".

BRUNER of Story  
 RAPP of Black Hawk  
 BINA of Scott  
 CHIODO of Polk  
 JOCHUM of Dubuque

H-5444

1 Amend amendment H-5437 to House File 2492, page  
 2 1, line 27, by inserting after the word "annually."  
 3 the following new sentence: "This rate of interest  
 4 shall also be the maximum interest or penalty charged  
 5 by all public utilities for utility service provided  
 6 in the past on which customers have not made payment."

RAPP of Black Hawk  
 BRUNER of Story  
 BINA of Scott  
 CHIODO of Polk  
 CONNOLLY of Dubuque  
 JOCHUM of Dubuque

H-5445

1 Amend House File 759 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-fifty point nine  
 5 (450.9), Code 1979, is amended to read as follows:

6 450.9 INDIVIDUAL EXEMPTIONS. In computing the  
7 tax on the net estate passing to the surviving spouse,  
8 heirs or beneficiaries of the deceased the following  
9 credits or exemptions shall be allowed:

10 1. Surviving spouse, eighty one hundred twenty  
11 thousand dollars.

12 2. Each son and daughter, including legally adopted  
13 sons and daughters, or illegitimate sons and daughters  
14 entitled to inherit under the law of this state,  
15 thirty fifty thousand dollars.

16 3. Father or mother, ten fifteen thousand dollars.

17 4. Any other lineal descendant of the deceased,  
18 ten fifteen thousand dollars. \*

19 Sec. 2. This Act is effective January first  
20 following its enactment for the estates of decedents  
21 dying on or after the effective date of this Act."

22 2. Amend the title, by striking everything  
23 after the word "Act" and inserting in lieu thereof  
24 the words "increasing the individual exemptions allowed  
25 under section four hundred fifty point nine (450.9)  
26 of the Code for a surviving spouse, son, daughter,  
27 father, mother and other lineal descendant in computing  
28 the state inheritance tax."

PERKINS of Greene  
JAY of Appanoose  
HULLINGER of Decatur

H-5446

1 Amend amendment H-5437 to House File 2492, page 1,  
2 line 27, by inserting after the word "annually." the  
3 following: "If the commission finds, under section  
4 four hundred seventy-six point three (476.3) of the  
5 Code, that a public utility's rates produce an  
6 excessive return, the commission may also order a  
7 refund, with the rate of interest the same as for  
8 other refunds provided by this section, of amounts  
9 collected after the initiation of the formal proceeding  
10 in excess of that amount which would have been collected  
11 under the rates finally approved."

CHIDO of Polk  
BRUNER of Story  
JOCHUM of Dubuque  
CONNOLLY of Dubuque  
AVENSON of Fayette

H-5447

1 Amend amendment H-5437 to House File 2492 as  
2 follows:

3 1. By striking everything after page 1, line 3  
4 and inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. INTEREST RATE COMMISSION.

6 1. There is established an interest rate  
7 commission, composed of five members who shall be  
8 appointed by the governor, subject to confirmation  
9 by the affirmative vote of two-thirds of the members  
10 of the senate. Not more than three of the members  
11 shall be affiliated with the same political party.

12 2. Members of the commission shall serve terms  
13 ending June 30, 1984, and June thirtieth of each  
14 fourth year thereafter. A member of the commission  
15 is eligible for reappointment to successive terms.  
16 Appointments to fill within-term vacancies shall be  
17 for the remainder of the unexpired term.

18 3. The membership of the commission shall contain  
19 the following:

20 a. One person who is experienced in the banking  
21 industry.

22 b. One person who is experienced in the savings  
23 and loan industry.

24 c. One person who is experienced in the credit  
25 union industry.

26 d. Two persons who are not affiliated, either  
27 directly or indirectly, with a bank, savings and loan  
28 association or credit union, or with any person who  
29 is affiliated, either directly or indirectly, with  
30 a bank, savings and loan association or credit union.

31 4. A person shall not exercise any of the duties  
32 of a member of the interest rate commission until  
33 that person's appointment has been confirmed by the  
34 senate. A person shall cease to be a member of the  
35 commission upon the expiration of the person's term  
36 of appointment, notwithstanding the hold-over  
37 provisions of section sixty-nine point one (69.1)  
38 of the Code, unless the person has been reappointed  
39 and the appointment confirmed by the senate prior  
40 to the expiration of the prior term.

41 5. Each member of the commission shall be paid  
42 reimbursement for actual and necessary expenses, plus  
43 the sum of forty dollars for each day or major portion  
44 thereof spent in performing commission duties,  
45 including time spent in travel to and from Des Moines.

46 Sec. 2. The commission created by section one  
47 (1) of this Act shall establish maximum numerical  
48 rates of interest which may be imposed in transactions  
49 which respectively are subject to the limitations  
50 on interest rate contained in section three hundred

## Page 2

1 twenty-two point nineteen (322.19), five hundred  
2 twenty-four point nine hundred six (524.906), five  
3 hundred thirty-three point fourteen (533.14), five  
4 hundred thirty-four point nineteen (534.19), five  
5 hundred thirty-five point two (535.2), five hundred  
6 thirty-five point three (535.3), five hundred thirty-  
7 six point thirteen (536.13), five hundred thirty-six  
8 A point twenty-three (536A.23), five hundred thirty-  
9 seven point two thousand two hundred one (537.2201),  
10 five hundred thirty-seven point two thousand two  
11 hundred two (537.2202), five hundred thirty-seven  
12 point two thousand four hundred one (537.2401), or  
13 five hundred thirty-seven point two thousand four  
14 hundred two (537.2402) of the Code.

15 2. Interest rates to be established by the  
16 commission under section one (1) of this Act shall  
17 be promulgated by administrative rule under chapter  
18 seventeen A (17A) of the Code. Notwithstanding section  
19 seventeen A point four (17A.4) of the Code, notice  
20 and public hearing is required for each rule  
21 establishing a changed interest rate. The commission  
22 shall cause reasonable advance notice of any such  
23 hearing to be published in the Iowa administrative  
24 bulletin and in two newspapers, each having a  
25 circulation of not less than ten thousand subscribers  
26 in this state.

27 3. The commission shall meet as often as necessary  
28 to accomplish its duties, and shall select one of  
29 its members to serve as chairperson of the commission.

30 4. The commission may promulgate new interest  
31 rate limitations for any one or more of the sections  
32 referred to in subsection one (1) of this section  
33 from time to time as appropriate in the discretion  
34 of the commission, according to the standards con-  
35 tained in subsection five (5) of this section. Each  
36 rate established by the commission shall be in effect  
37 as of the date provided in the rule by which it is  
38 established and until superseded by a subsequent rule.

39 5. When establishing interest rate limitations  
40 under this section the commission shall comply with  
41 the following standards:

42 a. Each interest rate limitation shall be designed  
43 to encourage the free flow of funds into the lending  
44 or credit activities to which it applies, while  
45 preventing the extraction of rates of interest which  
46 in the opinion of the commission are unconscionable.  
47 The commission shall consider relevant factors,  
48 including but not limited to the costs to the  
49 industries of the lending or credit activities  
50 involved, and the risks inherent in the types of loans



Page 3

1 or credit involved.  
 2 b. Each interest rate limitation shall bear a  
 3 reasonable relationship, as determined by the  
 4 commission, to actual interest rates which prevail  
 5 in the relevant money markets, including but not  
 6 limited to interest rates payable on obligations of  
 7 the United States government, nationwide averages  
 8 for interest rates payable on mortgage loans bought  
 9 by the federal national mortgage association and  
 10 similar instrumentalities, and interest rates paid  
 11 by member banks on funds borrowed from federal reserve  
 12 banks.

13 c. The commission shall not, at any time, establish  
 14 interest rate limitations for the purpose of diverting  
 15 funds from one sector of the economy to another.

16 6. Rules adopted by the commission under this  
 17 section do not expire by reason of the failure to  
 18 reappoint or confirm new members at the expiration  
 19 of terms of office. Rules in effect upon the ex-  
 20 piration of the terms of office of members of the  
 21 commission shall continue to have effect until  
 22 superseded by rules subsequently adopted or until  
 23 repealed by subsequent legislation.

24 Sec. 3. NEW SECTION. LIMITATION. The authority  
 25 of the interest rate commission under section two  
 26 (2) of this Act is limited to the establishment of  
 27 numerical interest rate limitations. The commis-  
 28 sion shall not adopt any rule which purports to exempt  
 29 a transaction from a section of the Code limiting  
 30 the rate of interest in that transaction, or which  
 31 purports to establish classifications of transactions  
 32 other than those classifications which exist by  
 33 statute.

34 Sec. 4. NEW SECTION. JUDICIAL REVIEW. The Iowa  
 35 supreme court has exclusive original jurisdiction  
 36 under section seventeen A point nineteen (17A.19)  
 37 of the Code with respect to judicial review of rules  
 38 adopted by the commission. Pertinent provisions of  
 39 chapter seventeen A (17A) of the Code apply to those  
 40 review proceedings in the supreme court.

41 Sec. 5. NEW SECTION. ADMINISTRATIVE PROVISIONS.

42 1. The secretary of the executive council shall  
 43 serve as the secretary of the interest rate commission,  
 44 and is the custodian of all records of the commission.

45 2. The secretary of the executive council shall  
 46 provide administrative assistance to the commission,  
 47 including but not limited to secretarial staff and  
 48 physical facilities.

49 3. The interest rate commission shall hold each  
 50 of its meetings and hearings at the state house.

## Page 4

1       Sec. 6. Section three hundred twenty-two point  
2 nineteen (322.19), Code 1979, is amended by adding  
3 the following new unnumbered paragraph:  
4       NEW UNNUMBERED PARAGRAPH. The limitations on  
5 interest rates which are contained in this section  
6 are effective until superseded by administrative rule  
7 adopted under section two (2) of this Act.

8       Sec. 7. Section five hundred twenty-four point  
9 nine hundred six (524.906), Code 1979, is amended  
10 by adding the following new subsection:  
11       NEW SUBSECTION. The limitation on interest which  
12 is contained in this section is effective until  
13 superseded by administrative rule adopted under section  
14 two (2) of this Act.

15       Sec. 8. Section five hundred thirty-three point  
16 fourteen (533.14), Code 1979, as amended by Acts of  
17 the Sixty-eighth General Assembly, 1979 Session,  
18 chapter one hundred thirty (130), section seven (7),  
19 is amended by adding the following new subsection:  
20       NEW SUBSECTION. The limitation on interest rate  
21 which is contained in this section is effective until  
22 superseded by administrative rule adopted under section  
23 two (2) of this Act.

24       Sec. 9. Section five hundred thirty-four point  
25 nineteen (534.19), subsection six (6), Code 1979,  
26 as the section is amended by Acts of the Sixty-eighth  
27 General Assembly, 1979 Session, chapter one hundred  
28 twenty-nine (129), section seven (7), is amended by  
29 adding the following new unnumbered paragraph:  
30       NEW UNNUMBERED PARAGRAPH. The limitation on  
31 interest rate which is contained in this subsection  
32 is effective until superseded by administrative rule  
33 adopted under section two (2) of this Act.

34       Sec. 10. Section five hundred thirty-five point  
35 two (535.2), subsection one (1), Code 1979 Supplement,  
36 is amended by adding the following new unnumbered  
37 paragraph:  
38       NEW UNNUMBERED PARAGRAPH. The numerical rate of  
39 interest specified in this subsection is effective  
40 until superseded by administrative rule adopted under  
41 section two (2) of this Act.

42       Sec. 11. Section five hundred thirty-five point  
43 two (535.2), subsection three (3), Code 1979  
44 Supplement, is amended by adding the following new  
45 lettered paragraph:  
46       NEW LETTERED PARAGRAPH. The limitation on interest  
47 rate which is contained in this subsection is effective  
48 until superseded by administrative rule adopted under  
49 section two (2) of this Act.

50       Sec. 12. Section five hundred thirty-five point

Page 5

1 three (535.3), Code 1979, is amended by adding the  
2 following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The numerical rate of  
4 interest specified in this section is effective until  
5 superseded by administrative rule adopted under section  
6 two (2) of this Act.

7 Sec. 13. Section five hundred thirty-five point  
8 six (535.6), Code 1979, is amended by adding the  
9 following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. The provisions of this  
11 section do not apply with respect to any transaction  
12 which is lawful under administrative rule adopted  
13 under section two (2) of this Act.

14 Sec. 14. Section five hundred thirty-six point  
15 thirteen (536.13), Code 1979, as the section is amended,  
16 by Acts of the Sixty-eighth General Assembly, 1979  
17 Session, chapter one hundred thirty-one (131), section  
18 two (2), is amended by adding the following new  
19 subsection:

20 NEW SUBSECTION. The limitations on interest rate  
21 which are contained in this section or which are  
22 contained in rules adopted by the state banking board  
23 are effective until superseded by administrative  
24 rule adopted under section two (2) of this Act.

25 Sec. 15. Section five hundred thirty-six A point  
26 twenty-three (536A.23), subsection one (1), Code 1979  
27 Supplement, is amended by adding the following new  
28 unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. The limitation on  
30 interest rate which is contained in this subsection  
31 is effective until superseded by administrative rule  
32 adopted under section two (2) of this Act.

33 Sec. 16. Section five hundred thirty-seven point  
34 two thousand two hundred one (537.2201), subsection  
35 two (2), Code 1979, is amended by adding the following  
36 new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. The limitation on finance  
38 charge which is contained in this subsection is  
39 effective until superseded by administrative rule  
40 adopted under section two (2) of this Act.

41 Sec. 17. Section five hundred thirty-seven point  
42 two thousand two hundred two (537.2202), subsection  
43 three (3), Code 1979, is amended by adding the  
44 following new unnumbered paragraph:

45 NEW UNNUMBERED PARAGRAPH. The limitations on  
46 finance charge which are contained in this subsection  
47 are effective until superseded by administrative rule  
48 adopted under section two (2) of this Act.

49 Sec. 18. Section five hundred thirty-seven point  
50 two thousand four hundred one (537.2401), subsection

## Page 6

- 1 one (1), Code 1979, is amended by adding the following  
 2 new unnumbered paragraph:  
 3 **NEW UNNUMBERED PARAGRAPH.** The limitation on finance  
 4 charge which is contained in this subsection is  
 5 effective until superseded by administrative rule  
 6 adopted under section two (2) of this Act.  
 7 Sec. 19. Section five hundred thirty-seven point  
 8 two thousand four hundred two (537.2402), subsection  
 9 three (3), Code 1979, is amended by adding the  
 10 following new unnumbered paragraph:  
 11 **NEW UNNUMBERED PARAGRAPH.** The limitations on  
 12 finance charge which are contained in this subsection  
 13 are effective until superseded by administrative rule  
 14 adopted under section two (2) of this Act.  
 15 Sec. 20. This Act, being deemed of immediate  
 16 importance, takes effect from and after its publication  
 17 in the Independence Conservative, a newspaper published  
 18 in Independence, Iowa, and in the Atlantic News-  
 19 Telegraph, a newspaper published in Atlantic, Iowa."

MILLER of Buchanan

## H-5448

- 1 Amend Senate File 2291, as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 4, by inserting after line 3 the following:  
 4 "Sec. . . Acts of the Sixty-eighth General  
 5 Assembly, 1979 Session, chapter thirteen (13), section  
 6 seven (7), is amended by adding the following new  
 7 subsection:  
 8 **NEW SUBSECTION. INSTRUCTIONAL**  
 9 **COMPUTER SERVICES.**  
 10 To develop and maintain  
 11 instructional uses of the  
 12 computer . . . . . \$ \$ 175,000"

BRANDT of Black Hawk

## H-5449

- 1 Amend amendment H-5437 to House File 2492 as  
 2 follows:  
 3 1. Page 3, by striking lines 29 through 36 and  
 4 inserting in lieu thereof the following: "nineteen  
 5 (322.19), Code 1979, is amended by striking the section  
 6 and inserting in lieu thereof the following:  
 7 "322.19 FINANCE CHARGES - AMOUNT. Notwithstanding  
 8 the provisions of any other law to the contrary a

9 retail installment transaction may include a finance  
 10 charge not exceeding an amount equivalent to one and  
 11 one-half percent per month simple interest on the  
 12 declining balance of the amount financed.  
 13 Amount financed shall be as defined in section  
 14 five hundred thirty-seven point one thousand three  
 15 hundred one (537.1301) of the Code." "

MILLER of Buchanan

H-5450

1 Amend amendment H-5437 to House File 2492 as  
 2 follows:

3 1. By striking page 3, line 50 through page 4,  
 4 line 21, and inserting in lieu thereof the following:  
 5 "finance charge not in excess of the following  
 6 rates: exceeding an amount equivalent to one and one-  
 7 half percent per month simple interest on the declining  
 8 balance of the amount financed.

9 Class 1. Any new semitrailer designated by the  
 10 manufacturer by a year model not earlier than the  
 11 year in which the sale is made, an amount equivalent  
 12 to one and one-fourth percent per month simple interest  
 13 on the declining balance of the amount financed.

14 Class 2. Any new semitrailer not in Class 1 and  
 15 any used semitrailer designated by the manufacturer  
 16 by a year model of the same or not more than two years  
 17 prior to the year in which the sale is made, an amount  
 18 equivalent to one and three-fourths percent per month  
 19 simple interest on the declining balance of the amount  
 20 financed.

21 Class 3. Any used semitrailer not in Class 2 and  
 22 designated by the manufacturer by a year model more  
 23 than two years prior to the year in which the sale  
 24 is made, an amount equivalent to two and one-fourth  
 25 percent per month simple interest on the declining  
 26 balance of the amount financed."

27 2. Page 4, line 25, by striking the word  
 28 "limitations" and inserting in lieu thereof the word  
 29 "limitation".

30 3. Page 4, line 31, by striking the word  
 31 "limitations" and inserting in lieu thereof the word  
 32 "limitation".

MILLER of Buchanan

H-5451

1 Amend amendment H-5437 to House File 2492 as  
2 follows:

3 1. Page 4, by inserting after line 34 the  
4 following:

5 "Sec. Chapter five hundred thirty-five (535),  
6 Code 1979, is amended by adding the following new  
7 section:

8 **NEW SECTION. FINANCE CHARGE ON ACCOUNTS RECEIVABLE.**

9 1. Except where the parties have agreed in writing  
10 for the payment of a different finance charge or rate  
11 of interest, a creditor may charge a finance charge  
12 on the unpaid balance of an account receivable at  
13 a rate not exceeding that permitted by this section  
14 if at the time the debt arises the creditor gives  
15 the notice required by subsection two (2) of this  
16 section.

17 2. As a condition of imposing a finance charge  
18 under subsection one (1) of this section the creditor  
19 must give written notice to the debtor at the time  
20 the debt arises. The notice shall be contained on  
21 the invoice or bill of sale evidencing the transaction,  
22 and shall disclose the rate of the finance charge,  
23 and the date or day of the month before which payment  
24 must be received if the finance charge is to be  
25 avoided. With respect to open accounts, this notice  
26 must be given each time credit is extended.

27 3. a. With respect to an account other than an  
28 open account the maximum finance charge which may  
29 be imposed under this section is one and one-fourth  
30 percent per month on the unpaid balance.

31 b. This subsection does not limit or restrict  
32 the manner of calculating the finance charge whether  
33 by way of add-on, discount, or otherwise, so long  
34 as the rate of the finance charge does not exceed  
35 that permitted by this subsection.

36 c. For the purposes of this subsection, an account  
37 balance arises on the date credit is granted or, if  
38 goods are delivered or services performed ten days  
39 or more after that date, with the date of commencement  
40 of delivery or performance. Any month may be counted  
41 as one-twelfth of a year, but a day is counted as  
42 one-three hundred sixty-fifth of a year. Subject  
43 to classifications and differentiations the seller  
44 may reasonably establish, a part of a month in excess  
45 of fifteen days may be treated as a full month if  
46 periods of fifteen days or less are disregarded and  
47 that procedure is not consistently used to obtain  
48 a greater yield than would otherwise be permitted.

49 d. Subject to classifications and differentiations  
50 the creditor may reasonably establish, the creditor

## Page 2

1 may make the same finance charge on all amounts  
2 financed within a specified range. A finance charge  
3 so made does not violate this subsection if both of  
4 the following are applicable:

5 (1) When applied to the median amount within each  
6 range, the finance charge does not exceed the maximum  
7 rate permitted by this subsection.

8 (2) When applied to the lowest amount within each  
9 range, the finance charge does not produce a rate  
10 exceeding the rate calculated according to subparagraph  
11 one (1) of this paragraph by more than eight percent  
12 of the rate calculated according to subparagraph one  
13 (1) of this paragraph.

14 4. a. With respect to an open account, a creditor  
15 may contract for and receive a finance charge not  
16 exceeding that permitted in this subsection.

17 b. For each billing cycle, a charge may be made  
18 which is a percentage of an amount not exceeding the  
19 greatest of the following:

20 (1) The average daily balance of the open account  
21 in the billing cycle for which the charge is made,  
22 which is the sum of the amount unpaid each day during  
23 that cycle, divided by the number of days in that  
24 cycle. The amount unpaid on a day is determined by  
25 adding to the balance, if any, unpaid as of the  
26 beginning of that day all debits and deducting all  
27 credits received as of that day.

28 (2) The balance of the open account at the  
29 beginning of the first day of the billing cycle, after  
30 deducting all credits made in the cycle except credits  
31 attributable to additional debt charged to the account  
32 during the cycle.

33 (3) The median amount within a specified range  
34 including the balance of the open account not exceeding  
35 that permitted by subparagraphs one (1) or two (2)  
36 of this paragraph. A charge may be made pursuant  
37 to this paragraph only if the creditor, subject to  
38 classifications and differentiations the creditor  
39 may reasonably establish, makes the same charge on  
40 all balances within the specified range and if the  
41 percentage when applied to the median amount within  
42 the range does not produce a charge exceeding the  
43 charge resulting from applying that percentage to  
44 the lowest amount within the range by more than eight  
45 percent of the charge on the median amount.

46 c. If the billing cycle is monthly, the charge  
47 may not exceed an amount equal to one and one-half  
48 percent of that part of the maximum amount pursuant  
49 to paragraph b of this section which is five hundred  
50 dollars or less and one and one-fourth percent of

## Page 3

1 that part of the maximum amount which is more than  
2 five hundred dollars. If the billing cycle is not  
3 monthly, the maximum charge for the billing cycle  
4 shall bear the same relation to the applicable monthly  
5 maximum charge as the number of days in the billing  
6 cycle bears to three hundred sixty-five divided by  
7 twelve. A billing cycle is monthly if the closing  
8 date of the cycle is the same date each month or does  
9 not vary by more than four days from the regular date.

10 5. As used in this section, open account means  
11 an account arrangement under which credit is extended  
12 from time to time and the debtor is authorized to  
13 make either partial or full payment when billed.

14 6. This section does not supersede any of the  
15 provisions of chapter five hundred thirty-seven (537)  
16 of the Code except sections five hundred thirty-seven  
17 point three thousand two hundred one (537.3201) and  
18 five hundred thirty-seven point three thousand two  
19 hundred twelve (537.3212) of the Code, and a finance  
20 charge imposed under this section is a finance charge  
21 as defined and used in chapter five hundred thirty-  
22 seven (537) of the Code. This section does not  
23 authorize the compounding of a finance charge.

24 7. The finance charge authorized by this section  
25 is in lieu of interest or a finance charge which may  
26 be authorized under section five hundred thirty-five  
27 point two (535.2), subsection one (1) of the Code  
28 or any other provision of law. The rate of a finance  
29 charge lawfully imposed under this section shall be  
30 the rate applicable to a judgment rendered in an  
31 action on the account, notwithstanding section five  
32 hundred thirty-five point three (535.3) of the Code.

33 8. Imposing or receiving a finance charge which  
34 is greater than that authorized by this section shall  
35 subject the creditor to the civil and criminal  
36 penalties provided in this chapter relating to unlawful  
37 interest."

38 2. By renumbering sections and correcting internal  
39 references.

SCHNEKLOTH of Scott  
JOHNSON of Howard  
PERKINS of Greene  
VAN MAANEN of Mahaska  
DE GROOT of Lyon  
MILLER of Buchanan



H-5461

- 1 Amend amendment H-5437 to House File 2492 as
- 2 follows:
- 3 1. Page 5, by inserting after line 7 the following:
- 4 "Sec. Section five hundred thirty-five point
- 5 eight (535.8), Code 1979 Supplement, is reenacted.
- 6 It is the intent of the general assembly in enacting
- 7 this section to adopt the limitations on discount
- 8 points and other charges which are contained in section
- 9 five hundred thirty-five point eight (535.8), Code
- 10 1979 Supplement, as required by the provisions of
- 11 Public Law 96-161, section 105, subsection c, for
- 12 the purpose of superseding the provisions of Public
- 13 Law 96-161, section 105, subsection a, provided that
- 14 the limitation on discount points contained in section
- 15 five hundred thirty-five point eight (535.8),
- 16 subsection two (2), paragraph a, Code 1979 Supplement,
- 17 is subject to the temporary provisions contained in
- 18 section two (2), subsection four (4) of this Act."
- 19 2. By renumbering sections.

RAPP of Black Hawk  
BRUNER of Story

H-5464

- 1 Amend amendment H-5171 to House File 2393 as
- 2 follows:
- 3 1. Page 1, by adding after line 15, the
- 4 following:
- 5 "6. Individuals in the field of public
- 6 law enforcement."

CRABB of Crawford

H-5465

- 1 Amend amendment H-5171 to House File 2393 as
- 2 follows:
- 3 1. Page 1, by adding after line 15, the
- 4 following:
- 5 "6. Individuals who dispense or have access
- 6 to narcotics or dangerous drugs."

CRABB of Crawford

H—5466

- 1 Amend House File 2393 by adding after line 6
- 2 the following: "For the purposes of this section
- 3 "polygraph" means any mechanical or electrical instrument
- 4 or device of any type used or allegedly used to examine,
- 5 test or question individuals for the purpose of
- 6 determining truthfulness."

TOFTE of Winneshiek

H—5468

- 1 Amend House File 2393 as follows:
- 2 1. Page 1, line 6, by inserting after the
- 3 word "employment," the words "An employer or
- 4 agent or any person knowingly selling, administering,
- 5 or interpreting tests in violation of this section
- 6 is guilty of a public offense."

MENKE of O'Brien

H—5469

- 1 Amend House File 2393 as follows:
- 2 1. Page 1, line 6, by inserting the following after the
- 3 period: "The Iowa labor commissioner shall investi-
- 4 gate suspected violations of this Act. The commiss-
- 5 ioner may refer any evidence available concerning
- 6 violations of this Act to the county attorney of the
- 7 appropriate county, who may with or without such
- 8 reference, institute the appropriate proceedings under
- 9 this Act."

POPE of Polk

H—5470

- 1 Amend House File 2393 as follows:
- 2 1. Page 1, by adding after line 6 the
- 3 following: "In addition to the penalties provided
- 4 by law for violation of this Act, the courts of
- 5 this state are vested with jurisdiction to prevent
- 6 and restrain violations of this Act through in-
- 7 junctive powers."

POPE of Polk

H-5472

1 Amend amendment H-5463 to House File 2520 as  
2 follows:

3 1. By inserting after the period in line 26 the  
4 following: "The final tour in any day shall begin not  
5 earlier than 2:00 p.m.."

CRABB of Crawford

H-5473

1 Amend House File 2393 as follows:

2 1. Page 1, line 6, by inserting after the  
3 word "employment." the words "Nothing in this  
4 Act shall be construed to prohibit the voluntary  
5 taking of a polygraph examination, if an employer  
6 or agent administering the test shall inform the  
7 employee that taking the test is voluntary."

MENKE of O'Brien

H-5475

1 Amend House File 398 as follows:

2 1. Page 1, by inserting after line 11 the  
3 following new section:  
4 "Sec. . The state department of transportation shall  
5 complete work on the relocation of United States  
6 highway six between eighth street and Kimball street  
7 within the corporate limits of the city of Council  
8 Bluffs. The cost of the project shall be paid  
9 by the state department of transportation from funds  
10 appropriated by the general assembly meeting in the  
11 year 1980 from the primary road fund to the state  
12 department of transportation for highway construction."

PAVICH of Pottawattamie  
WALTER of Pottawattamie

H-5477

1 Amend amendment H-5437 to House File 2492 as  
2 follows:

3 1. Page 1, by striking lines 9 through 27 and  
4 inserting in lieu thereof the following:

5 "(117), section one (1), is amended by striking  
6 the paragraph and inserting in lieu thereof the  
7 following:

8 However upon a suspension by the commission, a  
9 public utility may proceed as follows:

10 1. Subject to the provisions of subsection two  
11 (2) of this section, a public utility may, at any  
12 time after rates, charges, schedules or regulations  
13 have been suspended for ninety days, place in effect  
14 any or all of the suspended rates, charges, schedules  
15 or regulations by filing with the commission a bond  
16 or other undertaking approved by the commission  
17 conditioned upon the refund in a manner to be  
18 prescribed by the commission of any amounts collected  
19 in excess of the amounts which would have been  
20 collected under rates, charges, schedules or  
21 regulations finally approved by the commission. The  
22 commission shall establish a rate of interest to be  
23 paid by a public utility to persons receiving refunds.  
24 The rate of interest shall be a reasonable rate as  
25 determined by the commission, but not less than five  
26 percent per annum, and the interest shall be compounded  
27 annually.

28 2. a. The public utility shall not place into  
29 effect any portion of the suspended rates, charges,  
30 schedules or regulations which would result in an  
31 increase in gross intrastate operating revenues of  
32 more than ten percent unless the public utility  
33 specifically applies to the commission for authority  
34 to impose an interim increase of more than ten percent  
35 and the commission approves a greater interim increase  
36 on the basis of need.

37 b. If the commission has not issued a final order  
38 in the rate proceedings within twelve months following  
39 the date formal proceedings were commenced, the public  
40 utility may, at the end of that twelve-month period  
41 and of each subsequent twelve-month period, place  
42 into effect such portion of the suspended rates,  
43 charges, schedules or regulations as will result in  
44 an additional increase in gross intrastate operating  
45 revenues of not more than ten percent; provided that  
46 the public utility may apply for and receive authority  
47 for an increase of greater than ten percent, in the  
48 manner otherwise permitted by this subsection.

49 c. Except as provided in paragraphs a and b of  
50 this subsection, the public utility shall not place

**Page 2**

1 into effect any portion of any suspended rates,  
2 charges, schedules or regulations of any subsequent  
3 rate filing relating to services with respect to which  
4 a rate filing is pending until after the commission  
5 has issued a final order in the previously filed rate  
6 proceedings, unless the public utility applies to  
7 the commission for authority and receives authority

8 to place a portion of the subsequent filed rate filing  
9 into effect on an interim basis."

POFFENBERGER of Dallas  
JOHNSON of Linn  
SCHROEDER of Pottawattamie  
RITSEMA of Sioux  
HANSON of Delaware  
KIRKENSLAGER of Des Moines  
SHIMANEK of Jones  
PELTON of Clinton  
LARSEN of Wapello  
KREWSON of Polk  
MULLINS of Kossuth

H-5478

1 Amend amendment H-5437 to House File 2492, page 1,  
2 by striking lines 2 through 27 and inserting in  
3 lieu thereof the following:

4 "title page, line 5 and inserting in lieu  
5 thereof the following:

6 "BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF  
IOWA:

7 Section 1. Section four hundred seventy-six point  
8 six (476.6), unnumbered paragraph six (6), Code 1979,  
9 as amended by Acts of the Sixty-eighth General  
10 Assembly, 1979 Session, chapter one hundred seventeen  
11 (117), section one (1), is amended to read as follows:

12 However, a public utility ~~shall have the right~~  
13 may, at any time after ~~said~~ rates, charges, schedules  
14 or regulations have been suspended for ninety days,  
15 request authority to place in effect any or all of  
16 ~~such~~ the suspended rates, charges, schedules or  
17 regulations by filing with the commission a bond or  
18 other undertaking approved by the commission  
19 conditioned upon the refund in a manner to be  
20 prescribed by the commission of any amounts collected  
21 ~~thereunder~~ in excess of the amounts which would have  
22 been collected under rates, charges, schedules or  
23 regulations finally approved by the commission. The  
24 commission shall establish a rate of interest to be  
25 paid by a public utility to persons receiving refunds.  
26 ~~Such~~ The rate of interest shall be a reasonable rate  
27 as determined by the commission, but not less than  
28 five percent per annum, nor more than twelve percent  
29 per annum, and the interest shall be compounded  
30 annually.

BRUNER of Story

H—5481

1 Amend House File 398 as follows:

2 1. Page 1, by inserting after line 11, the following:

3 "Sec. This Act is repealed December 31, 1986.

SPEAR of Lee

H—5483

1 Amend House File 398 as follows:

2 1. Page 1, by inserting after line 11 the

3 following new paragraph:

4 "The state department of transportation shall  
 5 also construct an overpass within the corporate  
 6 limits of the city of Ames on United States  
 7 highway sixty-nine where the highway intersects  
 8 with and is crossed by the tracks of the  
 9 Chicago and Northwestern Railway to permit the  
 10 unrestricted movement of motor vehicles on United  
 11 States highway sixty-nine. The cost of the project  
 12 shall be paid by the state department of transporta-  
 13 tion from funds appropriated by the general  
 14 assembly meeting in the year 1980 from the primary  
 15 road fund to the state department of transporta-  
 16 tion for highway construction."

BRUNER of Story

H—5487

1 Amend House File 2518 as follows:

2 1. Page 3, line 8, by striking the word

3 "discretion," and inserting in lieu thereof the word

4 "discretion,".

5 2. Page 3, line 13, by striking the word "guard,"

6 and inserting in lieu thereof the word "guard".

7 3. Page 5, line 26, by striking the word "or"

8 and inserting in lieu thereof the word "of".

CRAWFORD of Story  
HOFFMANN of Muscatine

H—5490

1 Amend House File 398 as follows:

2 1. Page 1, line 1, by striking the word "The",

3 and by inserting in lieu thereof the words "It is

4 the intent of the general assembly that the".

CONLON of Muscatine

H—5494

- 1 Amend House File 2524 as follows:  
 2 1. Page 4, by striking line 30 and inserting in  
 3 lieu thereof the following:  
 4 "the amount of five million (5,000,000)".

HINKHOUSE of Cedar  
 DAVITT of Warren  
 COCHRAN of Webster

H—5497

- 1 Amend amendment H—5437 to House File 2492 as follows:  
 2 1. By inserting on page 1, before line 1,  
 3 the following:  
 4 "Amend House File 2492 by striking everything  
 5 after title page, line 5 and inserting in lieu  
 6 thereof the following:  
 7 "BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF  
 IOWA:  
 8 "Section 1. Section four hundred seventy-six point  
 9 six (476.6), unnumbered paragraph six (6), Code 1979,  
 10 as amended by Acts of the Sixty-eighth General  
 11 Assembly, 1979 Session, chapter one hundred seventeen  
 12 (117), section one (1), is amended to read as follows:  
 13 However, a public utility ~~shall have the right~~  
 14 may, at any time after ~~said~~ rates, charges, schedules  
 15 or regulations have been suspended for ninety days,  
 16 request authority to place in effect any or all of  
 17 ~~such the~~ suspended rates, charges, schedules or  
 18 regulations by filing with the commission a bond or  
 19 other undertaking approved by the commission  
 20 conditioned upon the refund in a manner to be  
 21 prescribed by the commission of any amounts collected  
 22 ~~thereunder~~ in excess of the amounts which would have  
 24 been collected under rates, charges, schedules or  
 25 regulations finally approved by the commission. The  
 26 commission shall establish a rate of interest to be  
 27 paid by a public utility to persons receiving refunds.  
 28 ~~Such~~ The rate of interest shall be a reasonable rate  
 29 as determined by the commission, but not less than  
 30 five percent per annum, nor more than twelve percent  
 31 per annum, and the interest shall be compounded  
 32 annually. This rate of interest shall also be the  
 33 maximum interest or penalty charged by all public  
 34 utilities for utility services provided in the past  
 35 on which customers have not made payment. If the  
 36 commission finds, under section four hundred seventy-  
 37 six point three (476.3) of the Code, that a public  
 38 utility's rates produce an excessive return, the

- 39 commission may also order a refund, with the rate of  
 40 interest the same as for other refunds provided by  
 41 this section, of amounts collected after the initiation  
 42 of the formal proceeding in excess of that amount  
 43 which would have been collected under the rates  
 44 finally approved."  
 45 2. By striking on page 1, lines 1 through 27.

BRUNER of Story

H-5502

- 1 Amend amendment H-5437 to House File 2492 as  
 2 follows:  
 3 1. Page 1, by striking lines 5 through 27.  
 4 2. By renumbering sections as necessary in  
 5 compliance with this amendment.

SCHROEDER of Pottawattamie

H-5504

- 1 Amend House File 398 as follows:  
 2 1. Page 1, by inserting after line 11 the following  
 3 new section:  
 4 "Sec. . The state department of transportation  
 5 shall construct a bypass of United States highway  
 6 sixty-one around the city of Fort Madison."

SPEAR of Lee

H-5507

- 1 Amend the House amendment, H-5171, to House File  
 2 2393 as follows:  
 3 1. Page 1, by inserting after line 15 the  
 4 following:  
 5 "6. Persons who require security clearance.  
 6 7. Professional business security personnel."

HOLT of Clay

H-5509

- 1 Amend House File 2516 as follows:  
 2 1. Page 2, by striking lines 7 and 8 and inserting  
 3 in lieu thereof the following:  
 4 "Sec. 5. Section two hundred fifty-two B point  
 5 five (252B.5), Code 1979, is amended by adding the  
 6 following new subsection:  
 7 NEW SUBSECTION. Assistance to set off against



8 a debtor's income tax refund any debt assigned to  
9 the department of social services which has accrued  
10 through written contract, subrogation, or court  
11 judgment, and which is in the form of a liquidated  
12 sum due and owing for the care, support or maintenance  
13 of a child. The department of social services shall  
14 promulgate rules pursuant to chapter seventeen A (17A)  
15 of the Code necessary to assist the department of  
16 revenue in the implementation of the child-support  
17 setoff as established under section two (2) of this  
18 Act.

19 Sec. 6. Section four hundred twenty-one point  
20 seventeen (421.17), Code 1979, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. To establish and maintain a  
23 procedure to set off against a debtor's income tax  
24 refund any debt assigned to the department of social  
25 services which has accrued through written contract,  
26 subrogation, or court judgment and which is in the  
27 form of a liquidated sum due and owing for the care,  
28 support or maintenance of a child. The procedure  
29 shall meet the following conditions:

30 a. Before setoff all outstanding tax liabilities  
31 collectible by the department of revenue shall be  
32 satisfied except that no portion of a refund shall  
33 be credited against any tax liabilities which are  
34 not yet due.

35 b. Before setoff the child support recovery unit  
36 established pursuant to section two hundred fifty-  
37 two B point two (252B.2) of the Code shall obtain  
38 and forward to the department of revenue the full  
39 name and social security number of the debtor. The  
40 department of revenue shall cooperate in the exchange  
41 of relevant information with the child support recovery  
42 unit as provided in section two hundred fifty-two  
43 B point nine (252B.9) of the Code.

44 c. The child support recovery unit shall, at least  
45 annually, submit to the department of revenue for  
46 setoff the above-mentioned debts, which are at least  
47 fifty dollars, on a date or dates to be specified  
48 by the department of social services by rule.

49 d. Upon submission of a claim the department of  
50 revenue shall notify the child support recovery unit

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1 whether the debtor is entitled to a refund of at least  
2 fifty dollars and if so entitled shall notify the  
3 unit of the amount of the refund and of the debtor's  
4 address on the income tax return.

5 e. Upon notice of entitlement to a refund the

6 child support recovery unit shall send written  
7 notification to the debtor, and a copy of the notice  
8 to the department of revenue, of the unit's assertion  
9 of rights to all or a portion of the debtor's refund  
10 and the entitlement to recover the debt through the  
11 setoff procedure, the basis of the assertion, the  
12 opportunity to request that a joint income tax refund  
13 be divided between spouses, the debtor's opportunity  
14 to give written notice of intent to contest the claim,  
15 and the fact that failure to contest the claim by  
16 written application for a hearing will result in a  
17 waiver of the opportunity to contest the claim, causing  
18 final setoff by default. The child support recovery  
19 unit shall upon application grant a hearing pursuant  
20 to chapter seventeen A (17A) of the Code. Any appeal  
21 taken from the decision of a hearing officer and any  
22 subsequent appeals shall be taken pursuant to chapter  
23 seventeen A (17A) of the Code.

24 f. Upon the timely request of a debtor or a  
25 debtor's spouse to the child support recovery unit  
26 and upon receipt of the full name and social security  
27 number of the debtor's spouse, the unit shall notify  
28 the department of revenue of the request to divide  
29 a joint income tax refund. The department of revenue  
30 shall upon receipt of the notice divide a joint income  
31 tax refund between the debtor and the debtor's spouse  
32 in proportion to each spouse's net income as determined  
33 under section four hundred twenty-two point seven  
34 (422.7) of the Code.

35 g. The department of revenue shall, after notice  
36 has been sent to the debtor by the child support  
37 recovery unit, set off the above mentioned debt against  
38 the debtor's income tax refund if both the debt and  
39 the refund are at least fifty dollars. The department  
40 shall refund any balance of the income tax refund  
41 to the debtor. The department of revenue shall  
42 periodically transfer the amount set off to the child  
43 support recovery unit. If the debtor gives written  
44 notice of intent to contest the claim the department  
45 of social services shall hold the refund until final  
46 disposition of the contested claim pursuant to chapter  
47 seventeen A (17A) of the Code or by court judgment.  
48 The child support recovery unit shall notify the  
49 debtor in writing upon completion of setoff.

50 h. Notwithstanding section four hundred twenty-

**Page 3**

1 two point sixteen (422.16), subsection nine (9) of  
2 the Code, the payment of interest is not required  
3 if the department of revenue or the department of

4 social services holds an individual or a joint refund  
5 for the purpose of setoff under this section beyond  
6 the allowed period of time.  
7 Sec. 7. Sections one (1) through four (4) of this  
8 Act take effect January first following their  
9 enactment. Sections five (5) and six (6) of this  
10 Act take effect July first following their enactment."

TYRRELL of Iowa

H-5511

1 Amend House File 2508 as follows:  
2 1. Page 1, by inserting after line 7 the following  
3 new sections:  
4 "Sec. 2. Section two hundred seventeen point  
5 fourteen (217.14), Code 1979, is amended by adding  
6 the following new subsection:  
7 **NEW SUBSECTION.** Cause the execution of a sentence  
8 of death pursuant to section eighteen (18) of this  
9 Act.  
10 Sec. 3. Section seven hundred one point seven  
11 (701.7), Code 1979, is amended to read as follows:  
12 **701.7 FELONY DEFINED AND CLASSIFIED.** A public  
13 offense is a felony of a particular class when the  
14 statute defining the crime declares it to be a felony.  
15 Felonies are capital felonies, class "A" felonies,  
16 class "B" felonies, class "C" felonies, and class  
17 "D" felonies. Where the statute defining the offense  
18 declares it to be a felony but does not state what  
19 class of felony it is or provide for a specific  
20 penalty, that felony shall be is a class "D" felony.  
21 Sec. 4. Chapter seven hundred seven (707), Code  
22 1979, is amended by adding the following new section  
23 as section seven hundred seven point two (707.2) and  
24 by renumbering the remaining sections of chapter seven  
25 hundred seven (707):  
26 **NEW SECTION.** Sec. 707.2 CAPITAL MURDER.  
27 1. A person commits capital murder if the person  
28 willfully, deliberately and with premeditation kills  
29 another person in any of the following aggravating  
30 circumstances:  
31 a. The killing was perpetrated for hire.  
32 b. The killing was perpetrated by a person under  
33 sentence of life imprisonment.  
34 c. The killing was perpetrated for the purpose  
35 of escaping detection, apprehension, trial, or  
36 punishment for another offense committed by the  
37 offender.  
38 d. The killing was perpetrated against another  
39 person for the purpose of preventing the other person

40 from testifying against the offender in a criminal  
41 trial.

42 e. The killing is perpetrated as a part of a  
43 course of conduct by the defendant involving the  
44 purposeful killing of, or attempt to kill two or more  
45 persons.

46 f. The killing was perpetrated while the offender  
47 was participating in the crimes of first degree sexual  
48 abuse, first degree kidnapping, first degree robbery,  
49 first degree burglary or first degree arson.

50 2. Capital murder is a felony punishable either

**Page 2**

1 by death or by life imprisonment, as determined  
2 pursuant to sections twelve (12) through fifteen (15)  
3 of this Act.

4 Sec. 5. Section seven hundred seven point two  
5 (707.2), Code 1979, is amended to read as follows:

6 ~~707.2~~ 707.3 MURDER IN THE FIRST DEGREE. A person  
7 commits murder in the first degree when he or she  
8 commits murder which is not capital murder and which  
9 is committed under any of the following circumstances:

10 1. The person willfully, deliberately, and with  
11 premeditation kills another person.

12 2. The person kills another person while  
13 participating in a forcible felony.

14 3. The person kills another person while escaping  
15 or attempting to escape from lawful custody.

16 4 3. The person intentionally kills a peace  
17 officer, correctional officer, public employee, or  
18 hostage while such person is imprisoned in a  
19 correctional institution under the jurisdiction of  
20 the department of social services, or in a city or  
21 county jail.

22 Murder in the first degree is a class "A" felony.

23 Sec. 6. Section seven hundred seven point three  
24 (707.3), Code 1979, is amended to read as follows:

25 ~~707.3~~ 707.4 MURDER IN THE SECOND DEGREE. A person  
26 commits murder in the second degree when he or she  
27 commits murder which is not capital murder or murder  
28 in the first degree.

29 Murder in the second degree is a class "B" felony.

30 Sec. 7. Section seven hundred seven point four  
31 (707.4), unnumbered paragraph two (2), Code 1979,  
32 is amended to read as follows:

33 Voluntary manslaughter is an included offense under  
34 an indictment for capital murder or murder in the  
35 first or second degree.

36 Sec. 8. Section seven hundred seven point five  
37 (707.5), unnumbered paragraph one (1), Code 1979,

38 is amended to read as follows:

39 Involuntary manslaughter as defined in this section  
40 is an included offense under an indictment for capital  
41 murder or murder in the first or second degree or  
42 voluntary manslaughter.

43 Sec. 9. Section eight hundred two point one  
44 (802.1), Code 1979, is amended to read as follows:

45 802.1 MURDER. A prosecution for capital murder  
46 or murder in the first or second degree may be  
47 commenced at any time after the death of the victim.

48 Sec. 10. Section eight hundred eleven point one  
49 (811.1), Code 1979, is amended to read as follows:

50 811.1 BAILABLE AND NONBAILABLE OFFENSES.

**Page 3**

1 1. All defendants other than those charged with  
2 or convicted of capital murder are bailable both  
3 before and after conviction, by sufficient surety,  
4 or subject to release upon condition or on their own  
5 recognizance, except that a defendant convicted of  
6 a class "A" felony shall not be admitted to bail while  
7 appealing such conviction.

8 2. Notwithstanding any other provision of this  
9 chapter, a person charged with capital murder shall  
10 not be admitted to bail prior to entry of judgment  
11 if upon hearing held under the provisions of section  
12 eight hundred twelve point two (812.2) of the Code  
13 the prosecuting attorney establishes by clear and  
14 convincing evidence that the release of the defendant  
15 from custody is likely to pose a danger of physical  
16 harm to another person. The court shall consider  
17 any lawfully obtained evidence relevant to the required  
18 determination, whether or not such evidence would  
19 be admissible at trial, but testimony of the person  
20 charged is not admissible at any subsequent trial  
21 on the issue of guilt of the offense charged or any  
22 other offense.

23 3. Notwithstanding any other provision of this  
24 chapter, a person convicted of capital murder shall  
25 not be admitted to bail.

26 Sec. 11. Section eight hundred thirteen point  
27 two (813.2), Code 1979, is amended by adding sections  
28 twelve (12) through fifteen (15) of this Act as new  
29 rules.

30 Sec. 12. NEW RULE. CAPITAL MURDER—PROCEDURE.

31 1. Upon a finding that the defendant is guilty  
32 of capital murder, the court shall conduct a separate  
33 sentencing proceeding to determine whether the  
34 defendant shall be sentenced to death or to life  
35 imprisonment. The proceeding shall be conducted in

36 the trial court before the trial jury as soon as  
37 practicable. In the proceeding, additional evidence  
38 may be presented as to any matter which is relevant  
39 to sentence. The court shall receive when offered  
40 any evidence that is required by the rules of criminal  
41 procedure. This subsection does not authorize the  
42 introduction of any evidence secured in violation  
43 of the Constitution of the United States or of the  
44 state of Iowa. The state and the defendant or the  
45 defendant's counsel shall be permitted to cross-examine  
46 witnesses and to present argument for or against a  
47 sentence of death.

48 2. On conclusion of the presentation of the  
49 evidence, the court shall submit each of the following  
50 issues to the jury:

**Page 4**

1 a. Whether the actual conduct of the defendant  
2 was committed with the reasonable expectation that  
3 the death of the deceased or another would result.

4 b. Whether there is a probability that in the  
5 future the defendant would commit criminal acts of  
6 violence that would constitute a continuing threat  
7 to society.

8 In the event the case is not tried to a jury, the  
9 court shall determine the issues.

10 3. The state must prove each issue beyond a  
11 reasonable doubt, and the jury, or the court if there  
12 is no jury, shall return a special verdict of "yes"  
13 or "no" on each issue.

14 4. If the case is tried to a jury, the court shall  
15 charge the jury that:

16 a. It shall answer any issue "yes" if it agrees  
17 unanimously.

18 b. It must answer any issue "no" if the jurors  
19 unanimously agree that the answer is "no" or if the  
20 jurors do not unanimously agree that the answer is  
21 "yes".

22 5. If the jury, or the court in actions not tried  
23 to a jury, returns an affirmative finding on both  
24 issues, the court shall sentence the defendant to  
25 death. If the jury or the court returns a negative  
26 finding on any issue, the court shall sentence the  
27 defendant to the custody of the division of adult  
28 corrections for confinement in the state penitentiary  
29 for life.

30 6. The provisions of chapters nine hundred one  
31 (901) through nine hundred nine (909) of the Code  
32 do not apply to a conviction of capital murder when  
33 the defendant is sentenced to death.

34 Sec. 13. NEW RULE. AUTOMATIC REVIEW – STAY OF  
35 JUDGMENT.

36 1. A judgment of conviction and sentence of death  
37 shall be reviewed automatically in the manner provided  
38 in section sixteen (16) of this Act, and the Iowa  
39 supreme court has exclusive jurisdiction of the review.

40 2. Upon entry of judgment and sentence of death,  
41 the sentencing court shall prepare a complete record  
42 and transcript of the action in the manner provided  
43 in the rules of criminal procedure and shall docket  
44 the same with the clerk of the supreme court.

45 3. The judgment and sentence of the trial court  
46 is stayed as a matter of law from the time of its  
47 entry until the judgment of the supreme court is  
48 certified to and entered by the trial court. Upon  
49 entry of a judgment of the supreme court which affirms  
50 the conviction and sentence, the stay of the judgment

**Page 5**

1 and sentence terminates as a matter of law.

2 Sec. 14. NEW RULE. ISSUANCE OF WARRANT.

3 1. Upon entry by the district court of the judgment  
4 of the supreme court affirming a judgment and sentence  
5 of death, a judge of the district court shall within  
6 five days thereafter issue a warrant under the seal  
7 of the court for the execution of the sentence of  
8 death. The warrant shall specifically set forth the  
9 offense and the fact of conviction, shall state the  
10 judgment and sentence of the court, shall state that  
11 the judgment and sentence was affirmed by the supreme  
12 court and the date of entry of judgment of the supreme  
13 court in the district court, and shall specify the  
14 date fixed for execution of the defendant which shall  
15 be not less than fifty nor more than sixty days after  
16 the date of entry in the district court of the judgment  
17 of the supreme court affirming the judgment and  
18 sentence of death. The warrant shall be directed  
19 to the director of the division of adult corrections  
20 commanding the director to cause the warrant to be  
21 executed on the date specified. The district court  
22 shall deliver the warrant to the sheriff of the county  
23 in which judgment of conviction was entered and the  
24 sheriff shall deliver the warrant and the defendant  
25 to the custody of the division of adult corrections  
26 for confinement in the state penitentiary. The  
27 director of the division of adult corrections shall  
28 acknowledge receipt of the warrant and the defendant,  
29 and the sheriff shall return the acknowledgement to  
30 the office of the clerk of court from which the warrant  
31 was issued.

32 2. Immediately after issuance of a warrant ordering  
 33 a sentence of death, the clerk of the court issuing  
 34 the warrant shall transmit by mail to the governor  
 35 a copy of the indictment, the plea, the verdict and  
 36 special findings, the judgment of the supreme court,  
 37 and the complete transcript.

38 Sec. 15. NEW RULE. EVIDENCE AT SENTENCING IN  
 39 CAPITAL MURDER CASES.

40 1. In a proceeding to determine whether the  
 41 sentence shall be death or life imprisonment, evidence  
 42 may be presented as to any matter which the court  
 43 deems relevant to sentence, including but not limited  
 44 to the nature, circumstances and manner of completion  
 45 of the murder, and the defendant's character,  
 46 background, history, mental and physical condition.

47 2. When offered by the defendant, the court shall  
 48 admit any relevant evidence respecting any of the  
 49 following mitigating circumstances:

50 a. The defendant has no significant history of

**Page 6**

1 prior criminal activity.

2 b. The victim was a participant in the defendant's  
 3 homicidal conduct or consented to the homicidal act.

4 c. The murder was committed under circumstances  
 5 which the defendant believed provided a moral  
 6 justification or extenuation for the defendant's  
 7 conduct.

8 d. The defendant was an accomplice in a murder  
 9 committed by another person and the defendant's  
 10 participation in the homicidal act was relatively  
 11 minor.

12 e. The youth of the defendant at the time of the  
 13 crime.

14 Sec. 16. Chapter eight hundred fourteen (814),  
 15 Code 1979, is amended by adding the following new  
 16 section:

17 NEW SECTION. REVIEW OF DEATH SENTENCE.

18 1. In a case in which a sentence of death is  
 19 imposed, the supreme court shall review the judgment  
 20 and sentence.

21 2. A review by the supreme court of a judgment  
 22 and sentence imposing the punishment of death has  
 23 priority over all other criminal and other actions  
 24 pending before the supreme court.

25 3. The supreme court shall review the trial and  
 26 judgment, and separately shall review the sentencing  
 27 proceeding. Upon determining that errors did not  
 28 occur at the trial requiring reversal or modification  
 29 of the judgment, the supreme court shall proceed to



30 determine if the sentence of death is lawfully imposed.  
31 In its review of the sentencing proceeding the supreme  
32 court shall determine all of the following:

33 a. Whether the trial court committed prejudicial  
34 error in admitting or refusing to admit evidence  
35 relevant to the issue of whether or not punishment  
36 of death should be imposed.

37 b. Whether the special findings returned under  
38 subsection five (5) of section twelve (12) of this  
39 Act are supported by the evidence.

40 c. Whether the sentence of death was imposed  
41 capriciously or under the influence of prejudice or  
42 other arbitrary factor, considering both the  
43 circumstances of the crime and the defendant.

44 4. If the supreme court determines that the  
45 sentence of death was not lawfully imposed the court  
46 shall set aside the sentence and shall remand the  
47 case to the trial court for imposition of a sentence  
48 of life imprisonment.

49 5. If the supreme court affirms the judgment and  
50 sentence of death, the supreme court clerk shall

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1 certify the judgment of the supreme court under the  
2 seal of the court to the clerk of the trial court.

3 Sec. 17. The Code editor is directed to codify  
4 sections eighteen (18) through twenty-one (21) of  
5 this Act as a new chapter of the Code entitled  
6 "Execution of Death Sentence".

7 Sec. 18. NEW SECTION. TIME AND MANNER OF  
8 EXECUTION.

9 1. A sentence of death shall be executed pursuant  
10 to warrant therefor at any time before the time of  
11 sunrise on the day set for the execution by causing  
12 to pass through the body of the person a current of  
13 electricity of sufficient intensity to cause death,  
14 and by the application and continuance of such current  
15 through the body of the person until dead.

16 2. The director of the division of adult  
17 corrections shall cause the execution. The executioner  
18 shall be the person appointed by the division of adult  
19 corrections for that purpose.

20 3. The execution shall take place within the  
21 confines of the state penitentiary in a room arranged  
22 for that purpose.

23 4. The following persons may be present at the  
24 execution: The director of the division or a deputy,  
25 the warden of the state penitentiary or a deputy,  
26 the executioner and persons necessary to assist the  
27 executioner in conducting the execution, two physicians

28 including the prison physician, the spiritual advisor,  
29 if any, of the condemned, the chaplains of the division  
30 of adult corrections, a district judge, the sheriff  
31 or a deputy sheriff of the county in which the state  
32 penitentiary is situated, and any of the relatives  
33 or friends of the condemned person that the condemned  
34 person requests, not exceeding five in number.

35 5. Persons other than those specifically designated  
36 in subsection four (4) of this section, or those  
37 specifically requested by the defendant under the  
38 authority of subsection four (4) of this section,  
39 shall not be present at the execution. Notwithstanding  
40 subsection four (4) of this section, a person shall  
41 not be present at an execution if the person is less  
42 than eighteen years of age, or if the person is in  
43 possession of any device for receiving, transmitting  
44 or recording sounds or pictures.

45 Sec. 19. NEW SECTION. DELAY OF EXECUTION – NEW  
46 WARRANT.

47 1. If the condemned person escapes after sentence  
48 and before delivery to the division of adult  
49 corrections and is not rearrested until after the  
50 time fixed for execution, any person may arrest and

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1 commit the person to the jail of the county in which  
2 he or she was sentenced. The court by whom the  
3 condemned was sentenced, on notice of such arrest  
4 being given by the sheriff, shall again appoint a  
5 time for the execution, not less than thirty days  
6 thereafter, and shall issue its warrant and the  
7 applicable procedures specified in sections fourteen  
8 (14) and eighteen (18) of this Act shall apply.

9 2. If the condemned person escapes after delivery  
10 to the division of adult corrections, and is not  
11 retaken before the time appointed for execution, any  
12 person may arrest and commit the person to the  
13 division. The director shall certify the fact of  
14 escape and recapture to the court in which sentence  
15 was passed and the court shall appoint a time for  
16 the execution which shall not be less than thirty  
17 days thereafter, and shall issue its warrant, and  
18 the applicable procedures specified in sections  
19 fourteen (14) and eighteen (18) of this Act shall  
20 apply.

21 3. If for any other reason execution of the death  
22 penalty is delayed beyond the date specified in the  
23 warrant of execution, the court which originally  
24 sentenced the defendant shall establish a later date  
25 for execution, which shall not be more than thirty  
26 days after issuance of the warrant.

27 Sec. 20. NEW SECTION. RETURN OF WARRANT. On  
28 the arrival of the date set for execution the division  
29 shall cause the execution. In case of the death of  
30 any condemned person before the time for execution  
31 arrives, or if the person is pardoned or his or her  
32 sentence is commuted by the governor, no execution  
33 shall be held. In all cases, the director of the  
34 division of adult corrections shall return the warrant  
35 and certificate with a statement of any such act and  
36 the proceedings endorsed thereon. In the event of  
37 execution the return shall be accompanied by a  
38 statement showing what disposition was made of the  
39 body. Return shall be made to the clerk of the court  
40 in which the sentence was passed, who shall record  
41 the warrant and return in the docket of the court.

42 Sec. 21. NEW SECTION. DISPOSITION OF BODY. The  
43 body of a person who has been executed shall be  
44 embalmed immediately at the direction of the director  
45 of the division of adult corrections. If the body  
46 is demanded or requested by a relative or bona fide  
47 friend within forty-eight hours after execution, it  
48 shall be delivered to the relative or bona fide friend.  
49 The recipient of the body shall pay a fee of not to  
50 exceed twenty-five dollars to the mortician for his

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1 or her services in embalming the body and the mortician  
2 shall issue a written receipt to the recipient. If  
3 the body is not delivered to a relative or bona fide  
4 friend, the director shall cause the body to be buried,  
5 and the fee for embalming and burial shall be paid  
6 by the county where the condemned person was indicted."

7 2. By renumbering sections and correcting internal  
8 references as made necessary by this amendment:

TYRRELL of Iowa  
JOHNSON of Howard

H-5512

1 Amend House File 2208 as follows:  
2 1. Page 1, line 17, by inserting after the word  
3 "city" the words "which has established a civil service  
4 commission under chapter four hundred (400) of the  
5 Code".

HANSEN of O'Brien

H-5515

1 Amend House File 398 as follows:

2 1. Page 1, by inserting after line 11 the  
3 following new paragraph:

4 "The state department of transportation in cooper-  
5 ation with the city of Mason City shall also construct  
6 an overpass within the corporate limits of the city  
7 of Mason City on twelfth street northwest where the  
8 street intersects with and is crossed by the tracks of  
9 the Chicago and Northwestern Railway to permit the  
10 unrestricted movement of motor vehicles on  
11 twelfth street northwest. The cost of the project  
12 shall be shared jointly by the city of Mason City  
13 and the state department of transportation from  
14 funds appropriated by the general assembly meeting  
15 in the year 1980 from the primary road fund to the  
16 state department of transportation for highway  
17 construction."

NORLAND of Worth

H-5516

1 Amend Senate File 2273 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 6 and 7 and inserting  
4 in lieu thereof the words "that all state liquor  
5 stores in operation as of March 1, 1980 shall not  
6 be closed and that the total number of hours per week  
7 that a state liquor store, operating on March 1, 1980,  
8 is open shall remain open for at least that many hours  
9 per week."

TOFTE of Winneshiek

H-5529

1 Amend Senate File 2090 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 8 the follow-  
4 ing:

5 "Sec. . Section four hundred twenty-five point  
6 seventeen (425.17), subsection nine (9), Code 1979,  
7 as amended by Acts of the Sixty-eighth General  
8 Assembly, 1979 Session, chapter forty-three (43),  
9 section three (3), is amended to read as follows:

10 9. "Property taxes due" means property taxes  
11 including any special assessments, but exclusive of  
12 delinquent interest and charges for services, due  
13 on a claimant's homestead in this state, but includes

14 only property taxes for which the claimant is liable  
15 and which will actually be paid by the claimant.  
16 However, if the claimant is a person whose property  
17 taxes have been suspended under sections four hundred  
18 twenty-seven point eight (427.8) and four hundred  
19 twenty-seven point nine (427.9) of the Code, "property  
20 taxes due" means property taxes including any special  
21 assessments, but exclusive of delinquent interest  
22 and charges for services, due on a claimant's homestead  
23 in this state, but includes only property taxes for  
24 which the claimant is liable and which would have  
25 to be paid by the claimant if the payment of the taxes  
26 have not been suspended pursuant to sections four  
27 hundred twenty-seven point eight (427.8) and four  
28 hundred twenty-seven point nine (427.9) of the Code.  
29 "Property taxes due" shall be computed with no  
30 deduction for any credit under this division or for  
31 any homestead credit allowed under section 425.1.  
32 Each claim shall be based upon the taxes due during  
33 the fiscal year next following the base year. If  
34 a homestead is owned by two or more persons as joint  
35 tenants or tenants in common, and one or more persons  
36 are not a member of claimant's household, "property  
37 taxes due" is that part of property taxes due on the  
38 homestead which equals the ownership percentage of  
39 the claimant and his or her household. The county  
40 treasurer shall include with the tax receipt a  
41 statement that if the owner of the property is sixty-  
42 five years of age or over or is totally disabled,  
43 or is a surviving spouse of such person who is over  
44 the age of fifty-five years of age, the person may  
45 be eligible for the credit allowed under this division.  
46 If a homestead is an integral part of a farm, the  
47 claimant may use the total property taxes due for  
48 the larger unit, but not exceeding forty acres of  
49 land. If a homestead is an integral part of a  
50 multidwelling or multipurpose building the property

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1 taxes due for the purpose of this subsection shall  
2 be prorated to reflect the portion which the value  
3 of the property that the household occupies as its  
4 homestead is to the value of the entire structure.  
5 For purposes of this subsection, "unit" refers to  
6 that parcel of property covered by a single tax  
7 statement of which the homestead is a part.  
8 Sec. Section four hundred twenty-seven point  
9 nine (427.9), Code 1979, is amended to read as follows:  
10 427.9 SUSPENSION OF TAXES. Whenever a person  
11 is a recipient of federal supplementary security

12 income or state supplementary assistance, as defined  
 13 in section 249.1, or is a resident of a health care  
 14 facility, as defined by section 135C.1, which is  
 15 receiving payment from the department of social  
 16 services for his or her care, such the person shall  
 17 be deemed to be unable to contribute to the public  
 18 revenue. The commissioner of social services shall  
 19 thereupon notify the board of supervisors, of the  
 20 county in which such the assisted person owns property,  
 21 of the aforesaid fact, giving a statement of property,  
 22 real and personal, owned, possessed, or upon which  
 23 said the person is paying taxes as a purchaser under  
 24 contract. It shall then be the duty of the The board  
 25 of supervisors so notified, without the filing of  
 26 a petition and statement as specified in section  
 27 427.8, to shall order the county treasurer to suspend  
 28 the collection of all the taxes assessed against said  
 29 the property and remaining unpaid by such the person  
 30 or contractually payable by him the person, for such  
 31 time as such the person shall remain remains the owner  
 32 or contractually prospective owner of such the  
 33 property, and during the period such the person  
 34 receives assistance as described in this section.  
 35 The commissioner of social services shall advise the  
 36 person that the person may apply for an additional  
 37 property tax credit pursuant to section four hundred  
 38 twenty-five point sixteen (425.16) through four hundred  
 39 twenty-five point thirty-nine (425.39) of the Code  
 40 which shall be credited against the amount of the  
 41 property taxes suspended."

42 2. Title page, line 8, by inserting after the  
 43 word "Code" the words "and relating to an additional  
 44 property tax credit".

45 3. Renumber as required.

NORLAND of Worth

H - 5532

1 Amend Amendment H - 5515 to House File 398 as follows:  
 2 1. Page 1, by striking lines 11 through 12, and  
 3 inserting in lieu thereof the following: "twelfth  
 4 street northwest. The department in cooperation with  
 5 the city of Waterloo shall also construct an overpass  
 6 within the corporate limits of the city of Waterloo on  
 7 east fourth street where the street intersects with and  
 8 is crossed by the tracks of the Illinois Central-Gulf  
 9 Railway to permit the unrestricted movement of motor  
 10 vehicles on east fourth street. The costs of each  
 11 project shall be shared by the respective city".

RAPP of Black Hawk

H-5537

1 Amend House File 2532 as follows:

2 1. Page 4, by inserting after line 5 the following:

3 "Sec. 7. NEW SECTION. SHORT TITLE. Sections  
4 seven (7) through twenty-one (21) of this Act may  
5 be referred to and cited as the "Iowa Railway Finance  
6 Authority Act".

7 Sec. 8. NEW SECTION. DECLARATION OF NECESSITY  
8 AND PURPOSE - LIBERAL CONSTRUCTION. The purpose of  
9 sections seven (7) through twenty-one (21) of this  
10 Act is to benefit the people of the state of Iowa  
11 and to improve their general health, welfare and  
12 prosperity and the economic and commercial development  
13 of the state. It is essential that the people and  
14 businesses of this state have access to adequate  
15 railway transportation facilities. It is essential  
16 that railway corporations and other business entities  
17 operating within the state be provided with appropriate  
18 additional means to assist in the maintenance and  
19 improvement of railway transportation facilities.  
20 It is the purpose of sections seven (7) through twenty-  
21 one (21) of this Act to provide a measure of assistance  
22 and alternative methods to enable railway corporations  
23 and other business entities operating in the state  
24 to provide additional facilities and to maintain and  
25 improve existing facilities to insure safe, economical  
26 and efficient railway service in the state. It is  
27 the intent of the legislature by the passage of  
28 sections seven (7) through twenty-one (21) of this  
29 Act to create a state authority to lend money to rail-  
30 way corporations and other business entities and to  
31 authorize the state authority to acquire, construct,  
32 reconstruct, repair, alter, improve, extend, own,  
33 lease and dispose of properties to promote the general  
34 health, welfare and prosperity of the people of this  
35 state. It is also intended that the state authority  
36 be vested with all powers to enable the state authority  
37 to accomplish its stated purpose. It is not intended  
38 by sections seven (7) through twenty-one (21) of this  
39 Act that the state authority shall itself be authorized  
40 to operate any railway facilities. Sections seven  
41 (7) through twenty-one (21) of this Act shall be,  
42 liberally construed to accomplish the legislative  
43 intentions.

44 Sec. 9. NEW SECTION. DEFINITIONS. For purposes  
45 of sections seven (7) through twenty-one (21) of this  
46 Act, unless the context otherwise requires:

47 1. "Authority" means the Iowa railway finance  
48 authority created by sections seven (7) through twenty-  
49 one (21) of this Act.

50 2. "Commission" means the state transportation

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1 commission created by section three hundred seven  
2 point five (307.5) of the Code.

3 3. "Railway facilities" means land, structures,  
4 fixtures, buildings and equipment, except rolling  
5 stock, necessary or useful in providing railroad  
6 transportation services, including, but not limited  
7 to, roadbeds, track, trestles, depot, switching and  
8 signalling equipment and all necessary, useful and  
9 related equipment and appurtenances and all franchises,  
10 easements and other interests in land and rights-of-  
11 way necessary or convenient as a site or sites for  
12 any of the foregoing.

13 4. "Project costs" as applied to railway facilities  
14 financed under the provisions of sections seven (7)  
15 through twenty-one (21) of this Act means the total  
16 of all reasonable or necessary costs for or incidental  
17 to the acquisition, construction, reconstruction,  
18 repair, alteration, improvement or extension of any  
19 railway facilities including, but not limited to,  
20 the cost of studies and surveys, plans, specifica-  
21 tions, architectural and engineering services, legal,  
22 organization, marketing or other special services,  
23 financing, acquisition, demolition, construction,  
24 equipment and site development of new and rehabilitated  
25 buildings and facilities, rehabilitation,  
26 reconstruction, repair or remodeling of existing  
27 buildings and facilities and all other necessary and  
28 incidental expenses including, but not limited to,  
29 an initial bond and interest reserve together with  
30 interest on bonds issued to finance the railway  
31 facilities to a date six months subsequent to the  
32 estimated date of completion.

33 5. "Department" means the Iowa department of  
34 transportation.

35 6. "Director" means the director of the Iowa  
36 department of transportation.

37 Sec. 10. NEW SECTION. IOWA RAILWAY FINANCE  
38 AUTHORITY. There is created an Iowa railway finance  
39 authority for the purpose of financing railway  
40 facilities as provided in sections seven (7) through  
41 twenty-one (21) of this Act.

42 Sec. 11. NEW SECTION. GOVERNING BOARD. The  
43 governing board of the authority shall be the state  
44 transportation commission.

45 All rules and laws which are applicable to the  
46 commission as governing body of the department of  
47 transportation shall be applicable to the commission  
48 as governing board for the authority to the extent  
49 applicable.

50 Any payment for compensation and expenses of the



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1 commission as governing board for the authority shall  
2 be paid from funds of the authority.

3 Sec. 12. NEW SECTION. ORGANIZATION. The director  
4 of transportation shall be executive director of the  
5 authority. The executive director shall receive  
6 compensation as fixed by the commission. The executive  
7 director or other person designated by the commission,  
8 shall keep a record of the proceedings and shall be  
9 custodian of all books, documents and papers filed  
10 with the authority, the minute books or journal and  
11 its official seal. The executive director or other  
12 person, may cause copies to be made of all minutes  
13 and other records and documents of the commission  
14 or authority and may give certificates under the offi-  
15 cial seal of the authority to the effect that the  
16 copies are true and accurate copies. The commission  
17 may delegate by resolution to one or more of its  
18 members or to its executive director those powers  
19 and duties as it may deem proper.

20 Sec. 13. NEW SECTION. POWERS OF THE AUTHORITY.

21 The authority shall have all powers necessary for  
22 the performance of its purposes and duties, including  
23 but not limited to, the power to:

24 1. Have perpetual succession as a body politic  
25 and corporate.

26 2. Adopt by-laws for the regulation of its affairs  
27 and the conduct of its business.

28 3. Sue and be sued in its own name.

29 4. Have and alter a corporate seal.

30 5. Acquire railway facilities, directly or through  
31 an agent, by purchase, lease, gift, devise or  
32 otherwise.

33 6. Determine the location and construction of  
34 any railway facility to be financed under the  
35 provisions of sections seven (7) through twenty-one  
36 (21) of this Act and to construct, reconstruct,  
37 renovate, replace, maintain, repair, operate and lease  
38 the same, to enter into contracts for any of these  
39 purposes.

40 7. Enter into contracts for the operation, manage-  
41 ment or use of a railroad facility.

42 8. Designate an agent to determine the location  
43 and construction of a railway facility under the  
44 provisions of sections seven (7) through twenty-one  
45 (21) of this Act and as agent of the authority, to  
46 construct, reconstruct, renovate, replace, maintain,  
47 repair, operate and lease the same and to enter into  
48 contracts for any of these purposes including contracts  
49 for the operation, management or use of the railway  
50 facility.

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- 1       9. Lease any railway facilities upon terms and  
2 conditions as the commission shall deem proper and  
3 to charge and collect rent and terminate any lease  
4 upon the failure of the lessee to comply with any  
5 of the obligations of the lease.
- 6       10. Include in any lease provisions that the  
7 lessee shall have options to renew the terms of the  
8 lease for a period of time and at a rent as shall  
9 be determined by the commission or to purchase any  
10 of the railway facilities or to provide that upon  
11 payment of all of the indebtedness incurred by the  
12 authority for the financing of the railway facilities  
13 the authority may convey any of the railway facilities  
14 to the lessee upon terms and considerations acceptable  
15 to the commission.
- 16       11. Issue bonds, notes or other obligations for  
17 any of its corporate purposes and to refund the same,  
18 all as provided for in sections seven (7) through  
19 twenty-one (21) of this Act. However, total  
20 outstanding issuance of bonds, notes, or other  
21 obligations shall not exceed one hundred million  
22 dollars at any one time.
- 23       12. Invest or deposit moneys of the authority,  
24 subject to any agreement with bondholders or  
25 noteholders, in any manner determined by the authority,  
26 notwithstanding the provisions of chapter four hundred  
27 fifty-two (452), four hundred fifty-three (453) or  
28 four hundred fifty-four (454).
- 29       13. Fix and revise and charge and collect rates,  
30 rents, fees and charges for the use of any railway  
31 facility or any portion of a facility and to contract  
32 with any person, firm or corporation or other public  
33 or private body in respect to a facility.
- 34       14. Employ consulting engineers, architects,  
35 attorneys, accountants, construction and financial  
36 experts, superintendents, managers and other employees  
37 and agents as may be necessary and to fix their  
38 compensation.
- 39       15. Receive and accept from any public agency  
40 loans or grants for or in aid of project costs and  
41 to receive and accept grants, gifts or other  
42 contributions from any source.
- 43       16. Mortgage all or any portion of its railway  
44 facilities and the sites, whether then owned or  
45 thereafter acquired, for the benefit of the holders  
46 of bonds issued to finance the railway facility or  
47 any portion of the facility.
- 48       17. Make loans for the purpose of financing project  
49 costs of a railway facility.
- 50       18. Make loans to refund outstanding obligations,

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1 mortgages or advances issued, made or given for the  
2 cost of a railway facility including the issuing of  
3 bonds and making loans to refinance indebtedness  
4 incurred for railway facilities undertaken and  
5 completed prior to or after the enactment of sections  
6 seven (7) through twenty-one (21) of this Act when  
7 the commission finds that this financing is in the  
8 public interest.

9 The authority shall not operate any railway facility  
10 as a business other than as a lessor.

11 Sec. 14. NEW SECTION. BONDS. All bonds issued  
12 by the authority shall be payable solely out of the  
13 revenues and receipts derived from the lease or sale  
14 by the authority of its railway facilities or as may  
15 be designated in the proceedings of the commission  
16 under which the bonds shall be authorized to be issued  
17 by the commission, or derived from any loan agreement  
18 between the authority and the borrower with respect  
19 to railway facilities. The proceedings of the  
20 commission authorizing the issuance of the bonds shall  
21 provide for the manner of execution, delivery, form,  
22 terms, investment and disbursement of the proceeds,  
23 and security for the payment of the bonds. Any bonds  
24 of the authority may be sold at public or private  
25 sale at the price, in the manner and at the time as  
26 may be determined by the commission. Chapter seventy-  
27 five (75) and sections twenty-three point twelve  
28 (23.12) through twenty-three point sixteen (23.16)  
29 of the Code do not apply to bonds issued under sections  
30 seven (7) through twenty-one (21) of this Act. All  
31 bonds and interest coupons issued under sections seven  
32 (7) through twenty-one (21) of this Act are negotiable  
33 instruments.

34 Sec. 15. NEW SECTION. REFUNDING OF BONDS. Any  
35 bonds of the authority at any time outstanding may  
36 be refunded by the authority by the issuance of its  
37 refunding bonds in an amount as it deems necessary  
38 but not exceeding an amount sufficient to refund the  
39 principal of the bonds to be refunded, together with  
40 any unpaid interest premiums, commissions, service  
41 fees and other expenses necessary to be paid. Any  
42 refunding may be effected whether the bonds to be  
43 refunded have matured or shall mature, either by sale  
44 of the refunding bonds and the application of the  
45 proceeds for the payment of the bonds to be refunded,  
46 or by the exchange of the refunding bonds for the  
47 bonds to be refunded with the consent of the holders  
48 of the bonds to be refunded. Refunding may be made  
49 without regard to whether or not the bonds to be  
50 refunded were issued in connection with the same

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1 railway facility or separate railway facilities or  
2 for any other purpose, and without regard to whether  
3 or not the bonds proposed to be refunded shall be  
4 payable on the same date or different dates or due  
5 serially or otherwise.

6 **Sec. 16. NEW SECTION. SECURITY FOR BONDS.** The  
7 principal of and interest on any bonds issued by the  
8 authority shall be secured by a pledge of the revenues,  
9 rentals and receipts out of which the same shall be  
10 made payable and may be secured by a trust indenture,  
11 mortgage or deed of trust including assignment of  
12 leases or other contract rights of the authority,  
13 contract rights of the authority or any person, firm,  
14 corporation or other business entity acquiring, leasing  
15 or operating a railway facility under sections seven  
16 (7) through twenty-one (21) of this Act with third  
17 parties which may cover all or any part of the railway  
18 facilities for which the revenues, rentals or receipts  
19 pledged may be derived, including, but not limited to,  
20 any enlargements of and additions to any  
21 facilities.

22 Each such pledge shall continue effective until  
23 the principal and interest on the bonds shall have  
24 been fully paid or provision for the payment duly  
25 made.

26 **Sec. 17. NEW SECTION. PAYMENT OF BONDS —**  
27 **NONLIABILITY OF STATE.** Bonds issued under the  
28 provisions of sections seven (7) through twenty-one  
29 (21) of this Act shall not constitute a debt or  
30 liability of the state or of any political subdivision  
31 within the meaning of any constitutional or statutory  
32 debt limitation, but are special obligations of the  
33 authority payable solely and only from the sources  
34 provided in sections seven (7) through twenty-one  
35 (21) of this Act and the authority shall not pledge  
36 the credit or taxing power of the state or of any  
37 political subdivision other than the authority or  
38 make its debts payable out of any funds other than  
39 the funds provided for in sections seven (7) through  
40 twenty-one (21) of this Act. The issuance of bonds  
41 under the provisions of sections seven (7) through  
42 twenty-one (21) of this Act shall not, directly or  
43 indirectly, obligate the state or any political  
44 subdivision to levy any form of taxation or to make  
45 any appropriation for their payment. This section  
46 shall not prevent or be construed to prevent the  
47 authority from pledging its full faith and credit  
48 or the full faith and credit of a person, firm,  
49 corporation or other business entity acquiring, leasing  
50 or operating a railway facility under sections seven

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1 (7) through twenty-one (21) of this Act to the payment  
2 of bonds authorized pursuant to sections seven (7)  
3 through twenty-one (21) of this Act.

4 Sec. 18. NEW SECTION. AUTHORITY AS PUBLIC  
5 INSTRUMENTALITY. The authority is performing a public  
6 function in behalf of the state and is a public  
7 instrumentality of the state. Income of the authority  
8 and all properties owned by the authority shall be  
9 exempt from all taxation in the state of Iowa.  
10 Sections seven (7) through twenty-one (21) of this  
11 Act shall not be construed as exempting from taxation  
12 properties comprising railway facilities financed  
13 under any of the provisions of sections seven (7)  
14 through twenty-one (21) of this Act which are owned  
15 by persons or entities other than the authority.

16 Sec. 19. NEW SECTION. POWERS NOT RESTRICTED—  
17 LAW COMPLETE IN ITSELF. Sections seven (7) through  
18 twenty-one (21) of this Act shall not be construed  
19 as a restriction or limitation upon any powers which  
20 the authority might otherwise have under any laws  
21 of this state, but shall be construed as cumulative  
22 of any such powers. No proceedings, referendum,  
23 notice or approval shall be required for the creation  
24 of the authority or the issuance of any bonds or any  
25 instrument as security except as herein provided,  
26 any other law to the contrary notwithstanding;  
27 provided, that nothing herein shall be construed to  
28 deprive the state and its governmental subdivisions  
29 of their respective police powers over properties  
30 of the authority or to impair any power thereover  
31 of any official or agency of the state and its  
32 governmental subdivisions which may be otherwise  
33 provided by law.

34 Sec. 20. NEW SECTION. BONDS ELIGIBLE FOR  
35 INVESTMENT. The state and all counties, cities, and  
36 other municipal corporations, political subdivisions  
37 and public bodies, and public officers of any thereof,  
38 all banks, bankers, trust companies, savings banks  
39 and institutions, building and loan associations,  
40 savings and loan associations, investment companies,  
41 insurance companies and associations, and all  
42 executors, administrators, guardians, trustees and  
43 other fiduciaries may legally invest any sinking  
44 funds, moneys or other funds belonging to them or  
45 within their control in any bonds issued pursuant  
46 to sections seven (7) through twenty-one (21) of this  
47 Act.

48 Sec. 21. NEW SECTION. EXEMPTION FROM CONSTRUCTION  
49 AND BIDDING REQUIREMENTS FOR PUBLIC BUILDINGS. A  
50 railway facility is not subject to any requirements

## Page 8

- 1 relating to public buildings, structures, grounds,  
 2 works or improvements imposed by any other law, except:  
 3 as determined by the commission, or any other similar  
 4 requirements which may be lawfully waived by this  
 5 section and any requirement of competitive bidding  
 6 or other restriction imposed on the procedure for  
 7 awarding contracts for such purpose or the lease,  
 8 sale, or other disposition of property of the authority  
 9 is not applicable to any action taken under the  
 10 provisions of sections seven (7) through twenty-one  
 11 (21) of this Act."
- 12 2. Title page, line 3, by inserting after the  
 13 word "sidings" the words ", creating the Iowa railway  
 14 finance authority to aid in the construction,  
 15 renovation and repairing of railway facilities,  
 16 providing for the authority to issue revenue bonds".
- 17 3. Renumbering and correcting internal references  
 18 as are necessary.

LLOYD-JONES of Johnson  
 DAVITT of Warren

## H-5541

- 1 Amend House File 2560 as follows:  
 2 1. Page 7, line 13, by striking the word "Iowa"  
 3 and inserting in lieu thereof the words "Iowa Eldora".  
 4 2. Page 7, line 14, by striking the words "for  
 5 boys, the Iowa training school for girls" and inserting  
 6 in lieu thereof the words "~~for boys, the Iowa~~ Mitchelville  
 7 training school for girls"

SHIMANEK of Jones

## H-5542

- 1 Amend amendment H-5515 to House File 398 as  
 2 follows:  
 3 1. Page 1, by inserting after line 17 the  
 4 following new paragraph:  
 5 "The state department of transportation in  
 6 cooperation with the city of Sergeant Bluff shall  
 7 also construct an overpass within the corporate  
 8 limits of the city of Sergeant Bluff on Ogden  
 9 Avenue, west of the interchange with Interstate  
 10 Highway 29, where the street intersects with and is  
 11 crossed by the tracks of the Chicago and North-  
 12 western Railway to permit the unrestricted  
 13 movement of motor vehicles on Ogden Avenue. The

14 cost of the project shall be shared jointly by  
15 the city of Sergeant Bluff and the state department  
16 of transportation from funds appropriated  
17 by the general assembly meeting in the year 1980 from the  
18 primary road fund to the state department of  
19 transportation for highway construction."

O'KANE of Woodbury  
DOYLE of Woodbury

H-5543

1 Amend amendment H-5475 to House File 398 as  
2 follows:  
3 1. Page 1, by inserting after line 12 the  
4 following new paragraph:  
5 "The state department of transportation in  
6 cooperation with the city of Sergeant Bluff shall  
7 also construct an overpass within the corporate  
8 limits of the city of Sergeant Bluff on Ogden  
9 Avenue, west of the interchange with Interstate  
10 Highway 29, where the street intersects with and is  
11 crossed by the tracks of the Chicago and Northwestern  
12 Railway to permit the unrestricted movement of  
13 motor vehicles on Ogden Avenue. The cost of the  
14 project shall be shared jointly by the city of  
15 Sergeant Bluff and the state department of  
16 transportation from funds appropriated by the  
17 general assembly meeting in the year 1980 from the  
18 primary road fund to the state department of  
19 transportation for highway construction."

DOYLE of Woodbury  
O'KANE of Woodbury

H-5544

1 Amend amendment H-5483 to House File 398 as  
2 follows:  
3 1. Page 1, by inserting after line 16 the  
4 following new paragraph:  
5 "The state department of transportation in  
6 cooperation with the city of Sergeant Bluff shall  
7 also construct an overpass within the corporate  
8 limits of the city of Sergeant Bluff on Ogden  
9 Avenue, west of the interchange with Interstate  
10 Highway 29, where the street intersects with and is  
11 crossed by the tracks of the Chicago and Northwestern  
12 Railway to permit the unrestricted movement of  
13 motor vehicles on Ogden Avenue. The cost of the  
14 project shall be shared jointly by the city of

15 Sergeant Bluff and the state department of transpor-  
 16 tation from funds appropriated by the general  
 17 assembly meeting in the year 1980 from the  
 18 primary road fund to the state department of  
 19 transportation for highway construction."

DOYLE of Woodbury  
 O'KANE of Woodbury

H-5545

1 Amend amendment H-5504 to House File 398 as  
 2 follows:  
 3 1. Page 1, by inserting after line 3 the  
 4 following new section:  
 5 "Sec. . The state department of transportation in  
 6 cooperation with the city of Sergeant Bluff shall  
 7 also construct an overpass within the corporate  
 8 limits of the city of Sergeant Bluff on Ogden  
 9 Avenue, west of the interchange with Interstate  
 10 Highway 29, where the street intersects with and  
 11 is crossed by the tracks of the Chicago and  
 12 Northwestern Railway to permit the unrestricted  
 13 movement of motor vehicles on Ogden Avenue.  
 14 The cost of the project shall be shared jointly by  
 15 the city of Sergeant Bluff and the state  
 16 department of transportation from funds appropriated  
 17 by the general assembly meeting in the year  
 18 1980 from the primary road fund to the state  
 19 department of transportation for highway  
 20 construction."

O'KANE of Woodbury  
 DOYLE of Woodbury

H-5548

1 Amend House File 2560 as follows:  
 2 1. Page 26, by inserting after line 18 the  
 3 following:  
 4 "Sec. . Acts of the Sixty-eighth General  
 5 Assembly, 1979 Session, chapter eighty-three (83),  
 6 section three (3), is amended by striking the section  
 7 and inserting in lieu thereof the following:  
 8 Sec. 3. Chapter three hundred thirty-one (331),  
 9 Code 1979, is amended by adding the following new  
 10 section:  
 11 **NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS,**  
 12 **COMMITTEES AND COMMISSIONS.** Unless otherwise provided  
 13 by law, a county supervisor may serve concurrently  
 14 as a member of the board of supervisors and as a



15 member of any appointive board, commission or committee  
 16 of this state or a political subdivision of this  
 17 state."  
 18 2. By numbering and renumbering sections to conform  
 19 to this amendment.

DANKER of Pottawattamie  
 ANDERSON of Audubon  
 SHIMANEK of Jones

H-5550

1 Amend Senate File 2090 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, line 18, by inserting after the word  
 4 "claimant." the following: "However, if the claimant  
 5 is a person whose property taxes have been suspended  
 6 under sections four hundred twenty-seven point eight  
 7 (427.8) and four hundred twenty-seven point nine  
 8 (427.9) of the Code, "property taxes due" means  
 9 property taxes including any special assessments,  
 10 but exclusive of delinquent interest and charges for  
 11 services, due on a claimant's homestead in this state,  
 12 but includes only property taxes for which the claimant  
 13 is liable and which would have to be paid by the  
 14 claimant if the payment of the taxes have not been  
 15 suspended pursuant to sections four hundred twenty-  
 16 seven point eight (427.8) and four hundred twenty-  
 17 seven point nine (427.9) of the Code."  
 18 2. Page 2, line 31, by striking the words "the  
 19 age of" and inserting in lieu thereof the words "the  
 20 age of".  
 21 3. Page 3, by inserting after line 8 the follow-  
 22 ing:  
 23 "Sec. . Section four hundred twenty-seven point  
 24 nine (427.9), Code 1979, is amended to read as follows:  
 25 427.9 SUSPENSION OF TAXES. Whenever a person  
 26 is a recipient of federal supplementary security  
 27 income or state supplementary assistance, as defined  
 28 in section 249.1, or is a resident of a health care  
 29 facility, as defined by section 135C.1, which is  
 30 receiving payment from the department of social  
 31 services for his or her care, ~~such~~ the person shall  
 32 be deemed to be unable to contribute to the public  
 33 revenue. The commissioner of social services shall  
 34 thereupon notify the board of supervisors, of the  
 35 county in which ~~such~~ the assisted person owns property,  
 36 of the ~~aforsaid~~ fact, giving a statement of property,  
 37 real and personal, owned, possessed, or upon which  
 38 said the person is paying taxes as a purchaser under  
 39 contract. ~~It shall then be the duty of the~~ The board

40 of supervisors so notified, without the filing of  
 41 a petition and statement as specified in section  
 42 427.8, ~~to shall~~ order the county treasurer to suspend  
 43 the collection of all the taxes assessed against ~~said~~  
 44 the property and remaining unpaid by ~~such~~ the person  
 45 or contractually payable by ~~him~~ the person, for such  
 46 time as ~~such~~ the person shall remain remains the owner  
 47 or contractually prospective owner of ~~such~~ the  
 48 property, and during the period ~~such~~ the person  
 49 receives assistance as described in this section.  
 50 The commissioner of social services shall advise the

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1 person that the person may apply for an additional  
 2 property tax credit pursuant to section four hundred  
 3 twenty-five point sixteen (425.16) through four hundred  
 4 twenty-five point thirty-nine (425.39) of the Code  
 5 which shall be credited against the amount of the  
 6 property taxes suspended."  
 7 4. Title page, line 8, by inserting after the  
 8 word "Code" the words "and relating to an additional  
 9 property tax credit".  
 10 5. Renumber as required.

NORLAND of Worth

H-5551

1 Amend the amendment, H-5515, to House File  
 2 398 as follows:  
 3 1. Page 1, line 5, by striking the words  
 4 "Mason City", and by inserting in lieu thereof  
 5 the word "Muscatine".  
 6 2. Page 1, line 7, by striking the words  
 7 "Mason City on twelfth street northwest", and by  
 8 inserting in lieu thereof the words "Muscatine on  
 9 Oregon street".  
 10 3. Page 1, line 9, by striking the words  
 11 "and Northwestern Railway" and by inserting in  
 12 lieu thereof the words ", Rock Island and Pacific  
 13 railroad company".  
 14 4. Page 1, line 11, by striking the words  
 15 "twelfth street northwest", and by inserting in  
 16 lieu thereof the words "Oregon street".

CONLON of Muscatine

H—5553

1 Amend House File 398 as follows:  
 2 1. Page 1, by inserting after line 11 the  
 3 following:  
 4 "Sec. . The city of Middletown may in its  
 5 discretion establish by ordinance a speed limit of  
 6 thirty miles per hour for any portions of United  
 7 States highway thirty-four lying within its city  
 8 limits. The speed limit shall not be subject to  
 9 approval or alteration by the state department of  
 10 transportation."

SPEAR of Lee

H—5560

1 Amend Senate File 455, as passed by the Senate,  
 2 as follows:  
 3 1. Page 1, line 19, by inserting after the word  
 4 "programs" the words "and may operate or provide  
 5 for the operation of school breakfast programs,".  
 6 2. Page 1, line 20, by striking the word "School"  
 7 and inserting in lieu thereof the words "However,  
 8 school".

SPEAR of Lee

H—5561

1 Amend House File 2513 as follows:  
 2 1. Page 2, line 11, by inserting after the word  
 3 "members" the words "which shall not take effect  
 4 until they have been submitted to and adopted by the  
 5 auditor as rules pursuant to chapter seventeen A (17A)  
 6 of the Code".  
 7 2. Page 3, by striking lines 21 through 26 and  
 8 inserting in lieu thereof the following:  
 9 "Sec. 6. NEW SECTION. RULES OF AUDITOR. The  
 10 auditor".  
 11 3. Page 13, line 10, by inserting after the word  
 12 "Iowa" the words "; however thrift certificates are  
 13 not guaranteed by the state of Iowa".  
 14 4. Page 15, by inserting after line 19 the  
 15 following:  
 16 "Sec. . NEW SECTION. LIABILITIES. The state  
 17 of Iowa is not liable for any actions or omissions  
 18 of the auditor in administering the Iowa industrial  
 19 loan corporation thrift guaranty Act. Members of  
 20 the guaranty corporation shall be liable for losses  
 21 incurred as a result of such actions or omissions.

22 The guaranty corporation shall defend the auditor  
 23 of state and employees of the auditor against any  
 24 action commenced against any of them individually  
 25 as a result of acts or omissions arising from the  
 26 administration of the Act, and shall indemnify and  
 27 hold them harmless for any losses caused by such acts  
 28 or omissions."

29 5. By renumbering sections and correcting internal  
 30 references.

WELSH of Dubuque

H—5566

1 Amend House File 2485 as follows:

2 1. Page 1, line 22, by striking the words "a  
 3 majority" and inserting in lieu thereof the following:  
 4 "a majority sixty percent".

5 2. Page 1, line 27, by inserting after the period the  
 6 following: "Assessment of a producer shall be made  
 7 only if the producer signs an agreement for the  
 8 assessment."

9 3. Page 2, line 5, by striking the words "a  
 10 majority" and inserting in lieu thereof the following:  
 11 "a majority sixty percent".

12 4. Page 2, line 10, by inserting after the period  
 13 the following: "Assessment of a producer shall be  
 14 made only if the producer signs an agreement for the  
 15 assessment."

MILLER of Buchanan

H—5567

1 Amend House File 2528 as follows:-

2 1. Page 1, line 16, by inserting after the word  
 3 "department" the words "and the price offered by the  
 4 department for the property".

SPEAR of Lee

H—5568

1 Amend House File 2528 as follows:

2 1. Page 1, line 28, by inserting after the word  
 3 "bidder" the words "unless all bids are rejected".

SPEAR of Lee

H—5572

1 Amend House File 2560 as follows:

2 1. Page 1, by inserting after line 9, the following  
3 new sections:

4 "Sec. . Section fourteen point ten (14.10),  
5 subsection four (4), Code 1979, is amended by striking  
6 the subsection and inserting in lieu thereof the  
7 following:

8 4. A list of elective state officers and deputies,  
9 supreme court justices and appellate court judges  
10 and members of the general assembly shall be published  
11 annually with the session laws.

12 Sec. . Chapter fourteen (14), Code 1979, is  
13 amended by adding the following new section:

14 **NEW SECTION. STATE ROSTER PAMPHLET.** The Code  
15 editor shall publish annually in pamphlet form a  
16 correct list of state officers and deputies, members  
17 of boards and commissions, judges of the supreme,  
18 appellate and district courts including district  
19 associate judges, judicial magistrates and members  
20 of the general assembly. The offices of the governor  
21 and secretary of state shall cooperate in the prepara-  
22 tion of the list. This pamphlet shall be published  
23 as soon after July first as it becomes apparent that  
24 it will be reasonably current."

25 2. Page 2, by inserting after line 3 the following  
26 new section:

27 "Sec. . Section eighteen point ninety-seven  
28 (18.97), unnumbered paragraph one (1), Code 1979,  
29 is amended to read as follows:

30 The superintendent of printing shall make free  
31 distribution of the Code, supplements to the Code,  
32 rules of civil procedure, rules of appellate procedure,  
33 supreme court rules, the Acts of each general assembly,  
34 and, upon request, the Iowa administrative code, its  
35 supplements, ~~and~~ the Iowa administrative bulletin  
36 and the state roster pamphlet as follows:"

37 3. Page 26, by inserting after line 9 the following  
38 new section:

39 "Sec. . Acts of the Sixty-eighth General  
40 Assembly, 1979 Session, chapter three (3), section  
41 ten (10), subsection one (1), paragraph e, is amended  
42 to read as follows:

43 e. **PRINTING DIVISION.**

44 For salaries and support  
45 of not more than six  
46 full-time equivalent  
47 positions, and maintenance,  
48 and miscellaneous purposes.  
49 It is the intent of the  
50 general assembly and a

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1 condition of this  
 2 appropriation that a  
 3 complete listing of  
 4 state boards, commissions,  
 5 and agencies, in addition  
 6 to those required by  
 7 subsection four (4) of section  
 8 fourteen point ten (14.10)  
 9 of the Code, be inserted  
 10 in the session laws.....\$122,038           \$184,001"

SHIMANEK of Jones

H--5579

1 . Amend Senate File 455, as passed by the Senate,  
 2 as follows:  
 3 1. Page 1, line 27, by striking the word "rules,"  
 4 and inserting in lieu thereof the word "rules..".  
 5 2. Page 1, line 28, by striking the word "and"  
 6 and inserting in lieu thereof the words "The school  
 7 lunch program".  
 8 3. Page 1, line 28, by inserting after the word  
 9 "district" the words "and the school breakfast program  
 10 shall be available to students in a school in which  
 11 a school breakfast program is operated or provided  
 12 for".  
 13 4. Page 1, line 29, by striking the word "who"  
 14 and inserting in lieu thereof the words "who if the  
 15 students".  
 16 5. Page 1, by striking lines 30 and 31 and  
 17 inserting in lieu thereof the words "and wish to  
 18 participate in a school lunch program, and school  
 19 either or both programs. School districts".  
 20 6. Page 1, line 32, by striking the words "such  
 21 programs for other students" and inserting in lieu  
 22 thereof the words "such programs for other students  
 23 either or both programs to students attending school  
 24 fewer than four hours each school day".  
 25 7. Page 1, line 33, by striking the words "this  
 26 purpose" and inserting in lieu thereof the words  
 27 "these programs".  
 28 8. Page 1, line 33, by striking the word "them"  
 29 and inserting in lieu thereof the words "the  
 30 districts".

SPEAR of Lee

H-5581

- 1 Amend Senate File 314 as follows:
- 2 1. Page 1, line 15, by inserting after the
- 3 word "department" the words "and the price offered
- 4 by the department for the property".

SPEAR of Lee

H-5582

- 1 Amend Senate File 314 as follows:
- 2 1. Page 1, line 27, by inserting after the
- 3 word "bidder" the words "unless all bids are rejected".

SPEAR of Lee

H-5584

- 1 Amend Senate File 360 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "court." the words "A person who participates in a
- 4 drug treatment, rehabilitation or education program
- 5 shall pay the costs of his or her participation in
- 6 the program. Arrangements may be made for monthly
- 7 payments of the costs."

TYRRELL of Iowa  
JOHNSON of Howard

H-5587

- 1 Amend Senate File 455, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, by inserting after line 1 the following:
- 4 "The rules of the department of public instruction
- 5 shall prohibit boards of school districts from allowing
- 6 school buses to travel additional miles in order for
- 7 children to participate in school breakfast programs
- 8 before the school day begins."

JOHNSON of Woodbury  
CRABB of Crawford  
LAGESCHULTE of Bremer  
LURA of Marshall  
DANKER of Pottawattamie  
HOLT of Clay  
POPE of Polk  
MAULSBY of Calhoun  
TYRRELL of Iowa

MENKE of O'Brien  
PELLETT of Cass  
ANDERSON of Audubon  
RENKEN of Grundy  
BENNETT of Ida  
SCHNEKLOTH of Scott  
LORENZEN of Scott  
BRANSTAD of Winnebago

H—5588

1 Amend House File 2531 as follows:

2 1. Page 2, by adding after line 17 the following  
3 new sections:

4 "Sec. 3. NEW SECTION. SMALL BUSINESS ENERGY  
5 CONSUMER COUNSEL.

6 1. There is created the office of the small  
7 business energy consumer counsel. The administrative  
8 head of the office shall be the small business energy  
9 consumer counsel. The counsel should be appointed  
10 by and serve at the pleasure of the legislative  
11 council. The counsel shall employ and supervise  
12 employees of the office in the positions and at the  
13 salaries authorized by the legislative council. The  
14 counsel shall establish the policies for the operation  
15 of the office subject to the approval of the  
16 legislative council. The office of the small business  
17 energy consumer counsel is attached administratively  
18 to the office of the citizens' aide.

19 2. The counsel shall not engage in a business  
20 or have other interests inconsistent with the  
21 responsibilities of the office. The counsel shall  
22 not seek or accept employment from or provide services  
23 for compensation for a public utility providing  
24 commercial gas and electric services or the Iowa state  
25 commerce commission while servicing as counsel or  
26 for two years afterwards. The counsel shall not seek  
27 or accept election or employment to a political office  
28 while serving as counsel. The employees of the office  
29 shall not engage in a business or render services  
30 that may conflict with the responsibilities of the  
31 office.

32 3. The counsel shall serve as an advocate for  
33 consumers of commercial gas and electric utility  
34 services in proceedings before the Iowa state commerce  
35 commission as provided in section four (4) of this  
36 Act.

37 4. There is appropriated from the general fund  
38 of the state to the office of the citizens' aide for  
39 the fiscal period commencing with the effective date  
40 of this Act the sum of one hundred thousand (100,000)  
41 dollars, or so much thereof as may be necessary, to  
42 be used for accomplishing the purposes set forth in  
43 this section.

44 Sec. 4. Chapter four hundred seventy-six (476),  
45 Code 1979, is amended by adding the following new  
46 section:

47 NEW SECTION. SMALL BUSINESS ENERGY CONSUMER  
48 COUNSEL.

49 1. The small business energy consumer counsel  
50 appointed under section three (3) of this Act is a



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1 proper party, on behalf of consumers of commercial  
 2 gas and electric utility services to any proceeding  
 3 before the commission which actually or potentially  
 4 involves or affects rates and charges for commercial  
 5 gas and electric utility services, including but not  
 6 limited to proceedings under this chapter and chapters  
 7 four hundred seventy-six A (476A), four hundred  
 8 seventy-eight (478) and four hundred seventy-nine  
 9 (479) of the Code. The commission shall provide by  
 10 rule for the service of written notice to the small  
 11 business energy consumer counsel when any of these  
 12 proceedings are initiated. Upon entering an appearance  
 13 in a proceeding, the small business energy consumer  
 14 counsel shall have the same rights and privileges  
 15 as a public utility which is a party to the proceeding.  
 16 The small business energy consumer counsel is a proper  
 17 party to seek judicial review of a proceeding in which  
 18 the counsel has appeared."

19 2. Page 2, by striking line 21 and inserting in  
 20 lieu thereof the following: "in section two (2) or  
 21 four (4) of this Act or the rules and regulations".

22 3. Amend the title, by striking lines 1 through  
 23 3 and inserting in lieu thereof the following: "An  
 24 Act creating offices of residential and small business  
 25 energy consumer counsels, specifying their powers  
 26 and duties, and providing an appropriation."

27 4. By renumbering the remaining sections.

PELLETT of Cass  
 DANKER of Pottawattamie  
 LIND of Black Hawk

H-5589

1 Amend House File 2523 as follows:

2 1. Page 1, by inserting after line 20 the  
 3 following:

4 "Sec. . Chapter two hundred ninety-seven  
 5 (297), Code 1979, is amended by adding the following  
 6 new section:

7 **NEW SECTION. SECRETARY'S BALANCE.** The board of  
 8 directors of a school district may expend funds from  
 9 the district's unexpended cash balance for the purposes  
 10 for which funds from the levy authorized in section  
 11 two hundred ninety-seven point five (297.5) of the  
 12 Code may be used. Funds used from the district's  
 13 unexpended cash balance are miscellaneous income for  
 14 the purpose of chapter four hundred forty-two (442)  
 15 of the Code."

16 2. Amend the title, line 3, by inserting after  
 17 the word "Code" the words "and to expend funds from  
 18 the unexpended balance for the purchase and improvement  
 19 of sites and".

JOHNSON of Woodbury

H-5592

1 Amend amendment H-5513 to House File 2527 as follows:  
 2 1. By striking lines 2 through 5 and inserting in  
 3 lieu thereof the following:  
 4 "1. Page 5, by adding after line 7 the following:  
 5 "Sec. . Acts of the Sixty-eighth General Assembly,  
 6 1979 Session, chapter sixteen (16), section nine (9), is  
 7 amended to read as follows:  
 8 **NEW SECTION. LOCAL MATCH.** Funds appropriated to the  
 9 commission from the general fund for the elderly care pro-  
 10 gram shall only be awarded and distributed to local  
 11 projects which ~~match each state dollar with two dollars~~  
 12 ~~of local funds provide significant local matching effort~~  
 13 ~~either in cash or in equivalent support.~~ Funds appropriated  
 14 to the commission from the general fund for the elderly  
 15 care program shall only be used to establish new projects  
 16 or to expand existing programs and shall not be used to  
 17 replace funds in existing programs or to free funds for  
 18 other state supported services. The interagency coordinating  
 19 committee may waive or modify the local match requirements  
 20 of this section in accordance with rules promulgated by  
 21 the commission." "

CUSACK of Scott

H-5595

1 Amend House File 759 as follows:  
 2 1. Page 2, by inserting after line 7 the follow-  
 3 ing:  
 4 "Where sales or use taxes have been paid on  
 5 purchases of tangible personal property qualifying  
 6 for refund under this subsection by any contractor  
 7 who is obligated to pay the tax under section four  
 8 hundred twenty-two point forty-two (422.42), subsection  
 9 nine (9), of the Code or chapter four hundred twenty-  
 10 three (423) of the Code, and upon which sales or use  
 11 tax has been paid, in the fulfillment of a contract,  
 12 the contractor shall state under oath on forms provided  
 13 by the department or on forms approved by the

14 department, a description of the tangible personal  
 15 property and the amount of sales or use tax which  
 16 has been paid on the tangible personal property.  
 17 The forms shall be filed by the contractor with the  
 18 person for whom the contract was performed by the  
 19 contractor prior to final settlement on the contract.  
 20 The person for whom the contract was performed shall  
 21 be entitled to the refund of any sales and use taxes  
 22 paid by the contractor and shall file the forms,  
 23 accompanied by an application for refund, with the  
 24 department to claim the refund. Any contractor who  
 25 willfully files a false report of sales and use tax  
 26 paid shall, upon conviction, be guilty of a simple  
 27 misdemeanor and shall also be liable for the payment  
 28 of any taxes due, including penalty and interest."

SCHNEKLOTH of Scott

H-5597

1 Amend House File 2529 as follows:  
 2 1. Page 3, by striking lines 30 and 31 and  
 3 inserting in lieu thereof the words "premises of  
 4 such the manufacturer."

SPEAR of Lee

H-5599

1 Amend House File 2558 as follows:  
 2 1. Page 3, by striking lines 32 and 33 and  
 3 inserting in lieu thereof the following:  
 4 "a. Three residents of the county who are actively  
 5 engaged in actual farming operations appointed by  
 6 and, to the extent possible, from the district soil  
 7 conservation commissioners."  
 8 2. Page 3, by striking lines 34 and 35 and  
 9 inserting in lieu thereof the following:  
 10 "b. Three residents of the county who are actively  
 11 engaged in actual farming operations appointed by  
 12 and, to the extent possible, from the county board  
 13 of supervisors."

ANDERSON of Audubon  
 MAULSBY of Calhoun  
 OXLEY of Linn  
 DANKER of Pottawattamie  
 RENKEN of Grundy  
 HUSAK of Tama  
 BRANSTAD of Winnebago  
 STROMER of Hancock

H-5602

- 1 Amend House File 2393 as follows:
- 2 1. Page 1, by inserting after line 6 the following:
- 3 "Sec. This Act, being deemed of immediate
- 4 importance, shall take effect from and after its
- 5 publication in The Iowegian & Citizen, a newspaper
- 6 published in Centerville, Iowa, and in The Sioux City
- 7 Journal, a newspaper published in Sioux City, Iowa."
- 8 2. Number as necessary.

JAY of Appanoose

H-5603

- 1 Amend House File 2560 as follows:
- 2 1. On Page 20, line 24, by inserting after the
- 3 word "empty" the words "or full".

LIND of Black Hawk

H-5606

- 1 Amend House File 2514 as follows:
- 2 1. Page 2, by inserting after line 11 the
- 3 following:
- 4 "Sec. **NEW SECTION.** A practitioner who
- 5 dispenses prescription drugs in the course of his
- 6 or her practice shall obtain a drug control license
- 7 from the board of pharmacy examiners. The fee for
- 8 a drug control license shall be the same as the license
- 9 fee paid by a licensed retail pharmacy."

COCHRAN of Webster

H-5608

- 1 Amend House File 2561, as follows:
- 2 1. On Page 2, by striking lines 12 and 13 and
- 3 inserting in lieu thereof the words "state soil
- 4 conservation committee, for a period of ten years
- 5 after the date of receiving payment the landowner
- 6 shall".

COCHRAN of Webster

H-5614

- 1 Amend Senate File 360 as follows:
- 2 1. Page 1, line 12, by striking out the following:
- 3 "and second".
- 4 2. Page 1, line 15, by striking out the word
- 5 "third" and inserting in lieu thereof the word "second".

JOHNSON of Howard  
RENKEN of Grundy  
TYRRELL of Iowa

H-5615

- 1 Amend House File 2544 as follows:
- 2 1. Page 1, line 13, by striking the words
- 3 "engage in", and by inserting in lieu thereof the
- 4 word "solicit".
- 5 2. Page 3, line 8, by striking the words
- 6 "engages in", and by inserting in lieu thereof the
- 7 word "solicits".

CONLON of Muscatine  
McKEAN of Jones

H-5620

- 1 Amend House File 2560 as follows:
- 2 1. Page 13, by inserting after line 22 the
- 3 following new section:
- 4 "Sec. . Section three hundred twenty-seven
- 5 G point one (327G.1), Code 1979, is amended to read
- 6 as follows:
- 7 327G.1 DEFINITION. As used in this division,
- 8 unless the context otherwise requires, the term
- 9 "department" means the state department of
- 10 transportation and "board" means the transportation
- 11 regulation board."
- 12 2. Renumber sections and correct internal
- 13 references as are necessary in accordance with this
- 14 amendment.

SCHNEKLOTH of Scott

H-5622

- 1 Amend amendment H-5503 to Senate File 2273 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 40, by inserting before the
- 5 word "and" the words "by the agency".

CRAWFORD of Story  
WELDEN of Hardin

H-5627

- 1 Amend House File 2558 as follows:
- 2 1. Page 7, line 15, by striking the words
- 3 "and approval".

MENKE of O'Brien

H-5628

1 Amend House File 2561 as follows:

2 1. Page 5, line 28, by striking the words and  
3 figure "Code 1979, is" and inserting in lieu thereof  
4 the words and figures "and subsection one (1), Code  
5 1979, are".

6 2. Page 6, by inserting after line 8 the following:

7 "1. Classify land in the district on the basis  
8 of topography, soil characteristics, current use,  
9 and other factors affecting propensity to soil erosion.  
10 On the basis of those factors, and of guidelines drawn  
11 up by the state soil conservation committee, the  
12 commissioners may classify as land not suitable for  
13 cultivation any agricultural land which has a high  
14 propensity for erosion due to either wind or runoff  
15 of surface water if existing cover vegetation is  
16 removed, regardless of whether soil and water  
17 conservation practices are applied. The rules of  
18 the district commissioners shall prohibit plowing  
19 of land classified not suitable for cultivation, or  
20 use of such land for growing row crops."

21 3. Page 10, by striking lines 23 and 24 and  
22 inserting in lieu thereof the following:

23 "2. State cost-sharing funds shall not be made  
24 available:

25 a. For use on a farm unit with respect to which  
26 no conservation".

27 4. Page 10, by inserting after line 31 the  
28 following:

29 "b. To pay any part of the cost of establishing  
30 temporary or permanent soil and water conservation  
31 practices on land which has been designated as land  
32 not suitable for cultivation, by the commissioners  
33 of the soil conservation district within which that  
34 land is located acting under section four hundred  
35 sixty-seven A point forty-four (467A.44), subsection  
36 one (1), of the Code as amended by section seven (7)  
37 of this Act, and has thereafter been plowed or used  
38 for growing row crops. The provisions of section  
39 four hundred sixty-seven A point forty-eight (467A.48)  
40 of the Code shall not apply in any case where an  
41 administrative order or court order has been issued  
42 under this chapter requiring that temporary or  
43 permanent soil and water conservation practices be  
44 established on land which has been plowed or used  
45 for growing row crops after the land has been  
46 designated as land not suitable for cultivation.  
47 However, the restriction imposed by this paragraph  
48 may be waived by the commissioners of the soil  
49 conservation district in which the land is located,  
50 with approval of the state soil conservation committee,

Page 2

1 when it is deemed in the public interest to do so."

H—5631

1 Amend House File 2531 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. DEFINITIONS. As used  
5 in this Act unless the context otherwise requires:

6 1. "Commission" means the Iowa state commerce  
7 commission.

8 2. "Public utility" means a public utility as  
9 defined in section four hundred seventy-six point  
10 one (476.1) of the Code.

11 3. "Consumer" means a person who is or may be  
12 a direct user or the recipient of private residential  
13 services provided by a public utility.

14 Sec. 2. NEW SECTION. OFFICE ESTABLISHED. The  
15 division of consumer advocacy is established within  
16 the office of the attorney general.

17 Sec. 3. NEW SECTION. CONSUMER ADVOCATE APPOINTED.

18 1. The attorney general shall appoint the consumer  
19 advocate. The consumer advocate must be an attorney  
20 licensed to practice law in this state and must be  
21 qualified by training or experience to perform the  
22 duties of the office. Compensation for the position  
23 shall be set by the general assembly.

24 2. The consumer advocate, while serving in such  
25 capacity shall not engage in a business, vocation,  
26 or other employment, or have other interests  
27 inconsistent with the responsibilities of the office.  
28 The consumer advocate shall not seek or accept  
29 employment with or render beneficial services for  
30 compensation to a public utility or the commission  
31 during the tenure of office and for two years after  
32 employment as consumer advocate is terminated.

33 3. The consumer advocate shall not seek election  
34 or accept appointment to a political office during  
35 employment as consumer advocate.

36 Sec. 4. NEW SECTION. STAFF. The consumer advocate  
37 may appoint assistant consumer advocates who shall  
38 be attorneys-at-law and may appoint clerical, technical  
39 and professional staff as necessary to discharge the  
40 duties of the office. The consumer advocate may  
41 contract for additional services as necessary. The  
42 assistant consumer advocates and clerical staff are  
43 subject to chapter nineteen A (19A) of the Code.  
44 Technical and professional staff are exempt from  
45 chapter nineteen A (19A) of the Code and shall receive  
46 compensation comparable to that paid to persons in  
47 similar positions in private industry. Employees  
48 of the consumer advocate shall not engage in a  
49 business, vocation, or employment or render services  
50 that may conflict with their official responsibilities.

## Page 2

1     Sec. 5. NEW SECTION. DUTIES.

2     1. The consumer advocate shall provide legal  
3 representation to consumers in the state in proceedings  
4 and investigations relating to public utilities before  
5 the commission, other state agencies, federal agencies  
6 and state and federal courts. The consumer advocate  
7 has powers as necessary to carry out the duties of  
8 the office, including but not limited to the power  
9 to:

10     a. Recommend to the commission by petition the  
11 commencement of a proceeding or action or to appear,  
12 as a party, in the name of the citizens of this state  
13 in a proceeding or action before the commission and  
14 to advocate a position deemed to be in the interest  
15 of consumers of this state, whether consistent or  
16 inconsistent with positions previously adopted by  
17 the commission.

18     b. Investigate complaints made to the commission  
19 by a consumer and to initiate proceedings or other  
20 action on behalf of the consumer.

21     c. Have access to and use of all files, records,  
22 and data of the commission or collected by the  
23 commission relating to proceedings, investigations  
24 or other activities before the commission or conducted  
25 by the commission.

26     d. Seek review of a determination, finding, or  
27 order of the commission or of a hearing officer  
28 designated by the commission, in the name of the  
29 citizens of this state.

30     e. Prepare and issue reports and recommendations,  
31 to propose orders to the commission, the governor,  
32 and the general assembly on a matter or subject within  
33 the jurisdiction of the commission and to make  
34 recommendations for legislation relating to commission  
35 procedures, rules, jurisdiction, personnel and  
36 functions.

37     f. Appear in the name of the consumer advocate  
38 or the public before other state agencies, federal  
39 agencies and in state and federal courts in connection  
40 with matters involving public utilities.

41     g. Meet and confer with consumers and consumer  
42 groups.

43     2. To assist the consumer advocate in carrying  
44 out the powers under this section, the complaint  
45 officer of the commission shall forward to the office  
46 of the consumer advocate a copy of all complaints,  
47 petitions and applications filed with the commission,  
48 including but not limited to petitions, applications  
49 or complaints from a public utility, immediately upon  
50 their receipt.



## Page 3

1 3. In addition to other authority conferred upon  
2 the consumer advocate by this Act the consumer advocate  
3 may represent an interest of concern to consumers  
4 upon written request as provided in this subsection.  
5 The request shall be in the form of a petition signed  
6 by twenty-five consumers and shall state the interest  
7 of concern. The request shall designate at least  
8 two of the signatories as principal sponsors of the  
9 petition. The consumer advocate shall notify the  
10 principal sponsors of the petition within a reasonable  
11 time after receipt of the petition of action taken  
12 or intended to be taken by the office on the petition.  
13 If the consumer advocate declines or is unable to  
14 represent the interest, the consumer advocate shall  
15 so notify the principal sponsors and shall state the  
16 reasons.

17 4. The consumer advocate may proceed in the name  
18 of the office, an individual consumer or group of  
19 consumers or may join with the individual consumer  
20 or group of consumers in initiating a proceeding.

21 Sec. 6. NEW SECTION. FUNDS. The salaries and  
22 expenses of the division of consumer advocacy shall  
23 be paid from appropriations of the general assembly  
24 and any federal funds received for that purpose.  
25 For purposes of 42 U.S.C. s. 6805 (1979) the division  
26 of consumer advocacy is the office in the state  
27 responsible for assisting consumers in presentations  
28 before the Iowa state commerce commission and shall  
29 be the recipient of any federal funds available to  
30 the state to implement that section."

31 2. Amend the title, by striking lines 1 through  
32 3 and inserting in lieu thereof the following: "An  
33 Act creating the division of consumer advocacy in  
34 the office of attorney general and prescribing its  
35 powers and duties."

HULLINGER of Decatur

H-5632

1 Amend House File 2514 as follows:

2 1. On Page 1, by striking lines 4 through 8 and  
3 inserting in lieu thereof the following:

4 "Sec. 2. NEW SECTION. As used in this title,  
5 "dispense" means to deliver a prescription drug or  
6 a controlled substance to an ultimate user or  
7 research subject by or pursuant to the lawful order  
8 of a practitioner, including the prescribing,  
9 administering, packaging, labeling, or compounding

10 necessary to prepare the substance for that delivery,  
 11 in accordance with rules promulgated by the respective  
 12 examining boards for persons licensed by them or  
 13 approved pursuant to Chapter 148B of the Code.  
 14 "Dispense" also includes the dispensing of pre-  
 15 scription drugs or controlled substances by a  
 16 nurse, physician's assistant or other qualified  
 17 assistant acting under the supervision of a  
 18 practitioner in accordance with the rules adopted  
 19 by the examining board licensing the practitioner,  
 20 any other provision of law to the contrary  
 21 notwithstanding."

GROTH of Buena Vista

H-5634

1 Amend House File 2514 as follows:  
 2 1. On Page 1, by striking lines 4 through 8 and  
 3 inserting in lieu thereof the following:  
 4 "Sec. 2. NEW SECTION. As used in this title,  
 5 "dispense" means to deliver a prescription drug or  
 6 a controlled substance to an ultimate user or  
 7 research subject by or pursuant to the lawful order  
 8 of a practitioner, including the packaging, labeling,  
 9 or compounding necessary to prepare the substance for that  
 10 delivery, in accordance with rules promulgated by the  
 11 respective examining boards for persons licensed by  
 12 them or approved pursuant to Chapter 148B of the  
 13 Code.

KIRKENSLAGER of Des Moines

H-5636

1 Amend Senate File 2194 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 25, by striking the figures  
 4 "~~1979~~ 1980" and inserting in lieu thereof the figure  
 5 "1979".  
 6 2. Page 1, lines 26 and 27, by striking the  
 7 figures "~~1979~~ 1980" and inserting in lieu thereof  
 8 the figure "1979".

SHIMANEK of Jones  
 COREY of Louisa

H-5637

1 Amend Senate File 2090 as follows:

2 1. Page 3, by inserting after line 8 the following  
3 new section:

4 "Sec. . . Section four hundred twenty-five point  
5 twenty (425.20) is amended by striking the section and  
6 inserting in lieu thereof the following:

7 425.20 FILING DATE. A claim for credit for property  
8 taxes due shall not be paid or allowed unless the claim  
9 is actually filed with the county treasurer between  
10 January 1 and July 1 immediately preceding the fiscal  
11 year in which the taxes are payable and contains an  
12 affidavit of the claimant's intent to occupy the home-  
13 stead for six months or more during the fiscal year  
14 for which the claim is filed. The county treasurer  
15 shall submit the claim to the director of revenue on  
16 or before October fifteenth of each year.

17 In case of sickness, absence, or other disability  
18 of the claimant or if, in the judgment of the director  
19 of revenue, good cause exists and the claimant requests  
20 an extension prior to July 1, the director may extend  
21 the time for filing a claim for reimbursement or credit  
22 for a period not to exceed two months.

DE GROOT of Lyon

H-5638

1 Amend House File 2560 as follows:

2 1. Page 26, by inserting the following after  
3 line 18:

4 "Sec. . . Acts of the Sixty-eighth General  
5 Assembly, 1979 Session, Chapter thirty-five (35),  
6 Section four (4), numbered paragraph one (1), line  
7 one (1), is amended to read as follows:

8 "A member who is an employee of the state and  
9 not an active member of any other retirement system  
10 in the state which is maintained in whole or in part  
11 by public contributions may remain in service beyond  
12 the date the member attains the age of sixty-five.  
13 The employee shall retire on the first day of the  
14 month after the last day of service. The employer  
15 shall not consider age as a factor in determining  
16 the continuation of the member's service."

SHIMANEK of Jones

H—5641

- 1 Amend Senate File 314 as follows:  
 2 1. Page 1, line 27, by inserting after the  
 3 word "highest" the word "responsible".

SPEAR of Lee

H—5642

- 1 Amend Senate File 314 as follows:  
 2 1. Page 1, line 27, by inserting after the  
 3 word "by" the word "sealed".  
 4 2. Page 1, line 29, by inserting after the  
 5 word "sale" the words "by sealed bids".

SPEAR of Lee

H—5653

- 1 Amend H. F. 2550 as follows:  
 2 1. Page 1, lines 29 and 30, by striking the word  
 3 "rate-regulated" and inserting in lieu thereof the  
 4 words "rate and service-regulated".  
 5 2. Page 2, line 6, by striking the word "rate-  
 6 regulated" and inserting in lieu thereof the words  
 7 "rate and service-regulated".

POPE of Polk  
 SCHROEDER of Pottawattamie

H—5654

- 1 Amend Senate File 314, as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by inserting after the period in line 29  
 4 the following: "The provisions of this subsection do  
 5 not apply to property acquired by the county by virtue  
 6 of a tax deed and sold by the county pursuant to section  
 7 five hundred sixty-nine point eight (569.8) of the Code."

SPEAR of Lee

H—5655

- 1 Amend Senate File 2292, as amended, passed  
 2 and reprinted by the Senate, as follows:  
 3 1. Page 2, by striking lines 2 through 15.

BYERLY of Polk  
 CHIDO of Polk  
 WOODS of Polk

H - 5656

1 Amend House File 2560 as follows:

2 1. Page 11, by inserting after line 26 the  
3 following new section:

4 "Sec. . Section three hundred four point  
5 seventeen (304.17), Code 1979, is amended to read  
6 as follows:

7 304.17 EXEMPTION - DUTY OF BOARD OF REGENTS. The  
8 highway division of the state department of  
9 transportation and the agencies and institutions under  
10 the control of the state board of regents shall be  
11 are exempt from the records management manual and  
12 the provisions of this chapter. However, the state  
13 highway division department of transportation and  
14 the state board of regents shall adopt rules for their  
15 employees, agencies, and institutions which shall  
16 be are consistent with the objectives of this chapter.  
17 The rules shall be approved by the state records  
18 commission and be subject to the provisions of chapter  
19 17A."

20 2. By correcting section numbers and internal  
21 references as made necessary by this amendment.

SHIMANEK of Jones

H - 5657

1 Amend House File 2560 as follows:

2 1. Page 2, by inserting after line 34 the following  
3 new section:

4 "Sec. . Section ninety-three point seven (93.7),  
5 subsection ten (10), Code 1979, is amended to read  
6 as follows:

7 10. Promulgate rules necessary to carry out the  
8 provisions of this chapter, subject to review in  
9 accordance with chapter 17A. Before a proposed rule  
10 is submitted to the administrative rules review  
11 committee, a public hearing shall be held in regard  
12 to the rule, and members of the administrative rules  
13 review committee shall be notified of the hearing  
14 as required in section 17A.4, subsection 1. Rules  
15 promulgated by the governor pursuant to a proclamation  
16 issued under the provisions of section 93.8 shall  
17 not be subject to review or a public hearing as  
18 required in this subsection chapter seventeen A (17A)  
19 of the Code."

20 2. By correcting section numbers and internal  
21 references as required by this amendment.

SHIMANEK of Jones

H-5658

- 1 Amend the Committee on Transportation amendment  
 2 H-5356 to Senate File 333, as amended, passed and  
 3 reprinted by the Senate, as follows:  
 4 1. Page 3, line 2, by striking the word "fourteen"  
 5 and inserting in lieu thereof the words "~~fourteen~~  
 6 sixteen".  
 7 2. Page 3, by striking lines 4 through 11, and  
 8 inserting in lieu thereof the following: "on the  
 9 rules of the road. However, a person under the age  
 10 of eighteen years shall, prior to being issued the  
 11 license, successfully complete an approved driver  
 12 education course as specified in section three hundred  
 13 twenty-one point one hundred seventy-eight (321.178)  
 14 of the Code. A".  
 15 3. Page 6, line 46, by striking the word and  
 16 figures "April 1, 1981" and inserting in lieu thereof  
 17 the word and figures "July 1, 1980".  
 18 4. Page 6, line 47, by inserting after the word  
 19 "date." the following: "A person who, as of July  
 20 1, 1980, possesses a valid motorized bicycle license  
 21 may renew the license without completing a driver  
 22 education course, provided the person's motorized  
 23 bicycle license has not been cancelled as provided  
 24 in section three hundred twenty-one point one hundred  
 25 eighty-nine (321.189), subsection two (2) of the  
 26 Code."

SCHNEKLOTH of Scott  
 PELTON of Clinton  
 BRANSTAD of Winnebago  
 MILLER of Buchanan  
 ANDERSON of Audubon  
 KREWSON of Polk

JOHNSON of Woodbury  
 TYRRELL of Iowa  
 BENNETT of Ida  
 RENKEN of Grundy  
 HOFFMANN of Muscatine

H-5664

- 1 Amend H-5579, filed by Spear of Lee, to Senate  
 2 File 455, as passed by the Senate, as follows:  
 3 1. Page 1, line 24, by inserting after the word  
 4 "day" the words "and to other students".

SPEAR of Lee

H-5671

- 1 Amend Senate File 2272 as follows:  
 2 1. Page 6, by striking lines 8 through 10  
 3 and inserting in lieu thereof the following:  
 4 "takes effect from and after its publication in  
 5 The Clinton Herald, a newspaper published in  
 6 Clinton, Iowa, and in The Alta Advertiser, a  
 7 newspaper published in Alta, Iowa."

MENKE of O'Brien  
 SCHNEKLOTH of Scott

H-5672

- 1 Amend the committee amendment, H-5578, to Senate  
2 File 2243 as amended, passed and reprinted by the  
3 Senate as follows:  
4 1. Page 9, by striking lines 10 through 13.  
5 2. Page 9, by inserting after line 22 the  
6 following:  
7 " . If the beginning farmer is able to secure  
8 a loan from conventional sources, the beginning farmer  
9 shall only be eligible to receive up to fifty percent  
10 of the amount of that loan under the program."  
11 3. Page 9, by striking lines 47 through page 10,  
12 line 1.  
13 4. Page 10, by inserting after line 9 the  
14 following:  
15 " . If the beginning businessperson is able  
16 to secure a loan from conventional sources, the  
17 beginning businessperson shall only be eligible to  
18 receive up to fifty percent of the amount of that  
19 loan under the program."  
20 5. By numbering and renumbering as required by  
21 this amendment.

MAULSBY of Calhoun

H-5674

- 1 Amend Senate File 2103, as passed by the Senate,  
2 as follows:  
3 1. Page 1, line 17, by striking the words "insane  
4 process" and inserting in lieu thereof the following:  
5 "insane process in cases relating to the hospitalization  
6 of the mentally ill".

LLOYD-JONES of Johnson

H-5678

- 1 Amend House File 398 as follows:  
2 1. Page 1, by inserting after line 11 the  
3 following:  
4 "Sec. . Chapter three hundred six (306), Code  
5 1979, is amended by adding the following new section:  
6 **NEW SECTION. GREAT RIVER ROAD.** Notwithstanding  
7 the power of the functional classification board and  
8 the department to classify roads pursuant to sections  
9 three hundred six point six (306.6) and three hundred  
10 six point seven (306.7) of the Code, those portions  
11 of the great river road which were classified, as  
12 of January 1, 1980, as being part of the primary road

13 system, shall not be reclassified except to the extent  
 14 that they are reclassified among the freeway-  
 15 expressway, arterial, and arterial connector systems.  
 16 Any portion of the great river road which was  
 17 classified, as of January 1, 1980, as being part of  
 18 the primary road system and was later classified as  
 19 being part of some other road system is reclassified  
 20 back to its classification as of January 1, 1980.  
 21 The road may be reclassified among the freeway-  
 22 expressway, arterial, and arterial connector systems  
 23 but it shall remain classified as being part of the  
 24 primary road system. For purposes of this section,  
 25 the "great river road" is defined as provided in  
 26 section three hundred eight point three (308.3) of  
 27 the Code."

SPEAR of Lee

H-5689

1 Amend amendment H-5406 to House File 2495 as  
 2 follows:  
 3 1. Page 1, by striking lines 4 through 22.

SPEAR of Lee

H-5690

1 Amend House File 2514 as follows:  
 2 1. Page 1, line 28, by inserting after the figure  
 3 "(1976)." the words "The dispensing practitioner shall  
 4 inform the patient of the patient's right to request  
 5 a container which does not meet the requirements of  
 6 those statutes."

LIND of Black Hawk

H-5696

1 Amend House File 2538 as follows:  
 2 1. Page 3, by inserting after line 33 the follow-  
 3 ing:  
 4 "Sec. 7. Section seventeen A point eight (17A.8),  
 5 subsection nine (9), Code 1979, is amended to read  
 6 as follows:  
 7 9. Upon a vote of two-thirds of its members, the  
 8 administrative rules review committee may delay the  
 9 effective date of a rule until the expiration of  
 10 forty-five calendar days, excluding legal holidays,  
 11 during which the general assembly is in regular  
 12 session. If a rule is delayed during the last twenty-



13 one calendar days preceding the adoption of a  
 14 resolution for sine die adjournment of a regular  
 15 session, the forty-five day period shall begin to  
 16 run upon the convening of the next regular session  
 17 of the general assembly. The committee shall refer  
 18 a rule whose effective date has been delayed to the  
 19 speaker of the house of representatives and the  
 20 president of the senate who shall refer the rule to  
 21 the appropriate standing committees of the general  
 22 assembly. If at the expiration of that period the  
 23 general assembly has ~~not disapproved of~~ approved the  
 24 rule by a joint resolution approved by the governor,  
 25 the rule shall become effective. If a rule is  
 26 ~~disapproved not approved~~, it shall not become effective  
 27 and the agency shall withdraw the rule. This section  
 28 shall not apply to rules made effective under section  
 29 17A.5, subsection 2, paragraph "b".  
 30 2. By renumbering the sections to conform with  
 31 this amendment.

VAN MAANEN of Mahaska  
 DE GROOT of Lyon  
 ANDERSON of Audubon  
 PELLETT of Cass  
 CLARK of Cerro Gordo  
 McKEAN of Jones  
 DAGGETT of Taylor  
 TYRRELL of Iowa  
 TOFTE of Winneshiek  
 LAGESCHULTE of Bremer  
 HANSEN of O'Brien

HANSON of Delaware  
 DANKER of Pottawattamie  
 SWEARINGEN of Keokuk  
 MAULSBY of Calhoun  
 COREY of Louisa  
 WELDEN of Hardin  
 BENNETT of Ida  
 JOHNSON of Linn  
 HOLT of Clay  
 MILLER of Buchanan

H-5703

- 1 Amend amendment H-5696 to House File 2538 as follows:
- 2 1. Page 1, line 10, by striking the words "forty-
- 3 five" and inserting in lieu thereof the words "~~forty-~~
- 4 five sixty".
- 5 2. Page 1, line 15, by striking the words "forty-
- 6 five" and inserting in lieu thereof the words "~~forty-~~
- 7 five sixty".

VAN MAANEN of Mahaska

H-5705

- 1 Amend House File 2547 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "birds" the word "only".

SPEAR of Lee

H—5706

1 Amend House File 2558 as follows:

- 2 1. Page 6, line 7, by striking the words "state  
3 commission" and inserting in lieu thereof the word  
4 "department".
- 5 2. Page 6, line 8, by striking the word "its"  
6 and inserting in lieu thereof the words "the state  
7 commission's".
- 8 3. Page 6, line 25, by inserting after the word  
9 "commission," the words "the director of the department  
10 of soil conservation,".

COCHRAN of Webster

H—5709

1 Amend Senate File 404 as follows:

- 2 1. Page 1, by striking lines 3 through 9 and  
3 inserting in lieu thereof the following:  
4 "NEW SUBSECTION. If the defendant is convicted  
5 of an offense other than a forcible felony, the court  
6 may suspend the sentence of the defendant on the  
7 condition that the defendant perform community service  
8 or service approved by the court for a period not  
9 to exceed the maximum statutory period of confinement  
10 for the offense of which the defendant is convicted."

DOYLE of Woodbury

H—5711

1 Amend Senate File 2148 as follows:

- 2 1. Page 3, by striking lines 18 through 21.

LURA of Marshall

H—5712

1 Amend amendment H—5347 to House File 2495 as follows:

- 2 1. Page 1, by striking line 4 and inserting in  
3 lieu thereof the following: "five (5)".
- 4 2. Page 1, by striking lines 5 through 8 and inserting  
5 in lieu thereof the following:  
6 "2. Page 1, line 30, by inserting after the word  
7 "person" the words ", or in the presence of a person,".

CONLON of Muscatine

H-5715

1 Amend House File 2527 as follows:  
 2 1. Page 4, by inserting after line 24 the  
 3 following:  
 4 "Sec. . Acts of the Sixty-eighth General  
 5 Assembly, 1979 Session, chapter nine (9), section  
 6 four (4), subsection seven (7), paragraph d, is  
 7 amended to read as follows:

8 d. In-home health care grants.  
 9 For grants to local boards of  
 10 health or county health centers  
 11 for programs to maintain or  
 12 expand the availability of  
 13 in-home health care to elderly  
 14 persons in the state in accord-  
 15 ance with section five (5) of  
 16 this Act .....\$ 2,765,960 \$ 3,015,960

17 Sec. . Acts of the Sixty-eighth General  
 18 Assembly, 1979 Session, chapter nine (9), section  
 19 five (5), subsection four (4), is amended to read  
 20 as follows:

21 4. The state department of health shall make  
 22 the money allocated for use in each county under  
 23 subsection three (3) of this section available to  
 24 be expended in that county as provided in this  
 25 subsection. The local board of health or county  
 26 health centers having jurisdiction, after consul-  
 27 tation with other in-home health care provider  
 28 agencies in the jurisdiction, shall prepare a pro-  
 29 posal for the use of the funds available for that  
 30 jurisdiction that will provide the maximum benefits  
 31 of expanded home health care to elderly persons in  
 32 the jurisdiction, and that shall include a statement  
 33 assuring that the appropriate local agencies have  
 34 participated in the formulation of the proposal.  
 35 After approval of the proposal by the department,  
 36 the department shall enter into a contract with the  
 37 local board of health or county health centers.  
 38 The local board of health or county health centers  
 39 may subcontract with a nonprofit nurses' associa-  
 40 tion, an independent nonprofit agency, the depart-  
 41 ment of social services or a suitable local govern-  
 42 mental or nongovernmental body to use the funds to  
 43 expand or maintain in-home health services. Local  
 44 boards of health or county health centers shall make  
 45 an effort to subcontract with agencies that are  
 46 currently providing services to prevent duplication  
 47 of services. In counties where a county health center  
 48 has been established under chapter three hundred  
 49 forty-six A (346A) of the Code, the board of super-  
 50 visors may appoint itself to act as the county board

Page 2

1 of health."

H-5718

- 1 Amend the committee amendment, H-5578, to Senate
- 2 File 2243 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, line 6, by striking the word
- 5 "Enterprise" and inserting in lieu thereof the word
- 6 "Farm".
- 7 2. Page 1, by striking lines 20 through 34.
- 8 3. Page 1, line 38, by striking the word
- 9 "enterprise" and inserting in lieu thereof the word
- 10 "farm".
- 11 4. Page 1, by striking lines 43 through page 2,
- 12 line 1.
- 13 5. Page 2, lines 22 and 23, by striking the words
- 14 "or business property".
- 15 6. Page 2, line 39, by striking the words "or
- 16 businessperson's".
- 17 7. Page 2, line 42, by striking the word
- 18 "enterprise" and inserting in lieu thereof the word
- 19 "farm".
- 20 8. Page 2, lines 48 and 49, by striking the words
- 21 "or business property".
- 22 9. Page 3, line 12, by striking the word
- 23 "enterprise" and inserting in lieu thereof the word
- 24 "farm".
- 25 10. Page 3, line 25, by striking the words "or
- 26 business".
- 27 11. Page 3, line 27, by striking the words
- 28 "businesspersons, beginning businesspersons".
- 29 12. Page 3, line 28, by striking the word
- 30 "enterprise" and inserting in lieu thereof the word
- 31 "farm".
- 32 13. Page 4, line 20, by striking the words "or
- 33 business".
- 34 14. Page 4, line 21, by striking the words "or
- 35 business".
- 36 15. Page 4, line 26, by striking the words "or
- 37 business".
- 38 16. Page 4, by striking lines 44 through 46 and
- 39 inserting in lieu thereof the word "farming."
- 40 17. Page 5, by striking lines 1 through 5.
- 41 18. Page 5, line 18, by striking the words "and
- 42 business".
- 43 19. Page 5, line 19, by striking the words "and
- 44 businesspersons".
- 45 20. Page 5, line 31, by striking the word
- 46 "enterprise" and inserting in lieu thereof the word
- 47 "farm".
- 48 21. Page 5, line 33, by striking the words "and
- 49 to" and inserting in lieu thereof the words "by
- 50 providing purchase money".

Page 2

- 1 22. Page 5, by striking lines 34 and 35.
- 2 23. Page 5, line 36; by striking the words "and
- 3 businesspersons".
- 4 24. Page 5, lines 48 and 49, by striking the words
- 5 "or business property".
- 6 25. Page 6, line 3, by inserting after the word
- 7 "farmers" a period.
- 8 26. Page 6, by striking lines 4 and 5.
- 9 27. Page 7, line 9, by striking the words "and
- 10 businesspersons".
- 11 28. Page 7, lines 41 and 42, by striking the words
- 12 "and businessperson".
- 13 29. Page 7, by striking lines 47 and 48 and
- 14 inserting in lieu thereof the words "in terms of
- 15 number of loans and acres of agricultural land."
- 16 30. Page 8, line 2, by striking the words "or
- 17 business property".
- 18 31. Page 8, line 15, by striking the words "and
- 19 businesspersons".
- 20 32. Page 8, line 18, by striking the word
- 21 "ENTERPRISE" and inserting in lieu thereof the word
- 22 "FARM".
- 23 33. Page 8, line 21, by striking the word
- 24 "enterprise" and inserting in lieu thereof the word
- 25 "farm".
- 26 34. Page 8, lines 24 and 25, by striking the words
- 27 "and the acquisition of business property by beginning
- 28 businesspersons".
- 29 35. Page 8, by striking lines 30 and 31 and
- 30 inserting in lieu thereof the following: ". The
- 31 board may participate in".
- 32 36. Page 9, by striking lines 24 through page
- 33 10, line 10.
- 34 37. Page 10, line 22, by striking the words "AND
- 35 BUSINESSPERSONS".
- 36 38. Page 10, by striking lines 30 and 31 and
- 37 inserting in lieu thereof the words "agricultural
- 38 property."
- 39 39. Page 10, line 35, by striking the words "or
- 40 businessperson".
- 41 40. Page 11, line 3, by striking the words "or
- 42 businesspersons".
- 43 41. Page 11, line 10, by striking the words "or
- 44 businesspersons".
- 45 42. Page 12, line 49, by striking the words "or
- 46 businesspersons".
- 47 43. Page 13, line 6, by striking the words "or
- 48 businesspersons".
- 49 44. Page 22, line 45, by striking the word
- 50 "enterprise" and inserting in lieu thereof the word

## Page 3

- 1 "farm".
- 2 45. By numbering, renumbering and correcting
- 3 internal references as are necessary.

KREWSON of Polk

## H-5726

- 1 Amend House File 2560 as follows:
- 2 1. Page 26, by inserting after line 18 the
- 3 following new section:
- 4 "Sec. . . . Section forty-eight (48) of House File
- 5 687, Acts of the Sixty-eighth General Assembly, 1980
- 6 Session, is amended by striking the section."
- 7 2. By correcting section numbers and internal
- 8 references as made necessary by this amendment.

SHIMANEK of Jones

## H-5732

- 1 Amend Senate File 455, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 20, by striking the word "shall"
- 4 and inserting in lieu thereof the word "may".

JOHNSON of Woodbury

## H-5736

- 1 Amend House Joint Resolution 2016 as follows:
- 2 1. Page 1, by striking line 3 through page 7,
- 3 line 12, and inserting in lieu thereof the following:
- 4 "Article three (III), legislative department,
- 5 Constitution of the State of Iowa is amended by adding
- 6 the following new section:
- 7 NEW SECTION. SPENDING LIMITATIONS. In no year
- 8 shall the rate of growth of appropriations from state
- 9 tax revenues exceed the estimated rate of growth of
- 10 the state's economy as determined each session by
- 11 joint resolution prior to the consideration of any
- 12 bill. No appropriation in excess of this limitation
- 13 shall be made unless the legislature shall set forth
- 14 by law, two-thirds of the members of each house
- 15 concurring, the dollar amount and the rate by which
- 16 the limit may be exceeded. Such law shall contain no
- 17 other subject matter.
- 18 Any law requiring the expenditure of state funds
- 19 shall be null and void unless, during the session

20 in which the act receives final passage, an  
 21 appropriation is made for the estimated first year's  
 22 funding.

23 Any citizen or taxpayer of the state has standing  
 24 to sue to enforce any provision of this section and,  
 25 if the suit is sustained, shall receive from the state  
 26 reimbursement for the reasonable costs, including  
 27 attorney fees, incurred in maintaining the suit."

RITSEMA of Sioux  
 LURA of Marshall

H - 5744

1 Amend House File 2558 as follows:

2 1. Page 4, line 16, by striking the word  
 3 "residents" and inserting in lieu thereof the words  
 4 "county supervisors or township trustees".

HALL of Linn  
 MCKEAN of Jones  
 LLOYD-JONES of Johnson  
 LARSEN of Wapello  
 COCHRAN of Webster  
 PELLETT of Cass

H - 5746

1 Amend Senate File 2112, as passed by the Senate,  
 2 as follows:

3 1. Page 1, by inserting before line 1 the following  
 4 section:

5 "Sec. . Section two hundred seventy-three point  
 6 three (273.3), subsection seventeen (17), Code 1979,  
 7 as the section is amended by Acts of the Sixty-eighth  
 8 General Assembly, 1979 Session, chapter sixty (60),  
 9 section one (1), is amended by striking the subsection  
 10 and inserting in lieu thereof the following:

11 17. Meet at least twice annually with the members  
 12 of the board of directors of the merged area in which  
 13 the area education agency is located. One meeting  
 14 shall be held as soon as possible after July first  
 15 to review the operating budgets of the agencies and  
 16 the second shall be held as soon as possible after  
 17 January first to review agency programs. Additional  
 18 meetings may be held at the discretion of the affected  
 19 boards."

20 2. Amend the title, line 1, by striking the words  
 21 "number of members for" and inserting in lieu thereof  
 22 the words "operation of".

- 23 3. Amend the title, line 3, by inserting after  
 24 the word "boards" the words "including number of  
 25 members, selection of members, and joint meetings".  
 26 4. By numbering and renumbering sections as  
 27 necessary in accordance with this amendment.

HORN of Linn

H-5749

- 1 Amend amendment H-5748 to House File 2543  
 2 as follows:  
 3 1. Page 1, by striking lines 37 through 41.  
 4 2. Page 2, by inserting after line 15 the  
 5 following new paragraph:  
 6 "Whenever the residential energy consumer  
 7 counsel represents the consumer interest in a  
 8 proceeding initiated by application of a public  
 9 utility for a product or service or in a pro-  
 10 ceeding initiated by application of a public  
 11 utility to initiate, discontinue or change a  
 12 service, or in a proceeding resulting from com-  
 13 plaints or petitions of consumers concerning a  
 14 public utility, the consumer counsel may assess  
 15 the public utility an amount not to exceed one-  
 16 tenth of one percent of the revenues of the public  
 17 utility from its intrastate sales in the calendar  
 18 year last preceding the initiation of the pro-  
 19 ceeding to residential customers. The assessment  
 20 shall not exceed the actual costs incurred by  
 21 the residential energy consumer counsel in the  
 22 proceeding including but not limited to pro rata  
 23 residential energy consumer counsel office and  
 24 salary expenses. If the assessment exceeds five  
 25 hundred thousand dollars the residential energy  
 26 consumer counsel shall send the public utility an  
 27 itemized statement of the amount, as of the date  
 28 of the statement, of the applicable costs. Assess-  
 29 ments shall be paid by the public utility to the  
 30 treasurer of state within thirty days after the  
 31 date of the assessment. The treasurer of state,  
 32 upon receipt of a payment by a public utility pur-  
 33 suant to this paragraph, shall deposit the payment  
 34 in the general fund of the state. For purposes of  
 35 42 U.S.C. s. 6805 (1979) the residential energy  
 36 consumer counsel is the officer in the state re-  
 37 sponsible for assisting consumers in presentations  
 38 before the Iowa state commerce commission and shall  
 39 be the recipient of any federal funds available to  
 40 the state to implement that section."

BRUNER of Story



H-5759

- 1 Amend the Committee on Education amendment H-5739 to
- 2 Senate File 2112 as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 12 through 14.
- 4 2. Page 1, by striking lines 37 through 39.
- 5 3. Renumber as necessary.

DAGGETT of Taylor

H-5760

- 1 Amend House amendment H-5724 to Senate File 230,
- 2 as follows:
- 3 1. Page 1, by striking line 44 and inserting in
- 4 lieu thereof the words "within three days after
- 5 receiving notice of the proceeding, stating".
- 6 2. Page 1, line 50, by inserting after the word
- 7 "practicable" the words "or may apply for a continuance
- 8 until an interpreter is appointed".

DOYLE of Woodbury  
LONERGAN of Boone

H-5763

- 1 Amend House File 2566 as follows:
- 2 1. Page 1, lines 2 and 3, by striking the words
- 3 "for sale by auction upon" and inserting in lieu there-
- 4 of the words "to be offered for sale one day or more
- 5 after the date of".

PERKINS of Greene

H-5768

- 1 Amend House File 2556 as follows:
- 2 1. Page 1, by striking lines 7 and 8.

SPEAR of Lee

H-5772

- 1 Amend Senate File 2232, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 10 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. Chapter twenty-eight A (28A), Code
- 6 1979, is amended by adding the following new section:
- 7 NEW SECTION. A meeting of a board of directors
- 8 of a school district to discuss strategy in matters

9 relating to employment conditions of employees of the  
 10 school district who are not covered by a collective  
 11 bargaining agreement under chapter twenty (20) of  
 12 the Code is exempt from chapter twenty-eight A (28A)  
 13 of this Code. For the purpose of this section,  
 14 "employment conditions" means areas included in the  
 15 scope of negotiations listed in section twenty point  
 16 nine (20.9) of the Code."

SPEAR of Lee

H-5781

1 Amend Senate File 2293 as amended, passed and re-  
 2 printed by the Senate as follows:  
 3 1. Page 4, by inserting after line 1 the following:  
 4 "Sec. 8. NEW SECTION. SHORT TITLE. Sections  
 5 eight (8) through twenty-two (22) of this Act may  
 6 be referred to and cited as the "Iowa Railway Finance  
 7 Authority Act".  
 8 Sec. 9. NEW SECTION. DECLARATION OF NECESSITY  
 9 AND PURPOSE - LIBERAL CONSTRUCTION. The purpose of  
 10 sections eight (8) through twenty-two (22) of this  
 11 Act is to benefit the people of the state of Iowa  
 12 and to improve their general health, welfare and  
 13 prosperity and the economic and commercial development  
 14 of the state. It is essential that the people and  
 15 businesses of this state have access to adequate  
 16 railway transportation facilities. It is essential  
 17 that railway corporations and other business entities  
 18 operating within the state be provided with appropriate  
 19 additional means to assist in the maintenance and  
 20 improvement of railway transportation facilities.  
 21 It is the purpose of sections eight (8) through twenty-  
 22 two (22) of this Act to provide a measure of assistance  
 23 and alternative methods to enable railway corporations  
 24 and other business entities operating in the state  
 25 to provide additional facilities and to maintain and  
 26 improve existing facilities to insure safe, economical  
 27 and efficient railway service in the state. It is  
 28 the intent of the legislature by the passage of  
 29 sections eight (8) through twenty-two (22) of this  
 30 Act to create a state authority to lend money to rail-  
 31 way corporations and other business entities and to  
 32 authorize the state authority to acquire, construct,  
 33 reconstruct, repair, alter, improve, extend, own,  
 34 lease and dispose of properties to promote the general  
 35 health, welfare and prosperity of the people of this  
 36 state. It is also intended that the state authority  
 37 be vested with all powers to enable the state authority  
 38 to accomplish its stated purpose. It is not intended

39 by sections eight (8) through twenty-two (22) of this  
40 Act that the state authority shall itself be authorized  
41 to operate any railway facilities. Sections eight  
42 (8) through twenty-two (22) of this Act shall be  
43 liberally construed to accomplish the legislative  
44 intentions.

45 **Sec. 10. NEW SECTION. DEFINITIONS.** For purposes  
46 of sections eight (8) through twenty-two (22) of this  
47 Act, unless the context otherwise requires:

48 1. "Authority" means the Iowa railway finance  
49 authority created by sections eight (8) through twenty-  
50 two (22) of this Act.

**Page 2**

1 2. "Commission" means the state transportation  
2 commission created by section three hundred seven  
3 point five (307.5) of the Code.

4 3. "Railway facilities" means land, structures,  
5 fixtures, buildings and equipment, except rolling  
6 stock, necessary or useful in providing railroad  
7 transportation services, including, but not limited  
8 to, roadbeds, track, trestles, depot, switching and  
9 signalling equipment and all necessary, useful and  
10 related equipment and appurtenances and all franchises,  
11 easements and other interests in land and rights-of-  
12 way necessary or convenient as a site or sites for  
13 any of the foregoing.

14 4. "Project costs" as applied to railway facilities  
15 financed under the provisions of sections eight (8)  
16 through twenty-two (22) of this Act means the total  
17 of all reasonable or necessary costs for or incidental  
18 to the acquisition, construction, reconstruction,  
19 repair, alteration, improvement or extension of any  
20 railway facilities including, but not limited to,  
21 the cost of studies and surveys, plans, specifica-  
22 tions, architectural and engineering services, legal,  
23 organization, marketing or other special services,  
24 financing, acquisition, demolition, construction,  
25 equipment and site development of new and rehabilitated  
26 buildings and facilities, rehabilitation,  
27 reconstruction, repair or remodeling of existing  
28 buildings and facilities and all other necessary and  
29 incidental expenses including, but not limited to,  
30 an initial bond and interest reserve together with  
31 interest on bonds issued to finance the railway  
32 facilities to a date six months subsequent to the  
33 estimated date of completion.

34 5. "Department" means the Iowa department of  
35 transportation.

36 6. "Director" means the director of the Iowa  
37 department of transportation.

38     Sec. 11. NEW SECTION. IOWA RAILWAY FINANCE  
39 AUTHORITY. There is created an Iowa railway finance  
40 authority for the purpose of financing railway  
41 facilities as provided in sections eight (8) through  
42 twenty-two (22) of this Act.  
43     Sec. 12. NEW SECTION. GOVERNING BOARD. The  
44 governing board of the authority shall be the state  
45 transportation commission.  
46     All rules and laws which are applicable to the  
47 commission as governing body of the department of  
48 transportation shall be applicable to the commission  
49 as governing board for the authority to the extent  
50 applicable.

**Page 3**

1     Any payment for compensation and expenses of the  
2 commission as governing board for the authority shall  
3 be paid from funds of the authority.  
4     Sec. 13. NEW SECTION. ORGANIZATION. The director  
5 of transportation shall be executive director of the  
6 authority. The executive director shall receive  
7 compensation as fixed by the commission. The executive  
8 director or other person designated by the commission,  
9 shall keep a record of the proceedings and shall be  
10 custodian of all books, documents and papers filed  
11 with the authority, the minute books or journal and  
12 its official seal. The executive director or other  
13 person, may cause copies to be made of all minutes  
14 and other records and documents of the commission  
15 or authority and may give certificates under the offi-  
16 cial seal of the authority to the effect that the  
17 copies are true and accurate copies. The commission  
18 may delegate by resolution to one or more of its  
19 members or to its executive director those powers  
20 and duties as it may deem proper.  
21     Sec. 14. NEW SECTION. POWERS OF THE AUTHORITY.  
22 The authority shall have all powers necessary for  
23 the performance of its purposes and duties, including  
24 but not limited to, the power to:  
25     1. Have perpetual succession as a body politic  
26 and corporate.  
27     2. Adopt by-laws for the regulation of its affairs  
28 and the conduct of its business.  
29     3. Sue and be sued in its own name.  
30     4. Have and alter a corporate seal.  
31     5. Acquire railway facilities, directly or through  
32 an agent, by purchase, lease, gift, devise or  
33 otherwise.  
34     6. Determine the location and construction of  
35 any railway facility to be financed under the

36 provisions of sections eight (8) through twenty-two  
37 (22) of this Act and to construct, reconstruct,  
38 renovate, replace, maintain, repair, operate and lease  
39 the same, to enter into contracts for any of these  
40 purposes.

41 7. Enter into contracts for the operation, manage-  
42 ment or use of a railroad facility.

43 8. Designate an agent to determine the location  
44 and construction of a railway facility under the  
45 provisions of sections eight (8) through twenty-two  
46 (22) of this Act and as agent of the authority, to  
47 construct, reconstruct, renovate, replace, maintain,  
48 repair, operate and lease the same and to enter into  
49 contracts for any of these purposes including contracts  
50 for the operation, management or use of the railway

**Page 4**

1 facility.

2 9. Lease any railway facilities upon terms and  
3 conditions as the commission shall deem proper and  
4 to charge and collect rent and terminate any lease  
5 upon the failure of the lessee to comply with any  
6 of the obligations of the lease.

7 10. Include in any lease provisions that the  
8 lessee shall have options to renew the terms of the  
9 lease for a period of time and at a rent as shall  
10 be determined by the commission or to purchase any  
11 of the railway facilities or to provide that upon  
12 payment of all of the indebtedness incurred by the  
13 authority for the financing of the railway facilities  
14 the authority may convey any of the railway facilities  
15 to the lessee upon terms and considerations acceptable  
16 to the commission.

17 11. Issue bonds, notes or other obligations for  
18 any of its corporate purposes and to refund the same,  
19 all as provided for in sections eight (8) through  
20 twenty-two (22) of this Act. However, total  
21 outstanding issuance of bonds, notes, or other  
22 obligations shall not exceed one hundred million  
23 dollars at any one time.

24 12. Invest or deposit moneys of the authority,  
25 subject to any agreement with bondholders or  
26 noteholders, in any manner determined by the authority,  
27 notwithstanding the provisions of chapter four hundred  
28 fifty-two (452), four hundred fifty-three (453) or  
29 four hundred fifty-four (454).

30 13. Fix and revise and charge and collect rates,  
31 rents, fees and charges for the use of any railway  
32 facility or any portion of a facility and to contract  
33 with any person, firm or corporation or other public  
34 or private body in respect to a facility.

- 35 14. Employ consulting engineers, architects,  
 36 attorneys, accountants, construction and financial  
 37 experts, superintendents, managers and other employees  
 38 and agents as may be necessary and to fix their  
 39 compensation.
- 40 15. Receive and accept from any public agency  
 41 loans or grants for or in aid of project costs and  
 42 to receive and accept grants, gifts or other  
 43 contributions from any source.
- 44 16. Mortgage all or any portion of its railway  
 45 facilities and the sites, whether then owned or  
 46 thereafter acquired, for the benefit of the holders  
 47 of bonds issued to finance the railway facility or  
 48 any portion of the facility.
- 49 17. Make loans for the purpose of financing project  
 50 costs of a railway facility.

**Page 5**

- 1 18. Make loans to refund outstanding obligations,  
 2 mortgages or advances issued, made or given for the  
 3 cost of a railway facility including the issuing of  
 4 bonds and making loans to refinance indebtedness  
 5 incurred for railway facilities undertaken, and  
 6 completed prior to or after the enactment of sections  
 7 eight (8) through twenty-two (22) of this Act when  
 8 the commission finds that this financing is in the  
 9 public interest.
- 10 The authority shall not operate any railway facility  
 11 as a business other than as a lessor.
- 12 **Sec. 15. NEW SECTION. BONDS.** All bonds issued  
 13 by the authority shall be payable solely out of the  
 14 revenues and receipts derived from the lease or sale  
 15 by the authority of its railway facilities or as may  
 16 be designated in the proceedings of the commission  
 17 under which the bonds shall be authorized to be issued  
 18 by the commission, or derived from any loan agreement  
 19 between the authority and the borrower with respect  
 20 to railway facilities. The proceedings of the  
 21 commission authorizing the issuance of the bonds shall  
 22 provide for the manner of execution, delivery, form,  
 23 terms, investment and disbursement of the proceeds,  
 24 and security for the payment of the bonds. Any bonds  
 25 of the authority may be sold at public or private  
 26 sale at the price, in the manner and at the time as  
 27 may be determined by the commission. Chapter seventy-  
 28 five (75) and sections twenty-three point twelve  
 29 (23.12) through twenty-three point sixteen (23.16)  
 30 of the Code do not apply to bonds issued under sections  
 31 eight (8) through twenty-two (22) of this Act. All  
 32 bonds and interest coupons issued under sections eight

33 (8) through twenty-two (22) of this Act are negotiable  
34 instruments.

35 **Sec. 16. NEW SECTION. REFUNDING OF BONDS.** Any

36 bonds of the authority at any time outstanding may  
37 be refunded by the authority by the issuance of its  
38 refunding bonds in an amount as it deems necessary  
39 but not exceeding an amount sufficient to refund the  
40 principal of the bonds to be refunded, together with  
41 any unpaid interest premiums, commissions, service  
42 fees and other expenses necessary to be paid. Any  
43 refunding may be effected whether the bonds to be  
44 refunded have matured or shall mature, either by sale  
45 of the refunding bonds and the application of the  
46 proceeds for the payment of the bonds to be refunded,  
47 or by the exchange of the refunding bonds for the  
48 bonds to be refunded with the consent of the holders  
49 of the bonds to be refunded. Refunding may be made  
50 without regard to whether or not the bonds to be

**Page 6**

1 refunded were issued in connection with the same  
2 railway facility or separate railway facilities or  
3 for any other purpose, and without regard to whether  
4 or not the bonds proposed to be refunded shall be  
5 payable on the same date or different dates or due  
6 serially or otherwise.

7 **Sec. 17. NEW SECTION. SECURITY FOR BONDS.** The

8 principal of and interest on any bonds issued by the  
9 authority shall be secured by a pledge of the revenues,  
10 rentals and receipts out of which the same shall be  
11 made payable and may be secured by a trust indenture,  
12 mortgage or deed of trust including assignment of  
13 leases or other contract rights of the authority,  
14 contract rights of the authority or any person, firm,  
15 corporation or other business entity acquiring, leasing  
16 or operating a railway facility under sections eight  
17 (8) through twenty-two (22) of this Act with third  
18 parties which may cover all or any part of the railway  
19 facilities for which the revenues, rentals or receipts  
20 pledged may be derived, including, but not limited to,  
21 any enlargements of and additions to any  
22 facilities.

23 Each such pledge shall continue effective until  
24 the principal and interest on the bonds shall have  
25 been fully paid or provision for the payment duly  
26 made.

27 **Sec. 18. NEW SECTION. PAYMENT OF BONDS —**

28 **NONLIABILITY OF STATE.** Bonds issued under the  
29 provisions of sections eight (8) through twenty-two  
30 (22) of this Act shall not constitute a debt or

31 liability of the state or of any political subdivision  
32 within the meaning of any constitutional or statutory  
33 debt limitation, but are special obligations of the  
34 authority payable solely and only from the sources  
35 provided in sections eight (8) through twenty-two  
36 (22) of this Act and the authority shall not pledge  
37 the credit or taxing power of the state or of any  
38 political subdivision other than the authority or  
39 make its debts payable out of any funds other than  
40 the funds provided for in sections eight (8) through  
41 twenty-two (22) of this Act. The issuance of bonds  
42 under the provisions of sections eight (8) through  
43 twenty-two (22) of this Act shall not, directly or  
44 indirectly, obligate the state or any political  
45 subdivision to levy any form of taxation or to make  
46 any appropriation for their payment. This section  
47 shall not prevent or be construed to prevent the  
48 authority from pledging its full faith and credit  
49 or the full faith and credit of a person, firm,  
50 corporation or other business entity acquiring, leasing

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1 or operating a railway facility under sections eight  
2 (8) through twenty-two (22) of this Act to the payment  
3 of bonds authorized pursuant to sections eight (8)  
4 through twenty-two (22) of this Act.

5 **Sec. 19. NEW SECTION. AUTHORITY AS PUBLIC**  
6 **INSTRUMENTALITY.** The authority is performing a public  
7 function in behalf of the state and is a public  
8 instrumentality of the state. Income of the authority  
9 and all properties owned by the authority shall be  
10 exempt from all taxation in the state of Iowa.  
11 Sections eight (8) through twenty-two (22) of this  
12 Act shall not be construed as exempting from taxation  
13 properties comprising railway facilities financed  
14 under any of the provisions of sections eight (8)  
15 through twenty-two (22) of this Act which are owned  
16 by persons or entities other than the authority.

17 **Sec. 20. NEW SECTION. POWERS NOT RESTRICTED—**  
18 **LAW COMPLETE IN ITSELF.** Sections eight (8) through  
19 twenty-two (22) of this Act shall not be construed  
20 as a restriction or limitation upon any powers which  
21 the authority might otherwise have under any laws  
22 of this state, but shall be construed as cumulative  
23 of any such powers. No proceedings, referendum,  
24 notice or approval shall be required for the creation  
25 of the authority or the issuance of any bonds or any  
26 instrument as security except as herein provided,  
27 any other law to the contrary notwithstanding;  
28 provided, that nothing herein shall be construed to



29 deprive the state and its governmental subdivisions  
 30 of their respective police powers over properties  
 31 of the authority or to impair any power thereover  
 32 of any official or agency of the state and its  
 33 governmental subdivisions which may be otherwise  
 34 provided by law.

35 Sec. 21. NEW SECTION. BONDS ELIGIBLE FOR  
 36 INVESTMENT. The state and all counties, cities, and  
 37 other municipal corporations, political subdivisions  
 38 and public bodies, and public officers of any thereof,  
 39 all banks, bankers, trust companies, savings banks  
 40 and institutions, building and loan associations,  
 41 savings and loan associations, investment companies,  
 42 insurance companies and associations, and all  
 43 executors, administrators, guardians, trustees and  
 44 other fiduciaries may legally invest any sinking  
 45 funds, moneys or other funds belonging to them or  
 46 within their control in any bonds issued pursuant  
 47 to sections eight (8) through twenty-two (22) of this  
 48 Act.

49 Sec. 22. NEW SECTION. EXEMPTION FROM CONSTRUCTION  
 50 AND BIDDING REQUIREMENTS FOR PUBLIC BUILDINGS. A

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1 railway facility is not subject to any requirements  
 2 relating to public buildings, structures, grounds,  
 3 works or improvements imposed by any other law, except  
 4 as determined by the commission, or any other similar  
 5 requirements which may be lawfully waived by this  
 6 section and any requirement of competitive bidding  
 7 or other restriction imposed on the procedure for  
 8 awarding contracts for such purpose or the lease,  
 9 sale, or other disposition of property of the authority  
 10 is not applicable to any action taken under the  
 11 provisions of sections eight (8) through twenty-two  
 12 (22) of this Act."

13 2. Title page, line 3, by inserting after the  
 14 word "sidings" the words ", creating the Iowa railway  
 15 finance authority to aid in the construction,  
 16 renovation and repairing of railway facilities,  
 17 providing for the authority to issue revenue bonds".

18 3. Renumbering and correcting internal references  
 19 as are necessary.

H-5784

1 Amend Senate File 2232 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the follow-  
4 ing:

5 "Section 1. Section twenty-eight A point two  
6 (28A.2), subsection two (2), Code 1979, is amended  
7 to read as follows:

8 2. "Meeting" means a gathering in person or by  
9 electronic means, formal or informal, of a majority  
10 of the members of a governmental body where there  
11 is deliberation or action upon any matter within the  
12 scope of the governmental body's policy-making duties.  
13 Meetings shall not include a gathering of members  
14 of a governmental body for purely ministerial or,  
15 social or travel purposes when there is no discussion  
16 of policy or no intent to avoid the purposes of this  
17 chapter."

18 2. By renumbering the sections to conform with  
19 this amendment.

PELLETT of Cass  
CRABB of Crawford

H-5787

1 Amend the Committee on Human Resources amendment,  
2 H-5433, to Senate File 431, as passed by the Senate,  
3 as follows:

4 1. Page 1, line 11, by inserting after the word  
5 "chapter" the words "shall be transmitted to the  
6 chairperson of the care review committee of the  
7 facility not later than fifteen days following the  
8 inspection and".

9 2. Page 1, line 15, by striking the words "or  
10 licensee" and inserting in lieu thereof the words  
11 ", or licensee, or the chairperson of the care review  
12 committee of the facility".

MILLER of Buchanan  
CLARK of Cerro Gordo

H-5789

1 Amend Senate File 333 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 12 the  
4 following:

5 "Sec. . Section three hundred twenty-one point  
6 two hundred seventy-five (321.275), Code 1979, is  
7 amended by adding the following new subsection:

8 NEW SUBSECTION. No motorized bicycle may be  
 9 operated unless a red flag or cloth, at least eight  
 10 inches square, is attached to a pole affixed to the  
 11 motorized bicycle, and at a sufficient height so as  
 12 to be clearly visible to both the front and rear of  
 13 the motorized bicycle during its operation." "

15 2. Renumber as necessary.

DE GROOT of Lyon

H-5792

1 Amend Senate File 2291 as passed and reprinted  
 2 by the Senate as follows:  
 3 1. Page 5, line 6, by striking the word "may"  
 4 and inserting in lieu thereof the word "shall".

KREWSON of Polk

H-5794

1 Amend H-5503, filed by the Committee on  
 2 Appropriations, to Senate File 2273 as amended, passed  
 3 and reprinted by the Senate as follows:  
 4 1. Page 2, by inserting after line 8 the following:  
 5 "It is the intent of the general assembly that  
 6 the comptroller in selecting these projects give  
 7 special consideration to the following:

8 Governor's			
9 Economy Com-			
10 mittee Recom-			
11 mendation No.	Agency Name		Description
12 22	Attorney general		Enhance legal research capabilities.
13			
14 63	General services		Finish automating the elevators in the capitol building.
15			
16			
17 80	General services		Inventory existing telephone equipment and establish appropriate usage.
18			
19			
20 88	Library commis-		Relocate the medical library.
21	sion		
22 157	Board of regents		Improve cost effective-
23	UNI		ness of long distance telephone service.
24			
25 176	Department of		Expand the department's word processing activi-
26	public instruc-		ties.
27	tion		
28 183	Department of		Improve administrative efficiency at the vet-
29	social services		eran's home.
30			

31	218	Department of	Standardize resident
32		social services	information system for
33			mental health institutes
34			and hospital-schools.
35	227	Department of	Complete work on the
36		social services	integrated client infor-
37			mation system.
38	237	Department of	Enhance food service
39		social services	operations at Fort Madison.
40	243	Commission on	Establish a word process-
41		aging	ing function in the com-
42			mission.
43	303	Beer and liquor	Install automatic timers
44		control dept.	on store thermostats.
45	323	Department of	Reduce the number of radio
46		public safety	dispatch centers."

WELDEN of Hardin  
CUSACK of Scott

H-5797

1 Amend House File 2556 as follows:

2 1. Page 1, by inserting after line 6 the following  
3 new sections:

4 "Sec. 2. Section seven hundred one point seven  
5 (701.7), Code 1979, is amended to read as follows:

6 701.7 FELONY DEFINED AND CLASSIFIED. A public  
7 offense is a felony of a particular class when the  
8 statute defining the crime declares it to be a felony.  
9 Felonies are capital felonies, class "A" felonies,  
10 class "B" felonies, class "C" felonies, and class  
11 "D" felonies. Where the statute defining the offense  
12 declares it to be a felony but does not state what  
13 class of felony it is or provide for a specific  
14 penalty, that felony shall be is a class "D" felony.

15 Sec. 3. Chapter seven hundred seven (707), Code  
16 1979, is amended by adding the following new section  
17 as section seven hundred seven point two (707.2) and  
18 by renumbering the remaining sections of chapter seven  
19 hundred seven (707):

20 NEW SECTION. Sec. 707.2 CAPITAL MURDER.

21 1. A person commits capital murder if the person  
22 willfully, deliberately and with premeditation kills  
23 another person in any of the following aggravating  
24 circumstances:

- 25 a. The killing was perpetrated for hire.  
26 b. The killing was perpetrated by a person under  
27 sentence of life imprisonment.  
28 c. The killing was perpetrated for the purpose  
29 of escaping detection, apprehension, trial, or

30 punishment for another offense committed by the  
31 offender.

32 d. The killing was perpetrated against another  
33 person for the purpose of preventing the other person  
34 from testifying against the offender in a criminal  
35 trial.

36 e. The killing is perpetrated as a part of a  
37 course of conduct by the defendant involving the  
38 purposeful killing of, or attempt to kill two or more  
39 persons.

40 f. The killing was perpetrated while the offender  
41 was participating in the crimes of first degree sexual  
42 abuse, first degree kidnapping, first degree robbery,  
43 first degree burglary or first degree arson.

44 2. Capital murder is a felony punishable either  
45 by death or by life imprisonment, as determined  
46 pursuant to sections twelve (12) through fifteen (15)  
47 of this Act.

48 Sec. 4. Section seven hundred seven point two  
49 (707.2), Code 1979, is amended to read as follows:

50 ~~707.2~~ 707.3 MURDER IN THE FIRST DEGREE. A person

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1 commits murder in the first degree when he or she  
2 commits murder which is not capital murder and which  
3 is committed under any of the following circumstances:

4 1. The person willfully, deliberately, and with  
5 premeditation kills another person.

6 2. The person kills another person while  
7 participating in a forcible felony.

8 3. The person kills another person while escaping  
9 or attempting to escape from lawful custody.

10 4 3. The person intentionally kills a peace  
11 officer, correctional officer, public employee, or  
12 hostage while such person is imprisoned in a  
13 correctional institution under the jurisdiction of  
14 the department of social services, or in a city or  
15 county jail.

16 Murder in the first degree is a class "A" felony.

17 Sec. 5. Section seven hundred seven point three  
18 (707.3), Code 1979, is amended to read as follows:

19 ~~707.3~~ 707.4 MURDER IN THE SECOND DEGREE. A person  
20 commits murder in the second degree when he or she  
21 commits murder which is not capital murder or murder  
22 in the first degree.

23 Murder in the second degree is a class "B" felony.

24 Sec. 6. Section seven hundred seven point four  
25 (707.4), unnumbered paragraph two (2), Code 1979,  
26 is amended to read as follows:

27 Voluntary manslaughter is an included offense under  
 28 an indictment for capital murder or murder in the  
 29 first or second degree.

30 Sec. 7. Section seven hundred seven point five  
 31 (707.5), unnumbered paragraph one (1), Code 1979,  
 32 is amended to read as follows:

33 Involuntary manslaughter as defined in this section  
 34 is an included offense under an indictment for capital  
 35 murder or murder in the first or second degree or  
 36 voluntary manslaughter.

37 Sec. 8. Section eight hundred two point one  
 38 (802.1), Code 1979, is amended to read as follows:

39 802.1 MURDER. A prosecution for capital murder  
 40 or murder in the first or second degree may be  
 41 commenced at any time after the death of the victim.

42 Sec. 9. Section eight hundred eleven point one  
 43 (811.1), Code 1979, is amended to read as follows:

44 811.1 BAILABLE AND NONBAILABLE OFFENSES.

45 1. All defendants other than those charged with  
 46 or convicted of capital murder are bailable both  
 47 before and after conviction, by sufficient surety,  
 48 or subject to release upon condition or on their own  
 49 recognizance, except that a defendant convicted of  
 50 a class "A" felony shall not be admitted to bail while

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1 appealing such conviction.

2 2. Notwithstanding any other provision of this  
 3 chapter, a person charged with capital murder shall  
 4 not be admitted to bail prior to entry of judgment  
 5 if upon hearing held under the provisions of section  
 6 eight hundred twelve point two (812.2) of the Code  
 7 the prosecuting attorney establishes by clear and  
 8 convincing evidence that the release of the defendant  
 9 from custody is likely to pose a danger of physical  
 10 harm to another person. The court shall consider  
 11 any lawfully obtained evidence relevant to the required  
 12 determination, whether or not such evidence would  
 13 be admissible at trial, but testimony of the person  
 14 charged is not admissible at any subsequent trial  
 15 on the issue of guilt of the offense charged or any  
 16 other offense.

17 3. Notwithstanding any other provision of this  
 18 chapter, a person convicted of capital murder shall  
 19 not be admitted to bail.

20 Sec. 10. Section eight hundred thirteen point  
 21 two (813.2), Code 1979, is amended by adding sections  
 22 twelve (12) through fifteen (15) of this Act as new  
 23 rules.

24 Sec. 11. NEW RULE. CAPITAL MURDER - PROCEDURE.

25 1. Upon a finding that the defendant is guilty  
26 of capital murder, the court shall conduct a separate  
27 sentencing proceeding to determine whether the  
28 defendant shall be sentenced to death or to life  
29 imprisonment. The proceeding shall be conducted in  
30 the trial court before the trial jury as soon as  
31 practicable. In the proceeding, additional evidence  
32 may be presented as to any matter which is relevant  
33 to sentence. The court shall receive when offered  
34 any evidence that is required by the rules of criminal  
35 procedure. This subsection does not authorize the  
36 introduction of any evidence secured in violation  
37 of the Constitution of the United States or of the  
38 state of Iowa. The state and the defendant or the  
39 defendant's counsel shall be permitted to cross-examine  
40 witnesses and to present argument for or against a  
41 sentence of death.

42 2. On conclusion of the presentation of the  
43 evidence, the court shall submit each of the following  
44 issues to the jury:

45 a. Whether the actual conduct of the defendant  
46 was committed with the reasonable expectation that  
47 the death of the deceased or another would result.

48 b. Whether there is a probability that in the  
49 future the defendant would commit criminal acts of  
50 violence that would 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.

12 b. It must answer any issue "no" 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 do not apply to a conviction of capital murder when  
 27 the defendant is sentenced to death.

28 Sec. 12. NEW RULE. AUTOMATIC REVIEW—STAY OF  
 29 JUDGMENT.

30 1. A judgment of conviction and sentence of death  
 31 shall be reviewed automatically in the manner provided  
 32 in section sixteen (16) of this Act, and the Iowa  
 33 supreme court has exclusive jurisdiction of the review.

34 2. Upon entry of judgment and sentence of death,  
 35 the sentencing court shall prepare a complete record  
 36 and transcript of the action in the manner provided  
 37 in the rules of criminal procedure and shall docket  
 38 the same with the clerk of the supreme court.

39 3. The judgment and sentence of the trial court  
 40 is stayed as a matter of law from the time of its  
 41 entry until the judgment of the supreme court is  
 42 certified to and entered by the trial court. Upon  
 43 entry of a judgment of the supreme court which affirms  
 44 the conviction and sentence, the stay of the judgment  
 45 and sentence terminates as a matter of law.

46 Sec. 13. NEW RULE. ISSUANCE OF WARRANT.

47 1. Upon entry by the district court of the judgment  
 48 of the supreme court affirming a judgment and sentence  
 49 of death, a judge of the district court shall within  
 50 five days thereafter issue a warrant under the seal

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1 of the court for the execution of the sentence of  
 2 death. The warrant shall specifically set forth the  
 3 offense and the fact of conviction, shall state the  
 4 judgment and sentence of the court, shall state that  
 5 the judgment and sentence was affirmed by the supreme  
 6 court and the date of entry of judgment of the supreme  
 7 court in the district court, and shall specify the  
 8 date fixed for execution of the defendant which shall  
 9 be not less than fifty nor more than sixty days after  
 10 the date of entry in the district court of the judgment  
 11 of the supreme court affirming the judgment and  
 12 sentence of death. The warrant shall be directed  
 13 to the director of the division of adult corrections  
 14 commanding the director to cause the warrant to be  
 15 executed on the date specified. The district court  
 16 shall deliver the warrant to the sheriff of the county  
 17 in which judgment of conviction was entered and the  
 18 sheriff shall deliver the warrant and the defendant  
 19 to the custody of the division of adult corrections  
 20 for confinement in the state penitentiary. The  
 21 director of the division of adult corrections shall



22 acknowledge receipt of the warrant and the defendant,  
 23 and the sheriff shall return the acknowledgement to  
 24 the office of the clerk of court from which the warrant  
 25 was issued.

26 2. Immediately after issuance of a warrant ordering  
 27 a sentence of death, the clerk of the court issuing  
 28 the warrant shall transmit by mail to the governor  
 29 a copy of the indictment, the plea, the verdict and  
 30 special findings, the judgment of the supreme court,  
 31 and the complete transcript.

32 Sec. 14. NEW RULE. EVIDENCE AT SENTENCING IN  
 33 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 defendant's  
 47 homicidal conduct or consented to the homicidal act.

48 c. The murder was committed under circumstances  
 49 which the defendant believed provided a moral  
 50 justification or extenuation for the defendant's

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1 conduct.

2 d. The defendant was an accomplice in a murder  
 3 committed by another person and the defendant's  
 4 participation in the homicidal act was relatively  
 5 minor.

6 e. The youth of the defendant at the time of the  
 7 crime.

8 Sec. 15. Chapter eight hundred fourteen (814),  
 9 Code 1979, is amended by adding the following new  
 10 section:

11 NEW SECTION. REVIEW OF DEATH SENTENCE.

12 1. In a case in which a sentence of death is  
 13 imposed, the supreme court shall review the judgment  
 14 and sentence.

15 2. A review by the supreme court of a judgment  
 16 and sentence imposing the punishment of death has  
 17 priority over all other criminal and other actions  
 18 pending before the supreme court.

19 3. The supreme court shall review the trial and  
20 judgment, and separately shall review the sentencing  
21 proceeding. Upon determining that errors did not  
22 occur at the trial requiring reversal or modification  
23 of the judgment, the supreme court shall proceed to  
24 determine if the sentence of death is lawfully imposed.  
25 In its review of the sentencing proceeding the supreme  
26 court shall determine all of the following:

27 a. Whether the trial court committed prejudicial  
28 error in admitting or refusing to admit evidence  
29 relevant to the issue of whether or not punishment  
30 of death should be imposed.

31 b. Whether the special findings returned under  
32 subsection five (5) of section twelve (12) of this  
33 Act are supported by the evidence.

34 c. Whether the sentence of death was imposed  
35 capriciously or under the influence of prejudice or  
36 other arbitrary factor, considering both the  
37 circumstances of the crime and the defendant.

38 4. If the supreme court determines that the  
39 sentence of death was not lawfully imposed the court  
40 shall set aside the sentence and shall remand the  
41 case to the trial court for imposition of a sentence  
42 of life imprisonment.

43 5. If the supreme court affirms the judgment and  
44 sentence of death, the supreme court clerk shall  
45 certify the judgment of the supreme court under the  
46 seal of the court to the clerk of the trial court.

47 Sec. 16. The Code editor is directed to codify  
48 sections eighteen (18) through twenty-one (21) of  
49 this Act as a new chapter of the Code entitled  
50 "Execution of Death Sentence".

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1 Sec. 17. NEW SECTION. TIME AND MANNER OF  
2 EXECUTION.

3 1. A sentence of death shall be executed pursuant  
4 to warrant therefor at any time before the time of  
5 sunrise on the day set for the execution by causing  
6 to pass through the body of the person a current of  
7 electricity of sufficient intensity to cause death,  
8 and by the application and continuance of such current  
9 through the body of the person until dead.

10 2. The director of the division of adult  
11 corrections shall cause the execution. The executioner  
12 shall be the person appointed by the division of adult  
13 corrections for that purpose.

14 3. The execution shall take place within the  
15 confines of the state penitentiary in a room arranged  
16 for that purpose.

17 4. The following persons may be present at the  
18 execution: The director of the division or a deputy,  
19 the warden of the state penitentiary or a deputy,  
20 the executioner and persons necessary to assist the  
21 executioner in conducting the execution, two physicians  
22 including the prison physician, the spiritual advisor,  
23 if any, of the condemned, the chaplains of the division  
24 of adult corrections, a district judge, the sheriff  
25 or a deputy sheriff of the county in which the state  
26 penitentiary is situated, and any of the relatives  
27 or friends of the condemned person that the condemned  
28 person requests, not exceeding five in number.

29 5. Persons other than those specifically designated  
30 in subsection four (4) of this section, or those  
31 specifically requested by the defendant under the  
32 authority of subsection four (4) of this section,  
33 shall not be present at the execution. Notwithstanding  
34 subsection four (4) of this section, a person shall  
35 not be present at an execution if the person is less  
36 than eighteen years of age, or if the person is in  
37 possession of any device for receiving, transmitting  
38 or recording sounds or pictures.

39 Sec. 18. NEW SECTION. DELAY OF EXECUTION - NEW  
40 WARRANT.

41 1. If the condemned person escapes after sentence  
42 and before delivery to the division of adult  
43 corrections and is not rearrested until after the  
44 time fixed for execution, any person may arrest and  
45 commit the person to the jail of the county in which  
46 he or she was sentenced. The court by whom the  
47 condemned was sentenced, on notice of such arrest  
48 being given by the sheriff, shall again appoint a  
49 time for the execution, not less than thirty days  
50 thereafter, and shall issue its warrant and the

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1 applicable procedures specified in sections fourteen  
2 (14) and eighteen (18) of this Act shall apply.

3 2. If the condemned person escapes after delivery  
4 to the division of adult corrections, and is not  
5 retaken before the time appointed for execution, any  
6 person may arrest and commit the person to the  
7 division. The director shall certify the fact of  
8 escape and recapture to the court in which sentence  
9 was passed and the court shall appoint a time for  
10 the execution which shall not be less than thirty  
11 days thereafter, and shall issue its warrant, and  
12 the applicable procedures specified in sections  
13 fourteen (14) and eighteen (18) of this Act shall  
14 apply.

15 3. If for any other reason execution of the death  
 16 penalty is delayed beyond the date specified in the  
 17 warrant of execution, the court which originally  
 18 sentenced the defendant shall establish a later date  
 19 for execution, which shall not be more than thirty  
 20 days after issuance of the warrant.

21 Sec. 19. NEW SECTION. RETURN OF WARRANT. On  
 22 the arrival of the date set for execution the division  
 23 shall cause the execution. In case of the death of  
 24 any condemned person before the time for execution  
 25 arrives, or if the person is pardoned or his or her  
 26 sentence is commuted by the governor, no execution  
 27 shall be held. In all cases, the director of the  
 28 division of adult corrections shall return the warrant  
 29 and certificate with a statement of any such act and  
 30 the proceedings endorsed thereon. In the event of  
 31 execution the return shall be accompanied by a  
 32 statement showing what disposition was made of the  
 33 body. Return shall be made to the clerk of the court  
 34 in which the sentence was passed, who shall record  
 35 the warrant and return in the docket of the court.

36 Sec. 20. NEW SECTION. DISPOSITION OF BODY. The  
 37 body of a person who has been executed shall be  
 38 embalmed immediately at the direction of the director  
 39 of the division of adult corrections. If the body  
 40 is demanded or requested by a relative or bona fide  
 41 friend within forty-eight hours after execution, it  
 42 shall be delivered to the relative or bona fide friend.  
 43 The recipient of the body shall pay a fee of not to  
 44 exceed twenty-five dollars to the mortician for his  
 45 or her services in embalming the body and the mortician  
 46 shall issue a written receipt to the recipient. If  
 47 the body is not delivered to a relative or bona fide  
 48 friend, the director shall cause the body to be buried,  
 49 and the fee for embalming and burial shall be paid  
 50 by the county where the condemned person was indicted."

Page 9

- 1 2. By renumbering sections and correcting internal
- 2 references as made necessary by this amendment.

TYRRELL of Iowa

H-5800

- 1 Amend the Committee on Judiciary and Law Enforce-
- 2 ment amendment, H-5729, to Senate File 2199, as
- 3 amended, passed, and reprinted by the Senate, as
- 4 follows:
- 5 1. By striking lines 2 through 11 and inserting
- 6 in lieu thereof the following:

- 7 "1. Page 1, line 5, by inserting after the word  
 8 "wears" the words "a flat-brimmed campaign hat or  
 9 dark brown shirt and officer-pink trousers which is  
 10 the official uniform of the Iowa safety patrol or".  
 11 2. Page 1, line 6, by striking the words "flat-  
 12 brimmed".  
 13 3. Page 1, by striking line 7.  
 14 4. Page 1, line 8, by striking the words "such  
 15 officer" and inserting in lieu thereof the words "sueh  
 16 officer or employee of the department"."

HOLT of Clay

H-5801

- 1 Amend the Pellett amendment H-5784 to Senate File  
 2 2232 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, line 8, by inserting after the word  
 5 "a" the word "formal".  
 6 2. Page 1, line 9, by striking the words ", formal  
 7 or informal," and inserting in lieu thereof the words  
 8 "; formal or informal,".

COREY of Louisa

H-5802

- 1 Amend Senate File 2198, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the following  
 4 section:  
 5 "Section 1. Section two hundred seventy point  
 6 nine (270.9), subsections one (1) and two (2), Code  
 7 1979, are amended to read as follows:  
 8 1. Transportation reimbursement at the a rate  
 9 specified in section 285.1, subsection 3 established  
 10 annually by the state board of regents to the parents  
 11 or guardians of children who do not reside in the  
 12 institution, but are transported to the institution  
 13 on a daily basis.  
 14 2. Transportation reimbursement at the a rate  
 15 specified in section 285.1, subsection 3 established  
 16 annually by the state board of regents to the parents  
 17 or guardians for not more than ten trips per year  
 18 from the institution to the residence of the parent  
 19 or guardian and return to the institution for children  
 20 who reside in the institution."  
 21 2. By renumbering sections as necessary.

MENKE of O'Brien

H-5804

1 Amend House File 2558 as follows:

2 1. Page 10, by adding after line 15 the  
3 following:

4 " Adopt ordinances pursuant to chapters three  
5 hundred fifty-eight A (358A) and four hundred four-  
6 teen (414), eliminating requirements of minimum lot  
7 sizes of more than six thousand square feet for  
8 single-family residential housing, or more than  
9 four thousand square feet per unit for multiple-  
10 family residential housing, where the requirements  
11 are not necessary to protect a compelling local  
12 interest."

13 2. Page 10, by adding after line 15 the  
14 following:

15 " Adopt ordinances pursuant to chapters three  
16 hundred fifty-eight A (358A) and four hundred four-  
17 teen (414), eliminating restrictions preventing  
18 persons fifty-five years of age or older from  
19 sharing their homes with non-related persons, subject  
20 to reasonable restrictions on maximum occupancy of  
21 a dwelling unit."

CONLON of Muscatine.

H-5805

1 Amend House File 2558 as follows:

2 1. Page 15, line 21, by inserting after the  
3 word "purposes." the words "Ordinances adopted  
4 pursuant to this section shall be designed to promote  
5 the most efficient possible use of land, shall  
6 not unduly discriminate against housing for lower  
7 income persons, shall not require unnecessarily low  
8 density development, and shall be designed to favor  
9 the use of energy-efficient modes of transportation  
10 and to discourage reliance on the automobile."

CONLON of Muscatine

H-5807

1 Amend House File 2558 as follows:

2 1. Page 5, by inserting after line 2 the following:

3 "5. The county board of supervisors may designate  
4 the county planning and zoning commission to perform  
5 the powers and duties of the county land preservation  
6 commission under this Act. If a designation is made,  
7 a county land preservation commission shall not be  
8 established in that county. The county planning and

9 zoning commission shall appoint from its membership  
 10 the same number of members to the convention to elect  
 11 the state commission as would be sent by the county  
 12 commission and shall determine which members shall  
 13 vote with which other county commissioners at the  
 14 convention."

15 2. Page 11, line 29, by inserting after the word  
 16 "plan." the words "If a county has adopted a  
 17 comprehensive zoning ordinance within five years  
 18 before the effective date of this Act this section  
 19 does not require that a new comprehensive plan or  
 20 ordinances be developed or adopted. However, the  
 21 county is required to review its ordinances as provided  
 22 in section fourteen (14) of this Act."

23 4. Page 15, line 33, by inserting after the word  
 24 "plan." the words "If a city has adopted a  
 25 comprehensive zoning ordinance within five years of  
 26 the effective date of this Act, this section does  
 27 not require that a new comprehensive plan or ordinances  
 28 be developed or adopted. However, the county is  
 29 required to review its ordinances as provided in  
 30 section nineteen (19) of this Act."

SCHNEKLOTH of Scott

H-5808

1 Amend House File 2558 as follows:  
 2 1. Page 3, by striking line 21 and inserting  
 3 in lieu thereof the following:  
 4 "15. "Urban sprawl" means uncontrolled"

SPEAR of Lee

H-5809

1 Amend House File 2558 as follows:  
 2 1. Page 3, by striking lines 2 through 5 and  
 3 inserting in lieu thereof the following:  
 4 "10. "Land use planning" means the art, science,  
 5 and process of utilizing ground space, and the  
 6 accompanying activity patterns, structures, systems  
 7 and functions so as to adapt the ground space most  
 8 economically, functionally, and gracefully to the"

SPEAR of Lee

H-5810

1 Amend House File 2558 as follows:  
 2 1. Page 1, by striking line 26 and inserting  
 3 in lieu thereof "to important historic, cultural,  
 4 or scientific".

SPEAR of Lee

H-5811

- 1 Amend House File 2558 as follows:
- 2 1. Page 1, lines 29 and 30, by striking the
- 3 words "rare or".

SPEAR of Lee

H-5812

- 1 Amend House File 2558 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the word "promote".
- 4 2. Page 1, line 8, by striking the words "the
- 5 state policy" and inserting in lieu thereof the word
- 6 "policies".
- 7 3. Page 1, line 9, by striking the words "state
- 8 agencies" and inserting in lieu thereof the words
- 9 "political subdivisions".
- 10 4. Page 1, by striking lines 12 through 15.
- 11 5. Page 1, by striking lines 18 through page 2,
- 12 line 17.
- 13 6. Page 5, by striking line 3 through page 8,
- 14 line 12.
- 15 7. Page 8, line 17, by striking the words "based
- 16 upon the state policy and guidelines".
- 17 8. Page 8, lines 22 and 23, by striking the words
- 18 "and state".
- 19 9. Page 8, line 24, by striking the words "based
- 20 on state guidelines".
- 21 10. Page 9, by striking lines 31 and 32 and
- 22 inserting in lieu thereof the words "Upon the adoption
- 23 of the county land use guidelines by the".
- 24 11. Page 10, by striking lines 20 through 35.
- 25 12. Page 11, line 21, by striking the word "state"
- 26 and inserting in lieu thereof the word "county".
- 27 13. Page 15, line 24, by striking the word "state"
- 28 and inserting in lieu thereof the word "county".
- 29 14. Page 19, by striking lines 6 through 15.

TYRRELL of Iowa

H-5813

- 1 Amend House File 2558 as follows:
- 2 1. Page 11, line 29, by inserting after the word
- 3 "plan." the words "A county may apply to the state
- 4 commission and receive an exemption from the
- 5 requirements of zoning in this section if the state
- 6 commission finds that zoning is not necessary in that
- 7 county to preserve the availability of agricultural
- 8 land and discourage urban sprawl."

TYRRELL of Iowa



H-5814

- 1 Amend House File 2558 as follows:  
2 1. Page 10, by inserting after line 35 the  
3 following:  
4 "Sec. 10. NEW SECTION. STATE PAYMENT. The state  
5 shall reimburse the cities and counties for all costs  
6 incurred in the implementation of this Act. To obtain  
7 the reimbursement, a city or county shall file a  
8 statement with the state comptroller containing the  
9 amount and nature of the costs incurred. The state  
10 comptroller shall develop the form for the statements  
11 and receive them on a quarterly basis."  
12 2. By renumbering the sections to conform with  
13 this amendment.

TYRRELL of Iowa  
DE GROOT of Lyon

H-5815

- 1 Amend House File 2558 as follows:  
2 1. Page 1, line 20 by striking the word "could"  
3 and inserting in lieu thereof the words "is likely  
4 to".  
5 2. Page 1, line 25 by striking the word "could"  
6 and inserting in lieu thereof the words "is likely  
7 to".  
8 3. Page 1, line 33 by striking the word "could"  
9 and inserting in lieu thereof the words "is likely  
10 to".  
11 4. Page 2, line 3 by striking the word "could"  
12 and inserting in lieu thereof the words "is likely  
13 to".  
14 5. Page 2, line 22 by striking the word "could"  
15 and inserting in lieu thereof the words "is likely  
16 to".

RITSEMA of Sioux

H-5816

- 1 Amend House File 2558 as follows:  
2 1. Page 7, line 19, by striking the words "and  
3 approval".  
4 2. Page 8, line 17, by striking the words "based  
5 upon the state policy and guidelines".  
6 3. Page 8, line 24, by striking the words "based  
7 on the state guidelines".  
8 4. Page 8, line 26, by inserting after the word  
9 "land" the words "as provided in section eight (8)  
10 of this Act".

- 11 5. Page 8, by striking lines 34 and 35.  
 12 6. Page 11, lines 20 and 21, by striking the words  
 13 "satisfying the guidelines established by the state  
 14 land preservation commission".  
 15 7. Page 15, lines 24 and 25, by striking the words  
 16 "satisfying the guidelines established by the state  
 17 land preservation commission".

BENNETT of Ida

H-5817

- 1 Amend Senate File 2103, as passed by the  
 2 Senate, as follows:  
 3 1. Page 1, line 8, by inserting after the  
 4 word "service." the words "However, if a notice  
 5 is not actually served within ten days of receipt,  
 6 the sheriff's fees shall be reduced by fifty  
 7 percent."

CONLON of Muscatine

H-5818

- 1 Amend House File 2558 as follows:  
 2 1. By striking all after the enacting clause and  
 3 inserting in lieu thereof the following:  
 4 "Section 1. NEW SECTION. LEGISLATIVE POLICY.  
 5 It is the policy of this state to preserve the  
 6 availability and productivity of agricultural land,  
 7 to encourage efficient urban development patterns,  
 8 and to preserve private property rights and local  
 9 control of land use.  
 10 Sec. 2. NEW SECTION. COUNTY COMMISSION  
 11 ESTABLISHED.  
 12 1. There is created a county land preservation  
 13 policy commission composed of the following members:  
 14 a. Three members appointed by and from the district  
 15 soil conservation commissioners.  
 16 b. Three members appointed by and from the county  
 17 board of supervisors.  
 18 c. Three members appointed by and from a convention  
 19 of the mayors and councilpersons of the cities of  
 20 the county. If a participating city contains fifty  
 21 percent or more of the total population of the  
 22 participating cities, that city may appoint two members  
 23 of the members appointed under this paragraph.  
 24 However, if a city contains more than one-half  
 25 of the population of a county which has a population  
 26 exceeding fifty thousand persons, that city shall  
 27 not participate in the convention of mayors and

28 councilpersons and the members appointed under  
 29 paragraph c of this subsection shall be three members  
 30 appointed by and from the mayor and councilpersons  
 31 of that city and three members appointed by and from  
 32 the convention of mayors and councilpersons and the  
 33 members appointed under paragraph b of this subsection  
 34 shall be three residents of the county engaged in  
 35 actual farming operations appointed by the board of  
 36 supervisors.

37 2. The convention of the mayors and councilpersons  
 38 shall be organized by the board of supervisors. The  
 39 members of the county commission shall serve terms  
 40 of three years. A vacancy shall be filled in the  
 41 same manner as the original appointment.

42 3. The county commission shall annually meet and  
 43 organize by the election of a chairperson and vice  
 44 chairperson from among its members. A majority of  
 45 the members of the county commission shall constitute  
 46 a quorum and the concurrence of a quorum shall be  
 47 required to determine any matter relating to its  
 48 official duties. Each member of the county commission  
 49 shall be entitled to receive reimbursement for travel  
 50 and other necessary expenses incurred in the

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1 performance of the member's official duties. The  
 2 reimbursement shall be made from state funds  
 3 appropriated for this purpose.

4 4. The state agricultural extension service shall  
 5 assist county commissions with technical,  
 6 informational, and clerical assistance.

7 Sec. 3. NEW SECTION. DUTIES OF COUNTY COMMISSION.

8 In addition to other duties provided by law, a county  
 9 commission shall:

10 1. Develop and review at least every three years  
 11 a land use policy for the county and its cities.

12 2. Adopt guidelines for the protection of  
 13 agricultural land."

RENKEN of Grundy  
 VAN MAANEN of Mahaska  
 DANKER of Pottawattamie  
 ANDERSON of Audubon  
 JOHNSON of Howard

BRANSTAD of Winnebago  
 DE GROOT of Lyon  
 SCHNEKLOTH of Scott  
 TYRRELL of Iowa

H—5819

1 Amend House File 2558 as follows:

2 1. Page 3, by inserting after line 28 the  
3 following:

4 "17. "Development easement" means an interest  
5 in land, less than fee simple absolute, which represent  
6 the right to develop such lands for nonagricultural  
7 purposes, as determined under the provisions of this  
8 Act and section three hundred fifty-eight A point  
9 two (358A.2) of the Code."

10 2. Page 11, by inserting after line 13 the  
11 following:

12 "Sec. . Chapter three hundred fifty-eight A  
13 (358A), Code 1979, is amended by adding the following  
14 new sections:

15 NEW SECTION. COUNTY PURCHASE OF DEVELOPMENT

16 EASEMENTS. A landowner, as defined in this section,  
17 who has held title to land assessed as agricultural  
18 for at least fifteen years which becomes zoned as  
19 agricultural may petition the county planning and  
20 zoning commission to require the county to purchase  
21 a development easement on the land zoned as  
22 agricultural. For the purpose of computing the fifteen  
23 years under this section of this Act, "landowner"  
24 includes the owner of the land, a landowner and his  
25 or her successor in title if the successor is related  
26 to the previous landowner within the third degree  
27 of consanguinity or affinity, or a landowner and a  
28 family farm corporation or family trust as defined  
29 in chapter one hundred seventy-two C (172C) of the  
30 Code established by the landowner which has succeeded  
31 to the title.

32 NEW SECTION. CONTENTS OF APPLICATION. The  
33 application for the purchase of a development easement  
34 shall be mailed by certified mail to the chairperson  
35 of the county planning and zoning commission and shall  
36 set forth in writing:

37 1. A legal description of the property in the  
38 county affected by the zoning designation as  
39 agricultural.

40 2. The purpose for which the request for the  
41 purchase of a development easement is sought.

42 3. A request for the appointment of a commission  
43 to assess the value of the development, easement  
44 involved.

45 NEW SECTION. COUNTY COMPENSATION COMMISSION TO

46 VALUE DEVELOPMENT EASEMENT. The county compensation  
47 commission appointed pursuant to section four hundred  
48 seventy-two point four (472.4) of the Code shall  
49 inspect and assess the value of the land involved  
50 at its fair market value if nonagricultural uses were

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1 allowed and at its fair market value for exclusive  
2 agricultural use. The difference between the current  
3 overall fair market value and the current agricultural  
4 fair market value shall represent an appraisal of  
5 the value of the development easement to the parcel.  
6 The monetary value of the development easement shall  
7 be paid to the landowner from county funds.

8 **NEW SECTION. NOTIFICATION OF INSPECTION TO**  
9 **LANDOWNER.** The county compensation commission shall  
10 send written notice, by ordinary mail, to the landowner  
11 notifying him or her of the date and time of the  
12 inspection, giving him or her the right to be present.

13 **NEW SECTION. COMMISSIONERS TO FILE WRITTEN REPORT.**  
14 The commissioners shall file a written report of their  
15 inspection and the value of the development easement  
16 with the chairperson of the county planning and zoning  
17 commission. At the request of the landowner, the  
18 commission shall divide the value of the develop-  
19 ment easement into parts to indicate the value of  
20 any dwelling, the value of the land and improvements  
21 other than a dwelling, and the value of any additional  
22 information relating to the value of the development  
23 easement.

24 **NEW SECTION. NOTICE OF APPRAISEMENT—APPEAL OF**  
25 **AWARD.** After the appraisal of the value of the  
26 development easement has been delivered to the  
27 chairperson of the county planning and zoning  
28 commission, the chairperson shall give written notice,  
29 by ordinary mail, to the landowner of the date on  
30 which the appraisal of the value of the develop-  
31 ment easement was made, the amount of the appraisal,  
32 and that any interested party may, within thirty days  
33 from the date of mailing the notice of the appraisal  
34 of the development easement, appeal to the district  
35 court in the manner provided in chapter four hundred  
36 seventy-two (472) of the Code. The chairperson of  
37 the county planning and zoning commission shall endorse  
38 the date of mailing of notice upon the original  
39 appraisal of the development easement.

40 **NEW SECTION. RECORDING OF DEVELOPMENT EASEMENTS.**  
41 Development easements shall be recorded as other  
42 instruments affecting real estate are recorded, and  
43 shall be attached to subsequent conveyances of the  
44 parcel."

45 3. By renumbering the sections and correcting  
46 internal references to conform with this amendment.

H-5820

- 1 Amend House File 2558 as follows:
- 2 1. Page 11, line 10, by striking the word
- 3 "railroad".
- 4 2. Page 11, line 12, by striking the word
- 5 "railroad".

HALL of Linn

H-5821

- 1 Amend House File 2558 as follows:
- 2 1. Page 18, by striking lines 11 through 17 and
- 3 inserting in lieu thereof "until approved by the
- 4 county board of supervisors."

SPEAR of Lee

H-5822

- 1 Amend the amendment H-5809 to House File 2558
- 2 as follows:
- 3 1. Page 1, by striking line 8, and inserting in
- 4 lieu thereof "economically and functionally to the".

SPEAR of Lee

H-5823

- 1 Amend House File 2558 as follows:
- 2 1. Page 1, lines 34 and 35, by striking the words
- 3 "and areas frequently subject to weather disasters."

SPEAR of Lee

H-5824

- 1 Amend House File 2558 as follows: -
- 2 1. Page 1, line 21, by striking the word
- 3 "or" and inserting in lieu thereof the word "of".

RITSEMA of Sioux

H-5828

- 1 Amend House File 2558 as follows:
- 2 Page 3, line 7, by striking the words "civilized man"
- 3 and inserting in lieu thereof the word "humankind".

SPEAR of Lee

H-5829

1 Amend House File 2558 as follows:

2 1. Page 19, by inserting after line 15 the  
3 following:

4 "Sec. . **NEW SECTION.** If a city or county has  
5 established a zoning commission and adopted ordinances  
6 pursuant to chapters three hundred fifty-eight A (358A)  
7 or four hundred fourteen (414) of the Code on the  
8 effective date of this Act, the comprehensive plans  
9 required under sections eleven (11) and seventeen  
10 (17) of this Act shall not become effective until  
11 approved by the voters of county or city. When the  
12 comprehensive plan is approved by the board of  
13 supervisors or city council, they shall notify the  
14 county commissioner of elections who shall place the  
15 approval of the comprehensive plan on the ballot as  
16 public measure at the next scheduled election in which  
17 the voters of county or city may vote. If the  
18 comprehensive plan is not approved by a majority of  
19 those voting on the measure, the plan shall not become  
20 effective."

DE GROOT of Lyon

H-5831

1 Amend House File 2558 as follows:

2 1. Page 4, lines 16 through 19, by striking the  
3 words "of the county engaged in actual farming  
4 operations appointed by the board of supervisors and  
5 who shall be chosen first from those supervisors who  
6 are engaged in actual farming operations" and inserting  
7 in lieu thereof the words "from the unincorporated  
8 area of the county appointed by the board of  
9 supervisors and who shall be representative of the  
10 social and occupational interest in the unincorporated  
11 area of the county".

12 2. Page 5, by inserting after line 2 the following:

13 "5. The county land preservation commission may  
14 seek technical, informational and clerical assistance  
15 from the local county or city planning agency, regional  
16 planning agency, or other appropriate local resource."

17 3. Page 5, line 11, by inserting after the word  
18 "appointed" the word "by".

19 4. Page 11, line 10, by striking the word  
20 "railroad".

21 5. Page 11, line 12, by striking the word  
22 "railroad".

KREWSON of Polk  
WALTER of Pottawattamie

H-5832

1 Amend House File 2558 as follows:

2 1. Page 10, by striking lines 5 through 9 and  
3 inserting in lieu thereof the following:

4 "3. Adopt ordinances or resolutions pursuant to  
5 chapter three hundred fifty-eight A (358A), four  
6 hundred nine (409), or four hundred fourteen (414)  
7 of the Code which shall direct the growth of non-  
8 agricultural land uses to the less productive or  
9 suitable agricultural land within a city's  
10 jurisdiction,"

11 2. Page 10, line 16, by inserting after the  
12 word "ordinances" the words "or resolutions".

KREWSON of Polk  
BINA of Scott  
WALTER of Pottawattamie

H-5833

1 Amend House File 2558 as follows:

2 1. Page 5, by striking lines 4 through 28 and  
3 inserting in lieu thereof the following:

4 "1. The state land preservation commission shall  
5 consist of three county commissioners from each  
6 congressional district chosen at congressional  
7 conventions called by the department. Prior to the  
8 congressional district convention, the members of  
9 the county commission shall appoint one-third of its  
10 membership to attend the convention. One member shall  
11 be appointed by and from the members appointed under  
12 section three (3), subsection one (1), paragraph a  
13 of this Act, one member shall be appointed by and  
14 from the members appointed under paragraph b of that  
15 subsection, and one member for each three members  
16 appointed under paragraph c of that subsection shall  
17 be appointed by and from those members. The members  
18 of the county commissions in the counties located  
19 within each congressional district who have been  
20 appointed to attend the convention shall convene and  
21 elect three members to the state commission. Of the  
22 three members, one shall be elected by the members  
23 of the county commission appointed under section three  
24 (3), subsection one (1), paragraph a of this Act,  
25 one by the members appointed under paragraph b of  
26 that subsection, and one by the members appointed  
27 under paragraph c of that subsection. Each member  
28 shall be a member of the county commission appointed  
29 under the same subparagraph as the members of the  
30 county commission electing that member. The department  
31 shall provide assistance in making the arrangements  
32 for the conventions. Each member present of each  
33 county commission shall have one vote at the  
34 convention."

DE GROOT of Lyon



H-5834

1 Amend House File 2558 as follows:

2 1. Page 15, by inserting after line 9 the  
3 following:

4 "Sec. . Section three hundred sixty-eight point  
5 nineteen (368.19), unnumbered paragraph one (1), Code  
6 1979, is amended to read as follows:

7 368.19 TIME LIMIT - ELECTION. The committee shall  
8 approve or disapprove the petition or plan as amended,  
9 within ninety days of the final hearing, and shall  
10 file its decision for record and promptly notify the  
11 parties to the proceeding of its decision. If a  
12 petition or plan is approved, the board shall set  
13 a date within ninety days for a special election on  
14 the proposal and the county commissioner of elections  
15 shall conduct the election. In a case of incorporation  
16 or discontinuance, qualified electors of the territory  
17 or city may vote, and the proposal is authorized if  
18 a majority of those voting approves it. In a case  
19 of ~~annexation or severance~~, qualified electors of  
20 the territory and of the city may vote, and the  
21 proposal is authorized if a majority of the total  
22 number of persons voting approves it. In a case of  
23 annexation, the qualified voters of the city, the  
24 territory, and the election districts which are not  
25 within a city and lie within two miles of the city  
26 or territory may vote, and a proposal is authorized  
27 if a majority of the total number of persons voting  
28 approves it. If an election district is partially  
29 within two miles of the city or territory, its  
30 qualified voters may vote if the county commissioner  
31 of elections determines that a majority of the election  
32 district lies within two miles of the city or  
33 territory. In a case of consolidation, qualified  
34 electors of each city to be consolidated may vote,  
35 and the proposal is authorized only if it receives  
36 a favorable majority vote in each city. The county  
37 commissioner of elections shall publish notice of  
38 the election as provided in section 49.53 and shall  
39 conduct the election in the same manner as other  
40 special city elections."

41 2. By renumbering the sections to conform with  
42 this amendment.

WELSH of Dubuque  
SCHROEDER of Pottawattamie  
WOODS of Polk  
JOHNSON of Howard  
BYERLY of Polk  
MENKE of O'Brien

H - 5835

- 1 Amend House File 2558 as follows:  
 2 1. Page 11, by striking lines 9 and 10 and  
 3 inserting in lieu thereof the following: "for  
 4 other public purposes. The".  
 5 2. Page 11, lines 12 and 13, by striking the  
 6 words "railroad transportation" and inserting in  
 7 lieu thereof the following: "public".

PELTON of Clinton

H - 5836

- 1 Amend House File 2558 as follows:  
 2 1. Page 18, by inserting after line 27 the  
 3 following:  
 4 "Sec. . Section four hundred seventy-eight  
 5 point twenty (478.20), Code 1979, is amended by adding  
 6 the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. In addition to the other  
 8 requirements of this section, a transmission line  
 9 which transmits the following voltages shall not be  
 10 constructed within the following respective distances  
 11 of a dwelling house or other building:  
 12 1. Three hundred to four hundred kilovolts, five  
 13 hundred feet.  
 14 2. More than four hundred but less than six hundred  
 15 fifty kilovolts, six hundred fifty feet.  
 16 3. More than six hundred fifty kilovolts, one  
 17 thousand feet."  
 18 2. By numbering as necessary.

VAN MAANEN of Mahaska

H - 5837

- 1 Amend House File 2558 as follows:  
 2 1. Page 19, by inserting after line 15 the  
 3 following:  
 4 "Sec. . NEW SECTION. If a county or city has  
 5 not adopted zoning ordinances pursuant to chapters  
 6 three hundred fifty-eight A (358A) or four hundred  
 7 fourteen (414) of the Code on the effective date of  
 8 this Act, the adoption of zoning ordinances as required  
 9 by sections eleven (11) and seventeen (17) of this  
 10 Act shall not become effective until they are approved  
 11 by voters of the county or city. When the board of  
 12 supervisors or city council has approved the zoning  
 13 ordinances, they shall notify the county commissioner  
 14 of elections who shall place the approval of the

15 zoning ordinances on ballot as a public measure on  
 16 the next scheduled election in which the voters of  
 17 the county or city may vote. If the adoption of the  
 18 zoning ordinances is not approved by a majority of  
 19 the voters of the county or city voting on the public  
 20 measure, the zoning ordinances shall not become  
 21 effective."

VAN MAANEN of Mahaska

H-5838

- 1 Amend House File 2558 as follows:
- 2 1. Page 11, by striking lines 1 through 13.
- 3 2. By renumbering as required.

SCHROEDER of Pottawattamie

H-5843

- 1 Amend amendment H-5819 to House File 2558 as follows:
- 2 1. Page 1, line 27, by striking the words "or affinity".

TYRRELL of Iowa

H-5845

- 1 Amend amendment H-5834 to House File 2558 as
- 2 follows:
- 3 1. Page 1, line 19, by striking the words
- 4 "~~annexation or~~" and inserting in lieu thereof the
- 5 words "annexation or".
- 6 2. Page 1, by striking lines 21 through 33 and
- 7 inserting in lieu thereof the following: "proposal
- 8 is authorized if a majority of the ~~total number of~~
- 9 persons voting approves in the city and a majority
- 10 of the persons voting in the territory approve it.
- 11 In a case of consolidation, qualified".

WOODS of Polk

H-5846

- 1 Amend amendment H-5828 to House File 2558 as follows:
- 2 1. Page 1, line 3, by striking the word "humankind"
- 3 and inserting in lieu thereof the word "people".

TYRRELL of Iowa

H-5847

- 1 Amend amendment H-5829 to House File 2558 as follows:  
 2 1. Page 1, line 11, by inserting after the word "of"  
 3 the word "the".  
 4 2. Page 1, line 17, by inserting after the word "of"  
 5 the word "the".

TYRRELL of Iowa

H-5850

- 1 Amend the amendment, H-5831, to House File  
 2 2558 as follows:  
 3 1. Page 1, line 10, by striking the word  
 4 "interest" and inserting in lieu thereof the word  
 5 "interests".

KREWSON of Polk

H-5851

- 1 Amend amendment H-5819 to House File 2558 as  
 2 follows:  
 3 1. Page 2, by inserting after line 44 the  
 4 following:  
 5 "3. Page 12, by inserting after line 20 the  
 6 following:  
 7 "Sec. . Section three hundred fifty-eight  
 8 A point six (358A.6), Code 1979, is amended to read  
 9 as follows:  
 10 358A.6 PUBLIC HEARINGS. The board of supervisors  
 11 shall provide for the manner in which such regulations  
 12 and restrictions and the boundaries of such districts  
 13 shall be determined, established, and enforced, and  
 14 from time to time amended, supplemented or changed.  
 15 However, no such regulation, restriction, or boundary  
 16 shall become effective until after a public hearing  
 17 in relation thereto, at which parties in interest  
 18 and citizens shall have an opportunity to be heard.  
 19 At least fifteen days' notice of the time and place  
 20 of such hearing shall be published in a paper of  
 21 general circulation in such county. If a change is  
 22 being made in the uses permissible in a district,  
 23 a copy of notice shall be sent by ordinary mail to  
 24 each affected landowner. Such notice shall state  
 25 the location of the district affected by naming the  
 26 township and section, and the boundaries of such  
 27 district shall be expressed in terms of streets or  
 28 roads wherever possible." "  
 29 2. By renumbering and correcting internal  
 30 references to conform with this amendment.

BYERLY of Polk

H-5852

1 Amend the Perkins amendment, H-5445, to House File  
2 759 as follows:

3 1. Page 1, by striking lines 4 through 28 and  
4 inserting in lieu thereof the following:

5 "Section 1. Section four hundred twenty-two point  
6 forty-five (422.45), Code 1979, is amended by adding  
7 the following new subsection:

8 **NEW SUBSECTION.** Sales and use taxes paid on  
9 purchases of industrial machinery and equipment,  
10 including replacement parts which are depreciable  
11 for state and federal income tax purposes, and on  
12 purchases of agricultural buildings as tangible  
13 personal property or building materials becoming an  
14 integral part of agricultural buildings which are  
15 used for agricultural purposes, shall be refunded  
16 to the purchaser provided all of the following  
17 conditions are met:

18 a. The tax shall have been collected by the  
19 retailer or timely paid to the department if section  
20 four hundred twenty-three point fourteen (423.14)  
21 of the Code is applicable.

22 b. Any industrial machinery and equipment shall  
23 be directly and primarily used in processing tangible  
24 personal property in the manner described in section  
25 four hundred twenty-eight point twenty (428.20) of  
26 the Code.

27 c. The industrial machinery and equipment shall  
28 be real property within the scope of section four  
29 hundred twenty-seven A point one (427A.1), subsection  
30 one (1), paragraph e, of the Code and shall be subject  
31 to taxation as real property.

32 d. The agricultural buildings must be assessed  
33 as agricultural property for property tax purposes  
34 and subject to taxation as real property.

35 e. Agricultural buildings, once erected, are  
36 directly and primarily used in the processing or  
37 storage of grain, hay or silage or are directly and  
38 primarily used in the production of livestock or  
39 primarily used for the storage and shelter of farm  
40 machinery or equipment.

41 However, the provisions of Acts of the Sixty-eighth  
42 General Assembly, 1979 Session, chapters eighty-four  
43 (84) and one hundred three (103) which result in the  
44 exemption from taxation of property otherwise  
45 qualifying for this exemption shall not preclude the  
46 property from receiving the benefits of this section.

47 Any sales and use tax paid on hand tools shall  
48 not be eligible for a refund. Any sales and use tax  
49 paid on pollution control equipment qualifying under  
50 paragraphs a and b of this subsection shall be eligible

## Page 2

1 for a refund. Any sales and use tax paid on industrial  
2 machinery and equipment, including pollution control  
3 equipment, within the scope of section four hundred  
4 twenty-seven A point one (427A.1), subsection one  
5 (1), paragraphs h and i, of the Code shall not be  
6 eligible for refund.

7 Where sales or use taxes have been paid on purchases  
8 of tangible personal property qualifying for refund  
9 under this subsection by any contractor who is  
10 obligated to pay the tax under section four hundred  
11 twenty-two point forty-two (422.42), subsection nine  
12 (9), of the Code or chapter four hundred twenty-three  
13 (423) of the Code, and upon which sales or use tax  
14 has been paid, in the fulfillment of a contract, the  
15 contractor shall state under oath on forms provided  
16 by the department or on forms approved by the  
17 department, a description of the tangible personal  
18 property and the amount of sales or use tax which  
19 has been paid on the tangible personal property.  
20 The forms shall be filed by the contractor with the  
21 person for whom the contract was performed by the  
22 contractor prior to final settlement on the contract.  
23 The person for whom the contract was performed shall  
24 be entitled to the refund of any sales and use taxes  
25 paid by the contractor and shall file the forms,  
26 accompanied by an application for refund, with the  
27 department to claim the refund. Any contractor who  
28 willfully files a false report of sales and use taxes  
29 paid shall, upon conviction, be guilty of a simple  
30 misdemeanor and shall also be liable for the payment  
31 of any taxes due, including penalty and interest.

32 Annual claims for refund of taxes shall be filed  
33 with the department of revenue within six months  
34 following the end of the prior fiscal year. The claim  
35 is limited to tax collected during the prior fiscal  
36 year by the retailer, or if the provisions of section  
37 four hundred twenty-three point fourteen (423.14)  
38 of the Code are applicable, to tax timely paid during  
39 the prior fiscal year to the department. The claim  
40 shall be considered a return and subject to all the  
41 applicable sales and use tax statutes relating to  
42 assessments, audits, collections, liens, administrative  
43 review, and judicial review.

44 For the fiscal year beginning July 1, 1980 and  
45 ending June 30, 1981, a refund of one-third of the  
46 sales or use tax paid on qualifying machinery and  
47 equipment and qualifying tangible personal property  
48 used for agricultural purposes shall be allowed.  
49 For the fiscal year beginning July 1, 1981 and ending  
50 June 30, 1982, a refund of two-thirds of the sales

## Page 3

1 or use tax paid on qualifying machinery and equipment  
2 and qualifying tangible personal property used for  
3 agricultural purposes shall be allowed. Beginning  
4 July 1, 1982 and each year thereafter, a refund of  
5 the total amount of sales and use tax paid on  
6 qualifying machinery and equipment and qualifying  
7 tangible personal property used for agricultural  
8 purposes shall be allowed.

9 There is appropriated from the general fund of  
10 the state for the fiscal year beginning July 1, 1980  
11 and ending June 30, 1981 to the office of the state  
12 comptroller the sum of six million (6,000,000) dollars  
13 to carry out the purposes of this Act. There is  
14 appropriated from the general fund of the state for  
15 the fiscal year beginning July 1, 1981 and ending  
16 June 30, 1982 to the office of the state comptroller  
17 the sum of twelve million (12,000,000) dollars to  
18 carry out the provisions of this Act. There is  
19 appropriated from the general fund of the state for  
20 the fiscal year beginning July 1, 1982 and ending  
21 June 30, 1983, and for each succeeding fiscal year,  
22 to the office of the state comptroller the sum of  
23 eighteen million (18,000,000) dollars to carry out  
24 the provisions of this Act. If, for any fiscal year  
25 the amount appropriated under this Act is insufficient  
26 to pay in full the amounts due on all claims filed  
27 for refund of sales and use taxes paid during a fiscal  
28 year, then the amount of each claim for refund shall  
29 be reduced by the same percentage, so that the  
30 aggregate payments on all claims for refund shall  
31 be equal to the amount appropriated for the payments.

32 Annually, the director of revenue shall certify  
33 and forward to the state comptroller the amount of  
34 refund which each taxpayer is entitled to receive  
35 under this section.

36 Sec. 2. The provisions of this Act shall be  
37 effective July first following enactment for refund  
38 of taxes on qualifying industrial machinery and  
39 equipment and qualifying tangible personal property  
40 used for agricultural purposes first becoming due  
41 and payable on or after the effective date of this  
42 Act."

WEST of Marshall  
HALVORSON of Clayton  
CLARK of Lee

H—5856

1 Amend amendment H—5829 to House File 2558 as  
2 follows:  
3 1. Page 1, by striking lines 4 through 20 and  
4 inserting in lieu thereof the following:  
5 “Sec. . NEW SECTION. The establishment of  
6 the county commission under sections three (3) of  
7 this Act, its powers and duties under sections six  
8 (6), seven (7) and eight (8) of this Act, and the  
9 requiring of county and city planning and zoning under  
10 sections eleven (11) and seventeen (17) of the Act  
11 shall not be effective in a county where participation  
12 in this program has not been approved by the voters  
13 of the county. The board of supervisors shall direct  
14 the county commissioner of elections to place on the  
15 ballot as a public measure at the next general election  
16 the question of whether those sections shall apply  
17 in that county. The board of supervisors may direct  
18 the county commissioner of elections to place this  
19 public measure on the ballot in subsequent general  
20 elections. If the public measure is not approved  
21 by a majority of those voting on the measure, the  
22 requirements of those sections of this Act shall not  
23 apply in that county.” ”

BYERLY of Polk

H—5858

1 Amend Senate File 2140 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 11 through 17 and  
4 inserting in lieu thereof the following: “~~for a~~  
5 ~~member of the board of supervisors shall not exceed~~  
6 ~~one thousand five hundred dollars per year unless~~  
7 ~~the board of supervisors by resolution adjusts the~~  
8 ~~maximum amounts payable to each of the members, but~~  
9 ~~in any event the aggregate amount of mileage expense~~  
10 ~~for all members shall not exceed the product of one~~  
11 ~~thousand five hundred dollars the rate of mileage~~  
12 allowed by law for state employees multiplied by the  
13 total number of members of the board of supervisors  
14 times ten thousand.”

SCHNEKLOTH of Scott  
DANKER of Pottawattamie



H-5861

1 Amend House File 2531 as follows:

2 1. Page 1, by striking line 30 and inserting in  
3 lieu thereof the following: "shall be funded with  
4 utility assessments and available federal funds.  
5 Funds received by".

6 2. Page 1, by inserting after line 32 the  
7 following:

8 "Sec. . NEW SECTION. PAYMENT OF EXPENSES.

9 1. When the residential energy consumer counsel  
10 represents the residential consumer interest in a  
11 proceeding initiated by application of a public utility  
12 for a product or service or in a proceeding initiated  
13 by application of a public utility to initiate,  
14 discontinue or change a service, or in a proceeding  
15 resulting from complaints or petitions of consumers  
16 concerning a public utility, the residential energy  
17 consumer counsel may assess the public utility an  
18 amount not to exceed one-tenth of one percent of the  
19 revenues of the public utility from its intrastate  
20 sales of residential gas and electric services in  
21 the calendar year preceding the initiation of the  
22 proceeding. The assessment shall not exceed the  
23 actual costs incurred by the office of residential  
24 energy consumer counsel in the proceeding including  
25 but not limited to pro rata residential energy consumer  
26 counsel office and salary expenses. If the assessment  
27 exceeds five hundred thousand dollars, the residential  
28 energy consumer counsel shall send the public utility  
29 an itemized statement of the amount, as of the date  
30 of the statement, of the applicable costs.

31 2. Assessments shall be paid by the public utility  
32 to the treasurer of state within thirty days after  
33 the date of the assessment. The treasurer of state,  
34 upon receipt of a payment by a public utility pursuant  
35 to this section, shall deposit the payment in the  
36 general fund of the state."

37 3. By renumbering sections and internal references  
38 to sections to conform to this amendment.

BRUNER of Story  
JOCHUM of Dubuque

H-5863

1 Amend House File 2558 as follows:

- 2 1. Page 5, line 1, by striking the words “, informa-  
3 tional, and clerical” and inserting in lieu thereof the  
4 words “and informational”.

CRAWFORD of Story  
McKEAN of Jones

H—5864

- 1 Amend House File 2558 as follows:  
2 1. Page 19, line 9, by striking the word  
3 “commissioner” and inserting in lieu thereof the  
4 word “commission”.

HOWELL of Floyd

H—5865

- 1 Amend House File 2558 as follows:  
2 1. Page 16, line 13, by inserting after the  
3 word “commission” the words “, which shall prepare  
4 a comprehensive plan, by adopting a comprehensive  
5 plan meeting state guidelines”.  
6 2. Page 16, line 14, by inserting after the  
7 word “and” the word “by”.

SPEAR of Lee

H—5866

- 1 Amend House File 2531 as follows:  
2 1. Page 1, line 30, by inserting after the word  
3 “federal” the words “revenue sharing”.

SCHROEDER of Pottawattamie

H—5867

- 1 Amend House File 2531 as follows:  
2 1. Page 1, line 32, by inserting after the word  
3 “instrumentality” the words “, nor shall grants or  
4 contracts be made to any nonprofit corporation  
5 organized pursuant to chapters five hundred four (504)  
6 or five hundred four A (504A) of the Code”.

SCHROEDER of Pottawattamie

H-5868

- 1 Amend House File 2531 as follows:
- 2 1. Page 1, line 13, by striking the words
- 3 "citizens' aide" and inserting in lieu thereof the
- 4 word "governor".

SCHROEDER of Pottawattamie

H-5869

- 1 Amend House File 2531 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "legislative council" and inserting in lieu thereof
- 4 the word "governor".
- 5 2. Page 1, line 9, by striking the words
- 6 "legislative council" and inserting in lieu thereof
- 7 the word "governor".
- 8 3. Page 1, line 11, by striking the words
- 9 "legislative council" and inserting in lieu thereof
- 10 the word "governor".

SCHROEDER of Pottawattamie

H-5870

- 1 Amend House File 2531 as follows:
- 2 1. Page 1, by striking lines 29 and 30 and
- 3 inserting in lieu thereof the following:
- 4 "4. Funds received by".
- 5 2. Page 2, by inserting after line 35 the
- 6 following:
- 7 "Sec. . There is appropriated from the general
- 8 fund of the state to the office of the residential
- 9 energy consumer counsel for the fiscal year beginning
- 10 July 1, 1980 and ending June 30, 1981 the sum of two
- 11 hundred thousand (200,000) dollars, or so much thereof
- 12 as may be necessary, for the salaries, support and
- 13 maintenance of that office."
- 14 3. By renumbering to conform with this amendment.

SCHROEDER of Pottawattamie

H-5871

- 1 Amend House File 2531 as follows:
- 2 1. Page 1, by inserting after line 32 the following

3 new section:

4 "Sec. NEW SECTION. Employees of a corporation  
5 established pursuant to 42 U.S.C. 2996 or any  
6 regulation issued pursuant to that statute shall not  
7 be eligible to serve in any capacity in the offices  
8 established by this Act until two years following  
9 separation or termination of employment with such  
10 a corporation."

SCHROEDER of Pottawattamie

H—5873

1 Amend Senate File 2346, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the figure  
4 "1984." the words "However, this section shall not  
5 apply to an apartment, a hotel, motel, or rooming  
6 house equipped with a sprinkler system approved by  
7 the state fire marshal."

8 2. Page 1, line 29, by inserting after the word  
9 "detectors" the words "and sprinklers".

10 3. Page 1, line 31, by inserting after the word  
11 "detector" the words "or sprinkler".

JOHNSON of Linn

H—5875

1 Amend the amendment, H—5834, to House File 2558  
2 as follows:

3 1. Page 1, by inserting after line 40 the  
4 following:

5 "2. Page 15, by inserting after line 9 the  
6 following:

7 "Sec. . Section three hundred sixty-eight point  
8 seventeen (368.17), subsection six (6), Code 1979,  
9 is amended to read as follows:

10 6. An incorporation of territory, any part of  
11 which is within an urbanized area of a city, unless  
12 a petition for annexation of substantially the same  
13 territory to such city has been dismissed, disapproved,  
14 or voted upon unfavorably within the last five years.  
15 However if the territory is at least twenty-five  
16 hundred feet from the limits of that city and the  
17 intervening area is not substantially developed, the  
18 committee may approve the incorporation if it

19 determines that annexation of the territory by that  
 20 city having the urbanized area is not suitable and  
 21 the approval prohibits the territory when incorporated  
 22 from seeking to annex the area between it and that  
 23 city." "

24 2. By renumbering the section to conform with  
 25 this amendment.

DAVITT of Warren

H-5877

1 Amend House File 2558 as follows:

2 1. Page 12, by inserting after line 20 the  
 3 following:

4 "Sec. Section three hundred fifty-eight  
 5 A point six (358A.6), Code 1979, is amended to read  
 6 as follows:

7 358A.6 PUBLIC HEARINGS. The board of supervisors  
 8 shall provide for the manner in which such regulations  
 9 and restrictions and the boundaries of such districts  
 10 shall be determined, established, and enforced, and  
 11 from time to time amended, supplemented or changed.  
 12 However, no such regulation, restriction, or boundary  
 13 shall become effective until after a public hearing  
 14 in relation thereto, at which parties in interest  
 15 and citizens shall have an opportunity to be heard.  
 16 At least fifteen days' notice of the time and place  
 17 of such hearing shall be published in a paper of  
 18 general circulation in such county. If a change is  
 19 being made in the uses permissible in a district,  
 20 a copy of notice shall be sent by ordinary mail to  
 21 each affected landowner. Such notice shall state  
 22 the location of the district affected by naming the  
 23 township and section, and the boundaries of such  
 24 district shall be expressed in terms of streets or  
 25 roads wherever possible."

26 2. By renumbering and correcting internal  
 27 references to conform with this amendment.

BYERLY of Polk

H-5878

1 Amend House File 2558 as follows:

2 1. Page 18, by inserting after line 27 the  
 3 following:

4 "Sec. 22. NEW SECTION. The establishment of the  
 5 county commission under section three (3) of this  
 6 Act, its powers and duties under sections six (6)  
 7 and seven (7) of this Act, and the requiring of county

8 and city planning and zoning under sections eight (8),  
 9 eleven (11) and seventeen (17) of this Act shall not  
 10 be effective in a county where participation in this  
 11 program has not been approved by the voters of the  
 12 county. The board of supervisors shall direct the  
 13 county commissioner of elections to place on the  
 14 ballot as a public measure at the next general election  
 15 the question of whether those sections shall apply  
 16 in that county. The board of supervisors may direct  
 17 the county commissioner of elections to place this  
 18 public measure on the ballot in subsequent general  
 19 elections. If the public measure is not approved  
 20 by a majority of those voting on the measure, the  
 21 requirements of those sections of this Act shall not  
 22 apply in that county."

23 2. By renumbering the sections to conform with  
 24 this amendment.

BYERLY of Polk

H-5880

1 Amend House File 2511 as follows:  
 2 1. Page 1, line 5, by striking the word  
 3 "adding" and inserting in lieu thereof the words  
 4 "striking lettered paragraph c and inserting in  
 5 lieu thereof".

BRUNER of Story

H-5887

1 Amend Senate File 2361 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 21, by striking lines 5 through 11.  
 4 2. By renumbering sections as necessary.

KIRKENSLAGER of Des Moines

H-5888

1 Amend House amendment H-5860, to Senate File 360  
 2 as amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 12.

WELSH of Dubuque  
 MAULSBY of Calhoun  
 TYRRELL of Iowa  
 CONNORS of Polk  
 HANSEN of O'Brien  
 CRABB of Crawford

SMALLEY of Polk  
 BRANSTAD of Winnebago  
 JOHNSON of Howard  
 LAGESCHULTE of Bremer  
 DIELEMAN of Marion  
 PELTON of Clinton

H-5889

1 Amend amendment H-5876 to Senate File 2354 as  
 2 amended, passed and reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 37 through 41, and  
 4 inserting in lieu thereof the following: "ownership or  
 5 property of an electric power facility financed under  
 6 the provisions of chapter twenty-eight F (28F) of the  
 7 Code which shall be subject to assessment and taxation  
 8 under provisions of chapters 428 and 437."

CRAWFORD of Story

H-5891

1 Amend Senate File 2361 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 15, by striking line 2 and inserting  
 4 in lieu thereof the following: "the motorized  
 5 bicycle unless the driver is eighteen years of age  
 6 or older and the motorized bicycle has foot rests  
 7 and a larger seat designed to carry a passenger."

BRUNER of Story

H-5892

1 Amend Senate File 2361 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by inserting after line 3 the following:  
 4 "NEW SUBSECTION. CHURCH BUS PLATES. For a vehicle  
 5 being registered for the 1981 or later calendar year,  
 6 if the motor vehicle is designed to carry nine  
 7 passengers or more and is owned and used exclusively  
 8 by a church or religious organization to transport  
 9 passengers to and from activities of or sponsored  
 10 by the church or religious organization and is not  
 11 for rent or hire for purposes which are unrelated  
 12 to the activities of the church or religious  
 13 organization, the vehicle is exempt from motor vehicle  
 14 registration fees except as provided in this  
 15 subsection. Upon application and payment of an annual  
 16 fee of twenty-five dollars, the department shall issue  
 17 a registration certificate and shall also issue  
 18 registration plates upon which the words "Church Bus"  
 19 shall be imprinted and a distinguishing number assigned  
 20 to the applicant. The plates shall be attached to  
 21 the front and rear of each vehicle registered under  
 22 this subsection."

DAGGETT of Taylor  
 HULLINGER of Decatur  
 SMALLEY of Polk  
 VAN MAANEN of Mahaska  
 DAVITT of Warren  
 BYERLY of Polk  
 JOHNSON of Howard

H—5895

1 Amend Senate File 2198, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, by inserting after line 28 the following  
4 section:  
5 "Sec. . Section two hundred eighty-five point  
6 one (285.1), subsection seventeen (17), Code 1979,  
7 is amended by adding the following new paragraph:  
8 NEW PARAGRAPH. If the public school district is  
9 meeting the requirements of subsections fourteen (14)  
10 through sixteen (16) of this section by using paragraph  
11 a, b, or d of this subsection, the parent or guardian  
12 of a nonpublic school pupil is not eligible to receive  
13 reimbursement under paragraph c of this subsection."

MILLER of Buchanan

H—5896

1 Amend Senate File 430, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 4, line 24, by inserting after the  
4 word "a" the words "part or full-time".

HALVORSON of Webster

H—5905

1 Amend the Senate amendment, H—5879, to House File  
2 2492 as amended, passed and reprinted by the House  
3 as follows:  
4 1. Page 2, by striking lines 9 and 10 and inserting  
5 in lieu thereof the following:  
6 " . Page 4, line 24, by striking the words "less  
7 fifteen thousand dollars" and inserting in lieu thereof  
8 the words ", but as a condition of collecting this  
9 loan processing fee the lender shall reduce the  
10 interest rate otherwise payable by the borrower on  
11 the loan by one percentage point for each percentage  
12 point of loan processing fee received, and by a like  
13 proportion for fractional amounts".

CONNOLLY of Dubuque



H-5906

1 Amend the Senate amendment H-5879 to House File  
 2 2492 as amended, passed and reprinted by the House  
 3 as follows:  
 4 1. Page 2, line 16, by striking the words "or  
 5 refinanced" and inserting in lieu thereof the words  
 6 "or refinanced; provided that if the purpose of the  
 7 loan or commitment by the lender is to enable the  
 8 borrower to purchase from a builder a one-family to  
 9 four-family dwelling, the construction of which was  
 10 commenced within the twelve-month period immediately  
 11 preceding the date of the loan or commitment, then  
 12 the lender may, in addition to the loan processing  
 13 fee collectable from the borrower under this section,  
 14 collect from the builder who built and is selling  
 15 the dwelling a fee in an amount which does not exceed  
 16 three percent of the principal amount of the loan  
 17 to be made to the borrower, but as a condition of  
 18 collecting this fee from the builder the lender shall  
 19 reduce the interest rate otherwise payable by the  
 20 borrower on the loan by one percentage point for each  
 21 percentage point of fee received from the builder,  
 22 and by a like proportion for fractional amounts".

CONNOLLY of Dubuque

H-5907

1 Amend Senate File 2361, as follows:  
 2 1. On Page 21, by striking lines 5 through 11.  
 3 2. By renumbering sections and internal  
 4 references as necessary in accordance with this  
 5 amendment.

JOHNSON of Howard

H-5908

1 Amend Senate File 2296, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, line 6, by striking the words "road  
 4 use tax fund" and inserting in lieu thereof the words  
 5 "state department of transportation for public transit  
 6 purposes to implement or fund an existing state  
 7 assistance plan approved by the general assembly".  
 8 2. Page 2, line 15, by striking the words "road  
 9 use tax fund" and inserting in lieu thereof the words  
 10 "state department of transportation for public transit  
 11 purposes to implement or fund an existing state  
 12 assistance plan approved by the general assembly"

- 13 3. Page 2, line 33, by striking the words "road  
14 use tax fund" and inserting in lieu thereof the words  
15 "state department of transportation for public transit  
16 purposes to implement or fund an existing state  
17 assistance plan approved by the general assembly".
- 18 4. Page 3, line 4, by striking the words "road  
19 use tax fund" and inserting in lieu thereof the words  
20 "state department of transportation for public transit  
21 purposes to implement or fund an existing state  
22 assistance plan approved by the general assembly".
- 23 5. Page 3, line 8, by striking the words "road  
24 use tax fund" and inserting in lieu thereof the words  
25 "department of transportation for public transit  
26 purposes to implement or fund an existing state  
27 assistance plan approved by the general assembly".

BRUNER of Story

H-5909

1 Amend H-5860 to Senate File 360, as amended, passed,  
2 and reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 9 through 12 and  
4 inserting in lieu thereof the words "this subsection  
5 may be issued a citation and be treated as provided  
6 in chapter eight hundred five (805) of the Code."

7 2. Page 1, by inserting after line 33 the  
8 following:

9 " . Page 2, by inserting after line 13 the  
10 following new section:

11 "Sec. . Section eight hundred five point eight  
12 (805.8), Code 1979, is amended by adding the following  
13 new subsection:

14 NEW SUBSECTION. POSSESSION OF MARIJUANA. For  
15 first and second violations for possession of one  
16 ounce or less of marijuana under section two hundred  
17 four point four hundred one (204.401), subsection  
18 three (3), paragraph a of the Code, the scheduled  
19 fine is one hundred dollars." "

CONLON of Muscatine  
ARNOULD of Scott  
DOYLE of Woodbury

H-5911

1 Amend House File 2524 as follows:

2 1. Page 5, by inserting after line 4 the follow-  
3 ing:

4 "Sec. 11. There is appropriated from the general  
5 fund of the state to the salary adjustment fund created

6 in section eight point forty-three (8.43) of the Code,  
 7 the following amount or so much thereof as may be  
 8 necessary, to be used and distributed to the various  
 9 departments and agencies in the manner provided in  
 10 this Act and the Acts of the Sixty-eighth General  
 11 Assembly, 1979 Session, chapter two (2):

12 For the fiscal year  
 13 beginning July 1, 1980..... \$11,286,000

14 Sec. 12. The funds appropriated in section eleven  
 15 (11) of this Act are in addition to the funds  
 16 appropriated in the Acts of the Sixty-eighth General  
 17 Assembly, 1979 Session, chapter two (2), section  
 18 twenty-two (22), subsection one (1), and shall be  
 19 used to fund the following:

20 1. An annual pay adjustment of two percent for  
 21 the fiscal year beginning July 1, 1980, which shall  
 22 be available for adding to the fund and making a  
 23 combined adjustment for employees who will receive  
 24 adjustments in the fiscal year beginning July 1, 1980  
 25 provided for in this section and the Acts of the  
 26 Sixty-eighth General Assembly, 1979 Session, chapter  
 27 two (2), section twenty-two (22), subsections  
 28 one (1) and two (2). However, the rate of the pay  
 29 adjustment provided by this Act for employees covered  
 30 under Acts of the Sixty-eighth General Assembly, 1979  
 31 Session, chapter two (2), section twenty-eight (28),  
 32 may exceed or be less than two percent at the  
 33 discretion of the state board of regents. Funds  
 34 appropriated by this Act shall not be added to the  
 35 funds appropriated by the Acts of the Sixty-eighth  
 36 General Assembly, 1979 Session, chapter two (2),  
 37 sections twenty-three (23) and twenty-four (24),  
 38 however, employees covered under sections twenty-three  
 39 (23) and twenty-four (24) of that Act shall be eligible  
 40 to receive the two percent pay adjustment payable  
 41 from funds appropriated by those sections in the same  
 42 manner as other employees.

43 2. Adjustments to the various pay plans as de-  
 44 termined by the merit employment commission and the  
 45 executive council which may be made in addition to  
 46 the adjustments provided for in subsection one (1)  
 47 of this section.

48 3. Additional general state financial aid to  
 49 merged areas as defined in section two hundred eighty  
 50 A point two (280A.2) of the Code as determined by

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1 the state comptroller. Funds available for this  
 2 purpose shall be deposited in the salary adjustment  
 3 fund until allocated to the merged areas.

4 "Sec. 13. Funds appropriated from the general fund  
5 of the state in this Act shall relate to salaries  
6 supported from general fund appropriations and shall  
7 not be used to replace revolving, federal, trust,  
8 or special funds where applicable.

9 Sec. 14. To departmental revolving, trust, or  
10 special funds, except for the primary road fund or  
11 the road use tax fund, for which the general assembly  
12 has established an operating budget, a supplemental  
13 authorization is provided to use the funds in an  
14 amount necessary to fund salary adjustments at the  
15 level authorized in subsection one (1) of section  
16 twelve (12) of this Act."

AVENSON of Fayette  
DAVITT of Warren  
RAPP of Black Hawk  
MILLER of Buchanan  
CONNORS of Polk  
JESSE of Polk  
CUSACK of Scott

BYERLY of Polk  
JOCHUM of Dubuque  
NORLAND of Worth  
ANDERSON of Jasper  
CONNOLLY of Dubuque  
HINKHOUSE of Cedar  
LONERGAN of Boone

H—5912

1 Amend Senate File 2354 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 1, line 8, by inserting after the word  
4 "facilities" the words "which are not nuclear fueled and"

WOODS of Polk  
HALVORSON of Webster

H—5915

1 Amend Senate File 2361, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 16, by inserting after line 12 the  
4 following:  
5 " . A person shall not operate a motorized  
6 bicycle upon a highway which has a speed limit of  
7 thirty-five miles per hour or greater. However this  
8 subsection does not apply to a person crossing a  
9 highway at an intersection."

TYRRELL of Iowa

H-5916

- 1 Amend Senate File 2361 as amended, passed, and  
 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 13, by striking the words "of  
 4 transportation".
- 5 2. Page 3, lines 14 and 15, by striking the words  
 6 "of transportation".
- 7 3. Page 3, line 18, by striking the words "of  
 8 transportation".
- 9 4. Page 3, line 22, by inserting after the word  
 10 "dollars" the words "which shall be in addition to  
 11 the regular annual registration fee".
- 12 5. Page 3, line 23, by striking the words "of  
 13 transportation".
- 14 6. Page 3, line 32, by striking the words "of  
 15 transportation".
- 16 7. Page 3, line 33, by striking the words "of  
 17 transportation".
- 18 8. Page 4, lines 1 and 2, by striking the words  
 19 "of transportation".
- 20 9. Page 4, line 5, by inserting after the word  
 21 "shall" the words "be five dollars which shall".
- 22 10. Page 4, by striking lines 6 and 7 and inserting  
 23 in lieu thereof the following: "be in addition to  
 24 the regular annual registration fee. The department  
 25 shall validate the special plates in the same".

SCHROEDER of Pottawattamie

H-5918

- 1 Amend Senate File 455, as passed by the Senate,  
 2 as follows:
- 3 1. Page 1, line 32, by inserting before the word  
 4 "School" the words "At no cost to the school district,  
 5 school districts may provide either or both programs  
 6 to adult employees of the school district."

SPEAR of Lee

H-5919

- 1 Amend the Senate amendment, H-5879, to House  
 2 File 2492 as amended, passed and reprinted by the  
 3 House, as follows:
- 4 1. Page 5, by striking lines 31 through 41.

CHIODO of Polk

H-5920

- 1 Amend the Senate amendment H-5879 to House File  
2 2492 as amended, passed and reprinted by the House,  
3 as follows:  
4 1. Page 2, by striking lines 11 through 16 and  
5 inserting in lieu thereof the following:  
6 " Page 4, line 29, by inserting after the  
7 period the words "However, a lender shall not collect  
8 a loan processing fee in connection with either a  
9 loan agreement or a commitment to lend when the loan  
10 constitutes a refinancing of a prior loan."

BRUNER of Story  
CHIDO of Polk

H-5921

- 1 Amend the Senate amendment H-5879 to House File  
2 2492 as amended, passed and reprinted by the House  
3 as follows:  
4 1. Page 2, by striking lines 18 through 47.  
5 2. Page 3, by striking lines 3 through 17 and  
6 inserting in lieu thereof the following: "lettered  
7 paragraphs:  
8 NEW LETTERED PARAGRAPH. If the purpose of the  
9 loan is to enable the borrower to purchase real estate,  
10 any provision of a loan agreement which prohibits  
11 the borrower from transferring his or her interest  
12 in the real estate to a third party, or any provision  
13 which requires or permits the lender to make a change  
14 in the interest rate, the repayment schedule or the  
15 term of the loan as a result of a transfer by the  
16 borrower of his or her interest in the real estate  
17 to a third party shall not be enforceable if at the  
18 time the borrower transfers his or her interest in  
19 the real property, the borrower maintains all of his  
20 or her personal liability to the lender with respect  
21 to the loan.  
22 NEW LETTERED PARAGRAPH. Notwithstanding section  
23 six hundred twenty-eight point three (628.3) of the  
24 Code, when a foreclosure of a mortgage on real property  
25 results from the enforcement of a due-on-sale clause,  
26 the mortgagor may redeem the real property at any  
27 time within three years from the day of sale under  
28 the levy, and the mortgagor shall, in the meantime,  
29 be entitled to the possession thereof; and for the  
30 first thirty months thereafter such right of redemption  
31 is exclusive. Any real property redeemed by the  
32 debtor shall thereafter be free and clear from any  
33 liability for any unpaid portion of the judgment under

34 which the real property was sold. The right of  
 35 redemption established by this paragraph is not subject  
 36 to waiver by the mortgagor and the period of redemption  
 37 established by the paragraph shall not be reduced.  
 38 The times for redemption by creditors provided in  
 39 sections six hundred twenty-eight point five (628.5),  
 40 six hundred twenty-eight point fifteen (628.15) and  
 41 six hundred twenty-eight point sixteen (628.16) of  
 42 the Code shall be extended to thirty-three months  
 43 in any case in which the mortgagor's period for  
 44 redemption is extended by this paragraph. This  
 45 paragraph does not apply to foreclosure of a mortgage  
 46 if for any reason other than enforcement of a due-  
 47 on-sale clause. As used in this paragraph, "due-on-  
 48 sale clause" means any type of covenant which gives  
 49 the mortgagee the right to demand payment of the  
 50 outstanding balance or a major part thereof upon a

**Page 2**

1 transfer by the mortgagor to a third party of an  
 2 interest of the mortgagor in property covered by the  
 3 mortgage. This paragraph applies to any foreclosure  
 4 occurring on or after the effective date of this Act."

CHIODO of Polk

H-5922

1 Amend amendment H-5879 to House File 2492 as  
 2 follows:  
 3 1. Page 6, line 46, by inserting after the  
 4 figure "1981" the following: "or at a time when  
 5 the discount rate on ninety-day commercial paper  
 6 in effect at the federal reserve bank of Chicago,  
 7 Illinois is at or below ten percent, whichever is  
 8 sooner".

BRUNER of Story

H-5923

1 Amend the Senate amendment H-5879 to House File  
 2 2492 as amended, passed and reprinted by the House  
 3 as follows:  
 4 1. Page 4, by striking lines 33 through 35.  
 5 2. By striking page 4, line 42 through page 5,  
 6 line 30.

BRUNER of Story

H—5924

- 1 Amend the Senate amendment, H—5879, to House  
 2 File 2492 as amended, passed and reprinted by the  
 3 House, as follows:
- 4 1. Page 2, by inserting after line 16 the  
 5 following:
- 6 “ . Page 5, by inserting after line 5 the  
 7 following:
- 8 “Sec. . Section five hundred thirty-five point  
 9 nine (535.9), Code 1979 Supplement is reenacted.  
 10 It is the intent of the General Assembly in enacting  
 11 this section to adopt the limitations on prepayment  
 12 penalties and other provisions contained in section  
 13 five hundred thirty-five point nine (535.9), Code 1979  
 14 Supplement, as may be required by the provisions of  
 15 Public Law 96-161, section 105, subsection c, for the  
 16 purpose of superseding the provisions of Public Law  
 17 96-161, section 105, subsection a.” ”
- 18 2. By numbering and renumbering sections of the  
 19 amendment as necessary.

RAPP of Black Hawk

H—5925

- 1 Amend the Senate amendment, H—5879, to House  
 2 File 2492 as amended, passed and reprinted by the  
 3 House, as follows:
- 4 1. Page 2, by inserting after line 16 the  
 5 following:
- 6 “ . Page 4, line 29, by inserting after the  
 7 word “assumed.” the following: “A loan processing  
 8 fee collected under the authority of this paragraph  
 9 is deemed a reimbursement of expenses to be incurred  
 10 by the lender in the event the obligation or an  
 11 interest in the obligation is subsequently sold by  
 12 the lender. A fee which does not exceed the maximum  
 13 amount permitted by this paragraph is conclusively  
 14 presumed to be the amount of the lender’s expenses in  
 15 the event of sale. However, if the obligation or an  
 16 interest in the obligation has not been sold upon the  
 17 expiration of thirty-six months after the date of  
 18 closing the loan, the lender shall repay the entire  
 19 amount of the fee without interest to the borrower  
 20 within thirty days.” ”
- 21 2. By numbering and renumbering sections of the  
 22 amendment as necessary.

JOCHUM of Dubuque



H-5926

1 Amend the Senate amendment, H-5879, to House  
 2 File 2492, as amended, passed and reprinted by the  
 3 House, as follows:  
 4 1. Page 1, by inserting after line 36 the following:  
 5 " Page 2, by inserting after line 24 the  
 6 following:  
 7 "Sec. NEW SECTION. TEMPORARY EXEMPTIONS-PUBLIC  
 8 FUNDS.  
 9 1. Associations as defined in section five hundred  
 10 thirty-four point two (534.2) may accept deposits of  
 11 public funds and pay interest on deposits of public  
 12 funds.  
 13 2. The provisions of subsection one (1) of this  
 14 Act are effective through July 1, 1983, and supersede  
 15 the provisions of chapters ninety-seven (97), ninety-  
 16 seven A (97A), ninety-seven B (97B), two hundred sixty-  
 17 two (262), three hundred two (302), four hundred ten  
 18 (410), four hundred eleven (411), four hundred fifty-  
 19 two (452), four hundred fifty-three (453), and four  
 20 hundred fifty-four (454)." "  
 21 2. By numbering and renumbering sections of the  
 22 amendment as necessary.

RAPP of Black Hawk

H-5927

1 Amend the Senate amendment, H-5879, to House  
 2 File 2492 as amended, passed and reprinted by the  
 3 House, as follows:  
 4 1. Page 1, line 24, by inserting after the word  
 5 "annually." the following new sentence: "This rate of  
 6 interest shall also be the maximum interest or penalty  
 7 charged by all public utilities for utility service  
 8 provided in the past on which customers have not made  
 9 payment."

RAPP of Black Hawk

H-5928

1 Amend the Senate amendment, H-5879, to House  
 2 File 2492 as amended, passed and reprinted by the  
 3 House as follows:  
 4 1. Page 1, line 6, by striking the words "to  
 5 read as follows:" and inserting in lieu thereof the  
 6 words "by striking the paragraph."  
 7 2. Page 1, by striking lines 7 through 36.

JOCHUM of Dubuque

H—5933

1 Amend the Senate amendment, H—5879, to House  
2 File 2492 as amended, passed and reprinted by the  
3 House, as follows:

4 1. Page 3, by inserting after line 38 the  
5 following:

6 " . Page 7, by inserting after line 17 the  
7 following:

8 "Sec. . Section five hundred twenty-four point  
9 nine hundred eight (524.908), Code 1979, is amended  
10 to read as follows:

11 524.908. DIRECT LEASING LEASING OF PERSONAL  
12 PROPERTY. A state bank shall have the power, subject  
13 to approval by the superintendent, to may acquire, upon  
14 the specific request of and for the use of a customer,  
15 and lease, personal property pursuant to a binding  
16 arrangement for the leasing of such the property to the  
17 customer upon terms requiring payment to the state bank,  
18 during the minimum period of the lease, of rentals which  
19 in the aggregate, when added to the estimated tax benefits  
20 to the bank resulting from the ownership of the leased  
21 property plus the estimated residual market value of the  
22 leased property at the expiration of the initial term of  
23 the lease, will be at least equal to the total expenditures  
24 by the state bank for, and in connection with, the acquisition,  
25 ownership, maintenance and protection of the property. A  
26 lease made under authority of this section shall have the  
27 prior approval of the superintendent or be made pursuant  
28 to personal property lease guidelines approved by the  
29 superintendent for use by the lessor bank or pursuant to a  
30 personal property lease guideline rule of general applicability  
31 for use by all state banks." "

32 2. By numbering and renumbering sections of the Senate  
33 amendment as necessary.

CHIODO of Polk

H—5934

1 Amend the Senate amendment, H—5879, to House  
2 File 2492, as amended, passed and reprinted by the  
3 House, as follows:

4 1. Page 1, line 10 by striking the word "to"  
5 and inserting in lieu thereof the words "request  
6 authority to".

7 2. Page 1, line 24, by inserting after the word  
8 "annually." the following: "In determining that  
9 portion, if any, of the utility's proposed increase  
10 in rates and charges to be placed in effect subject  
11 to refund, the commission shall at a minimum allow

12 rates and charges which, consistent with regulatory  
 13 principles established by the commission in prior  
 14 rate cases involving the same type of public utility  
 15 service, will allow the utility the opportunity to  
 16 earn a return on common stock equity equal to that  
 17 which the commission held reasonable and just in the  
 18 most recent rate case involving the same type of  
 19 public utility service. If the commission fails to  
 20 make a determination within sixty days of the request,  
 21 the utility may place in effect, under bond and subject  
 22 to refund as otherwise provided in this paragraph, any  
 23 or all of the suspended rates, charges, schedules or  
 24 regulations."

BRUNER of Story  
 RAPP of Black Hawk  
 CHIODO of Polk  
 JOCHUM of Dubuque

H-5935

1 Amend the Senate amendment, H-5879, to House  
 2 File 2492, as amended, passed and reprinted by the  
 3 House, as follows:  
 4 1. Page 4, by inserting after line 25 the  
 5 following:  
 6 "Sec. . Section five hundred twenty-four point  
 7 nine hundred six (524.906), subsection six (6), Code  
 8 1979, is amended by striking the subsection."

CHIODO of Polk

H-5936

1 Amend the Senate amendment, H-5879, to House  
 2 File 2492, as amended, passed and reprinted by the  
 3 House, as follows:  
 4 1. Page 3, line 17, by striking the word "loan." "  
 5 and inserting in lieu thereof the word "loan."  
 6 2. Page 3, by inserting after line 17 the following:  
 7 "Sec. . Section five hundred twenty-four point nine  
 8 hundred one (524.901), Code 1979, as amended by Acts of  
 9 the Sixty-eighth General Assembly, 1979 Session, chapter  
 10 one hundred twenty-eight (128), section sixteen (16), is  
 11 amended by adding the following new subsection:  
 12 **NEW SUBSECTION.** A state bank may invest in  
 13 participation certificates issued by one or more production  
 14 credit associations chartered under the laws of the United  
 15 States in an amount which does not exceed, in the aggregate  
 16 with respect to all such associations, twenty percent of  
 17 the capital and surplus of the state bank."

CHIODO of Polk

H—5937

- 1 Amend the Senate amendment, H—5879, to House  
 2 File 2492 as amended, passed and reprinted by the  
 3 House, as follows:
- 4 1. Page 5, by striking lines 1 through 6 and  
 5 inserting in lieu thereof the following: "may not  
 6 exceed an amount equal to one and ~~one-half~~ one-quarter  
 7 percent of that part of the maximum amount pursuant  
 8 to subsection 2 which is five hundred dollars or less  
 9 and one ~~and one-fourth~~ percent of that part of the  
 10 maximum amount which is more than five hundred dollars.  
 11 If the billing cycle is not".
- 12 2. Page 5, by striking lines 18 through 23 and  
 13 inserting in lieu thereof the following: "may not  
 14 exceed an amount equal to one and ~~one-half~~ one-quarter  
 15 percent of that part of the maximum amount pursuant  
 16 to subsection 2 which is five hundred dollars or less  
 17 and one ~~and one-fourth~~ percent of that part of the  
 18 maximum amount which is more than five hundred dollars.  
 19 If the billing cycle is not".

JOCHUM of Dubuque

H—5938

- 1 Amend the Senate amendment H—5879 to House File  
 2 2492 as amended, passed and reprinted by the House,  
 3 as follows:
- 4 1. Page 5, by inserting after line 41 the  
 5 following:
- 6 "Sec. 11. Chapter five hundred thirty-seven (537),  
 7 article two (2), part five (5), Code 1979, is amended  
 8 by adding the following new section:
- 9 NEW SECTION. CASH PAYMENT DISCOUNT. Any creditor  
 10 who in the ordinary course of business extends credit  
 11 in consumer credit sales or consumer leases and imposes  
 12 finance charges in connection with such extensions  
 13 of credit shall, as a condition of imposing those  
 14 finance charges upon credit customers, allow to a  
 15 customer who pays the purchase or lease price in full  
 16 at the time a purchase is made or a lease agreement  
 17 is undertaken a discount from the purchase or lease  
 18 price in an amount which is equal to five percent  
 19 of the purchase or lease price which would be disclosed  
 20 to and payable by a credit customer.
- 21 Sec. 12. Section five hundred thirty-seven point  
 22 five thousand two hundred one (537.5201), subsection  
 23 one (1), Code 1979, is amended by adding the following  
 24 new paragraph:

25 NEW PARAGRAPH. bb. Failure to allow a cash  
26 discount as required by section eleven (11) of this  
27 Act.”  
28 2. By renumbering sections and correcting internal  
29 references.

JOCHUM of Dubuque

H-5940

1 Amend Senate File 2361 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 5, by inserting before line 20 the  
4 following:  
5 “Sec. . Section three hundred twenty-one point  
6 fifty-seven (321.57), unnumbered paragraph one (1),  
7 Code 1979, is amended to read as follows:  
8 A dealer owning any vehicle of a type otherwise  
9 required to be registered hereunder under this chapter  
10 may operate or move the same vehicle upon the highways  
11 solely for purposes of transporting, testing,  
12 demonstrating or selling the same vehicle without  
13 registering each such the vehicle upon condition that  
14 any such the vehicle display in the manner prescribed  
15 in sections 321.37 and 321.38 a special plate issued  
16 to such the owner as provided in sections 321.58 to  
17 321.62. In addition to the foregoing, a new car  
18 dealer or a used car dealer or a service customer  
19 of the dealer may operate or move upon the highways  
20 any new or used car or trailer owned by him the dealer  
21 for either private or business purposes without  
22 registering the same vehicle providing, (1) such the  
23 new or used car or trailer is in the dealer's inventory  
24 and is continuously offered for sale at retail, and  
25 (2) there is displayed thereon on the vehicle a special  
26 plate issued to such the dealer as provided in sections  
27 321.58 to 321.62, and (3) for service customers, the  
28 customer is operating the vehicle while having his  
29 or her own vehicle serviced by the dealer.”

30 2. By renumbering sections as necessary.

SHIMANEK of Jones

H—5941

1 Amend the Senate amendment, H-5879, to House File  
2 2492 as amended, passed and reprinted by the House  
3 as follows:

4 1. By striking page 4, line 45 through page 5,  
5 line 30.

6 2. Page 5, by inserting after line 30 the follow-  
7 ing:

8 " Page 9, by inserting after line 35 the  
9 following:

10 "Sec. 11. Section five hundred thirty-seven point  
11 one thousand three hundred one (537.1301), subsection  
12 four (4), Code 1979, is amended by striking the  
13 subsection and renumbering the remaining subsections.

14 Sec. 12. Section five hundred thirty-seven point  
15 one thousand three hundred one (537.1301), subsection  
16 thirteen (13), paragraph a, subparagraph three (3),  
17 Code 1979, is amended to read as follows:

18 (3) The goods, services or interest in land are  
19 purchased primarily for a personal, family, or  
20 household or ~~agricultural~~ purpose.

21 Sec. 13. Section five hundred thirty-seven point  
22 one thousand three hundred one (537.1301), subsection  
23 fourteen (14), paragraph c, Code 1979, is amended  
24 to read as follows:

25 c. The lessee takes under the lease primarily  
26 for a personal, family, or household or ~~agricultural~~  
27 purpose.

28 Sec. 14. Section five hundred thirty-seven point  
29 one thousand three hundred one (537.1301), subsection  
30 fifteen (15), paragraph a, subparagraphs three (3)  
31 and five (5), Code 1979, are amended to read as  
32 follows:

33 (3) The debt is incurred primarily for a personal,  
34 family, or household or ~~agricultural~~ purpose.

35 (5) Either the amount financed does not exceed  
36 thirty-five thousand dollars, or the debt is not  
37 incurred primarily for an ~~agricultural~~ purpose and  
38 is secured by an interest in land.

39 Sec. 15. Section five hundred thirty-seven point  
40 three thousand three hundred one (537.3301),  
41 subsections one (1) and two (2), Code 1979, are amended  
42 to read as follows:

43 1. With respect to a consumer credit sale, a  
44 seller may take a security interest in the property  
45 sold. In addition, a seller may take a security  
46 interest in goods upon which services are performed  
47 or in which goods sold are installed or to which they  
48 are annexed, or in land to which the goods are af-  
49 fixed or which is maintained, repaired or improved  
50 as a result of the sale of the goods or services,

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1 if in the case of a security interest in land the  
2 amount financed is one thousand dollars or more, or  
3 in the case of a security interest in goods if either  
4 the amount financed is three hundred dollars or more,  
5 or if the goods are household goods, or motor vehicles  
6 used by a consumer, his or her dependents, or the  
7 family with which the consumer resides, as  
8 transportation to and from a place of employment,  
9 one hundred dollars or more. The seller may also  
10 take a security interest in property which is itemized  
11 in the security agreement, to secure the debt arising  
12 from a consumer credit sale primarily for an  
13 agricultural purpose. Except as provided with respect  
14 to cross-collateral under section 537.3302, a seller  
15 may not otherwise take a security interest in property  
16 to secure the debt arising from a consumer credit  
17 sale.

18 2. With respect to a consumer lease other than  
19 a lease primarily for an agricultural purpose, a  
20 lessor may not take a security interest in property  
21 to secure the debt arising from the lease. This  
22 subsection does not apply to a security deposit for  
23 a consumer lease.

24 Sec. 16. Section five hundred thirty-seven point  
25 three thousand three hundred three (537.3303),  
26 subsection one (1), Code 1979, is amended to read  
27 as follows:

28 1. If debts arising from two or more consumer  
29 credit sales, other than sales primarily for an  
30 agricultural purpose or pursuant to open end credit,  
31 are secured by cross-collateral or consolidated into  
32 one debt payable on a single schedule of payments,  
33 and the debt is secured by security interests taken  
34 with respect to one or more of the sales, payments  
35 received by the seller after the taking of the cross-  
36 collateral or the consolidation are deemed, for the  
37 purpose of determining the amount of the debt secured  
38 by the various security interests, to have been first  
39 applied to the payment of the debts arising from the  
40 sales first made. To the extent debts are paid  
41 according to this section, security interests in items  
42 of property terminate as the debt originally incurred  
43 with respect to each item is paid.

44 Sec. 17. Section five hundred thirty-seven point  
45 three thousand three hundred seven (537.3307), Code  
46 1979, is amended to read as follows:

47 537.3307 CERTAIN NEGOTIABLE INSTRUMENTS PROHIBITED.  
48 With respect to a consumer credit sale or consumer  
49 lease, other than a sale or lease primarily for an  
50 agricultural purpose, the creditor may not take a

## Page 3

1 negotiable instrument other than a check dated not  
2 later than ten days after its issuance as evidence  
3 of the obligation of the consumer.

4 Sec. 18. Section five hundred thirty-seven point  
5 three thousand three hundred eight (537.3308),  
6 subsection two (2), paragraph c, Code 1979, is amended  
7 by striking the paragraph and relettering the remaining  
8 paragraphs.

9 Sec. 19. Section five hundred thirty-seven point  
10 three thousand three hundred ten (537.3310), subsection  
11 one (1), Code 1979, is amended to read as follows:

12 1. In a consumer credit transaction, ~~other than~~  
13 ~~one for an agricultural purpose~~, if performance by  
14 a creditor is by delivery of goods, services or both,  
15 in four or more installments, either on demand of  
16 the consumer or by prearranged scheduled performance,  
17 the consumer shall have the right to cancel the  
18 obligation with respect to that part which has not  
19 been performed on the date of cancellation.

20 Sec. 20. Section five hundred thirty-seven point  
21 three thousand four hundred one (537.3401), Code 1979,  
22 is amended to read as follows:

23 537.3401 RESTRICTION ON LIABILITY IN CONSUMER  
24 LEASE. The obligation of a lessee upon expiration  
25 of a consumer lease ~~other than one primarily for an~~  
26 ~~agricultural purpose~~, may not exceed twice the average  
27 payment allocable to a monthly period under the lease.  
28 This limitation does not apply to charges for damages  
29 to the leased property or for other default.

30 Sec. 21. Section five hundred thirty-seven point  
31 three thousand four hundred four (537.3404), subsection  
32 one (1), Code 1979, is amended to read as follows:

33 1. With respect to a consumer credit sale or  
34 consumer lease, ~~other than one primarily for an~~  
35 ~~agricultural purpose~~, an assignee of the rights of  
36 the seller or lessor is subject to all claims and  
37 defenses of the consumer against the seller or lessor  
38 arising from the sale or lease of property or services,  
39 notwithstanding that the assignee is a holder in due  
40 course of a negotiable instrument issued in violation  
41 of the provisions prohibiting certain negotiable  
42 instruments in section 537.3307; unless the consumer  
43 has agreed in writing not to assert against an assignee  
44 a claim or defense arising out of such sale, and the  
45 consumer's contract has been assigned to an assignee  
46 not related to the seller who acquired the consumer's  
47 contract in good faith and for value and who gives  
48 the consumer notice of the assignment as provided  
49 in this subsection and who within thirty days after  
50 the mailing of the notice receives no written notice



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1 of the facts giving rise to the consumer's claim or  
2 defense. Such agreement not to assert a claim or  
3 defense is not valid if the assignee receives such  
4 written notice from the consumer within such thirty-  
5 day period. The notice of assignment shall be in  
6 writing and addressed to the consumer at his or her  
7 address as stated in the contract, identify the  
8 contract, describe the property purchased by the  
9 consumer, state the names of the seller and consumer,  
10 the name and address of the assignee, the amount  
11 payable by the consumer and the number, amounts and  
12 due dates of the installments, and contain a  
13 conspicuous notice to the consumer that he or she  
14 has thirty days from the date of the mailing of the  
15 notice to him or her within which to notify the  
16 assignee in writing of any claims or defenses he or  
17 she may have against the seller and that if written  
18 notification of any such claims or defenses is not  
19 received by the assignee within such thirty-day period,  
20 the assignee will have the right to enforce the  
21 contract free of any claims or defenses the consumer  
22 may have against the seller. An assignee does not  
23 acquire a consumer's contract in good faith with-  
24 in the meaning of this subsection if the assignee  
25 has knowledge or, from his or her course of dealing  
26 with the seller or his records, notice of substantial  
27 complaints by other consumers of the seller's failure  
28 or refusal to perform his or her contracts with them  
29 and of the seller's failure to remedy his or her  
30 defaults within a reasonable time after the assignee  
31 notifies him or her of the complaints.

32 Sec. 22. Section five hundred thirty-seven point  
33 three thousand four hundred five (537.3405), subsection  
34 one (1), unnumbered paragraph one (1), Code 1979,  
35 is amended to read as follows:

36 A lender, other than the issuer of a lender credit  
37 card, who, with respect to a particular transaction,  
38 makes a consumer loan for the purpose of enabling  
39 a consumer to buy or lease from a particular seller  
40 or lessor property or services, ~~other than for use~~  
41 ~~primarily for an agricultural purpose~~, is subject  
42 to all claims and defenses of the consumer against  
43 the seller or lessor arising from that sale or lease  
44 of the property or services if any of the following  
45 are applicable:

46 Sec. 23. Section five hundred thirty-seven point  
47 three thousand five hundred one (537.3501), Code 1979,  
48 is amended to read as follows:

49 537.3501 DOOR-TO-DOOR SALES. In a consumer credit  
50 sale or a sale in which the goods or services are

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1 paid for in whole or in part by a lender credit card  
 2 or a consumer loan in which the lender is subject  
 3 to defenses arising from the sale under section  
 4 537.3405, ~~other than a transaction for an agricultural~~  
 5 ~~purpose~~, a consumer has, in addition to all the rights  
 6 and remedies provided by chapter 713B, a cause of  
 7 action under section 537.5201, subsection 1, and the  
 8 administrator has all powers granted under article  
 9 6, part 1, to enforce the provisions of chapter 713B.  
 10 Sec. 24. Notwithstanding sections eleven (11)  
 11 through twenty-three (23) of this Act, a consumer  
 12 credit transaction for an agricultural purpose which  
 13 was executed or undertaken before July 1, 1980, is  
 14 subject to the applicable provisions of chapter five  
 15 hundred thirty-seven (537) of the Code as they existed  
 16 prior to July 1, 1980, and nothing in sections eleven  
 17 (11) through twenty-three (23) of this Act applies  
 18 with respect to rights, duties, privileges, obligations  
 19 or remedies of parties to such a transaction; provided,  
 20 however, that no additional loans, advances or  
 21 extensions of credit shall be made on or after July  
 22 1, 1980, with respect to agreements which were made  
 23 prior to July 1, 1980. Sections eleven (11) through  
 24 twenty-three (23) of this Act apply to a consumer  
 25 credit transaction executed or undertaken on or after  
 26 July 1, 1980." "

CHIODO of Polk  
 BYERLY of Polk  
 ANDERSON of Jasper  
 BRUNER of Story  
 AVENSON of Fayette  
 JOCHUM of Dubuque

PERKINS of Greene  
 WOODS of Polk  
 PATCHETT of Johnson  
 HULLINGER of Decatur  
 NORLAND of Worth

H-5942

1 Amend the Senate amendment H-5879 to House File  
 2 2492 as amended, passed and reprinted by the House  
 3 as follows:  
 4 1. Page 2, line 16, by striking the words "or  
 5 refinanced" and inserting in lieu thereof the words  
 6 "or refinanced; provided that if the purpose of the  
 7 loan or commitment by the lender is to enable the  
 8 borrower to purchase from a builder a one-family to  
 9 four-family dwelling, the construction of which was  
 10 commenced on or after April first, 1979, and completed  
 11 prior to April first, 1980, then the lender may, in  
 12 addition to the loan processing fee collectable from  
 13 the borrower under this section, collect from the

14 builder who built and is selling the dwelling a fee  
 15 in an amount which does not exceed three percent of  
 16 the principal amount of the loan to be made to the  
 17 borrower, but as a condition of collecting this fee  
 18 from the builder the lender shall reduce the interest  
 19 rate otherwise payable by the borrower on the loan  
 20 by one percentage point for each percentage point  
 21 of fee received from the builder, and by a like  
 22 proportion for fractional amounts".

CONNOLLY of Dubuque

H-5943

1 Amend Senate File 2198, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, by inserting after line 28 the  
 4 following:  
 5 "Sec. . Section two hundred eighty-five point  
 6 fourteen (285.14), Code 1979, is amended by adding  
 7 the following new unnumbered paragraph:  
 8 **NEW UNNUMBERED PARAGRAPH.** A vehicle used for an  
 9 approved driver education course in which the driver  
 10 education teacher transports driver education students  
 11 from their residences for street or highway driving  
 12 is not a school bus."  
 13 2. By numbering and renumbering sections as  
 14 necessary.

HORN of Linn

H-5944

1 Amend Senate File 2361 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. . Except as provided in section forty-  
 6 two (42) of this Act, this Act, being deemed of  
 7 immediate importance, takes effect from and after  
 8 its publication in the Muscatine Journal, a newspaper  
 9 published in Muscatine, Iowa, and in the Marengo  
 10 Pioneer-Republican, a newspaper published in Marengo,  
 11 Iowa."  
 12 2. By renumbering sections and internal references  
 13 as necessary.

TYRRELL of Iowa

H—5949

- 1 Amend the Senate amendment, H—5879, to House File
- 2 2492 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 2, by striking lines 9 and 10 and inserting
- 5 in lieu thereof the following:
- 6 “ . Page 4, line 24, by striking the words “less
- 7 fifteen thousand dollars, except that” and inserting
- 8 in lieu thereof the words “and, in addition to this
- 9 basic loan processing fee of two percent, a
- 10 supplemental loan processing fee in an amount as agreed
- 11 to by the parties, but as a condition of collecting
- 12 a supplemental loan processing fee the lender shall
- 13 reduce the interest rate otherwise payable by the
- 14 borrower on the loan by one percentage point for each
- 15 percentage point of supplemental loan processing fee
- 16 received and by a like proportion for fractional
- 17 amounts. However,”.

CONNOLLY of Dubuque

H—5950

- 1 Amend House File 312 as follows:
- 2 1. Page 1, line 12, by striking the word “casual”
- 3 and inserting in lieu thereof the word “causal”.

PATCHETT of Johnson

H—5951

- 1 Amend the Senate amendment, H—5879, to House
- 2 File 2492 as amended, passed and reprinted by the
- 3 House, as follows:
- 4 1. Page 7, line 8, by inserting after the word
- 5 “Act” the following: “and shall not apply to any
- 6 unpaid balances incurred under the terms of sections
- 7 five hundred thirty-seven point two thousand two
- 8 hundred two (537.2202) or section five hundred
- 9 thirty-seven point two thousand four hundred two
- 10 (537.2402) prior to the effective date of this Act”.

CHIODO of Polk

H-5953

1 Amend the Senate amendment H-5879, to House File  
2 2492 as amended, passed and reprinted by the House  
3 as follows:

4 1. Page 2, by inserting after line 17 the  
5 following:

6 " . Page 7, by inserting after line 9 the  
7 following:

8 "Sec. . Chapter five hundred thirty-five (535),  
9 Code 1979, is amended by adding the following new  
10 section:

11 NEW SECTION. INTEREST ON ESCROW ACCOUNTS.

12 1. As used in this section, unless the context  
13 otherwise requires:

14 a. "Financial institution" means and includes  
15 a bank, savings and loan association, credit union,  
16 industrial loan company, insurance company, and any  
17 other entity engaged in the business of mortgage  
18 lending.

19 b. "Escrow deposit" means any amount received  
20 by a financial institution from a debtor of the  
21 financial institution pursuant to an agreement whereby  
22 the financial institution is authorized to use the  
23 amount, either alone or in combination with other  
24 amounts similarly received, to purchase insurance  
25 or to pay taxes or to satisfy other obligations of  
26 the debtor with respect to real property of the debtor  
27 in which the financial institution has a security  
28 interest.

29 2. A financial institution that receives an escrow  
30 deposit from a borrower shall pay interest to the  
31 borrower for the period of time during which the  
32 financial institution has possession of that money.  
33 The rate of interest shall be the rate specified in  
34 section five hundred thirty-five point two (535.2),  
35 subsection one (1) of the Code, provided that if the  
36 financial institution is a bank, savings and loan  
37 association or credit union the rate of interest shall  
38 be the same rate as that which the financial  
39 institution pays on ordinary savings accounts.

40 3. This section applies to any escrow deposit  
41 received on or after July 1, 1980, irrespective of  
42 the date of execution of the loan to which the escrow  
43 agreement relates. This section does not apply to  
44 any escrow deposit which is in the possession of a  
45 financial institution prior to July 1, 1980." "

H—5954

- 1 Amend the Senate amendment, H—5879, to House File
- 2 2492 as amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 6, by striking lines 28 through 31.

CHIODO of Polk

H—5955

- 1 Amend the Committee on Transportation amendment
- 2 H—5356 to Senate File 333, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 3, by striking line 9, and inserting in
- 5 lieu thereof the following: "in length, shall be
- 6 approved by the department of public instruction and
- 7 shall be taught by instructors certified by the
- 8 national motorcycle safety foundation or approved
- 9 by the department of public instruction."

EGENES of Story  
 KIRKENSLAGER of Des Moines  
 LARSEN of Wapello  
 LAGESCHULTE of Bremer  
 DAVITT of Warren  
 JAY of Appanoose  
 McKEAN of Jones

H—5957

- 1 Amend the amendment, H—5921 to the Senate
- 2 amendment, H—5879, to House File 2492 as amended,
- 3 passed and reprinted by the House, as follows:
- 4 1. Page 2, line 4, by inserting after the word
- 5 "Act." the following: "However, this paragraph does not
- 6 apply if the lender can prove substantial impairment
- 7 of its financial interest in the mortgage due to the
- 8 creditworthiness of a third party assuming an
- 9 interest in the mortgage."

CHIODO of Polk

H—5959

- 1 Amend the Senate amendment H—5879 to House File
- 2 2492 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 7, by inserting after line 8 the
- 5 following:

6. "Sec. . Section five hundred thirty-four  
7 point twenty-one (534.21), subsection two (2), Code  
8 1979, is amended by adding the following new un-  
9 numbered paragraph:  
10 NEW UNNUMBERED PARAGRAPH. Renegotiable rate  
11 mortgage loans may be made for a term of three,  
12 four or five years, secured by a mortgage of up  
13 to 30 years, and automatically renewable at a  
14 varying interest rate. However, the authority to  
15 make home loans under this paragraph is available  
16 only for periods of time when federally chartered  
17 savings and loan associations operating in this  
18 state are granted similar authority, and the state  
19 authorization is subject to the rights and limit-  
20 ations imposed upon the federally chartered  
21 associations for this type of activity."

CHIODO of Polk  
JOHNSON of Linn

H—5960

1 Amend the Senate amendment H-5879 to House File  
2 2492 as amended, passed and reprinted by the House  
3 as follows:  
4 1. Page 1, by striking lines 3 through 36 and  
5 inserting in lieu thereof the following:  
6 " . By striking page 1, line 23 through page  
7 2, line 16, and inserting in lieu thereof the  
8 following:  
9 "2. a. The public utility shall not place into  
10 effect any portion of the suspended rates, charges,  
11 schedules or regulations which would result in a  
12 percentage increase in gross intrastate operating  
13 revenues which is greater than the annual inflation  
14 factor unless the public utility specifically applies  
15 to the commission for authority to impose a greater  
16 interim increase and the commission approves a greater  
17 interim increase on the basis of need.  
18 b. If the commission has not issued a final order  
19 in the rate proceeding within twelve months following  
20 the date application was filed, the public utility  
21 may, at the end of that twelve-month period and of  
22 each subsequent twelve-month period, place into effect  
23 such additional portion of the suspended rates,  
24 charges, schedules or regulations as will result in  
25 an additional increase in gross intrastate operating  
26 revenues which is equal to the annual inflation factor  
27 for the respective twelve-month period; provided that  
28 the public utility may apply for and receive authority  
29 for a greater increase in the manner otherwise  
30 permitted by this subparagraph.

31 c. The public utility shall not place into effect  
 32 any portion of any suspended rates, charges, schedules  
 33 or regulations of any subsequent rate filing relating  
 34 to services with respect to which a rate filing is  
 35 pending until after the commission has issued a final  
 36 order in the previously filed rate proceeding,  
 37 excepting the last filing pending at the time of  
 38 enactment of this bill, unless the public utility  
 39 applies to the commission for authority and receives  
 40 authority to place a portion of the subsequent filed  
 41 rate filing into effect on an interim basis." "

42 2. Page 1, by inserting after line 36 the follow-  
 43 ing:

44 "Sec. . Section five hundred twenty-four point  
 45 nine hundred one (524.901), Code 1979, as amended  
 46 by Acts of the Sixty-eighth General Assembly, 1979  
 47 Session, chapter one hundred twenty-eight (128),  
 48 section sixteen (16), is amended by adding the  
 49 following new subsection:

50 NEW SUBSECTION. A state bank may invest in

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1 participation certificates issued by one or more  
 2 production credit associations chartered under the  
 3 laws of the United States in an amount which does  
 4 not exceed, in the aggregate with respect to all such  
 5 associations, twenty percent of the capital and surplus  
 6 of the state bank."

7 3. Page 1, by inserting after line 36 the follow-  
 8 ing:

9 "Sec. . Section five hundred twenty-four point  
 10 nine hundred six (524.906), subsection six (6), Code  
 11 1979, is amended by striking the subsection."

12 4. Page 1, by inserting after line 36 the follow-  
 13 ing:

14 "Sec. . Section five hundred twenty-four point  
 15 nine hundred eight (524.908), Code 1979, is amended  
 16 to read as follows:

17 524.908 DIRECT LEASING LEASING OF PERSONAL  
 18 PROPERTY. A state bank ~~shall have the power, subject~~  
 19 ~~to approval by the superintendent, to may acquire,~~  
 20 upon the specific request of and for the use of a  
 21 customer, and lease, personal property pursuant to  
 22 a binding arrangement for the leasing of ~~such the~~  
 23 property to the customer upon terms requiring payment  
 24 to the state bank, during the minimum period of the  
 25 lease, of rentals which in the aggregate, when added  
 26 to the estimated tax benefits to the bank resulting  
 27 from the ownership of the lease property plus the  
 28 estimated residual market value of the leased property



29 at the expiration of the initial term of the lease,  
 30 will be at least equal to the total expenditures by  
 31 the state bank for, and in connection with, the  
 32 acquisition, ownership, maintenance and protection  
 33 of the property. A lease made under authority of  
 34 this section shall have the prior approval of the  
 35 superintendent or be made pursuant to personal property  
 36 lease guidelines approved by the superintendent for  
 37 use by the lessor bank or pursuant to a personal  
 38 property lease guideline rule of general applicability  
 39 for use by all state banks."

40 5. Page 1, by inserting after line 36 the follow-  
 41 ing:

42 "Sec. . Section five hundred thirty-six A point  
 43 twenty-three (536A.23), subsection one (1), unnumbered  
 44 paragraph one (1), Code 1979 Supplement, is amended  
 45 to read as follows:

46 1. Charge, receive or collect interest at a rate  
 47 exceeding ~~nine~~ ten cents on the hundred by the year,  
 48 except that the interest may be computed when the  
 49 note is made on the full amount of the cash advanced  
 50 on the loan from the date of the note to the date

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1 of the final installment thereof, and the interest  
 2 so computed may be included in the note,  
 3 notwithstanding any agreement to pay the entire amount  
 4 in installments; or the interest may be computed on  
 5 the amount of the note and discounted or collected  
 6 in advance when the loan is made, notwithstanding  
 7 any agreement to pay the entire amount in installments.  
 8 If the note is repayable in other than equal monthly  
 9 installments, the interest may be an amount computed  
 10 on the basis of the effective rates permitted as  
 11 provided above; provided, however, there shall be  
 12 no compounding of interest and when an interest rate  
 13 as authorized herein is advertised, or negotiated  
 14 for with a prospective borrower, with intent that  
 15 it be computed by either of the two methods authorized  
 16 herein, they being the "add on" method or the  
 17 "discount" method, in such case such rate shall be  
 18 further described as to the method of computation  
 19 to be used, but interest computed by either method  
 20 shall be stated to the borrower as provided in section  
 21 537.3210."

22 6. By striking page 2, line 18 through page 3,  
 23 line 17.

24 7. By striking page 3, line 39, through page 4,  
 25 line 3, and inserting in lieu thereof the following:

26 " . Page 7, line 24, by striking the word "one-  
27 half" and inserting in lieu thereof the word "three-  
28 fourths".

29 8. Page 4, by striking lines 4 through 23 and  
30 inserting in lieu thereof the following:

31 " . Page 8, line 18, by striking the word "one-  
32 half" and inserting in lieu thereof the word "three-  
33 fourths".

34 . Page 8, line 24, by striking the words "one  
35 and three-fourths" and inserting in lieu thereof the  
36 words "~~one and three-fourths~~ two".

37 9. By striking page 4, line 45 through page 5,  
38 line 30.

39 10. Page 5, by striking lines 31 through 41.

40 11. Page 6, by inserting after line 16 the follow-  
41 ing:

42 " . Page 9, by inserting after line 35 the  
43 following:

44 "Sec. 21. Section five hundred thirty-seven point  
45 one thousand three hundred one (537.1301), subsection  
46 four (4), Code 1979, is amended by striking the  
47 subsection and renumbering the remaining subsections.

48 Sec. 22. Section five hundred thirty-seven point  
49 one thousand three hundred one (537.1301), subsection  
50 thirteen (13), paragraph a, subparagraph three (3),

#### Page 4

1 Code 1979, is amended to read as follows:

2 (3) The goods, services or interest in land are  
3 purchased primarily for a personal, family, or  
4 household ~~or agricultural~~ purpose.

5 Sec. 23. Section five hundred thirty-seven point  
6 one thousand three hundred one (537.1301), subsection  
7 fourteen (14), paragraph c, Code 1979, is amended  
8 to read as follows:

9 c. The lessee takes under the lease primarily  
10 for a personal, family, or household ~~or agricultural~~  
11 purpose.

12 Sec. 24. Section five hundred thirty-seven point  
13 one thousand three hundred one (537.1301), subsection  
14 fifteen (15), paragraph a, subparagraphs three (3)  
15 and five (5), Code 1979, are amended to read as  
16 follows:

17 (3) The debt is incurred primarily for a personal,  
18 family, or household ~~or agricultural~~ purpose.

19 (5) Either the amount financed does not exceed  
20 thirty-five thousand dollars, or the debt is ~~not~~  
21 incurred primarily for an agricultural purpose and  
22 is secured by an interest in land.

23 Sec. 25. Section five hundred thirty-seven point  
24 three thousand three hundred one (537.3301),  
25 subsections one (1) and two (2), Code 1979, are amended  
26 to read as follows:

27 1. With respect to a consumer credit sale, a  
28 seller may take a security interest in the property  
29 sold. In addition, a seller may take a security  
30 interest in goods upon which services are performed  
31 or in which goods sold are installed or to which they  
32 are annexed, or in land to which the goods are af-  
33 fixed or which is maintained, repaired or improved  
34 as a result of the sale of the goods or services,  
35 if in the case of a security interest in land the  
36 amount financed is one thousand dollars or more, or  
37 in the case of a security interest in goods if either  
38 the amount financed is three hundred dollars or more,  
39 or if the goods are household goods, or motor vehicles  
40 used by a consumer, his or her dependents, or the  
41 family with which the consumer resides, as  
42 transportation to and from a place of employment,  
43 one hundred dollars or more. ~~The seller may also~~  
44 ~~take a security interest in property which is itemized~~  
45 ~~in the security agreement, to secure the debt arising~~  
46 ~~from a consumer credit sale primarily for an~~  
47 ~~agricultural purpose. Except as provided with respect~~  
48 ~~to cross-collateral under section 537.3302, a seller~~  
49 ~~may not otherwise take a security interest in property~~  
50 ~~to secure the debt arising from a consumer credit~~

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1 sale.

2 2. With respect to a consumer lease other than  
3 a lease primarily for an agricultural purpose, a  
4 lessor may not take a security interest in property  
5 to secure the debt arising from the lease. This  
6 subsection does not apply to a security deposit for  
7 a consumer lease.

8 Sec. 26. Section five hundred thirty-seven point  
9 three thousand three hundred three (537.3303),  
10 subsection one (1), Code 1979, is amended to read  
11 as follows:

12 1. If debts arising from two or more consumer  
13 credit sales, other than sales primarily for an  
14 agricultural purpose or pursuant to open end credit,  
15 are secured by cross-collateral or consolidated into  
16 one debt payable on a single schedule of payments,  
17 and the debt is secured by security interests taken  
18 with respect to one or more of the sales, payments  
19 received by the seller after the taking of the cross-  
20 collateral or the consolidation are deemed, for the

21 purpose of determining the amount of the debt secured  
 22 by the various security interests, to have been first  
 23 applied to the payment of the debts arising from the  
 24 sales first made. To the extent debts are paid  
 25 according to this section, security interests in items  
 26 of property terminate as the debt originally incurred  
 27 with respect to each item is paid.

28 Sec. 27. Section five hundred thirty-seven point  
 29 three thousand three hundred seven (537.3307), Code  
 30 1979, is amended to read as follows:

31 537.3307 CERTAIN NEGOTIABLE INSTRUMENTS PROHIBITED.

32 With respect to a consumer credit sale or consumer  
 33 lease, ~~other than a sale or lease primarily for an~~  
 34 ~~agricultural purpose~~, the creditor may not take a  
 35 negotiable instrument other than a check dated not  
 36 later than ten days after its issuance as evidence  
 37 of the obligation of the consumer.

38 Sec. 28. Section five hundred thirty-seven point  
 39 three thousand three hundred eight (537.3308),  
 40 subsection two (2), paragraph c, Code 1979, is amended  
 41 by striking the paragraph and relettering the remaining  
 42 paragraphs.

43 Sec. 29. Section five hundred thirty-seven point  
 44 three thousand three hundred ten (537.3310), subsection  
 45 one (1), Code 1979, is amended to read as follows:

46 1. In a consumer credit transaction, ~~other than~~  
 47 ~~one for an agricultural purpose~~, if performance by  
 48 a creditor is by delivery of goods, services or both,  
 49 in four or more installments, either on demand of  
 50 the consumer or by prearranged scheduled performance,

**Page 6**

1 the consumer shall have the right to cancel the  
 2 obligation with respect to that part which has not  
 3 been performed on the date of cancellation.

4 Sec. 30. Section five hundred thirty-seven point  
 5 three thousand four hundred one (537.3401), Code 1979,  
 6 is amended to read as follows:

7 537.3401 RESTRICTION ON LIABILITY IN CONSUMER  
 8 LEASE. The obligation of a lessee upon expiration  
 9 of a consumer lease ~~other than one primarily for an~~  
 10 ~~agricultural purpose~~, may not exceed twice the average  
 11 payment allocable to a monthly period under the lease.  
 12 This limitation does not apply to charges for damages  
 13 to the leased property or for other default.

14 Sec. 31. Section five hundred thirty-seven point  
 15 three thousand four hundred four (537.3404), subsection  
 16 one (1), Code 1979, is amended to read as follows:

17 1. With respect to a consumer credit sale or  
 18 consumer lease, ~~other than one primarily for an~~

19 **agricultural purpose**, an assignee of the rights of  
20 the seller or lessor is subject to all claims and  
21 defenses of the consumer against the seller or lessor  
22 arising from the sale or lease of property or services,  
23 notwithstanding that the assignee is a holder in due  
24 course of a negotiable instrument issued in violation  
25 of the provisions prohibiting certain negotiable  
26 instruments in section 537.3307; unless the consumer  
27 has agreed in writing not to assert against an assignee  
28 a claim or defense arising out of such sale, and the  
29 consumer's contract has been assigned to an assignee  
30 not related to the seller who acquired the consumer's  
31 contract in good faith and for value and who gives  
32 the consumer notice of the assignment as provided  
33 in this subsection and who within thirty days after  
34 the mailing of the notice receives no written notice  
35 of the facts giving rise to the consumer's claim or  
36 defense. Such agreement not to assert a claim or  
37 defense is not valid if the assignee receives such  
38 written notice from the consumer within such thirty-  
39 day period. The notice of assignment shall be in  
40 writing and addressed to the consumer at his or her  
41 address as stated in the contract, identify the  
42 contract, describe the property purchased by the  
43 consumer, state the names of the seller and consumer,  
44 the name and address of the assignee, the amount  
45 payable by the consumer and the number, amounts and  
46 due dates of the installments, and contain a  
47 conspicuous notice to the consumer that he or she  
48 has thirty days from the date of the mailing of the  
49 notice to him or her within which to notify the  
50 assignee in writing of any claims or defenses he or

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1 she may have against the seller and that if written  
2 notification of any such claims or defenses is not  
3 received by the assignee within such thirty-day period,  
4 the assignee will have the right to enforce the  
5 contract free of any claims or defenses the consumer  
6 may have against the seller. An assignee does not  
7 acquire a consumer's contract in good faith with-  
8 in the meaning of this subsection if the assignee  
9 has knowledge or, from his or her course of dealing  
10 with the seller or his records, notice of substantial  
11 complaints by other consumers of the seller's failure  
12 or refusal to perform his or her contracts with them  
13 and of the seller's failure to remedy his or her  
14 defaults within a reasonable time after the assignee  
15 notifies him or her of the complaints.

16 Sec. 32. Section five hundred thirty-seven point  
 17 three thousand four hundred five (537.3405), subsection  
 18 one (1), unnumbered paragraph one (1), Code 1979,  
 19 is amended to read as follows:

20 A lender, other than the issuer of a lender credit  
 21 card, who, with respect to a particular transaction,  
 22 makes a consumer loan for the purpose of enabling  
 23 a consumer to buy or lease from a particular seller  
 24 or lessor property or services, ~~other than for use~~  
 25 ~~primarily for an agricultural purpose~~, is subject  
 26 to all claims and defenses of the consumer against  
 27 the seller or lessor arising from that sale or lease  
 28 of the property or services if any of the following  
 29 are applicable:

30 Sec. 33. Section five hundred thirty-seven point  
 31 three thousand five hundred one (537.3501), Code 1979,  
 32 is amended to read as follows:

33 537.3501 DOOR-TO-DOOR SALES. In a consumer credit  
 34 sale or a sale in which the goods or services are  
 35 paid for in whole or in part by a lender credit card  
 36 or a consumer loan in which the lender is subject  
 37 to defenses arising from the sale under section  
 38 537.3405, ~~other than a transaction for an agricultural~~  
 39 ~~purpose~~, a consumer has, in addition to all the rights  
 40 and remedies provided by chapter 713B, a cause of  
 41 action under section 537.5201, subsection 1, and the  
 42 administrator has all powers granted under article  
 43 6, part 1, to enforce the provisions of chapter 713B.

44 Sec. 34. Notwithstanding sections twenty-one (21)  
 45 through thirty-three (33) of this Act, a consumer  
 46 credit transaction for an agricultural purpose which  
 47 was executed or undertaken before July 1, 1980, is  
 48 subject to the applicable provisions of chapter five  
 49 hundred thirty-seven (537) of the Code as they existed  
 50 prior to July 1, 1980, and nothing in sections twenty-

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1 one (21) through thirty-three (33) of this Act applies  
 2 with respect to rights, duties, privileges, obligations  
 3 or remedies of parties to such a transaction; provided,  
 4 however, that no additional loans, advances or  
 5 extensions of credit shall be made on or after July  
 6 1, 1980, with respect to agreements which were made  
 7 prior to July 1, 1980. Sections twenty-one (21)  
 8 through thirty-three (33) of this Act apply to a  
 9 consumer credit transaction executed or undertaken  
 10 on or after July 1, 1980." "

11 12. Page 6, line 19, by striking the word and  
 12 symbol "Sec. ." and inserting in lieu thereof the  
 13 word and figure "Sec. 50."

- 14 13. Page 6, by striking lines 44 through 46 and  
15 inserting in lieu thereof the following: "inapplicable  
16 in this state.  
17 Sec. . All of the provisions of this Act except  
18 section fifty (50) of this Act expire July 1, 1983."  
19 14. By renumbering sections and correcting internal  
20 references.

SCHROEDER of Pottawattamie

H-5961

- 1 Amend the Schroeder amendment, H-5960  
2 as follows:  
3 1. Page 3, by striking lines 37 and 38 and  
4 inserting in lieu thereof the following:  
5 " . Page 5, lines 1 and 2, by striking the words  
6 "one-half three-quarters" and inserting in lieu thereof  
7 the word "one-half".  
8 . Page 5, lines 18 and 19, by striking the words  
9 "one-half three quarters" and inserting in lieu thereof  
10 the word "one-half."

SCHROEDER of Pottawattamie

H-5962

- 1 Amend House amendment, H-5433, to Senate File 431,  
2 as follows:  
3 1. Page 1, by inserting before line 5 the follow-  
4 ing:  
5 "Section 1. Section one hundred thirty-five C.  
6 point eleven (135C.11), subsection two (2), Code 1979,  
7 is amended to read as follows:  
8 2. The procedure governing hearings authorized  
9 by this section shall be in accordance with the rules  
10 promulgated by the department. A full and complete  
11 record shall be kept of all proceedings, and all  
12 testimony shall be reported but need not be transcribed  
13 unless judicial review is sought pursuant to section  
14 135C.13. A ~~copy or copies~~ Copies of the transcript  
15 may be obtained by an interested party upon payment  
16 of the cost of preparing ~~such copy or the copies~~.  
17 Witnesses may be subpoenaed by either party and shall  
18 be allowed fees at a rate prescribed by the ~~aforsaid~~  
19 department's rules. The commissioner may, with the  
20 adviee and consent of after advising the care review  
21 committee established pursuant to section 135C.25,  
22 either proceed in accordance with section three (3)  
23 of this Act, or remove all residents and suspend the  
24 license or licenses of any health care facility, prior

25 to a hearing, when ~~he~~ the commissioner finds that  
 26 the health or safety of residents of the health care  
 27 facility requires such action on an emergency basis.  
 28 The fact that no care review committee has been  
 29 appointed for a particular facility shall not bar  
 30 the commissioner from exercising the emergency powers  
 31 granted by this subsection with respect to that  
 32 facility.

33 Sec. 2. Section one hundred thirty-five C point  
 34 twelve (135C.12), Code 1979, is amended to read as  
 35 follows:

36 135C.12 CONDITIONAL OPERATION. In any case where  
 37 If the department shall have has the authority under  
 38 section one hundred thirty-five C point ten (135C.10)  
 39 of the Code to deny, suspend or revoke a license,  
 40 the department shall have the authority to  
 41 conditionally or commissioner may, as an alternative  
 42 to those actions:

43 1. Apply to the district court of the county in  
 44 which the licensee's health care facility is located  
 45 for appointment by the court of a receiver for the  
 46 facility pursuant to section three (3) of this Act.  
 47 2. Conditionally issue or continue a license  
 48 dependent upon the performance by the licensee of  
 49 such reasonable conditions within such a reasonable  
 50 period of time as may be set by the department so

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1 as to permit the licensee to commence or continue  
 2 the operation of the health care facility pending  
 3 his full compliance with this chapter or any  
 4 regulations issued hereunder. In such case, if the  
 5 regulations or minimum standards promulgated under  
 6 this chapter, if the licensee does not make diligent  
 7 efforts to comply with such the conditions as  
 8 prescribed, the department may, under the proceedings  
 9 hereinbefore prescribed by this chapter, suspend or  
 10 revoke the license. No health care facility shall  
 11 be operated on a conditional license for more than  
 12 one year.

13 3. The department, in evaluating corrections of  
 14 deficiencies in a facility in receivership or operating  
 15 on a conditional license, may determine what is  
 16 satisfactory compliance, provided that in so doing  
 17 it shall employ established criteria which shall be  
 18 uniformly applied to all facilities of the same license  
 19 category."

20 2. Page 2, by inserting after line 26 the follow-  
 21 ing:



22 "Sec. . Chapter one hundred thirty-five C  
23 (135C), Code 1979, is amended by adding the following  
24 new section:

25 NEW SECTION. OPERATION OF FACILITY UNDER  
26 RECEIVERSHIP. When so authorized by section one  
27 hundred thirty-five C point eleven (135C.11),  
28 subsection two (2), or section one hundred thirty-  
29 five C point twelve (135C.12), subsection one (1),  
30 of the Code, the commissioner may file a verified  
31 application in the district court of the county where  
32 a health care facility licensed under this chapter  
33 is located, requesting that an individual nominated  
34 by the commissioner be appointed as receiver for the  
35 facility with responsibility to bring the operation  
36 and condition of the facility into conformity with  
37 this chapter and the rules or minimum standards  
38 promulgated under this chapter.

39 1. The court shall expeditiously hold a hearing  
40 on the application, at which the commissioner shall  
41 present evidence in support of the application. The  
42 licensee against whose facility the petition is filed  
43 may also present evidence, and both parties may  
44 subpoena witnesses. The court may appoint a receiver  
45 for the health care facility in advance of the hearing  
46 if the commissioner's verified application states  
47 that an emergency exists which presents an imminent  
48 danger of resultant death or physical harm to the  
49 residents of the facility. If the licensee against  
50 whose facility the receivership petition is filed

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1 informs the court at or before the time set for the  
2 hearing that the licensee does not object to the  
3 application, the court shall waive the hearing and  
4 at once appoint a receiver for the facility,

5 2. The court, on the basis of the verified  
6 application and evidence presented at the hearing,  
7 if one is held, shall direct in its order either that  
8 the receiver assume the duties of administrator of  
9 the health care facility or that the receiver supervise  
10 the facility's administrator in conducting the day-  
11 to-day business of the facility. The receiver shall  
12 be empowered to control the facility's financial  
13 resources and to apply its revenues as the receiver  
14 deems necessary to the operation of the facility in  
15 compliance with this chapter and the rules or minimum  
16 standards promulgated under this chapter, but shall  
17 be accountable to the court for management of the  
18 facility's financial resources.

19 3. A receivership established under this section  
 20 may be terminated by the district court which  
 21 established it, after a hearing upon an application  
 22 for termination. The application may be filed:  
 23 a. Jointly by the receiver and the current licensee  
 24 of the health care facility which is in receivership,  
 25 stating that the deficiencies in the operation,  
 26 maintenance or other circumstances which were the  
 27 grounds for establishment of the receivership have  
 28 been corrected and that there are reasonable grounds  
 29 to believe that the facility will be operated in com-  
 30 pliance with this chapter and the rules or minimum  
 31 standards promulgated under this chapter.  
 32 b. By the current licensee of the facility,  
 33 alleging that termination of the receivership is  
 34 merited for the reasons set forth in paragraph a of  
 35 this subsection, but that the receiver has declined  
 36 to join in the petition for termination of the  
 37 receivership.  
 38 c. By the receiver, stating that all residents  
 39 of the facility have been relocated elsewhere and  
 40 that there are reasonable grounds to believe it will  
 41 not be feasible to again operate the facility on a  
 42 sound financial basis and in compliance with this  
 43 chapter and the rules or minimum standards promulgated  
 44 under this chapter, and asking that the court approve  
 45 surrender of the facility's license to the department  
 46 and subsequent return of control of the facility's  
 47 premises to the owners of the premises.  
 48 4. Payment of the expenses of a receivership  
 49 established under this section shall be the  
 50 responsibility of the facility for which the receiver

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1 is appointed, unless the court directs otherwise.  
 2 5. This section does not:  
 3 a. Preclude the sale or lease of a health care  
 4 facility, and the transfer or assignment of the  
 5 facility's license in the manner prescribed by section  
 6 one hundred thirty-five C point eight (135C.8) of  
 7 the Code, while the facility is in receivership,  
 8 provided these actions are not taken without approval  
 9 of the receiver.  
 10 b. Affect the civil or criminal liability of the  
 11 licensee of the facility placed in receivership, for  
 12 any acts or omissions of the licensee which occurred  
 13 before the receiver was appointed."  
 14 3. By renumbering the sections of the Act as  
 15 necessary.

ANDERSON of Jasper  
 CLARK of Cerro Gordo  
 DE GROOT of Lyon

H-5969

1 Amend the Senate amendment H-5879 to House File  
2 2492 as amended, passed and reprinted by the House,  
3 as follows:  
4 1. Page 2, by striking lines 5 through 16 and  
5 inserting in lieu thereof the following:  
6 " Page 4, by striking lines 16 through 31  
7 and inserting in lieu thereof the following:  
8 "4. The assessment and collection in connection  
9 with a loan referred to in subsection one (1),  
10 paragraph a of this section of a loan origination  
11 fee, closing fee, commitment fee or similar charge  
12 is prohibited. If any lender receives any such charge,  
13 the borrower is entitled to recover that charge, plus  
14 attorney fees and court costs incurred in any action  
15 necessary to effect recovery. The provisions".

HOWELL of Floyd

H-5970

1 Amend the Senate amendment H-5879 to House File  
2 2492 as amended, passed and reprinted by the House,  
3 as follows:  
4 1. Page 2, by inserting after line 16 the  
5 following:  
6 " Page 5, by inserting after line 5 the  
7 following:  
8 " Notwithstanding the provisions of subsection  
9 one (1) of this section, with respect to any agreement  
10 which was executed prior to the effective date of  
11 this Act and which contained a provision for the  
12 adjustment of the rate of interest specified in that  
13 agreement, the maximum lawful rate of interest which  
14 may be imposed under that agreement shall be the  
15 maximum applicable rate of interest permitted under  
16 the laws of this state as they existed immediately  
17 prior to the effective date of this Act." "  
18 2. By striking page 5, line 43 through page 6,  
19 line 16.

HOWELL of Floyd

H-5971

1 Amend Senate File 2361 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. . Except as otherwise provided, this  
 6 Act, being deemed of immediate importance, takes  
 7 effect from and after its publication in the Muscatine  
 8 Journal, a newspaper published in Muscatine, Iowa,  
 9 and in The Pioneer-Republican, a newspaper published  
 10 in Marengo, Iowa."  
 11 2. By renumbering sections and internal references  
 12 as necessary.

TYRRELL of Iowa

H—5980

1 Amend amendment H—5730 to Senate File 404 as  
 2 amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 5 and  
 5 inserting in lieu thereof the following:  
 6 "1. Page 1, by striking lines 3 through 9 and  
 7 inserting in lieu thereof the following:  
 8 "NEW SUBSECTION. If the defendant is convicted  
 9 of an offense other than a forcible felony, the court  
 10 may suspend the sentence of the defendant on the  
 11 condition that the defendant perform community service  
 12 or service approved by the court for a period not  
 13 to exceed the maximum statutory period of confinement  
 14 for the offense of which the defendant is convicted." "

DOYLE of Woodbury

H—5982

1 Amend the Senate amendment H—5966 to House File  
 2 2463 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 1, line 4, by striking the words "at  
 5 seventeen" and inserting in lieu thereof the words  
 6 "at seventeen".

PELLETT of Cass

H—5983

1 Amend Senate File 404 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 8 and 9.

SPEAR of Lee

H-5984

- 1 Amend H-5918, filed by Spear of Lee to Senate File  
2 455, as passed by the Senate, as follows:  
3 1. Page 1, line 6, by inserting after the word  
4 "district" the words "and to handicapped persons  
5 receiving training in nonprofit sheltered workshops  
6 or nonprofit activity centers".

SPEAR of Lee

H-5986

- 1 Amend Senate File 2318 as passed by the Senate as  
2 follows:  
3 1. Page 1, by inserting after line 22 the following  
4 new sections:  
5 "Sec. 2. Section six hundred thirty-three point  
6 two hundred eleven (633.211), as amended by Acts of the  
7 Sixty-eighth General Assembly, 1979 Session, Chapter one  
8 hundred thirty-nine (139), section one (1), is amended  
9 by striking the section and inserting in lieu thereof  
10 the following:  
11 633.211 SHARE OF THE SURVIVING SPOUSE. If the  
12 decedent dies intestate leaving a surviving spouse, the  
13 surviving spouse shall receive the following:  
14 1. If there are no surviving issue of the decedent,  
15 or if there are surviving issue all of whom are issue  
16 of the decedent and the surviving spouse, the entire  
17 estate.  
18 2. If there are surviving issue of the decedent,  
19 one or more of whom are not issue of the surviving  
20 spouse, the first fifty thousand dollars plus one-  
21 half of the balance of the estate.  
22 Sec. 3. Section six hundred thirty-three point  
23 two hundred twelve (633.212), as amended by Acts of  
24 the Sixty-eighth General Assembly, 1979 Session,  
25 Chapter one hundred thirty-nine (139), section two (2),  
26 is repealed.  
27 Sec. 4. Sections 2 and 3 of this Act take effect  
28 January first following its enactment for the estates  
29 of persons who die on or after that date."  
30 2. By renumbering and correcting internal references  
31 as are necessary in accordance with this amendment.

CONLON of Muscatine  
LLOYD-JONES of Johnson

H-5987

- 1 Amend Senate File 404 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 8 and 9.

SPEAR of Lee

H-5989

- 1 Amend Senate File 2148 as follows:
- 2 1. Page 3, line 25, by striking the words "any
- 3 person," and inserting in lieu thereof the words
- 4 "any person, a".

SPEAR of Lee

H-5990

- 1 Amend Senate File 2320 as follows:
- 2 1. Page 13, by inserting after line 24, the
- 3 following:
- 4 "Sec. . . . Section two hundred seventy-seven point
- 5 two (277.2), Code 1979, is amended to read as follows:
- 6 277.2 SPECIAL ELECTION. The board of directors
- 7 in any school corporation may call a special election
- 8 at which election the voters shall have the powers
- 9 exercised at the regular election with reference to
- 10 the sale of school property and the application to be
- 11 made of the proceeds, the authorization of seven members
- 12 on the board of directors, the authorization to establish
- 13 or change the boundaries of director districts, and the
- 14 authorization of a schoolhouse tax or indebtedness, as
- 15 provided by law, for the purchase of a site and the
- 16 construction of a necessary schoolhouse, and for
- 17 obtaining roads thereto.

CRAWFORD of Story  
 SHIMANEK of Jones  
 ANDERSON of Audubon

H-5994

- 1 Amend Senate File 2103, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "Sec. . . . Section five hundred fifty-eight point
- 6 fifty-eight (558.58), Code 1979, is amended to read
- 7 as follows:
- 8 558.58 RECORDER TO COLLECT AND DELIVER TO AUDITOR.

9 1. At the time of filing any a deed or other  
 10 instrument mentioned in section 558.57, the recorder  
 11 shall collect from the person filing the same deed  
 12 or instrument the recording fee provided by law, also  
 13 and the auditor's transfer fee, and forthwith except  
 14 as provided in subsection two (2) of this section.  
 15 The recorder shall deliver the deed and the transfer  
 16 fee to the county auditor, after endorsing upon said  
 17 instrument the following:

18 Filed for record, indexed, and delivered to county auditor  
 19 this ..... day of ....., 19 ....., at .....  
 20 o'clock ... M. Recorder's and auditor's fee \$ ...  
 21 paid.

22 .....  
 23 Recorder.

24 2. When the person required to pay a fee relating  
 25 to a real estate transaction is a governmental  
 26 subdivision or agency, the recorder, at the request  
 27 of a governmental subdivision or agency, shall bill  
 28 the governmental subdivision or agency for the fees  
 29 required to be paid. The governmental subdivision  
 30 or agency shall pay the fees and taxes due within  
 31 thirty days after the date of filing."

32 2. By renumbering sections to conform to this  
 33 amendment.

34 3. Amend the title by striking lines 1 and 2 and  
 35 inserting in lieu thereof the following: "An Act  
 36 relating to fees collected or paid by certain county  
 37 officers or governmental subdivisions or agencies."

SCHROEDER of Pottawattamie

H-5997

1 Amend Senate File 2230 as follows:

2 1. Page 1, by striking lines 1 through 14 and  
 3 inserting in lieu thereof the following:

4 "Section 1. Section three hundred twenty-seven G,  
 5 point seventy-six (327G.76), Code 1979, is repealed.

6 Sec. 2. Section three hundred twenty-seven G  
 7 point seventy-seven (327G.77), Code 1979, is amended  
 8 by striking the section and inserting in lieu thereof  
 9 the following:

10 327G.77. REVERSION OF CONDEMNED RIGHT-OF-WAY.

11 Right-of-way abandoned by order of the interstate  
 12 commerce commission or the transportation regulation  
 13 board shall revert upon abandonment to the owner of  
 14 the property adjacent to the right-of-way if the  
 15 railroad had obtained the right-of-way by condemnation.  
 16 If there are different owners on either side of the  
 17 right-of-way, each owner shall take title to the  
 18 center. The reversionary interest granted by this section  
 19 is not subject to the recording provisions of section  
 20 six hundred fourteen point twenty-four (614.24)."

SHIMANEK of Jones  
 POFFENBERGER of Dallas

H-6010

1 Amend amendment H-5958 to Senate File 2070 as  
 2 amended, passed and reprinted by the Senate as follows:  
 3 1. Page 1, line 13, by inserting after the word  
 4 "notwithstanding." the words "The board of medical-  
 5 examiners shall by rule prohibit persons licensed as  
 6 resident physicians or licensed or authorized to  
 7 practice medicine from dispensing for sale prescription  
 8 drugs, including controlled substances under chapter  
 9 two hundred four (204) of the Code, if there is a  
 10 pharmacy within the community in which the practitioner's  
 11 office is located."

12 2. Page 1, line 25, by inserting after the word  
 13 "notwithstanding." the words "The board of medical  
 14 examiners shall by rule prohibit persons licensed  
 15 as resident osteopathic physicians and surgeons  
 16 or licensed to practice osteopathy or osteopathic  
 17 medicine and surgery from dispensing for sale  
 18 prescription drugs, including controlled substances  
 19 under chapter two hundred four (204) of the Code, if  
 20 there is a pharmacy within the community in which the  
 21 practitioner's office is located."

22 3. Page 1, line 36, by inserting after the word  
 23 "notwithstanding." the words "The board of dentistry  
 24 shall by rule prohibit persons licensed as resident  
 25 dentists or licensed to practice dentistry from  
 26 dispensing for sale prescription drugs, including con-  
 27 trolled substances under chapter two hundred four (204)  
 28 of the Code, if there is a pharmacy within the community  
 29 in which the practitioner's office is located."

KREWSON of Polk

H-6012

1 Amend amendment H-5998 to Senate File 2320 as  
 2 amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 2 the following:  
 5 "1. Page 4, by inserting after line 21 the  
 6 following:  
 7 "Sec. 12. Section one hundred seven point twenty-  
 8 four (107.24), Code 1979, is amended by adding the  
 9 following new subsection:  
 10 **NEW SUBSECTION.** Establish a program governing  
 11 the harvesting and sale of American ginseng subject  
 12 to the convention on international trade in endangered  
 13 species of wild fauna and flora and adopt rules  
 14 providing for the time and conditions for the  
 15 harvesting of the ginseng, the registration of dealers



16 and exporters, the records kept by dealers and  
 17 exporters, and the certification of legal taking." "  
 18 2. By renumbering the sections to conform with  
 19 this amendment.

SCHROEDER of Pottawattamie  
 TOFTE of Winneshiek  
 HANSON of Delaware.

H-6013

1 Amend amendment H-5859 to Senate File 2168 as  
 2 follows:  
 3 1. Page 1, line 11, by adding after the word  
 4 "exceeds" the words "or diminishes".

CONNORS of Polk  
 SMALLEY of Polk  
 DAVITT of Warren

H-6014

1 Amend Senate File 2112, as passed by the Senate,  
 2 as follows:  
 3 1. Page 1, by inserting after line 25 the following  
 4 section:  
 5 "Sec. . Section two hundred eighty A point  
 6 twenty-five (280A.25), subsection two (2), Code 1979,  
 7 is amended to read as follows:  
 8 2. Change boundaries of director districts in  
 9 any merged area when the ~~commission fails merged area~~  
 10 board and area education agency board acting jointly  
 11 fail to change boundaries as required by law."

JOHNSON of Woodbury

H-6015

1 Amend amendment H-5958 to Senate File 2070, as  
 2 amended, passed and reprinted by the Senate, as follows:  
 3 1. Page 1, by adding after line 36 the following:  
 4 "4. Page 14, by adding after line 18, the following  
 5 new sections:  
 6 Sec. . Section two hundred four point four hundred  
 7 ten (204.410), Code 1979, is amended to read as follows:  
 8 204.410 ACCOMMODATION OFFENSE. In a prosecution for  
 9 unlawful delivery or possession with intent to deliver a  
 10 ~~controlled substance marijuana~~, if the prosecution proves  
 11 that the defendant violated the provisions of section  
 12 204.401, subsection 1, but fails to prove that the de-  
 13 fendant delivered or possessed with intent to deliver ~~the~~

14 controlled substance for the purpose of making a profit  
 15 more than one ounce of marijuana, the defendant shall  
 16 be is guilty of an accommodation offense and shall be  
 17 sentenced as if convicted of a violation of section  
 18 204.401, subsection 3, paragraph c. An accommodation of-  
 19 fense may be proved as an included offense under a  
 20 charge of delivering or possessing with the intent  
 21 to deliver a controlled substance marijuana in vio-  
 22 lation of section 204.401, subsection 1. This section  
 23 does not apply to hashish, hashish oil, or other deri-  
 24 vatives of marijuana as defined in section two hundred  
 25 four point one hundred one (204.101), subsection six-  
 26 teen (16) of the Code.

27 Sec. . Section nine hundred seven point three  
 28 (907.3), unnumbered paragraph one (1), Code 1979,  
 29 is amended to read as follows:

30 Pursuant to section 901.5, the trial court may,  
 31 upon a plea of guilty, a verdict of guilty, or a  
 32 special verdict upon which a judgment or conviction may  
 33 be rendered, exercise any of the options contained in  
 34 subsection 1 and 2 of this section. However, this sec-  
 35 tion shall not apply to a forcible felony or a vio-  
 36 lation of section 204.401, subsection 1 or 2, to which  
 37 section 204.400, subsection 2 is not applicable and  
 38 which is not proved to be an accommodation offense under  
 39 section 204.410.

JOHNSON of Howard

H-6017

1 Amend amendment H-5958 to Senate File 2070, as  
 2 amended, passed and reprinted by the Senate, as follows:

3 1. Page 1, by adding after line 36 the following:

4 "4. Page 14, by adding after line 18, the following  
 5 new section:

6 Sec. . Section two hundred four point four hundred  
 7 ten (204.410), Code 1979, is amended to read as follows:

8 204.410 ACCOMMODATION OFFENSE. In a prosecution for  
 9 unlawful delivery or possession with intent to deliver a  
 10 controlled substance marijuana, if the prosecution proves  
 11 that the defendant violated the provisions of section  
 12 204.401, subsection 1, but fails to prove that the de-  
 13 fendant delivered or possessed with intent to deliver the  
 14 controlled substance for the purpose of making a profit  
 15 more than one ounce of marijuana, the defendant shall  
 16 be is guilty of an accommodation offense and shall be  
 17 sentenced as if convicted of a violation of section  
 18 204.401, subsection 3, paragraph b. An accommodation of-  
 19 fense may be proved as an included offense under a  
 20 charge of delivering or possessing with the intent

21 to deliver a controlled substance marijuana in vio-  
 22 lation of section 204.401, subsection 1. This section  
 23 does not apply to hashish, hashish oil, or other deri-  
 24 vatives of marijuana as defined in section two hundred  
 25 four point one hundred one (204.101), subsection six-  
 26 teen (16) of the Code.

JOHNSON of Howard

H-6019

1 Amend amendment H-5998 to Senate File 2320 as  
 2 amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking line 32 through page 2,  
 5 line 49.  
 6 2. Page 2, line 50, by striking the word "Sec."  
 7 and inserting in lieu thereof the word "Sec."  
 8 3. Page 3, by striking lines 7 and 8 and inserting  
 9 in lieu thereof the words "of labor performed and  
 10 material delivered."  
 11 4. Page 3, line 20, by inserting a quotation mark  
 12 after the word "engineer."

PELTON of Clinton

H-6022

1 Amend amendment H-5556 to Senate File 473 as  
 2 follows:  
 3 1. Page 1, by inserting after line 1, the  
 4 following:  
 5 "1. Page 1, by inserting before line 1, the  
 6 following:  
 7 "Section 1. Section one hundred nine point  
 8 nineteen (109.19), Code 1979, is amended by adding  
 9 the following new unnumbered paragraph:  
 10 **NEW UNNUMBERED PARAGRAPH.** If a bordering state  
 11 does not extend reciprocity to the persons licensed  
 12 by this state in the taking of fish, game, mussels or  
 13 furbearing animals as provided in this section, the  
 14 residents of that state are not eligible to purchase  
 15 a nonresident license in this state for the manner  
 16 and subject of taking for which reciprocity is not  
 17 extended by that state." "

KIRKENSLAGER of Des Moines

H-6023

1 Amend amendment H-5958 to Senate File 2070, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 36 the  
5 following:

6 "4. Page 14, by inserting after line 18 the  
7 following:

8 "Sec. . Section two hundred four point four  
9 hundred one (204.401), subsection three (3), Code  
10 1979, is amended by striking the subsection and  
11 inserting in lieu thereof the following:

12 3. It is unlawful for a person knowingly or  
13 intentionally to possess a controlled substance  
14 unless the substance was obtained directly from or  
15 pursuant to a valid prescription or order of a  
16 practitioner while acting in the course of his or  
17 her professional practice, or except as otherwise  
18 authorized by this chapter. A violation of this sub-  
19 section constitutes one of the following offenses:

20 a. Upon the first and second conviction, a  
21 simple misdemeanor if the controlled substance is one  
22 ounce or less of marijuana. A person who  
23 violates this subsection may be issued a citation  
24 and be treated as provided in chapter eight hundred  
25 five (805) of the Code.

26 b. A serious misdemeanor punishable by imprison-  
27 ment in the county jail for not more than six months  
28 or by a fine of not more than one thousand dollars,  
29 or by both such fine and imprisonment, if the con-  
30 trolled substance is more than one ounce of marijuana  
31 or if it is a third or subsequent conviction for  
32 possession of marijuana.

33 c. A serious misdemeanor if the controlled  
34 substance is a substance other than marijuana.

35 All or any part of a sentence imposed pursuant  
36 to this section may be suspended and the person placed  
37 upon probation upon such terms and conditions as the  
38 court may impose including the active participation  
39 by such person in a drug treatment, rehabilitation  
40 or education program approved by the court."

41 5. Page 105, by inserting after line 14, the following:

42 "Sec. . Section eight hundred five point  
43 eight (805.8), Code 1979, is amended by adding the  
44 following new subsection:

45 **NEW SUBSECTION. POSSESSION OF MARIJUANA.** For  
46 first and second violations for possession of one  
47 ounce or less of marijuana under section two hundred  
48 four point four hundred one (204.401), subsection  
49 three (3), paragraph a of the Code, the scheduled  
50 fine is one hundred dollars." "

H-6027

1 Amend amendment H-5958 to Senate File 2070, as  
2 amended, passed and reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 36 and  
4 inserting in lieu thereof the following:

5 "1. Page 14, by inserting after line 18, the  
6 following:

7 "Sec. . Section two hundred four point four  
8 hundred one (204.401), subsection three (3), Code  
9 1979, is amended by striking the subsection and  
10 inserting in lieu thereof the following:

11 3. It is unlawful for a person knowingly or  
12 intentionally to possess a controlled substance  
13 unless the substance was obtained directly from or  
14 pursuant to a valid prescription or order of a  
15 practitioner while acting in the course of his or  
16 her professional practice, or except as otherwise  
17 authorized by this chapter. A violation of this sub-  
18 section constitutes one of the following offenses:

19 a. Upon the first and second conviction, a  
20 simple misdemeanor if the controlled substance is one  
21 ounce or less of marijuana. A person who  
22 violates this subsection may be issued a citation  
23 and be treated as provided in chapter eight hundred  
24 five (805) of the Code.

25 b. A serious misdemeanor punishable by imprison-  
26 ment in the county jail for not more than six months  
27 or by a fine of not more than one thousand dollars,  
28 or by both such fine and imprisonment, if the con-  
29 trolled substance is more than one ounce of marijuana  
30 or if it is a third or subsequent conviction for  
31 possession of marijuana.

32 c. A serious misdemeanor if the controlled  
33 substance is a substance other than marijuana.

34 All or any part of a sentence imposed pursuant  
35 to this section may be suspended and the person placed  
36 upon probation upon such terms and conditions as the  
37 court may impose including the active participation  
38 by such person in a drug treatment, rehabilitation  
39 or education program approved by the court."

40 2. Page 15, by inserting after line 14, the following:

41 "Sec. . Section eight hundred five point  
42 eight (805.8), Code 1979, is amended by adding the  
43 following new subsection:

44 **NEW SUBSECTION. POSSESSION OF MARIJUANA.** For  
45 first and second violations for possession of one  
46 ounce or less of marijuana under section two hundred  
47 four point four hundred one (204.401), subsection  
48 three (3), paragraph a of the Code, the scheduled  
49 fine is one hundred dollars." "

ARNOULD of Scott

H-6031

1 Amend the Bennett, et al, amendment H-5958 to  
2 Senate File 2070 as amended, passed and reprinted  
3 by the Senate, as previously amended as follows:

4 1. Page 1, by striking all after line 2 and  
5 inserting in lieu thereof the following:  
6 "1. Page 14, by adding after line 18, the following  
7 new section:

8 "Sec. . Section two hundred four point four  
9 hundred ten (204.410), Code 1979, is amended to read  
10 as follows:

11 204.410 ACCOMMODATION OFFENSE. In a prosecution  
12 for unlawful delivery or possession with intent to  
13 deliver a controlled substance marijuana, if the  
14 prosecution proves that the defendant violated the  
15 provisions of section 204.401, subsection 1, but fails  
16 to prove that the defendant delivered or possessed  
17 with intent to deliver the controlled substance for  
18 the purpose of making a profit more than one ounce  
19 of marijuana, the defendant shall be is guilty of  
20 an accommodation offense and shall be sentenced as  
21 if convicted of a violation of section 204.401,  
22 subsection 3. An accommodation offense may be proved  
23 as an included offense under a charge of delivering  
24 or possessing with the intent to deliver a controlled  
25 substance marijuana in violation of section 204.401,  
26 subsection 1. This section does not apply to hashish,  
27 hashish oil, or other derivatives of marijuana as  
28 defined in section two hundred four point one hundred  
29 one (204.101), subsection sixteen (16) of the Code."

30 2. Page 15, line 15, by striking the words "This  
31 Act is" and inserting in lieu thereof the words  
32 "Sections one (1) through thirty-one (31) of this  
33 Act are".

34 3. Page 15, by inserting after line 16 the  
35 following:

36 "Sec.

37 1. Practitioners licensed under chapters one  
38 hundred forty-eight (148), one hundred forty-nine  
39 (149), one hundred fifty,(150), one hundred fifty  
40 A (150A), one hundred fifty-two (152), one hundred  
41 fifty-three (153), one hundred fifty-five (155) and  
42 one hundred sixty-nine (169) of the Code shall be  
43 entitled to continue the practices with respect to  
44 dispensing of prescription drugs, including controlled  
45 substances, which those practitioners had followed  
46 under the laws of this state as amended to July 1,  
47 1979, and as generally interpreted prior to July 5,  
48 1979, notwithstanding the opinion of the attorney  
49 general to the secretary of the board of pharmacy  
50 examiners rendered on that date, until legislation

## Page 2

1 has been enacted to affirm or modify the attorney  
2 general's opinion.  
3 2. The legislative council is directed to establish  
4 a special interim study committee to make a study  
5 of prevailing prescription drug dispensing practices,  
6 the laws governing those practices, and the opinion  
7 of the attorney general to the secretary of the board  
8 of pharmacy examiners rendered July 5, 1979, and  
9 submit a report to the first session of the Sixty-  
10 ninth General Assembly not later than January 12,  
11 1981. The study committee shall include members of  
12 the committees on human resources of the senate and  
13 house of representatives, and one member each from  
14 the board of pharmacy examiners, the board of medical  
15 examiners, the board of dentistry examiners, the board  
16 of nursing examiners, the board of podiatry examiners,  
17 and the board of veterinary examiners, each designated  
18 by the respective boards to serve on the study  
19 committee. The nonlegislator members designated to  
20 serve on the study committee pursuant to this sub-  
21 section shall serve without compensation from the  
22 funds of the general assembly." ;

LIND of Black Hawk  
BENNETT of Ida  
JOHNSON of Howard

H-6033

1 Amend amendment H-5960 to the Senate  
2 amendment H-5879 to House File 2492 as amended,  
3 passed, and reprinted by the House, as follows:  
4 1. Page 1, line 7, by striking the numeral  
5 "16" and inserting in lieu thereof the numeral  
6 "24".  
7 2. Page 1, by inserting after line 41 the  
8 following lettered subdivision of the subparagraph:  
9 "d. "Annual inflation factor" means the  
10 annual percent change in the implicit gross  
11 national product price deflator as calculated and  
12 published by the United States department of com-  
13 merce, bureau of economic analysis. As used in  
14 subdivisions a and b of this subparagraph, the  
15 annual inflation factor shall mean this annual  
16 percent change in the implicit price deflator as  
17 most recently published prior to the date on which  
18 the respective portion of the suspended rates,  
19 charges, schedules or regulations is actually  
20 placed into effect."

BRUNER of Story

H-6034

- 1 Amend amendment H-5960 to the Senate amendment  
 2 H-5879 to House File 2492 as amended, passed and  
 3 reprinted by the House, as follows:  
 4 1. Page 3, by striking lines 37 and 38 and  
 5 inserting in lieu thereof the following:  
 6 " . Page 5, by striking lines 1 through 6 and  
 7 inserting in lieu thereof the words "may not exceed  
 8 an amount equal to one and ~~one-half~~ one-quarter percent  
 9 of that part of the maximum amount pursuant to  
 10 subsection 2 which is five hundred dollars or less  
 11 and one ~~and one-fourth~~ percent of that part of the  
 12 maximum amount which is more than five hundred dollars.  
 13 If the billing cycle is not".  
 14 " . Page 5, by striking lines 18 through 23  
 15 and inserting in lieu thereof the words "may not  
 16 exceed an amount equal to one and ~~one-half~~ one-quarter  
 17 percent of that part of the maximum amount pursuant  
 18 to subsection 2 which is five hundred dollars or less  
 19 and one ~~and one-fourth~~ percent of that part of the  
 20 maximum amount which is more than five hundred dollars.  
 21 If the billing cycle is not"."

JOCHUM of Dubuque

H-6035

- 1 Amend amendment H-5960 to the Senate amendment  
 2 H-5879 to House File 2492 as amended, passed and  
 3 reprinted by the House, as follows:  
 4 1. Page 1, by striking lines 4 through 41 and  
 5 inserting in lieu thereof the following:  
 6 " . Page 1, by striking lines 6 through 36 and  
 7 inserting in lieu thereof the words and figure "(1),  
 8 is amended by striking that paragraph." "

JOCHUM of Dubuque

H-6036

- 1 Amend Senate File 2168 as passed by the Senate,  
 2 as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section three hundred forty A point  
 6 four (340A.4), unnumbered paragraph one (1), Code  
 7 1979, is amended to read as follows:  
 8 The members of the county compensation board shall  
 9 be appointed to four-year terms, ~~except the terms~~  
 10 of the members of the initial board shall expire on



11 June 30, 1979. Each term shall be effective on the  
12 first of July of the year of appointment and each  
13 vacancy shall be filled for the unexpired term in  
14 the same manner as the original appointment."

15 2. Page 1, line 13, by striking the word "five"  
16 and inserting in lieu thereof the words "five two".

17 3. Page 1, line 19, by striking the word "after"  
18 and inserting in lieu thereof the word "from".

19 4. Page 1, by inserting after line 27 the  
20 following:

21 "Sec. 3. Notwithstanding section three hundred  
22 forty A point four (340A.4) of the Code, the terms  
23 of the members serving on the effective date of this  
24 Act and selected under section three hundred forty  
25 A point one (340A.1), subsections one (1) and two  
26 (2) of the Code shall expire June 30, 1981; the term  
27 of the member serving on the effective date of this  
28 Act and selected under section three hundred forty  
29 A point one (340A.1), subsection three (3) of the  
30 Code shall expire June 30, 1982; and the terms of  
31 the members serving on the effective date of this  
32 Act and selected under section three hundred forty  
33 A point one (340A.1), subsections four (4) and five  
34 (5) of the Code shall expire June 30, 1983. The  
35 member selected under section three hundred forty  
36 A point one (340A.1), subsection one (1), of the Code  
37 for a term commencing July 1, 1981 shall be selected  
38 for a three-year term."

39 5. By renumbering to conform with this amendment.

MAULSBY of Calhoun

H-6037

1 Amend Senate File 2112, as passed by the Senate,  
2 as follows:

3 1. Page 1, by inserting after line 13 the following  
4 section:

5 "Sec. . Section two hundred seventy-three point  
6 eight (273.8), subsection two (2), Code 1979, is  
7 amended by striking the subsection and inserting in  
8 lieu thereof the following:

9 2. Area education agency directors shall be elected  
10 from director districts which are conterminous with  
11 the director district for the election of members  
12 of the merged area board under chapter two hundred  
13 eighty A (280A) of the Code. One member shall be  
14 elected from each director district in the area by  
15 the electors of the respective district at the regular  
16 school election. A member shall be a resident of  
17 the director district from which the member is elected.

18 Vacancies on the board which occur more than ninety  
 19 days prior to the next regular school election may  
 20 be filled at the next regular meeting of the board  
 21 by appointment by the remaining members of the board.  
 22 A member appointed to fill a vacancy shall be a  
 23 resident of the director district in which the vacancy  
 24 occurred and shall serve until a member is elected  
 25 under section sixty-nine point twelve (69.12) of the  
 26 Code to fill the vacancy for the balance of the  
 27 unexpired term."

28 2. Page 2, lines 28 and 29, by striking the words  
 29 "or regular director district convention" and inserting  
 30 in lieu thereof the words "or regular director district  
 31 convention".

32 3. Page 2, by inserting after line 31 the following  
 33 section:

34 "Sec. . Directors elected at the initial regular  
 35 school election shall determine their respective terms  
 36 by lot so that the terms of one-third of the members,  
 37 as nearly as may be, shall expire on the first Monday  
 38 of October of each succeeding year. The terms of  
 39 office of members serving on area education agency  
 40 boards on January 1, 1981 shall expire on October  
 41 5, 1981.

42 For the initial board which is directly elected,  
 43 the location of the organization meeting shall be  
 44 determined by the area education agency administrator."

45 4. By numbering and renumbering sections as  
 46 necessary.

BYERLY of Polk  
 SCHROEDER of Pottawattamie  
 HORN of Linn  
 HALL of Linn  
 HUSAK of Tama  
 PAVICH of Pottawattamie  
 JAY of Appanoose  
 MILLER of Buchanan  
 BINNEBOESE of Plymouth  
 HINKHOUSE of Cedar

CHIDO of Polk  
 BINA of Scott  
 RITSEMA of Sioux  
 HIBBS of Johnson  
 WELLS of Linn  
 GROTH of Buena Vista  
 HALVORSON of Webster  
 CONNOLLY of Dubuque  
 WELSH of Dubuque  
 ANDERSON of Jasper

H-6038

1 Amend amendment H-5739 to Senate File 2112, as  
 2 passed by the Senate, as follows:

3 1. Page 1, by inserting after line 39 the  
 4 following:

5 " . Page 1, by inserting after line 25 the  
 6 following section:

7 "Sec. . Section two hundred eighty A point  
 8 twenty-five (280A.25), subsection two (2), Code 1979,  
 9 is amended to read as follows:

10 2. Change boundaries of director districts in any  
 11 merged area when the commission fails merged area  
 12 board and area education agency board acting jointly  
 13 fail to change boundaries as required by law. "

SPEAR of Lee  
 JOHNSON of Woodbury

H-6039

1 Amend House File 398 as follows:  
 2 1. Page 1, by inserting after line 11 the  
 3 following new paragraph:  
 4 "The state department of transportation shall  
 5 also reconstruct, widen and resurface highway  
 6 two hundred and eighteen (218) from the city of  
 7 Osage to the Minnesota border. The cost of the project  
 8 shall be paid by the state department of transpor-  
 9 tation from funds appropriated by the general  
 10 assembly meeting in the year 1980 from the primary  
 11 road fund to the state department of transportation  
 12 for highway construction."

HOWELL of Floyd

H-6040

1 Amend Senate File 2290 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 5, by inserting after line 27 the follow-  
 4 ing:  
 5 "Sec. . **NEW SECTION. LOCAL SALES, SERVICES**  
 6 **AND USE TAX.** A city may impose by ordinance of the  
 7 city council a local sales, services and use tax at  
 8 the rate of one-fourth of one percent on the gross  
 9 receipts taxed by the state under chapter four hundred  
 10 twenty-two (422), division four (IV), of the Code,  
 11 and the uses taxed under chapter four hundred twenty-  
 12 three (423) of the Code. A local sales, services  
 13 and use tax shall be imposed on the same basis as  
 14 the state sales, services and use tax and may not  
 15 be imposed on the sale or use of any property or on  
 16 any service not taxed by the state. A local sales,  
 17 services and use tax is applicable only within the  
 18 corporate limits of the city where it is imposed and  
 19 shall be collected by all persons required to collect  
 20 state gross receipts or use taxes.  
 21 The amount of the sale, for purposes of determining  
 22 the amount of the local sales, services and use tax,  
 23 does not include the amount of any state gross receipts  
 24 or use taxes.

25 A 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 shall not be required  
28 by local authorities.

29 A city shall impose a local sales, services and  
30 use tax only after an election at which a majority  
31 of those voting on the question favors imposition.  
32 The election shall be held at the time of that city's  
33 regular election.

34 Sec. . NEW SECTION. ADMINISTRATION. A local  
35 sales, services and use tax shall be imposed on January  
36 first, April first, July first or October first  
37 following a favorable election. Once imposed, the  
38 tax shall remain in effect for a minimum of one year.  
39 The tax shall terminate only on March thirty-first,  
40 June thirtieth, September thirtieth or December thirty-  
41 first.

42 The director of revenue shall administer the  
43 provisions of a local sales, services and use tax  
44 as nearly as possible in conjunction with the  
45 administration of state gross receipts and use tax  
46 laws. The director shall provide appropriate forms  
47 or provide on the regular state tax forms for reporting  
48 local sales, services and use tax liability.

49 An ordinance of a city council imposing a local  
50 sales, services and use tax shall specify the gross

## Page 2

1 receipts and uses subject to tax and shall adopt by  
2 reference the applicable provisions of the appropriate  
3 sections of chapter four hundred twenty-two (422),  
4 division four (IV), of the Code and chapter four  
5 hundred twenty-three (423) of the Code, and all powers  
6 of the director to administer the state gross receipts  
7 and use tax law are applicable to the administration  
8 of a local sales, services and use tax law. Local  
9 officials shall confer with the director of revenue  
10 for assistance in drafting the ordinance imposing  
11 a local sales, services and use tax. A certified  
12 copy of the ordinance imposing a local sales, services  
13 and use tax shall be filed with the director as soon  
14 as possible after passage. The city shall notify  
15 the director at least sixty days before the effective  
16 date of the repeal of the ordinance imposing the tax.

17 The director, in consultation with local officials,  
18 shall collect and account for a local sales, services  
19 and use tax. The director shall retain for the use  
20 of the department of revenue one percent of all local  
21 sales, services and use tax receipts, to cover  
22 administrative expense, and shall credit remaining

23 local sales, services and use tax receipts to a "local  
 24 sales, services and use tax fund" hereby established  
 25 in the office of the treasurer of state.  
 26 Sec. . NEW SECTION. PAYMENT TO LOCAL  
 27 GOVERNMENTS. The treasurer of state shall remit  
 28 quarterly, pursuant to rules of the director of  
 29 revenue, to each city the amount of sales, services  
 30 and use tax collected in that city. Moneys received  
 31 by a city from this fund shall be credited to a special  
 32 fund of that city to be used solely for urban transit  
 33 systems operating within that city."  
 34 2. Title page, line 5, by inserting after the  
 35 figure "1980" the words "and authorizing a local  
 36 option sales, services and use tax for aid to urban  
 37 transit systems".  
 38 3. By numbering, renumbering and correcting  
 39 internal references as may be necessary.

BINA of Scott  
 PAVICH of Pottawattamie  
 ARNOULD of Scott  
 CUSACK of Scott  
 BRANDT of Black Hawk

WALTER of Pottawattamie  
 LLOYD-JONES of Johnson  
 DOYLE of Woodbury  
 GETTINGS of Wapello  
 O'KANE of Woodbury

H-6041

1 Amend H-5918, filed by Spear of Lee to Senate File  
 2 455, as passed by the Senate, as follows:  
 3 1. Page 1, line 6, by inserting after the word  
 4 "district" the words "and to persons sixty years of  
 5 age and older and their spouses regardless of the  
 6 spouse's age".

SPEAR of Lee

H-6042

1 Amend Senate File 2232, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section twenty-eight A point five  
 6 (28A.5), subsection one (1), paragraph c, Code 1979,  
 7 is amended by striking the paragraph and inserting  
 8 in lieu thereof the following:  
 9 c. To discuss strategy with counsel regarding  
 10 contractual negotiations or in matters that are  
 11 presently in litigation, or where the disclosure of  
 12 possible litigation or the strategy of the governing  
 13 body in attempting to avoid that litigation would  
 14 be likely to prejudice or disadvantage the position

15 of the governmental body in such litigation or  
 16 negotiation."  
 17 2. By renumbering the sections to conform with  
 18 this amendment.  
 19 3. Amend the title, by striking lines 2 and 3  
 20 and inserting in lieu thereof the following: "to  
 21 discuss strategy in matters relating to litigation  
 22 and contracts."

KREWSON of Polk  
 HANSEN of O'Brien

H-6044

1 Amend amendment H-5960 to the Senate amendment  
 2 H-5879 to House File 2492 as amended, passed and  
 3 reprinted by the House, as follows:  
 4 1. Page 8, by inserting after line 13 the  
 5 following:  
 6 " . Page 6, by striking lines 28 through 31."

CHIODO of Polk

H-6045

1 Amend the Senate amendment H-5879 to House File  
 2 2492 as amended, passed and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by inserting after line 36 the  
 5 following:  
 6 " . Page 5, by inserting after line 5 the  
 7 following:  
 8 "Sec. . Section five hundred thirty-three point  
 9 sixteen (533.16), subsection two (2), Code 1979, is  
 10 amended to read as follows:  
 11 2. A credit union shall not lend in the aggregate  
 12 to any one member more than one hundred dollars or  
 13 ten percent of its ~~capital~~ member savings, whichever  
 14 is greater."

CHIODO of Polk

H-6049

1 Amend Senate File 2290, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by inserting after line 27 the following  
 4 new section:  
 5 "Sec. . Section four hundred twenty-two point  
 6 twelve (422.12), Code 1979, as amended by Acts of  
 7 the Sixty-eighth General Assembly, chapter ninety-

8 three (93), section six (6), is amended by adding  
 9 the following new subsection:  
 10 NEW SUBSECTION. A tax credit in an amount not  
 11 to exceed twenty-five percent of the actual amount  
 12 expended by a taxpayer during the tax year to transport  
 13 dependents of the taxpayer to and from a public school  
 14 on a mass transit system operating in the community  
 15 and where transportation is not provided by the school  
 16 district. In claiming the credit, the taxpayer shall  
 17 provide receipts or other information required by  
 18 the department to verify the expenditure of the amount  
 19 claimed as a credit."  
 20 2. Renumber sections and correct internal  
 21 references as are necessary in accordance with this  
 22 amendment.

DOYLE of Woodbury  
 BINA of Scott  
 O'KANE of Woodbury  
 PAVICH of Pottawattamie  
 WALTER of Pottawattamie

H-6050

1 Amend amendment H-5960 to the Senate amendment  
 2 H-5879 to House File 2492 as amended, passed and  
 3 reprinted by the House, as follows:  
 4 1. Page 3, by striking line 23 and inserting in  
 5 lieu thereof the following: "line 17, and inserting  
 6 in lieu thereof the following:  
 7 " . Page 7, by inserting after line 9 the  
 8 following:  
 9 "Sec. . Section five hundred thirty-five point  
 10 eight (535.8), subsection two (2), Code 1979, is  
 11 amended by adding the following new lettered  
 12 paragraphs:  
 13 NEW LETTERED PARAGRAPH. If the purpose of the  
 14 loan is to enable the borrower to purchase real estate,  
 15 any provision of a loan agreement which prohibits  
 16 the borrower from transferring his or her interest  
 17 in the real estate to a third party, or any provision  
 18 which requires or permits the lender to make a change  
 19 in the interest rate, the repayment schedule or the  
 20 term of the loan as a result of a transfer by the  
 21 borrower of his or her interest in the real estate  
 22 to a third party shall not be enforceable if at the  
 23 time the borrower transfers his or her interest in  
 24 the real property, the borrower maintains all of his  
 25 or her personal liability to the lender with respect  
 26 to the loan.

27 NEW LETTERED PARAGRAPH. Notwithstanding section  
 28 six hundred twenty-eight point three (628.3) of the  
 29 Code, when a foreclosure of a mortgage on real property  
 30 results from the enforcement of a due-on-sale clause,  
 31 the mortgagor may redeem the real property at any  
 32 time within three years from the day of sale under  
 33 the levy, and the mortgagor shall, in the meantime,  
 34 be entitled to the possession thereof; and for the  
 35 first thirty months thereafter such right of redemption  
 36 is exclusive. Any real property redeemed by the  
 37 debtor shall thereafter be free and clear from any  
 38 liability for any unpaid portion of the judgment under  
 39 which the real property was sold. The right of  
 40 redemption established by this paragraph is not subject  
 41 to waiver by the mortgagor and the period of redemption  
 42 established by this paragraph shall not be reduced.  
 43 The times for redemption by creditors provided in  
 44 sections six hundred twenty-eight point five (628.5),  
 45 six hundred twenty-eight point fifteen (628.15) and  
 46 six hundred twenty-eight point sixteen (628.16) of  
 47 the Code shall be extended to thirty-three months  
 48 in any case in which the mortgagor's period for  
 49 redemption is extended by this paragraph. This  
 50 paragraph does not apply to foreclosure of a mortgage

**Page 2**

1 if for any reason other than enforcement of a due-  
 2 on-sale clause. As used in this paragraph, "due-on-  
 3 sale clause" means any type of covenant which gives  
 4 the mortgagee the right to demand payment of the  
 5 outstanding balance or a major part thereof upon a  
 6 transfer by the mortgagor to a third party of an  
 7 interest of the mortgagor in property covered by the  
 8 mortgage. This paragraph applies to any foreclosure  
 9 occurring on or after the effective date of this Act.  
 10 However, this paragraph does not apply if the lender  
 11 can prove substantial impairment of its financial  
 12 interest in the mortgage due to the creditworthiness  
 13 of a third party assuming an interest in the  
 14 mortgage." "

CHIODO of Polk

H-6051

1 Amend the amendment, H-5960 to the Senate  
 2 amendment H-5879 to House File 2492 as amended,  
 3 passed and reprinted by the House, as follows:  
 4 1. Page 8, by striking lines 17 and 18, and  
 5 inserting in lieu thereof:



6 "Sec. . Section two (2) of this Act expires  
 7 July 1, 1983. All other provisions of this Act  
 8 except section fifty (50) expire July 1, 1982 or  
 9 at a time when the discount rate on ninety-day  
 10 commercial paper in effect at the federal reserve  
 11 bank of Chicago, Illinois, is at or below ten  
 12 percent, whichever is sooner."

BRUNER of Story

H-6052

1 Amend amendment H-5960 to the Senate amendment  
 2 H-5879 to House File 2492 as amended, passed and  
 3 reprinted by the House, as follows:  
 4 1. Page 1, by striking lines 4 through 41 and  
 5 inserting in lieu thereof the following:  
 6 " . Page 1, by striking lines 7 through 36 and  
 7 inserting in lieu thereof the following:  
 8 "However, a public utility, ~~shall have the right~~  
 9 at any time after said the rates, charges, schedules  
 10 or regulations have been suspended for ninety days,  
 11 may request the authority to place in effect any or  
 12 all of such the suspended rates, charges, schedules  
 13 or regulations by filing with the commission a bond  
 14 or other undertaking approved by the commission  
 15 conditioned upon the refund in a manner to be  
 16 prescribed by the commission of any amounts collected  
 17 thereunder in excess of the amounts which would have  
 18 been collected under rates, charges, schedules or  
 19 regulations finally approved by the commission. In  
 20 determining that portion, if any, of the utility's  
 21 proposed increase in rates and charges to be placed  
 22 in effect subject to refund, the commission shall  
 23 at a minimum allow rates and charges which, consistent  
 24 with regulatory principles established by the  
 25 commission in prior rate cases involving the same  
 26 type of public utility service, will allow the utility  
 27 the opportunity to earn a return on common stock  
 28 equity equal to that which the commission held  
 29 reasonable and just in the most recent rate case  
 30 involving the same type of public utility service.  
 31 If the commission fails to make a determination within  
 32 ninety days of the request, the utility may place  
 33 in effect, under bond and subject to refund as  
 34 otherwise provided in this paragraph, any or all of  
 35 the suspended rates, charges, schedules or regulations.  
 36 The commission shall establish a rate of interest  
 37 to be paid by a public utility to persons receiving  
 38 refunds. Such The rate of interest shall be a  
 39 reasonable rate as determined by the commission, but

40 not less than five percent per annum, nor more than  
 41 twelve percent per annum, and the interest shall be  
 42 compounded annually. The public utility shall not  
 43 place into effect any portion of any suspended rates,  
 44 charges, schedules or regulations of any subsequent  
 45 rate filing relating to services with respect to which  
 46 a rate filing is pending within twelve months following  
 47 the date a prior application was filed or until after  
 48 the commission has issued a final order in any  
 49 previously filed rate proceedings, whichever is  
 50 earlier, unless the public utility applies to the

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1 commission for authority and receives authority to  
 2 place a portion of the subsequent filed rate filing  
 3 into effect on an interim basis.” ”

BRUNER of Story

H—6053

1 Amend amendment H—5960 to the Senate amendment  
 2 H—5879 to House File 2492 as amended, passed and  
 3 reprinted by the House, as follows:  
 4 1. Page 2, by inserting after line 39 the  
 5 following:  
 6 “ . Page 2, by inserting after line 16 the  
 7 following:  
 8 “ . Page 5, by inserting after line 5 the  
 9 following:  
 10 “Sec. . Chapter five hundred thirty-five (535),  
 11 Code 1979, is amended by adding the following new  
 12 section:  
 13 **NEW SECTION. PREPAYMENT PENALTIES PROHIBITED.**  
 14 Whenever a borrower under a loan prepays part or all  
 15 of the outstanding balance of the loan the lender  
 16 shall not receive an amount in payment of interest  
 17 which is greater than the amount determined by applying  
 18 the rate of interest agreed upon by the lender and  
 19 the borrower to the unpaid balance of the loan for  
 20 the period of time during which the borrower had the  
 21 use of the money loaned, and the lender shall not  
 22 impose any penalty or other charge in addition to  
 23 the amount of interest due as a result of the repayment  
 24 of the loan at a date earlier than is required by  
 25 the terms of the loan agreement; provided that this  
 26 section does not apply to any loan which is prepaid  
 27 in full within sixty days after the loan is made.  
 28 This section does not prohibit a lender from requiring  
 29 advance notice of not more than thirty days of a

30 borrower's intent to repay the entire outstanding  
31 balance of a loan if the payment of that balance,  
32 when taken together with partial prepayments previously  
33 made, will result in the repayment of the loan at  
34 the date earlier than is required by the terms of  
35 the loan agreement. This section supersedes any  
36 conflicting provisions of chapters five hundred twenty-  
37 four (524), five hundred thirty-three (533), five  
38 hundred thirty-four (534), five hundred thirty-five  
39 (535), five hundred thirty-six (536), five hundred  
40 thirty-six A (536A) and five hundred thirty-seven -  
41 (537) of the Code." " "

HOWELL of Floyd

H-6058

1 Amend the Senate amendment H-5879 to House File  
2 2492 as amended, passed and reprinted by the House,  
3 as follows:  
4 1. Page 2, by inserting after line 16 the  
5 following:  
6 " . Page 5, by inserting after line 5 the  
7 following:  
8 "Sec. . Section five hundred thirty-three point  
9 sixteen (533.16), subsection two (2), Code 1979, is  
10 amended to read as follows:  
11 2. A credit union shall not lend in the aggregate  
12 to any one member more than one hundred dollars or  
13 ten percent of its ~~capital~~ member savings, whichever  
14 is greater." "

CHIODO of Polk

H-6060

1 Amend amendment H-6032 to the Senate amendment  
2 H-5879 to House File 2492 as amended, passed and  
3 reprinted by the House, as follows:  
4 1. Page 8, by inserting after line 45 the  
5 following:  
6 " . Page 6, by striking lines 28 through 31."

CHIODO of Polk

## H-6061

1 Amend the amendment H-6032 to the Senate amendment  
2 H-5879 to House File 2492 as amended, passed, and  
3 reprinted by the House, as follows:  
4 1. Page 1, by inserting after line 41 the  
5 following:  
6 " . Page 1, by inserting after line 36 the  
7 following:  
8 " . Page 2, by striking lines 18 through 24  
9 and inserting in lieu thereof the words "change in  
10 the implicit gross national product price deflator  
11 as calculated and published by the United States  
12 department of commerce, bureau of economic analysis.  
13 As used in subdivisions a and b of this subparagraph,  
14 the annual inflation factor shall mean this annual  
15 percent change in the implicit price deflator as most  
16 recently published prior to the date on which the  
17 respective portion of the suspended rates, charges,  
18 schedules or regulations is actually placed into  
19 effect." "

BRUNER of Story

## H-6066

1 Amend the amendment, H-6032 to the Senate  
2 amendment H-5879 to House File 2492 as amended,  
3 passed and reprinted by the House, as follows:  
4 1. Page 8, by striking lines 49 and 50, and  
5 inserting in lieu thereof:  
6 'Sec. . Section two (2) of this Act expires  
7 July 1, 1983. All other provisions of this Act  
8 except section fifty (50) expire July 1, 1982 or  
9 at a time when the discount rate on ninety-day  
10 commercial paper in effect at the federal reserve  
11 bank of Chicago, Illinois, is at or below ten  
12 percent, whichever is sooner."

BRUNER of Story

## H-6103

1 Amend amendment H-6003 to House File 2550 as  
2 amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 22 through 25.

SCHROEDER of Pottawattamie  
BYERLY of Polk

H-6105

- 1 Amend the Senate amendment, H-6003, to House File
- 2 2550, as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 23, by striking the words "Nothing
- 5 in this" and inserting in lieu thereof the word "This".

SCHROEDER of Pottawattamie  
 BYERLY of Polk  
 JOHNSON of Linn

H-6106

- 1 Amend the Senate amendment, H-6003, to House
- 2 File 2550 as amended, passed and reprinted by the
- 3 House, as follows:
- 4 1. Page 1, by inserting after line 11 the
- 5 following:
- 6 " . Page 1, by inserting after line 21 the
- 7 following:
- 8 "5. Notwithstanding the provisions of section
- 9 four hundred seventy-six point six (476.6) of the
- 10 Code, the commission shall not approve a rate
- 11 increase for an electric utility which has not
- 12 established peak load management procedures required
- 13 in this section." "
- 14 2. By numbering and renumbering sections of
- 15 the amendment as necessary.

BRUNER of Story

H-6124

- 1 Amend House File 2580 as follows:
- 2 1. Page 3, by inserting after line 16 the following
- 3 section:
- 4 "Sec. . Acts of the Sixty-eighth General
- 5 Assembly, 1979 Session, chapter thirteen (13), section
- 6 seven (7), subsection twelve (12) is amended to read
- 7 as follows:
- 8 12. PROGRAMS FOR GIFTED
- 9 AND TALENTED CHILDREN.
- 10 a. For programs for gifted
- 11 and talented children approved by
- 12 the department under section four
- 13 hundred forty-two point thirty-
- 14 four (442.34) of the Code . . . . . \$ \$ 100,000
- 15 b. For support services for
- 16 programs for gifted and talented
- 17 children approved by the department

18 under section four hundred forty-two  
 19 point thirty-four (442.34) of the  
 20 Code . . . . . \$            \$    31,000

21 If federal funds become available  
 22 for the purpose for which funds are  
 23 appropriated by this paragraph, the  
 24 appropriation in this paragraph shall  
 25 be reduced by the amount of federal  
 26 funds received and the amount the  
 27 appropriation is reduced shall revert  
 28 to the general fund of the state."

29 2. Amend the title, page 1, line 5, by inserting  
 30 after the word "commission;" the words "department of  
 31 public instruction;".

32 3. By numbering and renumbering sections as  
 33 necessary.

PATCHETT of Johnson  
 HORN of Linn  
 CONNORS of Polk  
 HUSAK of Tama  
 ANDERSON of Jasper  
 DOYLE of Woodbury  
 HULLINGER of Decatur  
 BINNEBOESE of Plymouth  
 NORLAND of Worth  
 PAVICH of Pottawattamie  
 HALL of Linn  
 BINA of Scott  
 GETTINGS of Wapello  
 CUSACK of Scott  
 SPEAR of Lee  
 JOCHUM of Dubuque  
 ARNOULD of Scott  
 BYERLY of Polk

DAVITT of Warren  
 LONERGAN of Boone  
 PERKINS of Greene  
 BRANDT of Black Hawk  
 COCHRAN of Webster  
 O'KANE of Woodbury  
 HINKHOUSE of Cedar  
 CONNOLLY of Dubuque  
 WOODS of Polk  
 WELLS of Linn  
 HALVORSON of Webster  
 WALTER of Pottawattamie  
 DIELEMAN of Marion  
 GROTH of Buena Vista  
 RAPP of Black Hawk  
 WELSH of Dubuque  
 JAY of Appanoose  
 AVENSON of Fayette

H-6129

1 Amend House File 2580 as follows:  
 2 1. Page 5, line 18, by striking the word "seven"  
 3 and inserting in lieu thereof the words "seven eight".  
 4 2. Page 5, line 22, by striking the figure  
 5 "205,442" and inserting in lieu thereof the figure  
 6 "225,442".

HORN of Linn

H-6130

1 Amend House File 2580 as follows:  
 2 1. Page 5, line 11, by striking the figure "76,570"  
 3 and inserting in lieu thereof the figures "76,570  
 4 83,770".

HORN of Linn

H-6132

- 1 Amend House File 2580 as follows:  
2 1. Page 3, by inserting after line 16 the  
3 following:  
4 "Sec. . . There is appropriated from the general  
5 fund of the state to the state comptroller for the  
6 fiscal year beginning July 1, 1980 for allocation  
7 to the merged area schools, the sum of five hundred  
8 fifty thousand (550,000) dollars, or so much thereof  
9 as is necessary, to pay actual costs for the purchase  
10 of fuel and electricity which exceed funds budgeted  
11 for fuel or electricity purposes."  
12 2. First title page, line 5, by inserting before  
13 the word "the" the words "merged area schools";  
14 3. Renumber as required.

HORN of Linn

H-6134

- 1 Amend House File 2580 as follows:  
2 1. Page 3, line 16, by striking the figure "50,000"  
3 and inserting in lieu thereof the figure "100,000".

HORN of Linn

H-6139

- 1 Amend House File 2580 as follows:  
2 1. Page 3, line 9, by striking the figure  
3 "4,751,000" and inserting in lieu thereof the figure  
4 "4,801,000".

HORN of Linn

H-6148

- 1 Amend House File 2580 as follows:  
2 1. Page 2, by inserting after line 29 the  
3 following:  
4 "Sec. . . Acts of the Sixty-eighth General  
5 Assembly, chapter thirteen (13), section two (2),  
6 subsection three (3), is amended to read as follows:  
7 3. VOCATIONAL TECHNICAL TUITION  
8 GRANT PROGRAM  
9 To supplement the appropriation  
10 provided in subsection three (3) of  
11 section two hundred sixty-one point  
12 twenty-five (261.25) of the Code for  
13 tuition grants to full-time resident

14 students in a vocational-technical  
 15 program in Iowa as provided in section  
 16 two hundred sixty-one point seventeen  
 17 (261.17) of the Code . . . . . \$50,000 ~~\$100,000~~  
 18 150,000"  
 19 2. Renumber as required.

HORN of Linn

H-6149

1 Amend House File 2580 as follows:  
 2 1. Page 34, by inserting after line 5 the  
 3 following:  
 4 "DIVISION III  
 5 Sec. 67. Acts of the Sixty-eighth General Assembly,  
 6 1979 Session; chapter ninety-three (93), section one  
 7 (1), amending section four hundred twenty-two point  
 8 four (422.4), Code 1979, is amended to read as follows:  
 9 Section 1. Section four hundred twenty-two point  
 10 four (422.4), Code 1979, is amended by adding the  
 11 following new subsection:  
 12 NEW SUBSECTION.  
 13 a. "Annual inflation factor" means an index,  
 14 expressed as a percentage, determined by the department  
 15 each year to reflect the purchasing power of the  
 16 dollar as a result of inflation or deflation during  
 17 the preceding calendar year. In determining the  
 18 annual inflation factor, the department shall use  
 19 the annual percent change in the consumer price index  
 20 produced by the bureau of labor statistics of the  
 21 United States department of labor and shall add one-  
 22 fourth for the 1979 calendar year and two-fourths  
 23 for the 1980 calendar year of that percent change  
 24 to one hundred percent, except that the amount of  
 25 the percent change added to the one hundred percent  
 26 shall not exceed the greater of zero or the difference  
 27 between the percent change and three percent. The  
 28 annual inflation factor and the cumulative inflation  
 29 factor shall each be expressed as a percentage rounded  
 30 to the nearest one-tenth of one percent.  
 31 b. "Cumulative inflation factor" means the product  
 32 of the annual inflation factor for the 1978 calendar  
 33 year and all annual inflation factors for subsequent  
 34 calendar years as determined pursuant to this  
 35 subsection. The cumulative inflation factor shall  
 36 apply to all tax years beginning on or after January  
 37 first of the calendar year in which the latest annual  
 38 inflation factor has been determined.  
 39 c. The annual inflation factor for the 1978  
 40 calendar year is one hundred percent.



41 d. The annual inflation factor and the cumulative  
42 inflation factor shall only be computed for the 1979  
43 and 1980 calendar years.

44 e. Notwithstanding the computation of the annual  
45 inflation factor under paragraph a of this subsection,  
46 the annual inflation factor is one hundred percent  
47 for any calendar year in which the unobligated state  
48 general fund balance on June thirtieth as certified  
49 by the state comptroller by September tenth of the  
50 fiscal year beginning in that calendar year is less

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1 than ~~sixty~~ forty million dollars.

2 Sec. 68. Section sixty-seven (67) of this Act  
3 is retroactive to January 1, 1980 for tax years  
4 beginning on or after January 1, 1980 and to this  
5 extent is retroactive."

6 2. Amend the title, page 2, line 15, by inserting  
7 after the word "services" the words "and adding  
8 criteria for the state program of providing indexing  
9 for the individual income tax".

10 3. By numbering, renumbering and correcting  
11 internal references as is necessary.

HORN of Linn

**H-6158**

1 Amend amendment H-6085 to House File 2546, as  
2 amended, passed and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 33 through 38.

JESSE of Polk

**H-6162**

1 Amend the Senate amendment, H-6085, to House  
2 File 2546, as amended and passed by the House, as  
3 follows:

4 1. Page 1, line 37, by inserting after the  
5 word "knew" the words ", or had reason to know,".

CONLON of Muscatine

H-6169

- 1 Amend amendment H-6126 to House File 2580 as  
 2 follows:  
 3 1. Page 1, line 25, by striking the word "shall"  
 4 and inserting in lieu thereof the word "may".

HOFFMANN of Muscatine

H-6172

- 1 Amend amendment H-6165 to House File 2580 as  
 2 follows:  
 3 1. Page 5, by inserting after line 34 the  
 4 following:  
 5 "Sec. 9. Section four hundred fifty point four  
 6 (450.4), subsection one (1), Code 1979, is amended  
 7 to read as follows:  
 8 1. When the entire estate of the decedent does  
 9 not exceed the sum of ~~one ten~~ thousand dollars after  
 10 deducting the debts, as defined in this chapter.  
 11 Sec. 10. Section four hundred fifty point nine  
 12 (450.9), Code 1979, is amended to read as follows:  
 13 450.9 INDIVIDUAL EXEMPTIONS. In computing the  
 14 tax on the net estate passing to the surviving spouse,  
 15 heirs or beneficiaries of the deceased the following  
 16 credits or exemptions shall be allowed:  
 17 1. Surviving spouse, eighty one hundred twenty  
 18 thousand dollars.  
 19 2. Each son and daughter, including legally adopted  
 20 sons and daughters, or ~~illegitimate~~ sons and daughters  
 21 born out of wedlock entitled to inherit under the  
 22 law of this state, thirty sixty thousand dollars.  
 23 3. Father or mother, ten fifteen thousand dollars.  
 24 4. Any other lineal descendant of the deceased,  
 25 ten fifteen thousand dollars.  
 26 Sec. 11. Sections nine (9) and ten (10) of this  
 27 Act are effective January first following its enactment  
 28 for the estates of decedents dying on or after the  
 29 effective date of those sections."  
 30 2. Page 5, by striking lines 49 through page 6  
 31 line 1, and inserting in lieu thereof the following:  
 32 "Sec. 14. It is the intent of the general assembly  
 33 that the additional revenues made available by section  
 34 eight (8) of this Act be first used to replace the  
 35 revenues that are not received during the fiscal year  
 36 beginning July 1, 1980 and ending June 30, 1981 because  
 37 of the changes made in chapter four hundred fifty  
 38 (450) of the Code by this Act and that the remaining  
 39 additional revenues be used to provide the funding  
 40 for sections one (1) through seven (7) of this Act."

41 3. Page 6, by inserting after line 2 the following:  
 42 "3. Amend the title page 2, line 15, by inserting  
 43 after the word "services" the words "and increasing  
 44 the inheritance tax exemptions".

SCHNEKLOTH of Scott

H-6174

1 Amend amendment H-6165 to House File 2580  
 2 as follows:  
 3 1. Page 2, line 1, by inserting before the word  
 4 "salary" the word "supplementary".

HORN of Linn

H-6175

1 Amend the amendment H-6165 to House File 2580 as  
 2 follows:  
 3 1. Page 2, line 33, by inserting after the word  
 4 "one" the words "and one-third".  
 5 2. Page 2, line 35, by inserting after the word  
 6 "additional" the words "two-thirds of".

BRANDT of Black Hawk

H-6178

1 Amend amendment H-6167 to House File 2580 as  
 2 follows:  
 3 1. Page 6, by striking line 32 and inserting in  
 4 lieu thereof the following:  
 5 "Code . . . . . \$ 250,000 \$ 250,000  
 6 Sec. : Section three hundred eighty-seven  
 7 point three (387.3), subsection one (1), Code 1979,  
 8 is amended to read as follows:  
 9 1. A sponsor from a city of less than twenty-five  
 10 hundred population by the last available federal cen-  
 11 sus or a homeowners' association organized as a  
 12 nonprofit corporation in an unincorporated area may  
 13 apply to the committee for a grant for a community  
 14 development project. The application must be  
 15 sponsored by the city government or by an organization  
 16 representing a broad cross-section of the community." "

DAVITT of Warren

H-6188

- 1 Amend amendment H-6166 to page 16 of House File
- 2 2580 as follows:
- 3 1. Page 2, line 1, by inserting after the word
- 4 "Code" the following: ", to provide a supplementary
- 5 base salary increase of two percent for each employee
- 6 for the school year beginning July 1, 1980,".

BYERLY of Polk

H-6190

- 1 Amend House File 2582 as follows:
- 2 1. Page 3, line 7, by adding after the word "rule"
- 3 the following: "or where the city or county determines
- 4 it is not in the public's interest to follow such a
- 5 procedure".

KREWSON of Polk

H-6191

- 1 Amend House File 2535 as follows:
- 2 1. Page 16, line 20, by striking the word "four"
- 3 and inserting in lieu thereof the word "two".

BYERLY of Polk

H-6193

- 1 Amend House File 2582 as follows:
- 2 1. Page 2, by striking line 29 and inserting
- 3 in lieu thereof the following: "fifty-three (453)
- 4 of the Code or a savings and loan association
- 5 organized under chapter five hundred thirty-four
- 6 (534) of the Code."

HALL of Linn

H-6195,

- 1 Amend the Senate amendment, H-6003, to House
- 2 File 2550 as amended, passed and reprinted by the
- 3 House, as follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 "Sec. . . . Page 1, line 4, by striking the word
- 7 "may" and inserting in lieu thereof the word "shall".
- 8 2. By numbering and renumbering sections of
- 9 the amendment as necessary.

O'KANE of Woodbury

H-6196

- 1 Amend Senate File 2361, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 21, line 4, by striking the words "primary
- 4 highway" and inserting in lieu thereof the words
- 5 "fully-controlled access, divided, multilaned highway
- 6 including the national system of interstate highways
- 7 designated by the federal highway administration and
- 8 this state".

DAVITT of Warren

H-6197

- 1 Amend the Senate amendment, H-6116, to House
- 2 File 736 as amended, passed and reprinted by the
- 3 House, as follows:
- 4 1. Page 1, by striking line 30.

O'KANE of Woodbury

H-6201

- 1 Amend House File 2582 as follows:
- 2 1. Page 1, by striking line 22 through page 3, line
- 3 12.
- 4 2. Page 3, by striking lines 19 and 20 and inserting
- 5 in lieu thereof the following: "material delivered. In
- 6 making said payments, there shall be retained".

PELTON of Clinton

H-6207

- 1 Amend House File 2535 as follows:
- 2 1. Page 2, by inserting after line 34 the following
- 3 section:
- 4 "Sec. . Section ninety-seven B point seven
- 5 (97B.7), subsection two (2), paragraph b, Code 1979,
- 6 is amended by adding the following new subparagraph:
- 7 NEW SUBPARAGRAPH. The department shall give
- 8 priority in the investment of the retirement fund
- 9 to loans secured by real estate mortgages in
- 10 residential or farm property located in this state.
- 11 The department shall report to the general assembly
- 12 not later than February first of each year information
- 13 about the amount of investments in residential
- 14 property. Nothing in this subparagraph requires the
- 15 department to make investments which will lower the
- 16 standards adopted by the department relating to percent
- 17 of return and liquidity of investments."

- 18 2. By numbering and renumbering sections and  
19 correcting internal references as necessary.

BRUNER of Story

H-6214

- 1 Amend Senate File 2361 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 10, by inserting before line 26 the  
4 following:  
5 "Sec. . Section three hundred twenty-one point  
6 one hundred seventy-eight (321.178), subsection one  
7 (1), unnumbered paragraph one (1), Code 1979, is  
8 amended to read as follows:  
9 An approved driver education course as programmed  
10 by the department of public instruction shall consist  
11 of at least thirty clock hours of classroom  
12 instruction, and six or more clock hours of laboratory  
13 instruction of which at least three clock hours shall  
14 consist of street or highway driving. However, the  
15 instructor of an approved driver education course  
16 may waive, to the extent deemed appropriate by the  
17 instructor, the required hours of laboratory and  
18 street or highway driving instruction for a student,  
19 if the student demonstrates to the instructor an  
20 ability to properly operate a motor vehicle. A student  
21 receiving that portion of laboratory instruction  
22 consisting of street or highway driving shall not  
23 operate the motor vehicle during such instruction  
24 more than thirty minutes without interruption or more  
25 than sixty minutes in a single day."  
26 2. By renumbering sections and internal references  
27 as necessary.

HUMMEL of Benton

H-6216

- 1 Amend House File 2582 as follows:  
2 1. Page 1, line 4 by striking the words "ninety-  
3 five" and inserting in lieu thereof the words "eighty-  
4 five".

DOYLE of Woodbury

H-6217

- 1 Amend House File 2582 as follows:  
2 1. Page 1, line 25, by striking the word  
3 "department".  
4 2. Page 1, by striking lines 26 through 34.  
5 3. Page 1, line 35, by striking the word  
6 "supply".

POFFENBERGER of Dallas

H-6220

- 1 Amend House File 2582 as follows:  
2 1. Page 2, line 9 by striking the word "shall"  
3 and inserting in lieu thereof the word "may".  
4 2. Page 2, line 10 by striking the words "the  
5 whole or".

O'KANE of Woodbury  
DOYLE of Woodbury

H-6221

- 1 Amend House File 2582 as follows:  
2 1. Page 3, by inserting after line 30 the  
3 following:  
4 "Sec. 4. The provisions of this Act shall not  
5 apply to contracts executed prior to the effective  
6 date of this Act."

O'KANE of Woodbury

H-6222

- 1 Amend House File 2582 as follows:  
2 1. Page 2, line 2, by inserting after the word  
3 "bank" the words "or savings and loan association".  
4 2. Page 2, line 3, by inserting after the word  
5 "bank" the words "or savings and loan association".  
6 3. Page 2, line 10, by inserting after the word  
7 "bank" the words "or savings and loan association".  
8 4. Page 2, line 16, by inserting after the word  
9 "bank" the words "or savings and loan association".  
10 5. Page 2, line 21, by inserting after the word  
11 "bank" the words "or savings and loan association".  
12 6. Page 2, line 25, by inserting after the word  
13 "bank" the words "or savings and loan association".  
14 7. Page 2 by striking line 29 and inserting  
15 in lieu thereof the words "fifty-three (453) of the  
16 Code or a savings and loan association organized  
17 under chapter five hundred thirty-four (534) of the  
18 Code".

HALL of Linn

H-6224

- 1 Amend Senate File 2293, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 2, by inserting after the word
- 4 "improvements," the words "In the case of branch line
- 5 rehabilitation, the payments to reimburse all or part
- 6 of the costs paid from the railroad assistance fund
- 7 shall be paid from revenue derived from all railroad
- 8 cars using the branch line on which the improvements
- 9 are made."

AVENSON of Fayette

H-6225

- 1 Amend House File 2582 as follows:
- 2 1. Page 3, line 10, by striking the words and
- 3 figure "two thousand five hundred (2,500)" and
- 4 inserting in lieu thereof the words and figure
- 5 "five thousand (5,000)".
- 6 2. Page 3, by inserting after line 12 the
- 7 following:
- 8 "7. The auditor of state shall promptly mail
- 9 a copy of all rules promulgated under this Act to
- 10 each city in the state. The auditor of state shall
- 11 also conduct, following promulgation of rules under
- 12 this Act, at least six regional workshops in the
- 13 state to explain the rules promulgated under this
- 14 Act to city officials responsible for contract
- 15 agreements between cities and contractors. Such
- 16 workshops shall be conducted for each region
- 17 of the state no later than six months after rules
- 18 have been promulgated pursuant to section 2 of this
- 19 Act. It is the intent of the General Assembly that
- 20 this numbered paragraph shall appear in the Session
- 21 laws only."

O'KANE of Woodbury

H-6228

- 1 Amend House File 2535 as follows:
- 2 1. Page 3, line 8, by striking the word "A,"
- 3 and by inserting in lieu thereof the words "Effective
- 4 January 12, 1981, every".
- 5 2. Page 3, line 10, by striking the word "may,"
- 6 and by inserting in lieu thereof the word "shall".

TYRRELL of Iowa



H-6231

- 1 Amend House File 2535 as follows:
- 2 1. Page 10, line 15, by striking the word "~~sixty-~~
- 3 ~~two~~" and inserting in lieu thereof the word "sixty".
- 4 2. Page 10, line 16, by striking the word "~~five-~~
- 5 ~~tenths~~" and inserting in lieu thereof the words "five-
- 6 tenths twenty-five hundredths".
- 7 3. Page 10, line 19, by striking the word "~~sixty-~~
- 8 ~~two~~" and inserting in lieu thereof the word "sixty".
- 9 4. Page 10, line 20, by striking the word "~~twenty-~~
- 10 five" and inserting in lieu thereof the word "ten".

CONNORS of Polk  
BYERLY of Polk

H-6236

- 1 Amend House File 2582 as follows:
- 2 1. Page 2, line 16, by inserting after the
- 3 word "state" the following: ", in the case of
- 4 state agencies. In the case of a political subdivision,
- 5 the escrow agreement shall be in the form and contain
- 6 the provisions required by rule issued by the political
- 7 subdivision."
- 8 2. Page 2, line 20, by inserting after the
- 9 word "state" the following: ", in the case of
- 10 state agencies. In the case of a political subdivision,
- 11 the escrow agreement shall be in the form and contain
- 12 the provisions required by rule issued by the political
- 13 subdivision."

DOYLE of Woodbury  
O'KANE of Woodbury

H-6239

- 1 Amend House File 2582 as follows:
- 2 1. Page 3, line 28, by striking the word "~~that~~
- 3 and inserting in lieu thereof the word "the".
- 4 2. Page 3, by striking lines 29 and 30 and inserting
- 5 in lieu thereof the following: "which is determined to
- 6 be due."

SPEAR of Lee

H-6241

- 1 Amend House File 2580 as follows:
- 2 1. Page 33, by inserting after line 5 the
- 3 following new sections:

4 "Sec. . . . Section five hundred nine point one  
 5 (509.1), subsection one (1), Code 1979, is amended  
 6 by adding the following new paragraph:  
 7 NEW PARAGRAPH. A policy shall not exclude from  
 8 coverage an employee or an employee's spouse or  
 9 dependents on the basis of the eligibility of the  
 10 employee or the employee's spouse or dependents  
 11 for medical assistance under chapter two hundred  
 12 forty-nine A (249A) of the Code.

13 Sec. . . . Section five hundred nine point one  
 14 (509.1), subsection four (4), Code 1979, is amended  
 15 by adding the following new paragraph:  
 16 NEW PARAGRAPH. A policy shall not exclude from  
 17 coverage an employee or an employee's spouse or  
 18 dependents on the basis of the eligibility of the  
 19 employee or the employee's spouse or dependents  
 20 for medical assistance under chapter two hundred  
 21 forty-nine A (249A) of the Code.

22 Sec. . . . Section five hundred nine point one  
 23 (509.1), subsection five (5), Code 1979, is amended  
 24 by adding the following new paragraph:  
 25 NEW PARAGRAPH. A policy shall not exclude from  
 26 coverage an employee or an employee's spouse or  
 27 dependents on the basis of the eligibility of the  
 28 employee or the employee's spouse or dependents  
 29 for medical assistance under chapter two hundred  
 30 forty-nine A (249A) of the Code.

31 Sec. . . . Section five hundred nine point one  
 32 (509.1), subsection six (6), Code 1979, is amended  
 33 by adding the following new paragraph:  
 34 NEW PARAGRAPH. A policy shall not exclude from  
 35 coverage an employee or an employee's spouse or  
 36 dependents on the basis of the eligibility of the  
 37 employee or the employee's spouse or dependents  
 38 for medical assistance under chapter two hundred  
 39 forty-nine A (249A) of the Code. This paragraph  
 40 shall also apply to corporations operating within  
 41 the state who provide insurance coverage for their  
 42 employees directly, and the commissioner shall  
 43 have the authority to enforce the provisions of  
 44 this paragraph."

WELSH of Dubuque  
 BRUNER of Story

H-6253

1 Amend amendment H-6085 to House File 2546, as  
 2 amended, passed and reprinted by the House as  
 3 follows:

4 1. Page 1, by striking lines 34 through 38  
 5 and inserting in lieu thereof the following:  
 6 "the following: "Warranties shall be implied to  
 7 the person who is conducting the auction only if  
 8 he or she makes representations which he or she  
 9 knew or should have known were untrue." "

JESSE of Polk

H-6254

1 Amend amendment H-6222 to House File 2582 as  
 2 follows:  
 3 1. Page 1, line 3, by striking the word  
 4 "association" and inserting in lieu thereof the  
 5 following words: "association or credit union".  
 6 2. Page 1, line 5, by striking the word  
 7 "association" and inserting in lieu thereof the  
 8 following words: "association or credit union".  
 9 3. Page 1, line 7, by striking the word  
 10 "association" and inserting in lieu thereof the  
 11 following words: "association or credit union".  
 12 4. Page 1, line 9, by striking the word  
 13 "association" and inserting in lieu thereof the  
 14 following words: "association or credit union".  
 15 5. Page 1, line 11, by striking the word  
 16 "association" and inserting in lieu thereof the  
 17 following words: "association or credit union".  
 18 6. Page 1, line 13, by striking the word  
 19 "association" and inserting in lieu thereof the  
 20 following words: "association or credit union".  
 21 7. Page 1 by striking line 18 and inserting  
 22 in lieu thereof the following words: "Code or a  
 23 credit union organized under chapter five hundred  
 24 thirty-three (533) of the Code".

WELLS of Linn

H-6259

1 Amend Senate File 2361, as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 14, line 17, by striking the letters "a,  
 4 c," and inserting in lieu thereof the letter "c".

LORENZEN of Scott

H—6261

- 1 Amend the Senate amendment H—6144 to House File
- 2 654 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 10, by striking the word "thirteen"
- 5 and inserting in lieu thereof the word "fifteen".
- 6 2. Page 1, line 23, by striking the word "thirteen"
- 7 and inserting in lieu thereof the word "fifteen".
- 8 3. Page 1, line 32, by striking the word "thirteen"
- 9 and inserting in lieu thereof the word "fifteen".

JAY of Appanoose.

H—6262

- 1 Amend the Senate amendment H—6144 to House File 654
- 2 as follows:
- 3 1. Page 1, lines 13, 14 and 15, by striking the
- 4 words "and shall be imprisoned in the county jail for
- 5 not less than two days".

WELSH of Dubuque  
WOODS of Polk

H—6263

- 1 Amend Senate File 2361 as follows:
- 2 1. Page 16, line 12, by adding after the
- 3 period the following: "No motorized bicycle may be
- 4 operated unless a red flag or cloth, at least eight
- 5 inches square, is attached to a pole affixed to the
- 6 motorized bicycle, and at a sufficient height so as
- 7 to be clearly visible to both the front and rear of
- 8 the motorized bicycle during its operation."

DE GROOT of Lyon

H—6264

- 1 Amend Senate File 2361 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 10, by inserting before line 26 the
- 4 following:
- 5 "Sec. . Section three hundred twenty-one point
- 6 one hundred sixty-six (321.166), subsection two (2),
- 7 Code 1979, is amended to read as follows:
- 8 2. Every registration plate or pair of plates
- 9 shall display a registration plate number which shall
- 10 consist of alphabetical or numerical characters or
- 11 a combination thereof and the name of this state,

12 which may be abbreviated. Every registration plate  
 13 issued by the county treasurer shall display the name  
 14 of the county except plates issued for motor trucks,  
 15 truck tractors, motorcycles, motorized bicycles,  
 16 travel trailers, mobile homes, semitrailers and  
 17 trailers. However, every new series of registration  
 18 plates that succeed the series of registration plates  
 19 first issued for the 1979 calendar year shall display  
 20 the name of the county if the plates are issued by  
 21 the county treasurer for motor trucks with a combined  
 22 gross weight not exceeding four tons. The year of  
 23 expiration or the date of expiration shall be displayed  
 24 on vehicle registration plates, except plates issued  
 25 under the provisions of section 321.19. Registration  
 26 plates issued for motor trucks and truck tractors  
 27 shall be designed in such a manner that the gross  
 28 weight for which the vehicle is registered may be  
 29 displayed on the plate. Special truck registration  
 30 plates shall display the word "special".

31 2. By renumbering the sections and correcting internal  
 32 references as necessary in accordance with this  
 33 amendment.

HORN of Linn

H-6266

1 Amend the Senate amendment H-6144 to House File 654  
 2 as amended, passed and reprinted by the House as follows:

- 3 1. Page 1, line 12, by striking the word "serious"
- 4 and inserting in lieu thereof the word "simple".
- 5 2. Page 1, line 15, by striking the word "aggravated"
- 6 and inserting in lieu thereof the word "serious".

WOODS of Polk

H-6267

1 Amend the Senate amendment H-6144 to House  
 2 File 654 as follows:

- 3 1. Page 1, lines 17 and 18, by striking the
- 4 words "a class "D" felony" and inserting in lieu
- 5 thereof the words "an aggravated misdemeanor".

JAY of Appanoose

H-6269

1 Amend Senate File 2296, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by inserting after the word  
4 "The" the words "distribution of fines and forfeited  
5 bail provided for in the".

6 2. Page 1, by striking lines 12 and 13 and  
7 inserting in lieu thereof the following: "seventy-  
8 four (321.474) of the Code in excess of the amount  
9 of fines and forfeited bail received for violations  
10 of these sections during the fiscal year beginning  
11 July 1, 1979. The excess amount received for  
12 violations of these sections shall be".

13 3. Page 1, by striking page 1, line 32 through  
14 page 2, line 6.

15 4. Page 2, line 8, by inserting after the word  
16 "sections" the words and figures "three hundred twenty-  
17 one point four hundred sixty-three (321.463)".

18 5. Page 2, line 12, by inserting after the word  
19 "Code" the words "in excess of the amount of fines  
20 and forfeited bail received for violations of these  
21 sections during the fiscal year beginning July 1,  
22 1979".

23 6. Page 2, line 15, by striking the words "road  
24 use tax fund" and inserting in lieu thereof the words  
25 "general fund of the state".

26 7. By striking page 2, line 16 through page 4,  
27 line 23 and inserting in lieu thereof the following:

28 "Sec. 3. Chapter four hundred forty-two (442),  
29 Code 1979, is amended by adding the following new  
30 section:

31 **NEW SECTION. APPROPRIATION FOR SCHOOL BUDGET**

32 **REVIEW COMMITTEE.** Commencing with the fiscal year  
33 beginning July 1, 1981, there is appropriated each  
34 year from the general fund of the state to the  
35 department of public instruction for the use of the  
36 school budget review committee, the sum of four hundred  
37 fifty thousand (450,000) dollars, or as much thereof  
38 as is necessary, to be granted by the school budget  
39 review committee as supplemental aid to school  
40 districts for which an amount equal to district cost  
41 per pupil for the budget year, minus the amount  
42 included in district cost per pupil for the budget  
43 year to compensate for the cost of special education  
44 support services for a school district, times the  
45 budget enrollment of the school district for the  
46 budget year is eight percent or less more than an  
47 amount equal to the district cost per pupil for the  
48 base year for that school district, minus the amount  
49 included in the district cost per pupil for the base  
50 year to compensate for the cost of special education

Page 2

1 support services, times the budget enrollment of the  
 2 school district for the base year, and for which the  
 3 school district can show that it has a need for  
 4 additional funds. The supplemental aid is  
 5 miscellaneous income and shall not be included in  
 6 district cost.

7 Sec. 4. Chapter two hundred eighty A (280A), Code  
 8 1979, is amended by adding the following new section:

9 NEW SECTION. APPROPRIATION FOR AREA SCHOOLS.

10 Commencing with the fiscal year beginning July 1,  
 11 1980, there is appropriated each year from the general  
 12 fund of the state to the department of public  
 13 instruction to be allocated to area schools established  
 14 in this chapter the sum of five hundred fifty thousand  
 15 (\$550,000) dollars, or as much thereof as is necessary,  
 16 to pay actual costs for the purchase of fuel and  
 17 electricity which exceed funds budgeted for fuel or  
 18 electricity purposes."

19 8. Amend the title, line 1, by inserting after  
 20 the word "that" the word "certain".

21 9. Amend the title, by striking lines 3 through  
 22 8 and inserting in lieu thereof the words "credited  
 23 to the general fund of the state, and making  
 24 appropriations."

NORLAND of Worth

H-6270

1 Amend Senate File 2296, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by inserting after the word  
 4 "The" the words "distribution of fines and forfeited  
 5 bail provided for in the".

6 2. Page 1, by striking lines 12 and 13 and  
 7 inserting in lieu thereof the following: "seventy-  
 8 four (321.474) of the Code in excess of the amount  
 9 of fines and forfeited bail received for violations  
 10 of these sections during the fiscal year beginning  
 11 July 1, 1979. The excess amount received for  
 12 violations of these sections shall be".

13 3. Page 1, by striking page 1, line 32 through  
 14 page 2, line 6.

15 4. Page 2, line 8, by inserting after the word  
 16 "sections" the words and figures "three hundred twenty-  
 17 one point four hundred sixty-three (321.463)".

18 5. Page 2, line 12, by inserting after the word  
 19 "Code" the words "in excess of the amount of fines  
 20 and forfeited bail received for violations of these  
 21 sections during the fiscal year beginning July 1,  
 22 1979".

23 6. Page 2, line 15, by striking the words "road  
24 use tax fund" and inserting in lieu thereof the words  
25 "general fund of the state".

26 7. By striking page 2, line 16 through page 4,  
27 line 23 and inserting in lieu thereof the following:  
28 "Sec. 3. Section two hundred seventy-three point  
29 two (273.2), Code 1979, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. Assistance in establishing programs  
32 for gifted and talented children.

33 Sec. 4. Section four hundred forty-two point seven  
34 (442.7), subsection five (5), Code 1979, as the section  
35 is amended by Acts of the Sixty-eighth General  
36 Assembly, 1979 Session, chapter one hundred six (106),  
37 sections six (6), seven (7), eight (8), nine (9),  
38 and ten (10), is amended by adding the following new  
39 paragraph:

40 NEW PARAGRAPH. By the state comptroller under  
41 section ten (10) of this Act.

42 Sec. 5. Section four hundred forty-two point nine  
43 (442.9), subsection one (1), paragraph a, Code 1979,  
44 is amended by adding the following new unlettered  
45 paragraph:

46 NEW UNLETTERED PARAGRAPH. However, district cost  
47 per pupil does not include additional allowable growth  
48 added by the state comptroller for programs for gifted  
49 and talented children under this chapter.

50 Sec. 6. Section four hundred forty-two point

## Page 2

1 thirty-one (442.31), Code 1979, as amended by Acts  
2 of the Sixty-eighth General Assembly, 1979 Session,  
3 chapter thirteen (13), section twenty (20), and as  
4 amended by House File two thousand two hundred seventy-  
5 five (2275), section one (1), Sixty-eighth General  
6 Assembly, 1980 Session, is amended by striking the  
7 section and inserting in lieu thereof the following:  
8 442.31 GIFTED AND TALENTED CHILDREN. For the  
9 school year beginning July 1, 1981 and succeeding  
10 school years, boards of school districts, individually  
11 or jointly with the boards of other school districts,  
12 may provide for gifted and talented children programs  
13 and annually submit program plans and budget costs,  
14 including requests for additional allowable growth  
15 for funding the programs, to the department of public  
16 instruction as provided in this chapter. A district  
17 shall not identify more than three percent of its  
18 budget enrollment for the budget year as gifted and  
19 talented.



20 The department of public instruction shall  
 21 promulgate rules under chapter seventeen A (17A) of  
 22 the Code relating to the administration of sections  
 23 four hundred forty-two point thirty-one (442.31)  
 24 through four hundred forty-two point thirty-five  
 25 (442.35) of the Code and section twelve (12) of this  
 26 Act. The rules shall prescribe the format of program  
 27 plans submitted under section four hundred forty-two  
 28 point thirty-two (442.32) of the Code and shall require  
 29 that programs fulfill specified objectives.

30 Sec. 7. Section four hundred forty-two point  
 31 thirty-two (442.32), Code 1979, is amended by striking  
 32 the section and inserting in lieu thereof the  
 33 following:

34 442.32 PROGRAM PLANS. The program plans submitted  
 35 by school districts shall include all of the following:

- 36 1. Program goals, objectives, and activities to
- 37 meet the needs of gifted and talented children.
- 38 2. Student identification criteria and procedures.
- 39 3. Staff in-service education design.
- 40 4. Staff utilization plans.
- 41 5. Evaluation criteria and procedures and
- 42 performance measures.
- 43 6. Program budget costs and a listing of proposed
- 44 expenditures, including the value of volunteer and
- 45 other assistance offered at less than the value that
- 46 could be reasonably expected for the services
- 47 performed.
- 48 7. Qualifications required of personnel
- 49 administering the program.
- 50 8. Other factors the department requires.

**Page 3**

1 Sec. 8. Section four hundred forty-two point  
 2 thirty-three (442.33), Code 1979, is amended to read  
 3 as follows:

4 442.33 DEFINED. "Gifted and talented children"  
 5 are those identified as possessing outstanding  
 6 abilities who are capable of high performance. Gifted  
 7 and talented children are children who require  
 8 differentiated educational programs or services  
 9 appropriate instruction and educational services  
 10 beyond those provided by the regular school program  
 11 commensurate with their abilities and needs.

12 Gifted and talented children include those children  
 13 with demonstrated achievement or potential ability,  
 14 or both, in any two or more of the following areas  
 15 or in combination:

- 16 1. General intellectual ability.
- 17 2. Creative thinking.

18 2 3. Leadership ability.

19 3 4. Visual and performing arts ability.

20 4 5. Specific ability academic aptitude.

21 5. Intellectual ability.

22 Sec. 9. Section four hundred forty-two point  
23 thirty-four (442.34), Code 1979, as amended by Acts  
24 of the Sixty-eighth General Assembly, 1979 Session,  
25 chapter thirteen (13), section twenty-one (21), and  
26 as amended by House File two thousand two hundred  
27 seventy-five (2275), section two (2), Sixty-eighth  
28 General Assembly, 1980 Session, is amended by striking  
29 the section and inserting in lieu thereof the  
30 following:

31 442.34 SUBMISSION OF PROGRAM PLANS. The board  
32 of directors shall submit applications for approval  
33 for gifted and talented children programs to the  
34 department not later than November first preceding  
35 the fiscal year during which the program will be  
36 offered. The department shall review the program  
37 plans and shall prior to January fifteenth either  
38 grant approval for the program or return the request  
39 for approval with comments of the department included.  
40 Any unapproved request for a program may be resubmitted  
41 with modifications to the department not later than  
42 February first. Not later than February fifteenth  
43 the department shall notify the state comptroller  
44 of the names of the school districts for which gifted  
45 and talented children programs have been approved  
46 and the approved budget of each program listed  
47 separately for each school district having an approved  
48 program.

49 Sec. 10. Section four hundred forty-two point  
50 thirty-five (442.35), Code 1979, as amended by Acts

**Page 4**

1 of the Sixty-eighth General Assembly, 1979 Session,  
2 chapter thirteen (13), section twenty-two (22), and  
3 as amended by House File two thousand two hundred  
4 seventy-five (2275), section three (3), Sixty-eighth  
5 General Assembly, 1980 Session, is amended by striking  
6 the section and inserting in lieu thereof the  
7 following:

8 442.35 FUNDING. The budget of an approved gifted  
9 and talented children program for a school district,  
10 after subtracting funds received from other sources  
11 for that purpose, shall be funded annually on a basis  
12 of one-half or more from sources specified in this  
13 section and up to one-half by an annual increase in  
14 allowable growth as defined in section four hundred  
15 forty-two point seven (442.7) of the Code. The one-

16 half or more funding from sources specified in this  
 17 section shall come from one or more of the following  
 18 sources:

- 19 1. District cost of the district.
- 20 2. Grants from the department of public instruction  
 21 from funds appropriated in section eleven (11) of  
 22 this Act.
- 23 3. Determination by the department of public  
 24 instruction, upon the recommendation of the school  
 25 district, of the value of the assistance to the gifted  
 26 and talented program by persons either volunteering  
 27 their expertise or providing assistance at a cost  
 28 less than can reasonably be expected for the services  
 29 provided.

30 Annually, the state comptroller shall establish  
 31 a modified allowable growth for each such district  
 32 equal to the difference between the approved budget  
 33 for the gifted and talented children program for that  
 34 district and the sum of the amount funded from sources  
 35 specified in subsections one (1), two (2), and three  
 36 (3) of this section plus funds received from other  
 37 sources.

38 Sec. 11. Chapter four hundred forty-two (442),  
 39 Code 1979, is amended by adding the following new  
 40 section:

41 NEW SECTION. There is appropriated from the general  
 42 fund of the state to the department of public  
 43 instruction for the fiscal year beginning July 1,  
 44 1981 and ending June 30, 1982 the sum of one million  
 45 (1,000,000) dollars, or as much thereof as is  
 46 necessary, to be allocated to eligible school districts  
 47 on a grant basis for approved gifted and talented  
 48 children programs. For each fiscal year following  
 49 the fiscal year beginning July 1, 1981, the amount  
 50 appropriated is equal to the amount appropriated for

**Page 5**

1 the previous fiscal year times the sum of one hundred  
 2 percent plus the state percent of growth for the  
 3 fiscal year.

4 Sec. 12. Sections three (3) through eleven (11)  
 5 of this Act take effect for the school year beginning  
 6 July 1, 1981."

7 8. Amend the title, line 1, by inserting after  
 8 the word "that" the word "certain".

9 9. Amend the title, by striking lines 3 through  
 10 8, and inserting in lieu thereof the words "credited  
 11 to the general fund of the state and making an  
 12 appropriation."

- 13 10. By numbering and renumbering sections and  
 14 correcting internal references as necessary.

NORLAND of Worth  
 BINA of Scott

H-6274

- 1 Amend the Senate amendment H-6144 to House File 654  
 2 as amended, passed and reprinted by the House as follows:  
 3 1. Page 1, line 26 by inserting after the word  
 4 "section." the words "The provisions of the second un-  
 5 numbered paragraph of this section shall apply to both  
 6 offenses."

SHIMANEK of Jones  
 RITSEMA of Sioux

H-6275

- 1 Amend House File 2582 as follows:  
 2 1. Page 1, by striking lines 1 through 21 and  
 3 inserting in lieu thereof the following:  
 4 "Section 1. Section three hundred eighty-four point  
 5 fifty-seven (384.57), Code 1979, is amended to read  
 6 as follows:  
 7 384.57 MONTHLY PAYMENTS. The city may contract  
 8 to pay not to exceed ninety ninety-five percent of the  
 9 engineer's estimated value of the acceptable work  
 10 completed during the month to the contractor at the  
 11 end of each month. Payment may be made in warrants  
 12 drawn on any fund or funds from which payment for the  
 13 work may be made. ~~The warrants, unless paid upon~~  
 14 ~~presentation, draw interest at a rate not to exceed seven~~  
 15 ~~percent per annum from and after the date of~~  
 16 ~~presentation for payment.~~ If such funds are depleted,  
 17 anticipatory warrants may be issued bearing a rate of  
 18 interest not exceeding that permitted by chapter  
 19 seventy-four A (74A) of the Code, which do not  
 20 constitute a violation of section 384.10, even if the  
 21 collection of taxes or special assessments or income  
 22 from the sale of bonds applicable to the public  
 23 improvement is after the end of the fiscal year in  
 24 which the warrants are issued. If the city arranges  
 25 for the private sale of anticipatory warrants, they  
 26 may be sold and the proceeds used to pay the contractor.  
 27 Such Anticipatory warrants may also be used to pay  
 28 other persons furnishing services constituting a  
 29 part of the cost of the public improvement."

SCHROEDER of Pottawattamie  
 WELDEN of Hardin

H-6277

1 Amend the Senate amendment, H-6144 to House File  
2 654 as amended, passed and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 26 the  
5 following:  
6 "NEW UNNUMBERED PARAGRAPH. An officer arresting  
7 a person under this section shall inform that person  
8 that he or she is permitted to communicate with a  
9 member of his or her family or an attorney in the  
10 manner provided in section eight hundred four point  
11 twenty (804.20) of the Code prior to taking a chemical  
12 test under the provisions of chapter three hundred  
13 twenty-one B (321B) of the Code."

SHIMANEK of Jones

H-6278

1 Amend the Senate amendment H-6144 to House File  
2 654 as amended, passed and reprinted by the House  
3 as follows:  
4 1. Page 1, line 40, by striking the word  
5 "offense." " and inserting in lieu thereof the word  
6 "offense."  
7 2. Page 1, by inserting after line 40 the  
8 following:  
9 "Sec. 3. Section three hundred twenty-one B point  
10 seven (321B.7), Code 1979, is amended by adding the  
11 following new unnumbered paragraph:  
12 NEW UNNUMBERED PARAGRAPH. The director may, upon  
13 application, issue a temporary restricted license  
14 to a person whose privilege to drive has been revoked  
15 or denied under the provisions of this section. If  
16 the person's regular employment is the operation of  
17 a motor vehicle or if the person's occupation cannot  
18 be adequately performed without the use of a motor  
19 vehicle, the restricted licensee shall not operate  
20 a motor vehicle for pleasure while holding the  
21 restricted license. If the person does not need to  
22 operate a vehicle for the person's occupation, but  
23 the revocation or denial constitutes a case of extreme  
24 hardship because alternate means of transportation  
25 for the person to and from work do not exist, the  
26 temporary restricted license shall be restricted for  
27 travel to and from work at times specified on the  
28 license. A person who operates a motor vehicle in  
29 violation of the restrictions of the person's temporary  
30 restricted license is guilty of a simple misdemeanor.  
31 Chapter two hundred thirty-two (232) of the Code has

32 no application in the prosecution of this offense.  
 33 A temporary restricted license shall be canceled upon  
 34 the licensee's conviction of a moving traffic violation  
 35 as defined in section three hundred twenty-one point  
 36 one hundred eighty-one (321.181) of the Code, or upon  
 37 the licensee's violation of the terms of the license.  
 38 Sec. 4. Section three hundred twenty-one B point  
 39 eight (321B.8), Code 1979, is amended to read as  
 40 follows:  
 41 321B.8 HEARING. Upon the written request of a  
 42 person whose privilege to drive has been revoked or  
 43 denied or whose application for a temporary restricted  
 44 license has been denied, the director shall grant  
 45 the person an opportunity to be heard within twenty  
 46 days after the receipt of the request, but the request  
 47 must be made within thirty days of the effective date  
 48 of revocation or denial. The hearing shall be before  
 49 the director, in the county wherein the alleged events  
 50 occurred for which the person was arrested, unless

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1 the director and the person agree that the hearing  
 2 may be held in some other county. The hearing may  
 3 be recorded and its scope shall cover the issues of  
 4 whether a peace officer had reasonable grounds to  
 5 believe the person to have been operating a motor  
 6 vehicle upon a public highway of this state while  
 7 under the influence of an alcoholic beverage, whether  
 8 the person was placed under arrest and, whether he  
 9 the person refused to submit to the test or tests  
 10 and whether the person should be issued a temporary  
 11 restricted license. The director shall order that  
 12 the revocation or denial be either rescinded or  
 13 sustained and shall either approve or disapprove an  
 14 application for a temporary restricted license.

15 Sec. 5. Section three hundred twenty-one B point  
 16 nine (321B.9), Code 1979, is amended to read as  
 17 follows:

18 321B.9 JUDICIAL REVIEW - TEMPORARY RESTRICTED  
 19 PERMIT ISSUED.

20 1. JURISDICTION. Judicial review of the actions  
 21 an action of the director may be sought in accordance  
 22 with the terms of the Iowa administrative procedure  
 23 Act. Notwithstanding the terms of said Act, petitions  
 24 a petition for judicial review may be filed in the  
 25 district court in the county wherein the alleged  
 26 events occurred for which the licensee was arrested  
 27 or in the county in which the administrative hearing  
 28 was held. If judicial review is sought for a denial  
 29 of the director to issue a temporary restricted

30 license, as provided in section three hundred twenty-  
 31 one B point eight (321B.8) of the Code, a petition  
 32 for review may alternatively be filed in the district  
 33 court of the licensee's county of residence.

34 2. TEMPORARY RESTRICTED PERMIT. Upon the  
 35 revocation or denial of a person's privilege to drive  
 36 under section three hundred twenty-one B point seven  
 37 (321B.7) of the Code and upon the denial by the  
 38 director of an application for a temporary restricted  
 39 license, a person may apply to the appropriate district  
 40 court for a temporary restricted permit to operate  
 41 a motor vehicle. The application shall be made to  
 42 the court prior to the filing of a written request  
 43 to the director for a hearing as provided in section  
 44 three hundred twenty-one B point eight (321B.8) of  
 45 the Code, or, if such a request has been filed, after  
 46 the order resulting from the hearing has been issued.  
 47 The application for a temporary restricted permit  
 48 shall be granted only if all the following criteria  
 49 are satisfied:

50 a. The temporary restricted permit is requested

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1 for a case of extreme hardship where alternative means  
 2 of transportation does not exist.

3 b. The permit applicant has not made an application  
 4 for such a permit which was denied or revoked in any  
 5 other district court in the state.

6 c. The permit is restricted for travel to and  
 7 from work at times specified in the permit. The  
 8 permit may also be restricted for use during work  
 9 if the applicant's regular employment is the operation  
 10 of a motor vehicle or if the applicant's occupation  
 11 cannot be adequately performed without the use of  
 12 a motor vehicle.

13 The district court shall forward a record of each  
 14 application for a temporary restricted permit to the  
 15 department, together with the results of the  
 16 disposition of the application by the court.

17 A temporary restricted permit shall be canceled  
 18 upon the permit holder's conviction of a moving traffic  
 19 violation as defined in section three hundred twenty-  
 20 one point one hundred eighty-one (321.181) of the  
 21 Code, or upon the permit holder's violation of the  
 22 terms of the permit. A person who operates a motor  
 23 vehicle in violation of the restrictions of the  
 24 person's temporary restricted permit is guilty of  
 25 a simple misdemeanor. Chapter two hundred thirty-  
 26 two (232) of the Code has no application in the  
 27 prosecution of this offense."

H-6282

1 Amend Senate File 2247 as passed by the Senate  
2 as follows:

3 1. Page 3, by inserting after line 30 the  
4 following:

5 "Sec. . Section four hundred twenty-seven  
6 A point twelve (427A.12), subsection two (2),  
7 unnumbered paragraph one (1) and paragraph b, and  
8 subsection three (3), Code 1979, are amended to read  
9 as follows:

10 On or before January 15, 1974, fifteenth of each  
11 year the county auditor of each county shall prepare  
12 a statement listing for each taxing district in the  
13 county:

14 b. The mileage current levy rate of each taxing  
15 district levied in 1972 and payable in 1973.

16 3. The county auditor shall certify and forward  
17 one copy each of the statement to the state comptroller  
18 and to the director of revenue not later than January  
19 15, 1974 fifteenth of each year. The director of  
20 revenue shall make any necessary corrections and  
21 certify to the state comptroller the amount of the  
22 personal property tax replacement base for each taxing  
23 district in the state, determined pursuant to  
24 subsection 2."

25 2. Title page, line 2, by inserting after the  
26 word "tax" the words "and the state personal property  
27 tax credit".

28 3. Number as is necessary.

CONNOLLY of Dubuque

H-6283

1 Amend Senate File 2247 as passed by the Senate  
2 as follows:

3 1. Page 2, by inserting after line 24 the  
4 following:

5 "e. The sixty million dollar figure specified  
6 in paragraph d of this subsection shall be adjusted  
7 for the 1981 calendar year and each subsequent calendar  
8 year by multiplying the figure by the product of the  
9 annual inflation factor for the 1981 calendar year  
10 and the annual inflation factors for subsequent  
11 calendar years. For purposes of this paragraph in  
12 determining the annual inflation factor for a calendar  
13 year, the provision of paragraph d of this subsection  
14 shall not apply. The adjusted figure shall apply  
15 in determining under paragraph d of this subsection  
16 the latest annual inflation factor which was used  
17 in the computation under this paragraph."

HALVORSON of Webster



H-6284

1 Amend Senate File 2296 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section two hundred eighty-five point  
 6 fourteen (285.14), Code 1979, is amended by adding  
 7 the following new unnumbered paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. A vehicle used for an  
 9 approved driver education course in which the driver  
 10 education teacher transports driver education students  
 11 from their residences for street or highway driving  
 12 is not a school bus."  
 13 2. By numbering and renumbering sections as  
 14 necessary.

MENKE of O'Brien  
HORN of Linn

H-6285

1 Amend amendment H-6270, to Senate File 2296, as  
 2 amended passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 5, by inserting after line 6 the following:  
 5 "Sec. . . . Acts of the Sixty-eighth General  
 6 Assembly, 1979 Session, chapter thirteen (13), section  
 7 seven (7), subsection twelve (12) is amended to read  
 8 as follows:  
 9 12. PROGRAMS FOR GIFTED  
 10 AND TALENTED CHILDREN.  
 11 a. For programs for gifted  
 12 and talented children approved by  
 13 the department under section four  
 14 hundred forty-two point thirty-  
 15 four (442.34) of the Code . . . . . \$ \$ 100,000  
 16 b. For support services for  
 17 programs for gifted and talented  
 18 children approved by the department  
 19 under section four hundred forty-two  
 20 point thirty-four (442.34) of the  
 21 Code . . . . . \$ \$ 31,000  
 22 If federal funds become available  
 23 for the purpose for which funds are  
 24 appropriated by this paragraph, the  
 25 appropriation in this paragraph shall  
 26 be reduced by the amount of federal  
 27 funds received and the amount the  
 28 appropriation is reduced shall revert  
 29 to the general fund of the state."

LARSEN of Wapello

H-6287

- 1 Amend House File 2582 as follows:
- 2 1. Page 3, line 7, by striking the words "fed-
- 3 eral law or federal" and inserting in lieu thereof
- 4 the following: "federal, state, or local law or".

EGENES of Story

H-6289

- 1 Amend the Committee amendment, H-6226, to Senate
- 2 File 2247, as follows:
- 3 1. Page 1, by striking lines 8 through 17.
- 4 2. Page 1, by striking lines 36 through 41.
- 5 3. Renumber as is necessary.

NORLAND of Worth

H-6297

- 1 Amend House File 2581 as follows:
- 2 1. Page 3, by striking lines 2 through 22.

HANSON of Delaware

H-6303

- 1 Amend House File 2582 as follows:
- 2 1. By striking page 2, line 30 through page 3,
- 3 line 3, and inserting in lieu thereof the following:
- 4 "4. Interest or income which is earned on amounts
- 5 held in escrow and collected by the bank under this
- 6 section shall accrue to the public corporation until
- 7 the contractor has met contractual obligations;
- 8 thereafter all interest or income shall accrue to
- 9 the contractor."

KREWSON of Polk

H-6304

- 1 Amend amendment H-6144 to House File 654 as
- 2 follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "thereafter." the words "Notwithstanding sections
- 5 nine hundred one point seven (901.7) and nine hundred
- 6 three point four (903.4) of the Code, a person
- 7 convicted of a class "D" felony pursuant to this
- 8 section and sentenced to a period of confinement of
- 9 more than one year may be confined in a place to be
- 10 furnished by the county where the conviction was had."

JESSE of Polk

H-6305

- 1 Amend House File 2582 as follows:
- 2 1. Page 3, line 7, by inserting after the word
- 3 "rule." the following: "Nor does this section apply
- 4 to contracts which will be financed through special
- 5 assessments."

NORLAND of Worth

H-6310

- 1 Amend House Resolution 110 as follows:
- 2 1. Page 1, line 18, by adding after the period
- 3 the words "For purposes of this paragraph, each
- 4 calendar day shall constitute a separate occurrence."

CONLON of Muscatine  
HANSON of Delaware

H-6313

- 1 Amend House File 2582 as follows:
- 2 1. Page 2, lines 3 and 4, by striking the words
- 3 "issued by the United States or this state or a
- 4 political subdivision of this state" and inserting in
- 5 lieu thereof the words "prescribed by the auditor of
- 6 the state".

McKEAN of Jones

H-6329

- 1 Amend H-6307 to the Senate amendment H-6000 to
- 2 House File 707 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 4, line 31, by inserting after the
- 5 word "chairperson." the following new sentence:
- 6 "Should the four commissioners initially selected
- 7 fail to select a fifth member by September first,
- 8 the chief justice of the supreme court shall
- 9 select the fifth member not later than September
- 10 fifteenth."

LLOYD-JONES of Johnson

H-6332

- 1 Amend the Senate amendment H-5777 to House File  
 2 700, as amended, passed and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by inserting after line 2 the  
 5 following:  
 6 " . Page 1, by striking line 1 and inserting in  
 7 lieu thereof the following:  
 8 "Section 1. Section one hundred nine point one  
 9 hundred seven (109.107), unnumbered paragraph four  
 10 (4), Code 1979, is amended by striking the paragraph.  
 11 Sec. 2. Section one hundred nine point one  
 12 hundred eleven (109.111), Code 1979, is amended to  
 13 read as follows:  
 14 109.111 PERMISSIVE CATCH. It shall be lawful  
 15 to take from the waters of the Mississippi river and  
 16 Missouri river with licensed commercial fishing gear  
 17 the following species of fish: Carp, buffalo, gar,  
 18 suckers, quillback, sheepshead, bullheads, dogfish,  
 19 sand sturgeon, catfish or, paddlefish, or northern  
 20 pike subject to territorial limitations or minimum  
 21 weight or length of requirements provided by law  
 22 established by the commission by rule.  
 23 Sec. 3. Section one hundred nine point one  
 24 hundred thirteen (109.113), Code 1979, is repealed.  
 25 Sec. 4. Chapter one hundred ten (110), Code 1979,  
 26 is".  
 27 2. By renumbering as necessary.

CHIODO of Polk  
 ANDERSON of Jasper

H-6333

- 1 Amend the Senate amendment H-5777 to House File  
 2 700, as amended, passed and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by inserting after line 2 the  
 5 following:  
 6 " . Page 1, by striking line 2 and inserting in  
 7 lieu thereof the following:  
 8 "amended by adding the following new sections:  
 9 NEW SECTION.  
 10 1. A county recorder or a depositary established  
 11 under section one hundred ten point eleven (110.11) of  
 12 the Code shall not issue a resident hunting license  
 13 to a person under eighteen years of age unless that  
 14 person presents proof that the person has previously  
 15 held a resident hunting license or holds a certificate  
 16 of competency as provided in this Act.

17 2. A public or private organization may cooperate  
18 with the commission by providing an approved program,  
19 of hunter safety instruction. The commission shall not  
20 approve a program unless the program:

21 a. Consists of at least ten hours of instruction.

22 b. Is taught by an instructor certified by the  
23 commission.

24 c. Requires the written consent of the parent or  
25 guardian of a person under eighteen years of age or  
26 the written consent of the spouse of a person  
27 eighteen years of age if the spouse is eighteen years  
28 of age or older.

29 d. Requires all participants to be twelve years of  
30 age or older.

31 3. The commission shall provide a course of  
32 instruction in hunter safety for persons interested in  
33 being certified as an instructor for an approved  
34 program. The commission shall publish a manual on  
35 hunter safety to be used by certified instructors  
36 and persons participating in an approved program.  
37 The commission may adopt rules as necessary for the  
38 effective administration of this Act and may establish  
39 a fee not to exceed two dollars for issuance of a  
40 certificate of competency.

41 4. Upon the successful completion of an approved  
42 program and payment of the fee, the participant shall  
43 be issued a certificate of competency by the instructor.  
44 The instructor shall collect the fees for the issuance  
45 of the certificate and shall forward the moneys to the  
46 commission for deposit in the state fish and game  
47 protection fund. The instructor shall give to the  
48 commission the names and ages of the persons to whom  
49 a certificate is issued.

50 5. If a person obtains a hunting license by  
51 presenting a fraudulent certificate of competency or

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1 by giving false information, the commission shall  
2 revoke the person's hunting license for a period of  
3 at least two years." "

H-6335

- 1 Amend House File 2582 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 "securities." the words "The interest will be remitted
- 4 to the public corporation until all provisions of the
- 5 contract are satisfactorily completed."
- 6 2. Page 2, by striking lines 30 through 35.
- 7 3. Page 3, by striking lines 1 through 3.
- 8 4. Renumber as required.

LORENZEN of Scott

H-6336

- 1 Amend Senate File 2375 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 8 the following:
- 4 "Sec. . Section five hundred thirty-five point
- 5 two (535.2), Code 1979 Supplement, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. Notwithstanding the provisions
- 8 of Acts of the Sixty-eighth General Assembly, 1980
- 9 Session, House File two thousand four hundred ninety-
- 10 two (2492), with respect to any agreement which was
- 11 executed on or after August 3, 1978 and prior to July
- 12 1, 1979, and which contained a provision for the
- 13 adjustment of the rate of interest specified in the
- 14 agreement, the maximum lawful rate of interest which
- 15 may be imposed under that agreement shall be that
- 16 rate which is two and one-half percentage points above
- 17 the rate initially to be paid under the agreement,
- 18 and any excess charge shall be a violation of section
- 19 five hundred thirty-five point four (535.4) of the
- 20 Code."
- 21 2. By renumbering sections.
- 22 3. Amend the title, line 1, by inserting after
- 23 the word "Act" the words "establishing the maximum
- 24 rate of interest payable on adjustable interest-rate
- 25 agreements executed prior to July 1, 1979, and
- 26 in connection executed prior to July 1, 1979, and
- 27 in connection therewith".

CRAWFORD of Story

H-6337

1 Amend amendment H-5958 to Senate File 2070, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 36 the following:

5 "1. Page 14, by inserting after line 18, the  
6 following:

7 "Sec. . Section two hundred four point four  
8 hundred one (204.401), subsection three (3), Code  
9 1979, is amended by striking the subsection and  
10 inserting in lieu thereof the following:

11 3. It is unlawful for a person knowingly or  
12 intentionally to possess a controlled substance unless  
13 the substance was obtained directly from or pursuant  
14 to a valid prescription or order of a practitioner  
15 while acting in the course of his or her professional  
16 practice, or except as otherwise authorized by this  
17 chapter. A violation of this subsection constitutes  
18 one of the following offenses:

19 a. Upon the first and second conviction, a simple  
20 misdemeanor if the controlled substance is one ounce  
21 or less of marijuana.

22 b. A serious misdemeanor punishable by imprisonment  
23 in the county jail for not more than six months or  
24 by a fine of not more than one thousand dollars, or  
25 by both such fine and imprisonment, if the controlled  
26 substance is more than one ounce of marijuana or if  
27 it is a third or subsequent conviction for possession  
28 of marijuana.

29 c. A serious misdemeanor if the controlled  
30 substance is a substance other than marijuana.

31 All or any part of a sentence imposed pursuant  
32 to this section may be suspended and the person placed  
33 upon probation upon such terms and conditions as the  
34 court may impose including the active participation  
35 by such person in a drug treatment, rehabilitation  
36 or education program approved by the court." "

WELSH of Dubuque

H-6345

1 Amend Senate File 2357, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 33 through page 3, line  
4 6, and inserting in lieu thereof the following:

5 "2. The board of directors of a conservancy district  
6 which has been divided into wards under subsection one  
7 (1) of this section shall consist of one director from  
8 each ward so established, who shall be elected as

9 provided by subsection three (3) of this section. Each  
10 director shall serve a term of three years beginning on  
11 the first day of January, following that director's  
12 election, which is not a Sunday or a holiday. When  
13 a proposal for establishment of wards in a conservancy  
14 district has been approved by the state soil conser-  
15 vation committee, the members of the first elected  
16 board shall be chosen as provided by subsection three  
17 (3) of this section except that the election shall be  
18 held not more than one hundred eighty days after the date  
19 of approval of the proposal for establishment of wards.  
20 The first elected board of directors shall take office  
21 on a day specified by the state soil conservation committee,  
22 which shall be not more than thirty days after election  
23 of the directors is completed. Upon taking office, the  
24 first elected board shall divide itself by lot into three  
25 classes as nearly equal in size as possible. Thereafter,  
26 successors to members of the first class shall be elected  
27 in the first succeeding calendar year, successors to  
28 members of the second class shall be elected in the second  
29 succeeding calendar year, and successors to members of  
30 the third class shall be elected in the third succeeding  
31 calendar year after the year in which the first elected  
32 board takes office.

33 3. Each member of a conservancy district board of  
34 directors shall be elected at a ward convention attended  
35 by delegates chosen by and from among the commissioners  
36 of the respective soil conservation districts located  
37 entirely or partially within that ward.

38 a. A convention shall be held for each ward not  
39 earlier than October first nor later than November thirtieth  
40 of each year in which a director is to be elected from that  
41 ward. Each ward convention shall be called and its location  
42 shall be determined by the board of directors of the conser-  
43 vancy district of which the ward is a part. The conventions  
44 shall be held within the boundaries of the respective wards,  
45 and may be held in conjunction with other meetings attended  
46 by soil conservation district commissioners where doing so  
47 will avoid or reduce expense for travel and for use of  
48 convention sites. Notice of the time, date and place of  
49 a ward convention shall be published by the conservancy district  
50 board of directors, at least thirty days prior to the convention

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1 date, in at least one newspaper of general circulation  
2 in the ward. The cost of publication shall be paid by  
3 the conservancy district.

4 b. The commissioners of each separate soil conservation-  
5 district located entirely or partially within a conservancy  
6 district ward shall jointly cast a single, weighted vote



7 for director of the conservancy district from that ward.  
 8 The weight of the vote cast by the commissioners of each  
 9 soil conservation district shall be based upon the ratio  
 10 that the population of the soil conservation district,  
 11 or portion of the district, bears to that of the entire  
 12 ward. The population of each soil conservation district,  
 13 or portion of a district, shall be certified by the  
 14 department of soil conservation.

15 c. A candidate for election to the conservancy  
 16 district board from a ward may file a statement of candidacy  
 17 with the secretary of the conservancy district board at  
 18 least ten days before the date of that ward's convention.  
 19 The statement of candidacy shall state the candidate's  
 20 name and address and shall indicate the soil conservation  
 21 district within which the candidate resides. The list of  
 22 candidates in each ward where an election is to occur  
 23 shall be sent by ordinary mail to the commissioners of  
 24 each soil conservation district located entirely or partially  
 25 within the ward, immediately after the last day for filing.  
 26 The filing of a statement of candidacy shall not be a  
 27 prerequisite for election as a conservancy  
 28 district director. A delegate to a ward convention shall  
 29 not be bound by the soil conservation district commissioners  
 30 to pledge his or her vote to any candidate prior to the date  
 31 of the convention."

32 2. Page 3, line 10, by inserting after the word  
 33 "board." the words "A conservancy district board member need  
 34 not be a soil conservation district commissioner, but the  
 35 same individual may hold both offices concurrently."

36 3. Page 3, lines 19 and 20, by striking the words  
 37 "as provided by section sixty-nine point twelve (69.12) of  
 38 the Code".

39 4. Page 5, line 6, by striking the word "July" and  
 40 inserting in lieu thereof the word "January".

DAGGETT of Taylor

H-6346

1 Amend Senate File 2357 as amended, passed and  
 2 reprinted by the Senate, as follows:

3 1. Page 12, line 22, by inserting after the word  
 4 "projects" the words ", provided that no more than  
 5 fifty percent of the cost of any acquisition of real  
 6 property or of any construction project under this  
 7 paragraph may be paid from the proceeds of the special  
 8 annual tax levied under this section".

9 2. Page 12, line 24, by inserting after the word  
 10 "measures" the words ", provided that no more than  
 11 fifty percent of the district's portion shall be paid  
 12 from the proceeds of the special annual tax levied  
 13 under this section".

DAGGETT of Taylor

H-6354

- 1 Amend House Joint Resolution 2019 as follows:  
 2 1. Page 1, by striking line 8 and by inserting  
 3 in lieu thereof the words "passage of a resolution  
 4 by a constitutional majority of each".

CONLON of Muscatine  
 SMALLEY of Polk

H-6360

- 1 Amend Senate File 2376 as follows:  
 2 1. Page 1, by striking lines 17 through 35.  
 3 2. Page 2, by striking lines 1 through 35.  
 4 3. Page 3, by striking lines 1 through 35.  
 5 4. Page 4, by striking lines 1 through 35.  
 6 5. Page 5, by striking lines 1 through 18.  
 7 6. Page 6, by striking lines 22 and 23 and  
 8 inserting in lieu thereof the following new section:  
 9 "Sec. . The legislative council shall establish  
 10 a study committee consisting of members of both houses  
 11 representing both political parties from the respective  
 12 committees on ways and means and transportation, to  
 13 conduct a study during the 1980-1981 interim of the  
 14 administrative procedures required for the proper  
 15 administration of the excise tax on gasohol, including  
 16 refund procedures, blenders permits, and other related  
 17 issues. The study committee shall submit a report,  
 18 including bill drafts necessary to implement its  
 19 recommendations, to the legislative council and to  
 20 the general assembly convening in 1981."  
 21 7. Renumber sections and correct internal  
 22 references as are necessary in accordance with this  
 23 amendment.

BRANSTAD of Winnebago  
 LURA of Marshall

H-6361

- 1 Amend amendment H-6358 to Senate File 2376 as amended,  
 2 passed and reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 3 through 16 and  
 4 inserting in lieu thereof the following:  
 5 "1. Page 1, by striking lines 17 through 35.  
 6 2. Page 2, by striking lines 1 through 35.  
 7 3. Page 3, by striking lines 1 through 35.  
 8 4. Page 4, by striking lines 1 through 35.  
 9 5. Page 5, by striking lines 1 through 18.  
 10 6. Page 6, by striking lines 22 and 23 and

11 inserting in lieu thereof the following new section:  
 12 "Sec. . The legislative council shall establish  
 13 a study committee consisting of members of both houses  
 14 representing both political parties from the respective  
 15 committees on ways and means and transportation, to  
 16 conduct a study during the 1980-1981 interim of the  
 17 administrative procedures required for the proper  
 18 administration of the excise tax on gasohol, including  
 19 refund procedures, blenders permits, and other related  
 20 issues. The study committee shall submit a report,  
 21 including bill drafts necessary to implement its  
 22 recommendations, to the legislative council and to  
 23 the general assembly convening in 1981."  
 24 7. Renumber sections and correct internal  
 25 references as are necessary in accordance with this  
 26 amendment."

BRANSTAD of Winnebago  
 LURA of Marshall

H—6364

1 Amend amendment H—6349 to Senate File 2376, as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by inserting after line 4 the  
 5 following new section:  
 6 "Sec. . Section three hundred twenty-four  
 7 point three (324.3), unnumbered paragraph one (1),  
 8 Code 1979, is amended to read as follows:  
 9 For the privilege of operating motor vehicles in  
 10 this state an excise tax of ~~eight and one-half cents~~  
 11 per gallon beginning July 1, 1978, and ten eleven  
 12 cents per gallon beginning July 1, 1979 1980 is  
 13 hereby imposed upon the use of all motor fuel used  
 14 for any purpose except motor fuel containing at least  
 15 ten percent alcohol distilled from agricultural  
 16 products for the period beginning July 1, 1978 and  
 17 ending June 30, 1983 and except as otherwise  
 18 provided in this division. The tax shall be paid in  
 19 first instance by the distributor upon the invoiced  
 20 gallonage of all motor fuel received by the distri-  
 21 butor in this state, within the meaning of the  
 22 word "received" as defined in this division, less  
 23 the deductions hereinafter authorized. There-  
 24 after, except as otherwise provided, the per  
 25 gallon amount of such tax shall be added to the  
 26 selling price of each and every gallon of such  
 27 motor fuel sold in this state and collected from  
 28 the purchaser to the end that the ultimate  
 29 consumer shall bear the burden of such tax;  
 30 provided, however, that no tax shall be imposed or  
 31 collected under this division with respect to  
 32 the following:"

HOWELL of Floyd

H-6365

- 1 Amend amendment H-6349 to Senate File 2376, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 14 by striking the word "twelve"  
 5 and inserting in lieu thereof the word "thirteen".

HOWELL of Floyd

H-6372

- 1 Amend the Senate amendment H-6144 to House File  
 2 654, as follows:  
 3 1. Page 1, by inserting after line 26 the  
 4 following:  
 5 "NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
 6 provisions of section six hundred two point sixty  
 7 (602.60) of the Code, if the defendant has not been  
 8 previously convicted or plead guilty to a violation  
 9 of this section the proceeding may be tried before  
 10 a judicial magistrate. In conducting such a  
 11 proceeding, the judicial magistrate shall have the  
 12 authority and employ the practice and procedure of  
 13 a district judge."

POFFENBERGER of Dallas

H-6374

- 1 Amend the amendment, H-6287, to House File  
 2 2582 as follows:  
 3 1. Page 1, line 4, by striking the words ", state,  
 4 or local law or" and inserting in lieu thereof the  
 5 following: "or state law, city ordinance, county  
 6 resolution, or federal, state or local".

O'KANE of Woodbury

H-6375

- 1 Amend the Norland and Lloyd-Jones amendment, H-  
 2 6359, to Senate File 2376, as amended, passed and  
 3 reprinted by the Senate, as follows:  
 4 1. Page 1, line 15, by inserting after the period  
 5 the words "If the accurate figures on sales tax  
 6 collected on motor fuel containing at least ten percent  
 7 alcohol distilled from agricultural products are not  
 8 provided to the department, the department shall  
 9 estimate the amount of sales tax receipts received  
 10 from the gross receipts of sales of motor fuel  
 11 containing at least ten percent alcohol distilled  
 12 from agricultural products which shall be credited  
 13 to the railroad assistance fund."

NORLAND of Worth

H-6376

1 Amend Senate File 2296 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 2, line 22, by striking the figure  
4 "1980" and inserting in lieu thereof the figure  
5 "1981".

6 2. Page 2, line 23, by striking the figure  
7 "1981" and inserting in lieu thereof the figure  
8 "1982".

9 3. Page 2, line 24, by striking the figure  
10 "1981" and inserting in lieu thereof the figure  
11 "1982".

12 4. Page 2, line 25, by striking the figure  
13 "1982" and inserting in lieu thereof the figure  
14 "1983".

15 5. Page 2, line 26, by striking the figure  
16 "1982" and inserting in lieu thereof the figure  
17 "1983".

18 6. Page 2, line 27, by striking the figure  
19 "1983" and inserting in lieu thereof the figure  
20 "1984".

21 7. Page 2, line 28, by striking the figure  
22 "1983" and inserting in lieu thereof the figure  
23 "1984".

24 8. Page 2, line 29, by striking the figure  
25 "1984" and inserting in lieu thereof the figure  
26 "1985".

27 9. Page 2, line 34, by striking the figure  
28 "1984" and inserting in lieu thereof the figure  
29 "1985".

30 10. Page 2, line 35, by striking the figure  
31 "1985" and inserting in lieu thereof the figure  
32 "1986".

33 11. Page 3, line 11, by striking the figure "1980"  
34 and inserting in lieu thereof the figure "1981".

35 12. Page 3, line 12, by striking the figures "1981",  
36 "1982", and "1983" and inserting in lieu thereof the  
37 figures "1982", and "1983" and "1984".

38 13. Page 3, line 19, by striking the figures "1979"  
39 and "1980" and inserting in lieu thereof the figures  
40 "1980" and "1981".

41 14. Page 4, line 6, by striking the figures "1981"  
42 and "1982" and inserting in lieu thereof the figures  
43 "1982" and "1983".

44 15. Page 4, line 7, by striking the figures "1983"  
45 and "1984" and inserting in lieu thereof the figures  
46 "1984" and "1985".

47 16. Page 4, by inserting after line 23 the  
48 following new section:

49 "Sec. . This act shall take effect July 1,  
50 1981."

H-6378

- 1 Amend Senate File 2296, as amended, passed and  
 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 23, by striking the words "nine  
 4 hundred thousand dollars" and inserting in lieu  
 5 thereof the words "one million two hundred thousand  
 6 dollars".
- 7 2. Page 2, line 25, by striking the words "six  
 8 hundred thousand dollars" and inserting in lieu  
 9 thereof the words "nine hundred thousand dollars".
- 10 3. Page 2, line 27, by striking the words "four  
 11 hundred thousand dollars" and inserting in lieu  
 12 thereof the words "six hundred thousand dollars".
- 13 4. Page 2, line 29, by striking the words "three  
 14 hundred thousand dollars" and inserting in lieu  
 15 thereof the words "five hundred thousand dollars".

NORLAND of Worth

H-6379

- 1 Amend Senate File 2296, as amended, passed, and  
 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 6, by striking the words "road  
 4 use tax fund" and inserting in lieu thereof the  
 5 words "railroad assistance fund established in  
 6 section three hundred twenty-seven H point eighteen  
 7 (327H.18) of the Code".
- 8 2. Page 2, line 15, by striking the words "road  
 9 use tax fund" and inserting in lieu thereof the words  
 10 "railroad assistance fund established in section  
 11 three hundred twenty-seven H point eighteen (327H.18)  
 12 of the Code".
- 13 3. Page 2, line 33, by striking the words "road  
 14 use tax fund" and inserting in lieu thereof the words  
 15 "railroad assistance fund established in section three  
 16 hundred twenty-seven H point eighteen (327H.18) of  
 17 the Code".
- 18 4. Page 3, line 4, by striking the words "road  
 19 use tax fund" and inserting in lieu thereof the words  
 20 "railroad assistance fund established in section three  
 21 hundred twenty-seven H point eighteen (327H.18) of  
 22 the Code".
- 23 5. Page 3, line 8, by striking the words "road  
 24 use tax fund" and inserting in lieu thereof the words  
 25 "railroad assistance fund established in section  
 26 three hundred twenty-seven H point eighteen  
 27 (327H.18) of the Code".

GROTH of Buena Vista

H-6391

- 1 Amend the Senate amendment H-6362 to House File
- 2 2580 as follows:
- 3 1. Page 5, lines 36 and 37, by striking the words
- 4 "and posterior dental bridgework" and inserting in
- 5 lieu thereof the words "podiatry treatments and posterior
- 6 dental bridgework".

DAGGETT of Taylor

H-6400

- 1 Amend the committee amendment, H-6383, to Senate
- 2 File 2125 as follows:
- 3 1. Page 3, line 14, by striking the word "five"
- 4 and inserting in lieu thereof the word "three".
- 5 2. Page 3, line 20, by striking the word "fifty"
- 6 and inserting in lieu thereof the word "thirty".

HOWELL of Floyd

H-6402

- 1 Amend amendment H-6360 to Senate File 2376
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 10, by inserting after the word
- 5 "committee" the words "with full investigative
- 6 powers".
- 7 2. Page 1, line 16, by inserting after the word
- 8 "permits," the following "a thorough review of
- 9 the department of transportation's spending priorities
- 10 on highway projects and of the costs engineered into
- 11 those highway projects,".

WOODS of Polk

H-6420

- 1 Amend the Senate amendment, H-6404 to amendment
- 2 S-3599 to Senate File 190, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, by striking lines 6 through 31 and
- 5 inserting in lieu thereof the following:
- 6 " . . . By striking everything after the enacting
- 7 clause and inserting in lieu thereof the following:
- 8 Section 1. Chapter five hundred seventy-two (572),
- 9 Code 1979, is repealed. This section does not apply
- 10 to a lien arising out of material or labor furnished
- 11 or labor performed prior to the effective date of
- 12 this Act.

13 . Amend the title by striking lines 1 and 2  
14 and inserting in lieu thereof the words "An Act  
15 repealing chapter five hundred seventy-two (572) of  
16 the Code, relating to mechanics' liens."

WOODS of Polk  
DAVITT of Warren



**SUPPLEMENT TO THE HOUSE JOURNAL****BILLS APPROVED, VETOED OR ITEM VETOED  
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 1980 Regular Session of the Sixty-eighth General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 54— Relating to district associate judges and judicial magistrates. Approved May 26, 1980.
- H.F. 315— To provide a maximum statute of limitations for actions arising out of improvements to real property. Disapproved May 26, 1980. See Governor's veto message.
- H.F. 685— Making it a fraudulent practice to knowingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance for which a person is not eligible and provide penalties. Approved May 19, 1980.
- H.F. 695— Relating to the date requirements for calling a special election for the issuance of certain general obligation bonds for school districts. Approved May 17, 1980.
- H.F. 700— Relating to conservation, including licenses, the trout license stamp, the use of steel shot and the reciprocity for licenses between states. Disapproved May 22, 1980. See Governor's veto message.
- H.F. 707— Authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly and the redrawing of congressional districts following the 1980 federal decennial census. Approved May 19, 1980.
- H.F. 717— Relating to timber buyers and providing penalties. Approved May 17, 1980.
- H.F. 733— Relating to the recapture of taxes on certain classes of property when a change in use of the property occurs and making the Act retroactive. Approved May 24, 1980.
- H.F. 736— To permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor, and providing penalties for violations. Approved May 21, 1980.
- H.F. 2105— Relating to the loading and unloading of pupils from school buses. Approved May 20, 1980.
- H.F. 2138— Relating to the authority over traffic control and parking of the board of directors of a merged area. Approved May 19, 1980.

- H.F. 2168 — To provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation. Approved May 21, 1980.
- H.F. 2277 — Relating to the furlough of misdemeanants and class "A" felons sentenced to and confined in an institution under the jurisdiction of the department of social services. Approved May 22, 1980.
- H.F. 2340 — To establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district. Approved May 17, 1980.
- H.F. 2425 — Relating to the educational requirements of schools, by requiring that high school science courses teach about energy conservation and environmental awareness and by providing for a waiver of physical education requirements for certain students and a waiver of foreign language requirements under certain conditions. Approved May 20, 1980.
- H.F. 2443 — Relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa. Approved May 24, 1980.
- H.F. 2463 — Relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators. Approved May 19, 1980.
- H.F. 2464 — Relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base. Approved May 24, 1980.
- H.F. 2475 — Relating to the determination of the salaries for the area education agency administrators. Approved May 17, 1980.
- H.F. 2482 — To allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads. Approved May 20, 1980.
- H.F. 2486 — To permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the minimum rate permitted under section five hundred thirty-five point two (535.2) of the Code. Approved May 19, 1980.
- H.F. 2490 — Relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution. Approved May 1, 1980.
- H.F. 2492 — Relating to the regulation of terms and conditions of certain loans, advances and extensions of credit. Approved April 30, 1980.
- H.F. 2493 — To amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee. Approved May 1, 1980.

- H.F. 2495— Relating to strip searches subsequent to arrest. Approved May 24, 1980.
- H.F. 2500— Relating to the compensation and expenses of the board of trustees of a sanitary sewer district. Approved May 19, 1980.
- H.F. 2501— Relating to the use of computers for the storage of court records. Approved May 17, 1980.
- H.F. 2504— Relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid. Approved May 20, 1980.
- H.F. 2511— To allow an income tax deduction for certain expenses incurred in performing voluntary services. Approved May 21, 1980.
- H.F. 2513— Creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties. Approved May 22, 1980.
- H.F. 2516— Relating to the determination of the parent and child relationship and the obligations of parents to their children. Approved May 17, 1980.
- H.F. 2518— Relating to the administration of the Iowa National Guard. Approved May 1, 1980.
- H.F. 2533— To add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool. Approved May 19, 1980.
- H.F. 2536— Relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties. Approved May 26, 1980.
- H.F. 2537— Relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, relating to deductible and co-insurance provisions of contracts with health maintenance organizations, and providing penalties. Approved May 19, 1980.
- H.F. 2546— Providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code. Approved May 22, 1980.
- H.F. 2550— Relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies. Approved May 23, 1980.
- H.F. 2551— Relating to school finance including the calculation of the state percent of growth, allowable growth per pupil, and the state foundation base for school foundation aid purposes and including reimbursement for public and nonpublic pupil transportation. Approved May 20, 1980.

- H.F. 2554 — Relating to a setoff against income tax refunds and rebates of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child. Approved May 17, 1980.
- H.F. 2561 — Relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources, and prescribing a penalty for knowingly making a false statement of material facts or falsely denying knowledge of material facts on a cost sharing application. Approved May 22, 1980.
- H.F. 2562 — Relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty. Approved May 19, 1980.
- H.F. 2567 — Relating to the determination of actual and assessed value of property for tax purposes and defining that property which may be included within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code. Approved May 26, 1980.
- H.F. 2577 — Relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund and making the Act retroactive. Approved May 17, 1980.
- H.F. 2580 — Appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking peoples commission; the commission on the status of women; the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse; the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the Governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees' retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel,

community-based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood State Hospital-School, cost reimbursement for skilled, residential, and intermediate care facilities; the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services, prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under chapter two hundred forty-nine A (249A) of the Code, and appropriating funds for the merit employment commission and the older Iowans' legislature. Approved May 26, 1980 with the exception of Sections 36, 53, 54, 59 and 66. See Governor's item veto message.

- H.F. 2581 — To authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances. Approved May 26, 1980.
- H.F. 2583 — Relating to the duties of the county finance committee and making an appropriation. Approved May 17, 1980.
- H.F. 2584 — Relating to claims against the state of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the state of Iowa. Approved May 23, 1980.
- H.F. 2587 — Relating to the administration of the motor fuel and special fuel tax laws. Approved May 19, 1980.
- H.F. 2591 — To legalize the proceedings of the board of directors of the Kirkwood Community College (merged Area V) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn County commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto. Approved May 17, 1980.
- H.F. 2593 — Relating to certain administrative and financial procedures of certain public schools. Approved May 21, 1980.
- H.F. 2594 — To legalize and validate the proceedings of the city council of Fort Dodge, Webster County, state of Iowa, relating to the execution of a certain contract. Approved May 19, 1980.

- H.F. 2595— Relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council. Approved May 22, 1980 with the exception of Section 5. See Governor's item veto message.
- H.F. 2596— To provide a penalty for violations of an executive order issued by the Governor pursuant to a proclamation of an emergency by the Governor under section ninety-three point eight (93.8) of the Code or a declaration of an energy emergency by the President of the United States under Pub. L. No. 96.102. Approved May 17, 1980.
- H.F. 2597— To provide for a temporary one-year delay in the phaseout of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics. Approved May 21, 1980.
- H.F. 2598— Relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations. Approved May 20, 1980 with the exception of Sections 25 and 26. See Governor's item veto message.
- S.F. 28— Relating to preplacement investigation requirements for adoptions and to consent to adoptions. Approved April 30, 1980.
- S.F. 69— Relating to the income requirement of a totally disabled person seeking a special assessment tax abatement. Approved May 19, 1980.
- S.F. 89— Relating to borrow pits. Approved May 21, 1980.
- S.F. 108— Relating to the construction and maintenance of school houses by allowing the tax levied under section two hundred ninety-seven point five (297.5) of the Code and the unexpended cash balance of a school district to be spent for major building repairs. Approved May 20, 1980.
- S.F. 185— Relating to the distribution of interest of permanent school fund. Approved April 30, 1980.
- S.F. 190— Relating to the perfection and enforcement of a mechanic's lien. Approved May 26, 1980.
- S.F. 205— Relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality

commission; transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental quality commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; authorizing the acquisition and lease of land for hazardous waste treatment or disposal; abolishing the geology board and amending the provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties. Approved May 22, 1980.

- S.F. 358— To provide for certification of ophthalmic dispensers. Approved May 21, 1980.
- S.F. 430— To provide multipurpose service centers for displaced homemakers. Approved May 13, 1980.
- S.F. 431— Relating to complaints alleging violations of provisions relating to health care facilities. Approved May 19, 1980.
- S.F. 432— Relating to licensing and regulation of child foster care facilities, and prescribing penalties. Approved May 23, 1980.
- S.F. 435— Relating to the establishment of historical preservation districts in cities. Approved May 13, 1980.
- S.F. 439— Relating to the alcoholic content of beer and alcoholic liquor. Approved May 1, 1980.
- S.F. 2002— Relating to expenditure of profits from auxiliary services by area schools. Approved April 30, 1980.
- S.F. 2015— Relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state and making the act retroactive. Approved April 30, 1980.
- S.F. 2051— Relating to the registration and licensing of class A, B and C motor homes and multipurpose vehicles. Approved May 13, 1980.
- S.F. 2070— Relating to the powers of professional and occupational examining and licensing boards with respect to licenses and licensees and the dispensing of drugs and controlled substances by certain licensees and the criminal offense of delivery of certain controlled substances and the penalties therefor. Approved May 23, 1980.
- S.F. 2071— To provide that declarations of value shall be public information. Approved May 26, 1980.
- S.F. 2072— Appropriating funds from the general fund to pay for special assessments relating to a paving project in the city of Boone, Iowa. Approved May 17, 1980.

- S.F. 2090— Providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-1980 fiscal year and removing the acreage limitation in determining the amount of claim for credit for property taxes due or reimbursement for rent constituting property taxes paid by certain elderly and disabled persons under chapter four hundred twenty-five (425) of the Code. Approved May 26, 1980.
- S.F. 2102— Relating to the hospitalization of mentally ill persons. Approved May 13, 1980.
- S.F. 2114— Relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person. Approved May 23, 1980.
- S.F. 2123— Relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs. Approved April 30, 1980.
- S.F. 2125— Relating to fees by increasing the transfer fees of county auditors, increasing sheriff's fees for service of warrants, original notices and subpoenas, increasing county recorder's fees relating to filing of instruments and writing fees for boat and snowmobile registrations, and eliminating restrictions on travel expenses for county boards of supervisors. Approved May 19, 1980.
- S.F. 2154— Relating to civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees. Approved May 13, 1980.
- S.F. 2189— Amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments. Approved May 13, 1980.
- S.F. 2197— Relating to the sale of wine and creating a license therefor. Approved May 21, 1980.
- S.F. 2219— To legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties. Approved April 30, 1980.
- S.F. 2229— Establishing the office of state appellate defender. Approved May 26, 1980.
- S.F. 2230— Relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city. Approved May 26, 1980.
- S.F. 2238— Relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition. Approved May 22, 1980.



- S.F. 2243 — Providing for assistance to beginning farmers and businesspersons by establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds and authorizing the issuance of revenue bonds under chapter four hundred nineteen (419) of the Code by municipalities for acquisition of land, buildings or improvements by beginning businesspersons. Approved May 23, 1980.
- S.F. 2247 — Relating to the indexing of the state individual income tax. Approved May 21, 1980.
- S.F. 2253 — Providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes. Approved May 17, 1980.
- S.F. 2264 — Relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue. Approved May 19, 1980.
- S.F. 2269 — To establish a communications review committee and to abolish the police communications review committee. Approved May 24, 1980.
- S.F. 2272 — Relating to the movement of vehicles of excessive size and weight. Approved May 19, 1980.
- S.F. 2275 — To legalize certain plats of city or town lots recorded before January 1, 1970. Approved April 30, 1980.
- S.F. 2281 — Providing for temporary allocation of farm-to-market road use funds. Approved May 26, 1980.
- S.F. 2282 — Relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, and including a correlating amendment removing the limitation on the tax levy authorized by section three hundred fifty-eight point twenty-one (358.21) of the Code with respect to interest-bearing obligations issued under that section. Approved May 20, 1980.
- S.F. 2298 — Relating to the taxable status of property. Approved May 17, 1980.
- S.F. 2306 — Relating to court personnel including magistrates, judges of the district court, judges of the court of appeals, supreme court justices and court appointed interpreters and to the compensation and expenses thereof. Approved May 20, 1980.
- S.F. 2311 — Relating to the age of fire fighters. Approved April 30, 1980.
- S.F. 2316 — Relating to the disposition of property by counties. Approved May 13, 1980.
- S.F. 2320 — Correcting erroneous, inconsistent or obsolete provisions of the 1979 Code and Acts of the Sixty-eighth General Assembly, 1979 and 1980 Sessions. Approved May 24, 1980.

- S.F. 2327 — To provide or increase the penalty for failure to file or pay the state motor vehicle fuel, freight line and equipment car mileage, income, franchise, sales and use, or inheritance and estate taxes or local hotel and motel tax. Approved May 19, 1980.
- S.F. 2337 — Relating to the increase in financial requirements for auto liability insurance policies. Approved May 24, 1980.
- S.F. 2343 — Exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under chapter one hundred twenty-three (123) of the Code. Approved May 23, 1980.
- S.F. 2357 — Relating to the composition and powers of conservancy district boards of directors, and adjusting the statutory boundaries of certain conservancy districts. Approved May 22, 1980.
- S.F. 2361 — Relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, setting the registration fee for church buses, relating to motor vehicle inspections, relating to special registration plates issued to motor vehicle dealers, relating to the age of persons licensed to operate motorized bicycles, providing for the issuance of special registration plates to handicapped persons, making technical corrections, and providing penalties. Approved May 20, 1980.
- S.F. 2368 — Relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties. Approved May 17, 1980.
- S.F. 2369 — Relating to the taxation of property of cemetery associations and locker plants and making the act retroactive. Approved May 21, 1980.
- S.F. 2370 — Relating to the term of office of certain county supervisors. Approved May 19, 1980.
- S.F. 2371 — Relating to the executive council providing disaster grants to governmental subdivisions. Approved May 17, 1980.
- S.F. 2373 — Authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes. Approved May 19, 1980.

- S.F. 2374— Appropriating funds to designated agencies for the 1978-1979 or 1979-1980 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes. Approved May 20, 1980.
- S.F. 2375— Limiting the adjustment of rates of interest on certain closed-end loans executed prior to July 1, 1979, and in connection therewith repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that Act. Approved May 24, 1980.
- S.F. 2376— To impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products, including a sales tax exemption for motor fuel containing at least ten percent alcohol distilled from agricultural products, subject to penalties provided by law. Approved May 23, 1980.
- S.F. 2378— Creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and providing for the collection of delinquent property taxes of railway companies by the department of transportation and making an appropriation. Approved May 20, 1980.

## GOVERNOR'S VETO MESSAGES

May 22, 1980

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I am enclosing House File 700, an act relating to the use of a license for the taking of fish and animals and providing penalties which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

In addressing the several hunting and fishing license issues contained in the bill, the legislature adopted language which may not accomplish the purposes it had in mind.

One provision of the bill requires other states to extend hunting, fishing and trapping rights to Iowans if they expect Iowa to grant similar privileges to their residents. The reciprocity requirement, however, applies only to bordering states. Reciprocity requirements, which are understandable and appropriate, should extend to all other states, not just Iowa's six immediate neighbors. In its limited form, this provision is discriminatory and could be challenged on constitutional grounds.

This bill is technically defective in another regard. Section 4 makes an incorrect internal reference [106.1 of the Code instead of 106.2(4)] to a portion of existing law.

Perhaps most importantly, the bill errs in its restrictions on fisherman who are required to have trout stamps. Legislative authors apparently intended to require youngsters, who otherwise are not required to have a fishing license or trout stamp, to be accompanied in their trout fishing by an adult who does have a stamp and to include a youngster's catch within the limit of that adult. However, the language finally adopted goes far beyond that. All persons presently exempted from the fishing license and trout stamp requirements would now be covered — not just the targeted youngsters. The group most obviously affected would be Iowa landowners and their children who have never previously been required to have licenses and stamps. Since 243 of the 284 miles of trout streams in the state are privately owned, this new, unintended requirement would be a substantial departure from our treatment of farmers and other landowners on their own land. The Conservation Commission doesn't need the chore of enforcing this public relations disaster.

Because of these flaws, I cannot sign this bill. However, I am mindful of the fact that this measure covered an additional subject of sensitivity, steel shot requirements for hunting waterfowl.

The Conservation Commission adopted rules this spring greatly restricting the use of lead shot and requiring steel shot. These rules have been delayed for further study by the Administrative Rules Review Committee. The legislature itself has in this bill concluded the proposed restrictions are too extensive. This legislation limits the Commission's lead shot restrictions to certain areas, a compromise which appears reasonable until the steel shot versus lead shot controversy is resolved nationally. We have urged the Conservation Commission to accept the legislature's decision on steel shot and promulgate rules as if the bill had become law. This will avoid unnecessary disputes over the rulemaking process in the upcoming months.

With this consideration in mind and for the reasons mentioned earlier, I hereby respectfully disapprove this House File 700.

Sincerely,  
Robert D. Ray  
Governor

May 26, 1980

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I am enclosing House File 315, an act to provide a maximum statute of limitations for actions arising out of improvements to real property which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

This bill provides a 15-year time limit on the bringing of suits based on tort and implied warranty and for contribution and indemnity against any person whose act or omission is alleged to have caused injury arising out of the unsafe or defective condition of an improvement to real property. The purpose behind this statute of limitation is that, after the passage of the statutory period, no recovery for injury or damage that might occur can be obtained from the parties who designed and built the project.

Technically, a statute of limitation, such a law is usually called a statute of repose. These are rare in the law as they begin to run against the bringing of a suit before an injury to a person or damage to property even occurs.

It is the potential and actual harm to an innocent victim which I must judge against the arguments of the professional persons who would like to be protected against law suits after a limited period of time.

Essentially two arguments are made in support of this bill:

— basic fairness; records are difficult to maintain and assemble after 15 years to defend adequately suits involving projects designed and built many years earlier.

— when persons who have designed or constructed improvements to real property retire they could avoid carrying "tail" insurance coverage after 15 years of retirement and be relieved of annual insurance premiums.

People familiar with this kind of litigation know the formidable hurdles an injured party has in supporting a cause of action at any time, let alone more than 15 years following a negligent act or breach of an implied warranty. The records and other information relating to the alleged defective property are not in the hands of the injured party but of the designer or builder. The test of basic fairness is not met by cutting off the right to sue with no opportunity to determine if that builder or designer may be liable.

The proponents of this bill admit there would be no reduction in insurance premiums if this bill becomes law, nor do we find evidence that coverage is not available.

The burden of persuasion rests with advocates of change and in this case it is not met.

The second argument in support of this bill deserves thoughtful attention. As I understand the problem, architects or engineers may retire, say at age 65, and must still carry for the rest of their life "claims made" errors and omissions insurance for any negligence committed or warranties made during their practice. They contend if this bill becomes law, they could discontinue coverage at 80 because 15 years would have elapsed since the last improvement was designed or built. This "tail" coverage evidently costs in excess of \$1,000 per year and carries a substantial deductible.

Supporters of this bill further contend there are very few, if any, claims filed after 15 years and back this up with statistics compiled by a leading underwriting and liability research firm and submitted to the Iowa Engineering Society in 1976.

If there are no claims then the coverage ought to be very inexpensive after 15 years. As this statute of repose does not stop law suits based on express warranty or continuing negligence, a responsible professional will be carrying "claims made" coverage for life anyway.

Further, no statistics have been advanced to show that carving noncontinuing tort duties and implied warranty coverages out of the professional insurance package will reduce the premiums for retired persons.

Nevertheless, I will be asking the Commissioner of Insurance to study and recommend alternatives which might be available to permit lower cost "tail" insurance coverage for those who retire from active practice.

Other aspects of this bill also raise questions:

— it is difficult to determine when an act or omission occurred. Litigation and evidentiary discovery measures will almost always be required to determine if there is a valid claim based upon expressed warranty or continuing negligence. It is questionable this bill will reduce litigation.

— it cuts off rights of recovery before injury occurs. Already we require injured persons to file their claims within a two-year statutory period in personal injury cases and within five years for property damage cases from when they knew or should have known of the injury or damage.

— there is no definition of "improvement to real property". Does it include highways? Elevators? Business fixtures?

— this bill would cut off rights of recovery for structures designed and built to last 25, 40, even 50 years. The contractor, engineer or architect would be immune from suit even before the structure could be depreciated for tax purposes or the mortgage paid off. The owner couldn't even get insurance to protect the victim from the negligence of the builder or designer because he has no insurable interest.

It is for these reasons and with these doubts that I must veto this bill. The balancing of individual rights and the interests of the general public lies at the heart of the legislative process. Assuredly, we have an interest in enabling highly trained people, be they professional or craftsmen, to practice their trade with certainty as to their liability. On the other hand, I must think of those to whom circumstances has not yet brought loss of property, health or even life and who, if that loss occurs, would seek and yet find no avenue of recovery because of this bill.

I conclude the ingenuity of intelligent people can devise better mechanisms with which to protect victim and society alike.

For the reasons enumerated in this letter, I hereby respectfully disapprove this House File 315.

Sincerely,  
Robert D. Ray  
Governor

#### GOVERNOR'S ITEM VETO MESSAGES

May 20, 1980

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2598, an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

House File 2598 is approved May 20, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 25 which reads as follows:

Sec. 25. Section ninety-seven B point fifty-nine (97B.59), Code 1979, is amended to read as follows:

97B.59 ACTUARY EMPLOYED. The department legislative council shall employ an actuary for the department to serve as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor and subject to the approval of the legislative council.

I am unable to approve the item designated in the Act as Section 26 which reads as follows:

Sec. 26. Section ninety-seven B point sixty-seven (97B.67), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.

Currently the law authorizes the Department of Job Service, which administers the IPERS system, to hire an actuary for the pension plan. Section 25 would transfer that authority to the Legislative Council and further provides that the Legislative Council must approve the compensation to be paid not only to the actuary, but all the other IPERS employees as well.

This is clearly a very blatant attempt by the legislature to assume executive authority contrary to the Constitution. The administration of IPERS requires the ability for the Executive Branch to evaluate the soundness of the system and protect its long-standing, financial integrity. An actuary is needed to do the actuarial investigations and annual actuarial valuations required by law. The actuary employed for these purposes must be free from political pressure, which employment by the legislature could jeopardize.

The legislature obviously has need for expert advice when it considers complex and technical pension legislation. It has that through the IPERS actuary. If it believes that yet another view apart from the IPERS actuary is needed, the legislature could hire its own expert. Although it does not seem needed, such an arrangement would provide for an independent analysis of reports from the IPERS office and their actuary, much like the current arrangement between the State Comptroller and the Legislative Fiscal Director.

Beyond the issue of separate actuaries, I am also concerned with the provision for determining the compensation for all employees in the IPERS office by the Legislative Council. The legislature has complete power today to review, revise and approve the budget for the IPERS office. However, the power of the purse does not provide the legislature with the right to invade the administration of an executive agency, hire its employees and determine the salaries of all its employees. As legislators are quick to

point out apparent intrusions by agencies into the legislative arena through rule-making, they should also be mindful of their tendencies to encroach into the Executive Branch of government. The setting of salaries is basic to any administration and should not be delegated to another branch of government.

Section 26 of the bill provides legislative intent to reconsider in 1982 the question of funding certain benefits this bill authorizes from the state's general fund rather than from the IPERS trust fund. The latter arrangement was finally agreed to this year after long debate and was influenced by the decline in state general fund revenues experienced late in the session.

Since the question of which source of funds should be used can always be raised with or without this section and the fact that we must continue to be cautious about incurring future obligations to the general fund, I believe it is inappropriate to keep this language in the bill. We may be hard pressed in the next biennium to meet the needs of existing state programs and responsibilities already financed from the general fund. Since actuaries have assured us that the IPERS trust fund has sufficient funds to finance all the IPERS improvements included in the bill, it appears that we can accept the arrangement approved this year. It would be unfair to mislead people into believing the source of funding will be easily changed, especially when there are so many other pressing, unmet needs.

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 2598 are hereby approved as of this date.

Sincerely,  
Robert D. Ray  
Governor

May 22, 1980

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2595, an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council.

House File 2595 is approved May 22, 1980, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 5 which reads as follows:

Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection one (1), paragraph a, subparagraph one (1), is amended to read as follows:





Vetoing Section 5 has the effect of restoring the full \$3 million appropriation for the Lucas Building renovation. In light of our continued decline of state revenues which prompted the other reductions to capital projects contained in the bill, I have indicated to the Director of the Department of General Services that he should proceed with the renovation project as if only \$2 were available. This will accomplish basically the same purpose as the reduction called for in the bill but the Auditor will not be forced out of his offices.

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 2595 are hereby approved as of this date.

Sincerely,  
Robert D. Ray  
Governor

May 26, 1980

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2580, an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the State Educational Radio and Television Facility Board; the School for the Deaf; the Iowa College Aid Commission; merged Area V; the State Board of Regents for capitation grants; the Commission on the Aging; the Iowa State Civil Rights Commission; the Spanish-speaking Peoples Commission; the Commission on the Status of Women; the Board of Medical Examiners; the Iowa Mental Health Authority; the Mental Health Advisory Council; the health planning agency, personal and family health services, the Community Health Division, and in-home health care grants of the State Department of Health; the elderly care program; the Iowa Department of Substance Abuse; the European Office of the Iowa Development Commission; the Energy Policy Council; the Department of Soil Conservation; the Governor's Economy Committee recommendations; the State Board of Engineering Examiners; the Iowa Beer and Liquor Control Department; the Department of Revenue; the Iowa Public Employees' Retirement System; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the Communications Division of the Department of General Services; the Legislative Fiscal Bureau; the Iowa Crime Commission; the road use tax fund; the State Department of Transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, Division of Mental Health Resources, patients' personal deposit funds, Aid to Dependent Children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood State Hospital-School, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services, prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under Chapter Two Hundred Forty-nine A (249A) of the Code, and appropriating funds for the Merit Employment Commission and the Older Iowans' Legislature.

House File 2580 is approved May 26, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 36 which reads as follows:

Sec. 36. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section four (4), subsection three (3), unnumbered paragraph two (2), is amended to read as follows:

There is established a census data center coordinating unit composed of the state librarian, a representative of the office for planning and programming, and three representatives each representing one of the state universities. The census data center coordinating unit shall provide for not less than fifty census data training sessions throughout the state, and shall negotiate a joint statistical agreement with the United States bureau of the census. The census data center coordinating unit shall be the agency designated in Iowa to approve all such agreements with the bureau of the census.

I am unable to approve that portion of Section 53 which reads as follows:

11. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy and dissolution of marriage . . . \$ 25,000 \$ 25,000

Expenditures shall be authorized by the citizens' aide office, and may include the costs of transporting prisoners, secretarial support and administrative oversight.

It was and is the intent of the general assembly that this program was established for and be continued for expenditure for civil matters of inmates, which matters occurred outside the state's institutions. Thus it is the intent of the general assembly that funds from the appropriation shall not be used for civil matters in which the inmate and the state of Iowa are adverse parties.

I am unable to approve the item designated in the Act as Section 54 which reads as follows:

Sec. 54. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection six (6), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The division of adult corrections, in conjunction with other appropriate state agencies, shall continue its study of alternative means of making further improvements in the salaries and retirement benefits of corrections officers and supporting personnel, and any job reclassifications necessary to implement such improvements. The department of social services shall include recommendations necessary to implement these improvements in its 1982-1983 budget requests.

I am unable to approve that portion of Section 59 which reads as follows:

Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under this section are not subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under this section which exists on June 30, 1981 shall revert to the fund from which it was appropriated.

I am unable to approve the item designated in the Act as Section 66 which reads as follows:

Sec. 66. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section sixteen (16), is amended to read as follows:

SEC. 16. It is the intent of the general assembly that, for the fiscal year beginning July 1, 1979, foster parent payments be increased by ten percent. It is further the intent of the general assembly that, for the fiscal year beginning July 1, 1980, foster residential care payments shall increase from fifty-five to fifty-eight dollars per day and foster group home payments shall increase from forty-four to forty-six dollars per day. It is also the intent of the general assembly that subsidized adoption rates shall be increased to the same level as the foster family home rates for the fiscal year beginning July 1, 1980.

Section 36 purports to grant to the census data center coordinating unit created last year the right to negotiate a joint federal/state statistical agreement in conjunction with the current census. This provision is both illegal and moot. Federal law provides that these agreements must be approved by the Governor — and state law cannot grant that authority to other officials. The issue is moot since such an agreement was executed by me on behalf of the State of Iowa and Daniel B. Levine, Acting Director, Bureau of the Census, U.S. Department of Commerce, on January 9, 1980. That agreement, which designated the Office of Planning and Programming as the agency to receive census information for public distribution in Iowa, cannot now be substituted with a new arrangement.

Section 53 revises several appropriations approved last year for adult corrections. One of these revisions would transfer certain administrative authority of an executive agency, the Department of Social Services, to a legislative agency, the Citizens' Aide Office, for the legal assistance program for inmates. Article III of the Iowa Constitution clearly sets forth the powers of each branch of state government. Granting administrative authority for the legal assistance program to a legislative agency would violate that separation. This item would remove from the Department of Social Services and its prison wardens a substantial amount of control over residents of their institutions.

In pursuing the civil legal assistance this section provides to inmates, the Citizens' Aide Office would be empowered to authorize expenditures for transporting prisoners, secretarial support and administrative oversight. An executive agency cannot operate effectively if it must first secure the approval of a legislative agency to carry out its day-to-day operations any more than the legislature could operate if an executive agency could step in daily to amend unilaterally bills that are being debated.

As the initiator of the Citizens' Aide Office, I support and encourage its work. However, I do not believe that its duties include administration of the executive agencies. The administrators of the Department of Social Services indicate that they will be amenable to recommendations from the Citizens' Aide Office for the use of the legal assistance fund. The item veto leaves the original appropriation for the legal assistance program intact. With cooperation between the agencies, hopefully we will have the results desired without violating the separation of power.

Section 54 would require the Division of Adult Corrections in the Department of Social Services to conduct a study on improving salaries and retirement benefits for corrections officers and supporting personnel. Furthermore, the section would mandate the Department to include the recommendations of the study in their upcoming biennial budget request to the Governor and the General Assembly. This study would directly concern mandatory subjects of collective bargaining under Iowa law. Corrections employees, whose salaries and pension benefits would be reviewed, are members of a certified bargaining unit and are represented at the bargaining table by the American Federation of State, County and Municipal Employees, Council 61. In the upcoming months, the State will be actively negotiating with that union for a collective bargaining agreement to become effective July 1, 1981. Since there is little doubt the union will demand that the State bargain on salaries, it would be inappropriate to conduct a study which concludes with an automatic request for an appropriation of funds totally outside the bargaining process. With the adoption of collective bargaining, our lawmakers must be sensitive to the fact that they cannot selectively intervene in the process without disrupting and possibly harming the negotiations. This could be the case unless the legislature exempted corrections personnel from collective bargaining — which it hasn't done, and I don't think it wants to.

In recognition of the important work corrections personnel do and the need to retain a high level of staff morale and because I do appreciate the concerns of the legislators, I am directing a study to be made relative to these items. I will ask the Office of Employment Relations in the Comptroller's Office to conduct the review with the assistance of the Department of Social Services and the Merit Employment Department.

Section 59 would restrict the authority to transfer funds appropriated for Title XIX (medicaid). I have vetoed similar transfer limitations in previous appropriation bills, including the supplemental fiscal year 1979-80 appropriation bill for Title XIX.

As I have pointed out in other veto messages, current law contains safeguards giving the legislature the opportunity to review and comment on proposed transfers. We have been responsive to these comments — indeed, several transfers have been modified or eliminated following the receipt of recommendations from legislators.

As with the earlier item veto on Title XIX funds, we believe this provision to be severable from the appropriation. Its deletion will not in any manner alter the purposes of the original appropriation, the test suggested by the Supreme Court in reviewing the legality of item vetoes. We do not anticipate making transfers from the Title XIX appropriation. As a matter of fact, there are strong indications that, if anything, Title XIX has been underfunded by the legislature and will either require a transfer to the appropriation or a supplemental appropriation next year. Section 8.39 of the Code provides for the transfer authority by the Governor and the State Comptroller. This item's restriction is an attempt to circumvent the transfer law without following the proper legislative procedure.

Section 66 contains intent language to raise the maximum payments for foster residential care and foster group homes and to increase the rates paid for subsidized adoption. The Department of Social Services received from the General Assembly funds with the intent language to raise the rates to a maximum of \$58 per day for foster residential care, \$46 per day for foster group homes and by 10 percent for subsidized adoption.

However, the wording in this section is ambiguous and probably would not accomplish the legislative intent. The language seems to establish uniform rates for the two foster care payments rather than maximum rates. These services currently have widely varying per diem rates based on their individual costs and charges. This cost-related reimbursement is appropriate and should continue. By deleting this provision, the Department, under existing authority, will follow the desired intent of the legislature and set the new maximum reimbursement rates effective July 1, 1980.

The language which was intended to raise the subsidized adoption rates by a percentage actually raises the rates to equal foster parent payments. The adoptive family's income is taken into consideration when determining the amount of subsidy payment, thus these payments do not and should not equal foster family payment rates, which are based on the needs of the child rather than on foster family income. Since it has the funds to raise subsidized adoption rates by 10 percent and has the authority to do so, the Department will establish rules implementing the increase effective July 1, 1980.

For these 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 2580 are hereby approved this date.

Sincerely,  
Robert D. Ray  
Governor

COMMUNICATIONS FROM THE SECRETARY  
AND DEPUTY SECRETARY OF STATE

May 13, 1980

Bruce J. Graham  
Assistant Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2355, was published in the Lenox Time-Table, Lenox, Iowa on April 23, 1980, and in the Atlantic News-Telegraph, Atlantic, Iowa on April 17, 1980.

I further certify that House File 2492, was published in the Quad City Times, Davenport, Iowa on May 9, 1980, and in The Council Bluffs Nonpareil, Council Bluffs, Iowa on May 9, 1980.

I further certify that Senate File 439, was published in the Ames Daily Tribune, Ames, Iowa on May 7, 1980, and in the Marshalltown Times-Republican, Marshalltown, Iowa on May 7, 1980.

I further certify that Senate File 2274, was published in the Daily Gate City, Keokuk, Iowa on April 17, 1980, and in The Red Oak Express, Red Oak, Iowa on April 17, 1980.

I further certify that Senate File 2285, was published in the Dallas County News, Adel, Iowa on April 30, 1980, and in the Evening Democrat, Fort Madison, Iowa on April 28, 1980.

Respectfully submitted,  
**J. HERMAN SCHWEIKER**  
 Deputy Secretary of State

May 29, 1980

Bruce J. Graham  
 Assistant Chief Clerk of the House  
 State Capitol Building  
 Des Moines, Iowa

I hereby certify that House File 2410, was published in the Anita Tribune, Anita, Iowa on May 1, 1980, and in the Pocahontas Record-Democrat, Pocahontas, Iowa on May 1, 1980.

I further certify that Senate File 2015, was published in the Guthrie Center Times, Guthrie Center, Iowa on May 7, 1980, and in the Urbandale News, Urbandale, Iowa on May 8, 1980.

I further certify that Senate File 2118, was published in The Anamosa Journal-Eureka, Anamosa, Iowa on April 23, 1980, and in the Evening Democrat, Fort Madison, Iowa on April 18, 1980.

Respectfully submitted,  
**MELVIN D. SYNHORST**  
 Secretary of State

June 5, 1980

Bruce J. Graham  
 Assistant Chief Clerk of the House  
 State Capitol Building  
 Des Moines, Iowa

I hereby certify that House File 2458, was published in The Holstein Advance, Holstein, Iowa on May 1, 1980, and in The Hartley Sentinel, Hartley, Iowa on May 1, 1980.

I further certify that Senate File 2125, was published in The Winterset Madisionian, Winterset, Iowa on May 28, 1980, and in the Bettendorf News, Bettendorf, Iowa on May 28, 1980.

I further certify that Senate File 2374, was published in the Ames Daily Tribune, Ames, Iowa on May 27, 1980, and in The Record-Herald and Indianola Tribune, Indianola, Iowa on May 29, 1980.

Respectfully submitted,  
MELVIN D. SYNHORST  
Secretary of State

June 5, 1980

Bruce J. Graham  
Assistant Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that Senate File 2331, was published in the Daily Gate City, Keokuk, Iowa on May 7, 1980, and in the West Point Bee, West Point, Iowa on May 7, 1980.

Respectfully submitted,  
MELVIN D. SYNHORST  
Secretary of State

June 11, 1980

Bruce J. Graham  
Assistant Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 733, was published in The Hamburg Reporter, Hamburg, Iowa on June 5, 1980, and in the Grinnell Herald-Register, Grinnell, Iowa on June 2, 1980.

I further certify that House File 2551, was published in The Record, Cedar Falls, Iowa on May 31, 1980, and in The Garner Leader & Signal, Garner, Iowa on May 28, 1980.

I further certify that House File 2595, and Governor Robert D. Ray's item veto message were published in entirety in the Osceola Tribune, Osceola, Iowa on June 3, 1980 and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on May 29, 1980.

I further certify that Senate File 2071, was published in the Adair County Free-Press, Greenfield, Iowa on June 4, 1980, and in the Cherokee Daily Times, Cherokee, Iowa on May 30, 1980.



I further certify that Senate File 2343, was published in the Osceola Sentinel, Osceola, Iowa on June 5, 1980, and in the Urbandale News, Urbandale, Iowa on June 5, 1980.

I further certify that Senate File 2378, was published in the Audubon News-Advocate, Audubon, Iowa on May 28, 1980, and in the Muscatine Journal, Muscatine, Iowa on June 2, 1980.

Respectfully submitted,  
MELVIN D. SYNHORST  
Secretary of State

June 17, 1980

Bruce J. Graham  
Assistant Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2486, was published in The Jefferson Herald, Jefferson, Iowa on May 22, 1980 and in The Council Bluffs Nonpareil, Council Bluffs, Iowa on May 23, 1980 and republished on June 12, 1980.

I further certify that Senate File 2090, was published in The Marion Sentinel, Marion, Iowa on June 5, 1980 and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on May 30, 1980.

I further certify that Senate File 2272, was published in the Muscatine Journal, Muscatine, Iowa on May 28, 1980 and in the Lee Town News, Des Moines, Iowa on May 22, 1980 and republished on June 12, 1980.

I further certify that Senate File 2282, was published in the Muscatine Journal, Muscatine, Iowa on May 29, 1980 and republished on June 6, 1980 and published in the Carroll Daily Times-Herald, Carroll, Iowa on May 29, 1980 and republished on June 10, 1980.

I further certify that Senate File 2375, was published in the Quad City Times, Davenport, Iowa on June 2, 1980 and in The Council Bluffs Nonpareil, Council Bluffs, Iowa on June 2, 1980.

Respectfully submitted,  
MELVIN D. SYNHORST  
Secretary of State

June 18, 1980

Bruce J. Graham  
Assistant Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2594, was published in the Fort Dodge Messenger, Fort Dodge, Iowa on June 13, 1980 and in The Des Moines Register, Des Moines, Iowa on June 16, 1980.

I hereby certify that Senate File 2361, was published in the Fort Dodge Messenger, Fort Dodge, Iowa on May 23, 1980 and republished June 17, 1980 and published in The Humboldt Independent, Humboldt, Iowa on May 24, 1980.

Respectfully submitted,  
MELVIN D. SYNHORST  
Secretary of State

June 23, 1980

Bruce J. Graham  
Assistant Chief Clerk of the House  
State Capitol Building  
Des Moines, Iowa

I hereby certify that House File 2577, was published in The Cedar Valley Daily Times, Vinton, Iowa on May 23, 1980 and in the Linn News-Letter, Central City, Iowa on May 28, 1980.

I hereby certify that House File 2591, was published in The Cedar Valley Daily Times, Vinton, Iowa on June 6, 1980 and in The Marion Sentinel, Marion, Iowa on June 12, 1980.

Respectfully submitted,  
MELVIN D. SYNHORST  
Secretary of State

**IN MEMORIAM**

**House**

A memorial adopted by the House of Representatives, 1980 Regular Session of the Sixty-eighth General Assembly, commemorating the life, character, and public service of a former member of the House of Representatives who had departed this life since the last regular session of the General Assembly.

HENRY C. NELSON ..... December 7, 1900 – February 22, 1980

## HENRY C. NELSON

Mr. Speaker: Your committee appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Henry C. Nelson, begs leave to submit the following memorial:

Henry C. Nelson was born in Hersey, Wisconsin on December 7, 1900, the son of Lars and Theoline Nelson.

Mr. Nelson moved with his parents when he was a small child to Hartford, South Dakota. He graduated from high school in Hartford and attended college in Spearfish, South Dakota. He worked for a telephone company in Hartford for several years and moved to Forest City in 1934 where he was employed by a utility company.

Mr. Nelson was the first president of the Forest City Development Inc. in 1956, was a Past Master of Truth Lodge No. 213, A.F. & A.M., a member of the I.O.O.F. Lodge, the El Kahir Temple Shrine, the Order of the Eastern Star, the Forest City Rotary Club, the American Legion, V.F.W., was past President of the Forest City Chamber of Commerce and Moderator Emeritus of the First Congregational Church in Forest City.

During World War II he served in the United States Navy in the Pacific, Atlantic and Mediterranean areas. He returned to Forest City where for several years he worked in farm and general property management.

Mr. Nelson, a Winnebago County Republican, was elected to the Iowa House of Representatives in 1954 and served during the Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth and Sixtieth General Assemblies. He served as Speaker of the House for the Fifty-ninth General Assembly.

Mr. Nelson served as Winnebago County Auditor after his retirement from the legislature in 1964 until 1976.

Mr. Nelson died in Forest City on February 22, 1980, and is survived by two brothers, Roy Nelson of Sioux Falls, South Dakota, and Clark Nelson of Newfield, New Jersey, and Mr. and Mrs. Ray Hanna with whom Mr. Nelson lived since 1966.

*Therefore, Be It Resolved by the House of Representatives of the Sixty-eighth General Assembly of Iowa:* That in the passing of the Honorable Henry C. Nelson, 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.

CLIFFORD BRANSTAD  
DELWYN STROMER  
WILLIAM H. HARBOR

Committee

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Ingwer L. Hansen, Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties

(See Hansen, Ingwer L. — Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties, Assistant Majority Floor Leader)

Patricia L. Thompson, Representative Polk County

(See Thompson, Patricia L. — Representative Polk County, Assistant Majority Floor Leader)

## ASSISTANT MINORITY FLOOR LEADERS —

Robert T. Anderson, Representative Jasper-Marion-Polk-Warren Counties

(See Anderson, Robert T. — Representative Jasper-Marion-Polk-Warren Counties, Assistant Minority Floor Leader)

Gregory D. Cusack, Representative Scott County

(See Cusack, Gregory D. — Representative Scott County, Assistant Minority Floor Leader)

Philip A. Davitt, Representative Adair-Clarke-Dallas-Madison-Warren Counties

(See Davitt, Philip A. — Representative Adair-Clarke-Dallas-Madison-Warren Counties, Assistant Minority Floor Leader)

Norman G. Jesse, Representative Polk County

(See Jesse, Norman G. — Representative Polk County, Assistant Minority Floor Leader)

AVENSON, DONALD D. — Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties, Minority Floor Leader

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**BENNETT, WAYNE—Representative Buena Vista-Carroll-Cherokee-Crawford-Ida-Sac Counties**

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**DAGGETT, HORACE—Representative Adams-Montgomery-Page-Ringgold-Taylor Counties**

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**DAVITT, PHILIP A.—Representative Adair-Clarke-Dallas-Madison-Warren Counties**

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**DIEMER, MARVIN E.—Representative Black Hawk County**

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**DOYLE, DONALD V.—Representative Woodbury County**

Amendments filed—83, 304-305, 377, 601, 603, 647-648, 751, 783-784, 800, 972, 1076, 1159, 1194, 1252, 1260, 1352, 1378, 1394, 1406, 1445, 1499, 1558, 1633, 1696, 1697, 1698, 1729-1740, 1766, 1843, 1844, 1845, 1887-1888

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Bills introduced—35, 131, 133, 238, 246, 251, 313, 314, 347, 347-348, 352, 352-353

Petitions presented—1876

Presented to the House the Honorable Harold C. McCormick, former member of the House—1556

Resolutions offered—362-363, 435, 1106-1107, 1453-1454, 1537-1538, 1775, 1983-1984

**EASTER RECESS—**

Resolution relating to, SCR 127—1322 adopted

**EDUCATION, COMMITTEE ON—**

Amendments filed—375, 629, 798, 997, 998, 1155-1156, 1156, 1230-1231

Amendments offered—469, 577, 817, 1184, 1458, 1461

Bills introduced—238, 312, 348, 406, 572, 786, 832, 889, 930, 931, 932, 960

Reports—187, 375, 502, 585, 629, 750, 798, 861, 926, 997-998, 1155-1156, 1230-1231

**EDUCATION COMMISSION OF THE STATES—**

Appointments to—21

**EGENES, SONJA—Representative Boone-Hamilton-Story-Webster Counties**

Amendments filed—101-102, 139-141, 191-193, 263, 282, 647, 885, 886, 1195, 1468,  
1749, 1844, 1963

Amendments offered—303, 907, 917, 1221, 1749, 1922

Amendments withdrawn—137, 321

Bills introduced—132, 134, 247, 268, 312-313

Committee appointments—2141

Reports—2168-2169

Resolutions offered—362-363, 435, 995-996, 1292-1293, 1538-1539

**EMPLOYEES—**

(See Officers and Employees)

**ENERGY, COMMITTEE ON—**

Amendments filed—686-687

Appointments to—20

Bills introduced—452, 692, 786-787, 866, 931, 932, 959, 973

Reports—403, 686-687, 726, 798, 883, 956

**ENERGY POLICY COUNCIL—**

Appointments to—21

**ENROLLED BILLS—**

(See Bills Sent to Governor, Reports of House; Chief Clerk of the House, David L. Wray, and/or Assistant Chief Clerk of the House, Bruce Graham, and/or Speaker of the House, Floyd H. Millen and/or Speaker of the House, William H. Harbor)

**ETHICS, COMMITTEE ON—**

Reports—130, 1763

Resolutions offered—1711, 1711-1712

Resolutions relating to:

House Resolution 107, rules governing lobbyists—494-495

House Resolution 110—1711-1712, 1965, 2025, 2156, 2160 adopted

**EXPLANATION OF VOTES—**

House Concurrent Resolution 110-Representative Dieleman—796

House File 160-Representative Welsh—564

House File 225-Representatives Johnson of Linn and Mullins—1465

House File 275-Representative Lageschulte—1123

House File 357-Representatives Johnson of Linn and Mullins—1465

House File 454-Representative Branstad—845-846

- House File 584-Representative Groth—882
- House File 673-Representative Branstad—845-846
- House File 690-Representative Dieleman—882
- House File 732-Representative Van Maanen—769
- House File 732-Representative Dieleman—796
- House File 747-Representative Pavich—370
- House File 747-Representative Howell—860
- House File 747-Representative Dieleman—882
- House File 747, H-5421-Representative Dieleman—882
- House File 2072-Representative Gettings—460-461
- House File 2089-Representative Branstad—845-846
- House File 2105-Representatives Branstad and Cusack—565
- House File 2116-Representative Branstad—845-846
- House File 2163-Representative Groth—882
- House File 2180-Representative Van Maanen—769
- House File 2180-Representative Dieleman—796
- House File 2181-Representatives Branstad and Lonergan—658
- House File 2239-Representative Branstad—845-846
- House File 2245-Representative Gettings—460-461
- House File 2245-Representatives Johnson of Linn and Mullins—1465
- House File 2246-Representative Danker—486
- House File 2260-Representative Branstad—845-846
- House File 2275-Representative Gettings—460-461
- House File 2280-Representative Branstad—845-846
- House File 2299-Representative Branstad—845-846
- House File 2355-Representatives Branstad and Lonergan—658
- House File 2365-Representative Branstad—845-846
- House File 2393-Representative Lageschulte—1123
- House File 2410-Representative West—500
- House File 2410-Representative Corey—520
- House File 2410-Representatives Johnson of Linn and Mullins—1465
- House File 2443-Representative Holt—539
- House File 2443-Representatives Branstad and Cusack—565
- House File 2453-Representative Dieleman—624
- House File 2453, H-5223A-Representative Dieleman—624
- House File 2458-Representatives Johnson of Linn and Mullins—1465
- House File 2461-Representatives Branstad and Lonergan—658
- House File 2461-Representatives Johnson of Linn and Mullins—1465
- House File 2463-Representatives Branstad and Lonergan—658
- House File 2469-Representatives Branstad and Lonergan—658
- House File 2473-Representative Van Maanen—769
- House File 2473-Representative Dieleman—796
- House File 2477, H-5274-Representative Welsh—624
- House File 2478-Representatives Branstad and Lageschulte—1123
- House File 2479-Representatives Branstad and Lageschulte—1123
- House File 2479 H-5569-Representative Branstad—1123
- House File 2481-Representative Branstad—845-846
- House File 2482-Representative Groth—882
- House File 2487-Representatives Branstad and Lageschulte—1123
- House File 2488-Representative Groth—882
- House File 2492, H-6057 to H-6032A to H-5879-Representative Danker—1614

- House File 2492, H-6057, H-6032A, H-6073-Representative Dieleman—1762  
 House File 2500-Representative Branstad—845-846  
 House File 2504-Representatives Branstad and Lageschulte—1123  
 House File 2512-Representative Cusack—1444  
 House File 2512, motion to table motion to reconsider-Representative Cusack—1444  
 House File 2518-Representatives Groth and Gettings—1192  
 House File 2519-Representatives Branstad and Lageschulte—1123  
 House File 2521-Representative Welsh—1109  
 House File 2521-Representatives Branstad and Lageschulte—1123  
 House File 2522-Representatives Branstad and Lageschulte—1123  
 House File 2525-Representatives Branstad and Lageschulte—1123  
 House File 2529-Representatives Branstad and Lageschulte—1123  
 House File 2533-Representatives Branstad and Lageschulte—1123  
 House File 2533, H-5633-Representative Branstad—1123  
 House File 2534-Representatives Branstad and Lageschulte—1123  
 House File 2536-Representative Lageschulte—1123  
 House File 2540-Representative Groth—1192  
 House File 2550-Representative Dieleman—1227  
 House File 2550, H-5684-Representative Dieleman—1227  
 House File 2550, H-5686, motion to suspend rules-Representative Dieleman—1227  
 House File 2551-Representative Diemer—1308  
 House File 2558, motion for special order-Representative Cusack—1444  
 House File 2558, unfinished business calendar-Representative Cusack—1444  
 House File 2561-Representative Groth—1192  
 House File 2561-Representative Dieleman—2024  
 House File 2567-Representative Thompson—1695  
 House File 2571-Representative Thompson—1695  
 House File 2580, H-6182-Representative O’Kane—1762  
 House File, 2580, H-6167V-Representative Lura—1841  
 House File 2580-Representatives Johnson of Linn and Howell—1872-1873  
 House File 2583-Representative Lonergan—1958  
 House File 2584-Representative Lonergan—1958  
 House File 2587-Representative Schnekloth—1958  
 House File 2588, motion to refer to state government-Representative Johnson of Linn—1872-1873  
 Senate File 28-Representatives Johnson of Linn and Mullins—1465  
 Senate File 69-Representative Gettings—2172  
 Senate File 97-Representative Cusack—565  
 Senate File 107-Representative Lonergan—1580  
 Senate File 121-Representative Dieleman—244  
 Senate File 185-Representative O’Kane—1466  
 Senate File 185-Representative Lonergan—1580  
 Senate File 286, H-5068 and H-3982-Representative Dieleman—244  
 Senate File 286-Representative Dieleman—244  
 Senate File 358-Representative Lonergan—1580  
 Senate File 358-Representative Dieleman—2024  
 Senate File 430-Representative Johnson of Linn—1465  
 Senate File 431-Representative Lonergan—1580  
 Senate File 432-Representative Dieleman—2024  
 Senate File 435-Representative Dieleman—2024



- Senate File 436-Representative Dieleman—244
- Senate File 436, H-5063-Representative Dieleman—244
- Senate File 437-Representative Smalley—401-402
- Senate File 439-Representative Lonergan—1580
- Senate File 439-Representative Cusack—1872-1873
- Senate File 439, H-5947-Representative Cusack—1872-1873
- Senate File 446-Representatives Johnson of Linn and Mullins—1465
- Senate File 460-Representative Dieleman—1227
- Senate File 464-Representatives Johnson of Linn and Mullins—1465
- Senate File 477-Representative Groth—882
- Senate File 500-Representative Gettings—1192
- Senate File 2002-Representative O’Kane—1466
- Senate File 2002-Representative Lonergan—1580
- Senate File 2006-Representative O’Kane—1466
- Senate File 2006-Representative Lonergan—1580
- Senate File 2012-Representatives Branstad and Cusack—565
- Senate File 2015-Representative Lonergan—1580
- Senate File 2015-Representative Cusack—1872-1873
- Senate File 2051-Representative Johnson of Linn—1465
- Senate File 2088-Representative Dieleman—624
- Senate File 2090-Representative Dieleman—2024
- Senate File 2114-Representative Johnson of Linn—1465
- Senate File 2122-Representative Dieleman—882
- Senate File 2123-Representative Lonergan—1580
- Senate File 2123-Representative Cusack—1872-1873
- Senate File 2148-Representative Lonergan—1580
- Senate File 2148-Representative Cusack—1872-1873
- Senate File 2148, H-5993, suspension of rules-Representative Cusack—1872-1873
- Senate File 2154-Representative Connolly—1498-1499
- Senate File 2154-Representative Lonergan—1580
- Senate File 2154, H-5931-Representative Cusack—1872-1873
- Senate File 2154-Representative Cusack—2154
- Senate File 2168-Representative Lonergan—1580
- Senate File 2168-Representative Cusack—1872-1873
- Senate File 2183-Representative Johnson of Linn—1465
- Senate File 2189-Representative Lonergan—1580
- Senate File 2189-Representative Cusack—1872-1873
- Senate File 2219-Representatives Johnson of Linn and Mullins—1465
- Senate File 2230-Representative Lonergan—1580
- Senate File 2230-Representative Cusack—1872-1873
- Senate File 2230, H-6030 to H-5992-Representative Cusack—1872-1873
- Senate File 2238-Representative Thompson—1695
- Senate File 2241, H-5351-Representative Larsen—769
- Senate File 2241, H-5354-Representative Van Maanen—769
- Senate File 2241-Representative Van Maanen—769
- Senate File 2241-Representative Dieleman—796
- Senate File 2241, H-5351, H-5353, and H-5354-Representative Dieleman—796
- Senate File 2247, H-6266B-Representative Welsh—1958
- Senate File 2267-Representative Johnson of Linn—1465
- Senate File 2269-Representative Lonergan—1580
- Senate File 2269-Representative Cusack—1872-1873

Senate File 2275-Representative Diemer — 1498  
 Senate File 2275-Representative Lonergan — 1580  
 Senate File 2275-Representative Cusack — 1872-1873  
 Senate File 2279-Representative Johnson of Linn — 1465  
 Senate File 2281-Representative Gettings — 2172  
 Senate File 2285-Representative Johnson of Linn — 1465  
 Senate File 2299-Representatives Johnson of Linn and Mullins — 1465  
 Senate File 2301-Representative Groth — 1192  
 Senate File 2311-Representative O'Kane — 1466  
 Senate File 2311-Representative Lonergan — 1580  
 Senate File 2314-Representatives Johnson of Linn and Mullins — 1465  
 Senate File 2316-Representatives Johnson of Linn and Mullins — 1465  
 Senate File 2320-Representative Lonergan — 1580  
 Senate File 2320, H-5998, suspension of rules-Representative Cusack — 1872-1873  
 Senate File 2320, H-5782-Representative Cusack — 1872-1873  
 Senate File 2320-Representative Cusack — 1872-1873  
 Senate File 2331-Representatives Johnson of Linn and Mullins — 1872-1873  
 Senate File 2337-Representatives Johnson of Linn and Mullins — 1465  
 Senate File 2356, suspension of rules-Representative Cusack — 1872-1873  
 Senate File 2361-Representative Dieleman — 2024  
 Senate File 2361, H-6107-Representative Dieleman — 2024  
 Senate File 2368-Representative Gettings — 2172

#### FEDERAL AGENCIES —

(See President of the United States, Congress and/or Federal Agencies)

#### FLAG PRESENTATION — 1

#### GENERAL ASSEMBLY — HOUSE —

(See also Rules, Committee On, House Administration Committee in this General Index and/or House Concurrent Resolutions, House Resolutions, and Senate Concurrent Resolutions listed in Legislative Index Volume)

##### Resolutions relating to:

House Concurrent Resolution 109, midwest rail crises — 362-363, 390-391  
 adopted-434, 454 adopted  
 House Concurrent Resolution 115, school census — 667  
 House Concurrent Resolution 119, Kansas City Terminal Railway  
 Service — 995-996, 1061 adopted  
 House Concurrent Resolution 123, freeze hiring, salary increases  
 etc. — 1286  
 House Concurrent Resolution 124, grain embargo lifted — 1292-1293  
 House Concurrent Resolution 134, cost of legislature, reduce — 1777-1778,  
 2207 adopted  
 House Concurrent Resolution 138, Freedom Day — 2081, 2211 adopted  
 House Resolution 101, expenditure of funds — 82-83, 89-90 adopted  
 House Resolution 105, return of Americans from Iran — 329-330, 454  
 adopted  
 Senate Concurrent Resolution 103, decade of the family — 598, 599-600,  
 2040 adopted  
 Senate Concurrent Resolution 111, school census — 1239-1240  
 Senate Concurrent Resolution 127, Easter observance — 1322 adopted

**GETTINGS, DON**—Representative Appanoose-Davis-Wapello Counties

Amendments filed—92-93, 119-120, 263, 282, 304-305, 405, 602-603, 730, 783, 927, 972, 1352, 1445, 1558, 1696, 1697, 1729-1740, 1767, 1844, 2069  
 Amendments offered—119, 318, 759-760, 980  
 Bills introduced—87, 157, 199, 249, 265, 267, 312-313, 347, 347-348, 352, 352-353  
 Petitions presented—746, 888  
 Resolutions offered—329-330, 362-363, 435, 1189-1190, 1537-1538, 1775, 1775-1776, 1894-1895, 2081

**GOVERNOR RAY, ROBERT D.**—

Addressed joint convention—37-56, 1449-1453  
 Bills signed by—485-486, 520, 564, 624, 749, 826, 846, 952, 997, 1108, 1191, 1255, 1342, 1442-1443, 1579, 1872, 1955-1957, 2169-2170, 2623-2633  
 Closing Message—2243-2245  
 Committees to escort—37, 56, 1449, 1453  
 Committees to notify—3, 36-37, 1449, 1453, 2242  
 Delivered Budget Message, Special—1449-1453  
 Delivered Condition of the State Message—37-56  
 Item Veto Messages—1287-1289, 2636-2638, 2638-2640, 2640-2644  
 Resolution relating to Budget Message, Special, HCR 126—1400-1401 adopted  
 Resolution relating to Condition of the State Message, HCR 101—4 adopted  
 Resolutions relating to:  
   House Concurrent Resolution 103—159-160, 570, 583, 585, 589 adopted  
   House Concurrent Resolution 120—1106-1107, 1408 adopted, 1442, 1445, 2048-2049 adopted  
   House Concurrent Resolution 131—1775  
   House Concurrent Resolution 138—2081, 2211 adopted  
 Veto Messages—2633-2634, 2634-2636  
 Vetoed after session—2623

**GROTH, RICHARD**—Representative Buena Vista-Cherokee-Clay-O'Brien-Palo Alto-Pocahontas Counties

Amendments filed—83, 92-93, 94-100, 304-305, 405, 450, 461, 525, 602-603, 647, 662, 887, 927, 927-928, 1082, 1158, 1352, 1468, 1558, 1697-1698, 1729-1740, 1844, 1874, 1992, 2182  
 Amendments offered—469, 470, 693, 1975, 1992  
 Amendments withdrawn—470, 1282, 1458  
 Bills introduced—12, 72, 246, 247, 252, 312-313, 313, 314, 347, 347-348, 349, 352, 352-353  
 Committee appointments—1839  
 Presented to the House, Todd Clark, 1980 Heart Fund Prince—189  
 Resolutions offered—326, 327, 328, 329-330, 398-399, 435, 1775, 1894-1895, 2108

**HALL, HURLEY W.**—Representative Linn County

Amendments filed—94-100, 263, 304-305, 602-603, 647-648, 662, 688, 927, 928, 999, 1236, 1311, 1311-1312, 1352, 1445, 1558, 1696, 1697, 1729-1740, 1766, 1767, 1844, 2127-2128, 2133-2134  
 Amendments offered—293, 678, 766, 1098, 2133  
 Bills introduced—133, 268, 306-307, 310, 312-313, 314, 347, 347-348, 352, 352-353  
 Committee appointments—37  
 Resolutions offered—329-330, 435, 1189-1190, 1775

**HALVORSON, ROD N. — Representative Webster County**

Amendments filed — 83, 304, 353, 377, 405, 502, 647-648, 662, 751, 927, 999, 1194, 1222, 1290, 1394, 1403-1404, 1445, 1499, 1558, 1697, 1729-1740, 1766, 1874, 1906, 2083, 2129-2130

Amendments offered — 427, 1222, 1304, 1403, 1542, 1917

Amendments withdrawn — 1404, 1906

Bills introduced — 32, 246, 266, 306-307, 314, 347, 347-348, 352

Resolutions offered — 329, 964-965, 1775, 1894-1895

**HALVORSON, ROGER A. — Representative Allamakee-Clayton-Winneshiek Counties, Majority Floor Leader**

Addressed the House — 9-10

Amendments filed — 101-102, 364, 1351, 1767, 1843

Amendments offered — 379-380

Bills introduced — 17, 184, 199, 246, 310, 1691, 1846, 2060, 2084, 2107, 2235

Bills referred to committee — 867

Bills rereferred to committees — 1113, 1560-1561

Committee appointments — 748

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House File 315, amendments and motions — 2106-2107

House File 2492, amendments — 895

House File 2527, amendments and motions — 1017

House File 2535, amendments and motions — 1838-1839

House File 2551, amendments and motions — 1988, 1989

House File 2580, amendments and motions — 1728

House File 2595, amendments and motions — 2126

House Resolution 110, amendments and motions — 2156

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Resolutions offered — 4, 185, 328, 329-330, 362-363, 1292-1293, 1400-1401, 2239

**HANSEN, INGWER L. — Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties**

Amendments filed — 101-102, 188, 377, 483, 688, 729, 927, 1194, 1352, 1394, 1499, 1558, 1767, 1843, 1844, 1844-1845

Amendments offered — 509, 577, 1455, 1461, 1851, 1864

Amendments withdrawn — 509, 1455

Appointed to Legislative Council — 748

Appointed to Commission on Professional and Occupational Regulation — 21-22

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Reports — 2039

Resolutions offered — 329-330, 362-363, 435, 964-965, 1292-1293

Rulings made — 207, 209, 1431, 1442

**HANSON, DARRELL R. — Representative Clayton-Delaware-Dubuque-Fayette Counties**

Amendments filed—83, 101-102, 304, 353, 377, 525, 647-648, 886, 1194, 1311-1312, 1963, 1966, 2025, 2119-2120  
 Amendments offered—118, 1966, 2186  
 Amendments withdrawn—314, 1966  
 Bills introduced—17, 131, 156, 181, 265, 286, 310, 312-313, 350  
 Conference committee appointment—20  
 Reports—73-74  
 Resolutions offered—329, 329-330, 362-363, 435, 1292-1293, 1537-1538, 1894-1895

**HARBOR, WILLIAM H.—**

(See Speaker of the House—William H. Harbor, Representative Fremont-Mills-Montgomery-Page Counties)

**HIBBS, DALE W.—Representative Johnson County**

Amendments filed—101-102, 105-109, 263, 281, 745, 972, 999, 1352, 1467, 1558, 1713-1718, 1767, 2127-2128  
 Bills introduced—10, 14, 266, 267, 313, 348, 349, 351, 352  
 Resolutions offered—326, 327, 329-330, 398-399, 435, 2081

**HINKHOUSE, HERBERT C.—Representative Cedar-Clinton-Johnson-Scott Counties**

Amendments filed—92-93, 94-100, 153, 647-648, 886, 887, 927, 998, 1081-1082, 1221-1222, 1273-1274, 1352, 1445, 1558, 1697, 1844  
 Bills introduced—88, 182, 184, 236, 238, 246, 251, 310, 312-313, 313, 347, 347-348, 351, 352, 352-353  
 Committee appointments—1494-1495  
 Presented to the House the Covenant Singers, a gospel swing choir—890-891  
 Reports—2162-2168  
 Resolutions offered—327, 362-363, 667, 1775

**HOFFMANN, BETTY A.—Representative Johnson-Louisa-Muscatine Counties**

Amendments filed—101-102, 304, 585, 596, 886, 1046, 1125, 1260, 1290, 1499-1500, 1726, 1767, 1844  
 Amendments offered—393, 715, 1305, 1900  
 Bills introduced—13, 15, 133, 247, 267, 352-353  
 Committee appointments—37  
 Petitions presented—597  
 Reports—5

**HOLT, LEANDER (LEE)—Representative Clay-Dickinson-Emmet-Palo Alto Counties**

Amendments filed—101-102, 304-305, 404-405, 647-648, 783, 927, 999, 1046, 1194, 1311, 1499-1500, 1844-1845, 2182  
 Amendments offered—355, 2204  
 Bills introduced—157, 181, 246, 252, 268, 309, 352-353  
 Committee appointments—36  
 Resolutions offered—329-330, 362-363, 435, 964-965, 1292-1293, 1870-1871

**HORN, WALLY E.—Representative Linn County**

Amendments filed—94-100, 282, 404, 548, 688, 751, 927, 947-948, 957, 967, 999, 1046, 1236, 1312, 1328-1329, 1332, 1352, 1445, 1468, 1558, 1697, 1698, 1719, 1726, 1727, 1729-1740, 1748, 1752, 1753-1754, 1765, 1766, 1844, 1874, 1896, 1929, 1963, 1995-1996, 2000, 2123, 2127-2128, 2182

Amendments offered—290, 694, 967, 1054, 1328, 1332, 1720, 1721, 1722, 1726, 1727, 1747, 1748, 1749, 1750, 1752, 1753, 1774, 1809, 1860, 1863, 1891, 1896, 1995, 2000, 2123  
 Amendments withdrawn—1727, 1746, 1752, 1813, 1917  
 Bills introduced—182, 266, 267, 286, 312-313, 347, 347-348, 348, 352, 352-353  
 Committee appointments—2040  
 Reports—2080  
 Resolutions offered—329-330, 1775, 1894-1895

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Corrected report—859  
 Reports—22-26, 127-128, 743-744, 1497-1498, 2171  
 Resignations—732-733, 1470-1471  
 Resolution relating to, HCR 134—1777-1778, 2207 adopted

#### HOWELL, ROLLIN K.—Representative Cerro Gordo-Floyd-Mitchell Counties

Amendments filed—188, 405, 647-648, 751, 783, 847, 887, 927, 929, 972, 984, 1120, 1158, 1260, 1311-1312, 1335, 1352, 1445, 1499, 1518, 1558, 1559, 1610, 1729-1740, 1766, 1897-1898, 2083, 2182  
 Amendments offered—208, 855, 857, 984, 1167, 1277, 1295, 1300, 1302, 1335, 1368, 1518, 1523, 1610, 1897, 2221  
 Amendments withdrawn—318, 984, 2186, 2222  
 Bills introduced—71, 132, 133, 158, 182, 184, 185, 199, 235, 238, 268, 285, 310, 312-313, 313, 347, 347-348, 349, 350, 351, 352, 352-353  
 Petitions presented—1048, 1353  
 Reports—5  
 Resolutions offered—326, 327, 328, 329-330, 398-399, 995-996, 1537-1538, 1775, 2081

#### HULLINGER, ARLO—Representative Clarke-Decatur-Madison-Ringgold-Union-Wayne Counties

Amendments filed—94-100, 153, 304-305, 391, 405, 783, 864, 887, 927, 999, 1070, 1082, 1352, 1373, 1394, 1445, 1468, 1499-1500, 1696, 1697, 1729-1740, 1766, 1844  
 Amendments offered—320, 1373, 2028  
 Bills introduced—183, 199, 246, 266, 308, 310, 312-313, 314, 347, 347-348, 349, 351, 352, 352-353  
 Committee appointments—1930  
 Conference committee appointment—20  
 Presented to the House the Honorable Homer L. Warren, former member of the House—2023  
 Presented to the House the Honorable Walter McNamara and the Honorable Keith Kennedy former members of the House—1761  
 Presented to the House the Honorable Lyle Scheelhaase, former member of the House—494  
 Reports—2079-2080  
 Resolutions offered—326, 327, 328, 329-330, 362-363, 398-399, 435, 1537-1538, 1775, 2081

#### HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—376, 646, 647, 707, 861-863, 1157, 1393  
 Amendments offered—458, 612, 1266, 1403, 1408, 1514  
 Bills introduced—201, 239, 310, 649, 786, 787, 866  
 Reports—187, 375, 488-489, 520, 646, 647, 707, 750, 861-863, 926, 1157, 1393, 1842  
 Resolutions offered—891-892, 1776-1777

**HUMMEL, KYLE**—Representative Benton-Black Hawk-Buchanan-Linn-Tama Counties

Amendments filed—83, 101-102, 364, 490, 548, 662, 1081, 1312, 1499-1500, 1550-1551, 1843, 1845

Amendments offered—413, 701, 1142, 1319

Amendments withdrawn—719, 1916

Bills introduced—157, 246, 284, 308, 311, 352-353, 731

Committee appointments—2242

Resolutions offered—362-363, 435

**HUSAK, EMIL J.**—Representative Benton-Iowa-Poweshiek-Tama Counties

Amendments filed—92-93, 94-100, 102, 143, 153, 282, 304-305, 353, 404, 405, 647-648, 662, 688, 886, 887, 927, 928, 998, 1046, 1081-1082, 1221-1222, 1352, 1445, 1558, 1697

Amendments offered—143, 1013

Bills introduced—237, 246, 249, 250, 307, 308, 312-313, 347, 347-348, 352, 352-353

Committee appointments—1494-1495

Petitions presented—491, 689, 1876

Presented to the House the Honorable Russell Wyckoff, former member of the House—975

Reports—2162-2168

Resolutions offered—362-363, 643-644, 1775

**INTRODUCTION OF BILLS**—

(See Bills, Introduction of)

**IPERS, ADVISORY INVESTMENT BOARD**—

Appointments to—21-22

**JAY, DANIEL**—Representative Appanoose-Clarke-Lucas-Monroe-Wayne Counties

Amendments filed—92-93, 304-305, 353, 404, 502, 602-603, 647, 864, 887, 927, 927-928, 999, 1046, 1194, 1445, 1468, 1543, 1558, 1697-1698, 1729-1740, 1766, 1844, 1845, 1874, 1875, 2182

Amendments offered—590, 591, 990, 1543, 1890

Bills introduced—246, 267, 286, 312-313, 313, 347, 347-348, 349, 351, 352, 352-353

Committee appointments—380, 2040, 2141

Reports—2168-2169

Resolutions offered—326, 327, 328, 329-330, 398-399, 435, 1388-1389, 1775, 1894-1895, 2108

**JESSE, NORMAN G.**—Representative Polk County, Assistant Minority Floor Leader

Amendments filed—525, 751, 1073-1074, 1194, 1445, 1645-1684, 1697, 1729-1740, 1766, 1844, 1874, 1963, 2002, 2129-2130, 2131-2132

Amendments offered—1073, 1645, 1818, 2002, 2131

Amendments withdrawn—2002

Bills introduced—308, 309, 310, 311, 347, 347-348, 351, 352, 352-353

Committee appointments—509

Reports—399-401, 517-519

Resolutions offered—329, 329-330, 1775

**JOB SERVICE OF IOWA —**

Reports — 1874, 1959

**JOCHUM, THOMAS J. — Representative Dubuque County**

Amendments filed — 263, 304, 405, 449, 647-648, 751, 783, 799, 800, 847, 864, 886, 927, 999, 1110, 1120, 1158, 1236, 1351, 1445, 1446, 1467, 1468, 1557, 1576-1577, 1697-1698, 1699, 1729-1740, 1757, 1766, 1767, 2119-2120, 2129-2130, 2235

Amendments offered — 616, 878, 879, 912, 1119, 1120, 1166, 1576, 1816, 1825, 1826, 2235

Bills introduced — 65, 66, 312-313, 348, 352

Petitions presented — 572

Resolutions offered — 329, 329-330, 435, 964-965, 1775

**JOHNSON, JAMES — Representative Chickasaw-Floyd-Howard-Mitchell Counties**

Amendments filed — 101-102, 115-116, 304, 353, 377, 596, 647, 783, 885, 927, 972, 998, 999, 1046, 1081, 1158, 1268, 1289, 1311, 1312, 1394, 1445, 1499, 1557, 1581, 2025

Amendments offered — 615, 1271, 1601

Bills introduced — 17, 131, 246, 268, 310, 352-353

Committee appointments — 3

Resolutions offered — 329-330, 435, 1292-1293, 1537-1538

**JOHNSON, ROBERT M.L. — Representative Linn County**

Amendments filed — 101-102, 247, 263, 304, 304-305, 353, 449, 585, 647, 783, 784, 799, 800, 847, 863, 897-901, 1194, 1352, 1468, 1558, 1574-1575, 1696, 1697, 1766, 1767, 1843, 1844-1845, 1925

Amendments offered — 653, 835, 1204, 1574, 1924, 1925

Bills introduced — 31, 34, 159, 181, 246, 249, 306-307, 310, 314

Resolutions offered — 362-363, 1292-1293, 1537-1538, 1870-1871, 2081

Subcommittee appointment — 256

**JOHNSON, WARREN — Representative Monona-Woodbury Counties**

Amendments filed — 101-102, 281, 784, 885, 1046, 1125, 1236, 1352, 1499-1500, 1558, 1697, 1698, 1844

Amendments offered — 1003

Amendments withdrawn — 1004

Bills introduced — 16, 200, 246, 247, 268, 352-353

Committee appointments — 20, 1759-1760

Petitions presented — 689, 785, 888-889

Presented to the House the Honorable Louis A. Peterson, former member of the House — 995

Reports — 1954

Resolutions offered — 329-330, 362-363, 435, 1106-1107, 1292-1293, 1870-1871

**JOINT CONVENTION —**

Budget Message-Special — 1448-1453

Condition of the Judiciary Message — 380-390

Condition of the State Message — 37-56

Lincoln's Birthday Observance — 465-468

Resolutions relating to:

House Concurrent Resolution 101, Condition of the State Message — 4 adopted

House Concurrent Resolution 104, Condition of the Judicial Department Message — 185, 256 adopted



House Concurrent Resolution 108, Lincoln's Birthday—328, 364, 379-380 adopted

House Concurrent Resolution 126, Budget Message-Special—1400-1401 adopted

#### JOINT RULES—

(See also Rules and/or Rules, Committee on)

Resolutions relating to:

House Concurrent Resolution 130—1711, 1965, 2175, 2184 adopted

Senate Concurrent Resolution 101—252, 253-256, 304, 409 adopted

#### JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

Amendments filed—197, 278, 662, 708-709, 829, 1080-1081, 1231-1233, 1234, 1235, 1344-1345, 1345

Amendments offered—392, 413, 789, 1438, 1439

Amendments withdrawn—392, 2192

Bills introduced—349, 407, 451, 463, 491, 492, 549, 573, 597, 630, 712, 746, 747, 786, 802, 832, 833, 848, 930, 931, 958, 959, 960

Reports—58, 196, 197, 277-278, 403, 403-404, 488, 489, 544, 547, 595, 595-596, 660, 662, 686, 687, 708-709, 711, 769-770, 770, 828, 829, 883, 884, 955-956, 956-957, 1080, 1080-1081, 1229, 1231-1235, 1343-1344, 1344-1345, 1392-1393, 1393-1394

Resolutions offered—1388

#### KIRKENSLAGER, LARRY—Representative Des Moines County

Amendments filed—83, 101-102, 153, 263, 304-305, 450, 461, 472, 647-648, 688, 745, 783, 847, 886, 947-948, 957, 999, 1082, 1158, 1194, 1394, 1468, 1499, 1557, 1696, 1713-1718, 1767, 1843

Amendments offered—478, 698, 760, 857, 947, 949, 967, 1282, 1299, 1854, 1892, 1926, 2055

Amendments withdrawn—1282

Bills introduced—13, 14, 34, 67, 69, 236, 249, 265, 268, 348, 352-353

Petitions presented—586

Resolutions offered—18, 329-330, 1292-1293, 2081

#### KREWSON, LYLE R.—Representative Polk County

Amendments filed—105-109, 109, 263, 281, 282, 304-305, 404, 472, 525, 585, 711, 847, 863, 886, 1046, 1073-1074, 1125, 1195, 1212, 1290, 1312, 1351, 1467, 1557, 1558, 1581, 1698, 1713-1718, 1766, 1844-1845, 1874, 1963

Amendments offered—105, 297, 1063, 1214, 1626, 1758, 1893, 1968, 1969, 1970

Amendments withdrawn—851, 1759, 1969

Bills introduced—11, 13, 69, 267, 312-313, 348, 348-349

Presented to the House the Honorable Fred Schwengel, former member of the House and United States Congressman—1613

Resolutions offered—329-330, 362-363, 435, 1189-1190, 1292-1293, 1775, 1776, 2081

#### LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Amendments filed—771

Committee meeting—974

Reports—726, 771, 1235

#### LAGESCHULTE, RAYMOND—Representative Black Hawk-Bremer-Butler-Floyd Counties

Amendments filed — 101-102, 783, 857-858, 885, 886, 1046, 1194, 1394, 1468, 1549, 1697

Amendments offered — 946, 1549, 1785

Bills introduced — 133, 181, 246, 250, 251, 352-353

Petitions presented — 746

Resolutions offered — 329-330, 362-363, 435, 995-996, 1292-1293, 1537-1538

**LARSEN, SONJA — Representative Mahaska-Monroe-Wapello Counties**

Amendments filed — 101-102, 304-305, 353, 570, 799, 886, 999, 1236, 1312, 1352, 1468, 1499-1500, 1713-1718, 1767, 1845, 1963, 2125

Amendments offered — 1064, 1322, 1852, 2125

Bills introduced — 11, 237, 250, 265, 267, 308, 348

Committee appointments — 2040

Petitions presented — 848

Reports — 2080

Resolutions offered — 329-330, 435, 623-624, 1189-1190, 1292-1293, 1388-1389, 1775-1776, 1894-1895, 2081

**LAW ENFORCEMENT ACADEMY COUNCIL —**

Appointments to — 75

**LEAVE OF ABSENCE —**

2, 31, 131, 154, 189, 190, 198, 234, 269, 283, 288, 306, 355, 408, 451, 494, 508, 517, 526, 532, 549, 571, 587, 630, 641, 652, 667, 689, 692, 712, 731, 748, 789, 801, 850, 867, 891, 912, 929, 951, 958, 963, 970, 974, 984, 987, 1063, 1071, 1083, 1101, 1111, 1126, 1129, 1160, 1196, 1205, 1216, 1237, 1261, 1273, 1275, 1295, 1335, 1338, 1353, 1382, 1395, 1407, 1409, 1416, 1454, 1470, 1494, 1501, 1527, 1536, 1540, 1545, 1553, 1560, 1571, 1598, 1620, 1645, 1746, 1752, 1756, 1758, 1768, 1775, 1820, 1829, 1832, 1876, 1891, 1894, 1902, 1928, 1964, 1991, 2026, 2084, 2107

**LEGISLATIVE COUNCIL —**

(See also Study Committees)

Appointment to — 748

Resolutions relating to:

House Concurrent Resolution 107 — 328

House Concurrent Resolution 112 — 550-551, 600, 611 adopted

House Concurrent Resolution 114 — 643-644, 692 adopted

House Concurrent Resolution 117 — 891-892, 1401 adopted

House Concurrent Resolution 118 — 964-965, 995, 1113 adopted

House Concurrent Resolution 125 — 1388

House Concurrent Resolution 127 — 1453-1454, 2041 adopted

House Concurrent Resolution 131 — 1775

House Concurrent Resolution 132 — 1775-1776

House Concurrent Resolution 133 — 1776-1777, 1871

House Concurrent Resolution 135 — 1894-1895

House Concurrent Resolution 136 — 1983-1984

House Concurrent Resolution 137 — 1984

House Concurrent Resolution 139 — 2108

Senate Concurrent Resolution 117 — 934-935

Senate Concurrent Resolution 137 — 1981, 1982-1983

## LEGISLATIVE ENVIRONMENTAL ADVISORY GROUP (LEAG)—

Appointments to—21-22

## LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

## LEGISLATIVE FISCAL COMMITTEE—

Resolution relating to, HCR 112—550-551, 600, 611 adopted

## LEGISLATIVE PHYSICIAN FOR THE DAY—

31, 65, 85, 154, 180, 189, 234, 246, 264, 283, 355, 365, 378, 406, 451, 463, 491, 549, 571,  
586, 597, 630, 649, 664, 689, 731, 746, 752-753, 785, 848, 865, 888, 973, 1000, 1048,  
1126, 1160, 1196, 1313, 1353, 1395, 1447, 1470, 1560, 1620, 1700, 1846, 1876,  
1964, 2026

## LINCOLN'S BIRTHDAY—

Address by the Honorable Arthur A. Neu—466-467

Observance of—465-468

Resolution relating to, HCR 108—328, 379-380 adopted

## LIND, THOMAS A.—Representative Black Hawk County

Amendments filed—101-102, 115-116, 130, 304-305, 377, 404, 502, 525, 1046, 1159,  
1290, 1352, 1557, 1767, 2025

Amendments offered—1293, 1299, 2036

Amendments withdrawn—141, 410, 1283, 2036

Bills introduced—16, 17, 32, 68, 237, 246, 247, 250, 265, 268, 287, 311, 352-353

Committee appointments—36

Reports—36

Resolutions offered—329-330, 362-363, 435, 1189-1190, 1292-1293, 2081

## LLOYD-JONES, JEAN—Representative Johnson County

Amendments filed—94-100, 263, 304-305, 377, 391, 405, 449, 490, 585, 602-603, 647,  
745, 751, 927, 927-928, 972, 1158, 1236, 1289, 1445, 1468, 1487, 1499, 1558,  
1713-1718, 1729-1740, 1766, 2025, 2083, 2121, 2127-2128, 2129-2130, 2182, 2199

Amendments offered—391, 1486, 1540

Amendments withdrawn—2031

Bills introduced—66, 251, 306-307, 307, 312-313, 313, 314, 347, 347-348, 349, 351, 352,  
352-353

Committee appointments—3

Petitions presented—1126

Resolutions offered—326, 327, 328, 329-330, 362-363, 398-399, 494-495, 964-965, 1775,  
1984-1985

## LOBBYISTS—

(See Ethics, Committee on)

## LONERGAN, JOYCE—Representative Boone-Greene Counties

Amendments filed—404, 490, 647, 751, 887, 927, 1260, 1445, 1697, 1698, 1729-1740,  
1766, 1844, 1845, 1874, 1993-1995

Amendments offered—1885, 1993

Bills introduced—87, 236, 266

Committee appointments—1839

Escorted and presented to the Speaker's station Shelly Kirk, Iowa's Junior Miss—154

Resolutions offered—435, 1775, 1894-1895, 2108

Special Acknowledgement (members retiring and candidates for office)—2216

**LORENZEN, JAMES A.**—Representative Scott County

Amendments filed—101-102, 263, 282, 449, 629, 653, 950, 1046, 1260, 1290, 1467, 1697, 1767, 1874, 2025

Amendments offered—355, 640, 641, 950, 1296, 1297

Amendments withdrawn—1922

Bills introduced—267, 286, 314, 351

Resolutions offered—329-330, 362-363, 435, 667, 1292-1293

**LURA, MICHAEL (MICK)**—Representative Marshall County

Amendments filed—101-102, 115-116, 304, 353, 359, 364, 449, 548, 939-940, 940-941, 972, 1046, 1194, 1236, 1499-1500, 2083

Amendments offered—359, 554, 819, 939, 940, 1087, 1523, 1541

Amendments withdrawn—511, 941, 1541

Bills introduced—131, 157, 198, 246, 249, 352-353

Committee appointments—3, 509, 2242

Resolutions offered—329-330, 435, 1292-1293

**MAJORITY FLOOR LEADER, Roger A. Halvorson**—Representative Allamakee-Clayton-Winneshiek Counties

(See Halvorson, Roger A.—Representative Allamakee-Clayton-Winneshiek Counties, Majority Floor Leader)

**MAULSBY, RUHL**—Representative Calhoun-Carroll-Greene-Pocahontas-Sac Counties

Amendments filed—101-102, 282, 304-305, 305, 404, 647-648, 998, 1046, 1158, 1194, 1219, 1289, 1394, 1557

Amendments offered—469, 1219

Amendments withdrawn—1219

Bills introduced—157, 237, 246, 248, 312-313, 352-353

Committee appointments—1839

Reports—2039

Resolutions offered—329-330, 362-363, 435, 1286, 1292-1293

**McKEAN, ANDREW (ANDY)**—Representative Cedar-Clinton-Jackson-Jones Counties

Amendments filed—101-102, 281, 647-648, 688, 928, 972, 1081, 1194, 1236, 1312, 1351, 1468, 1698, 1767, 1844-1845, 2025, 2182

Amendments offered—938, 1315, 2209

Amendments withdrawn—935

Bills introduced—181, 237, 238, 268, 306-307, 310, 312-313, 352-353

Committee appointments—380

Resolutions offered—362-363, 435, 964-965, 1292-1293, 1983-1984, 2081

**MEDICAL ASSISTANCE ADVISORY COUNCIL**—

Appointments to—21-22

## MEMORIALS—

Committee appointed—668

In Memoriam List—2649

Memorials—2650

Resolution relating to—668

Tree dedicated in memory of legislative secretary Margaret Falk—1964

## MENKE, LESTER D.—Representative Buena Vista-Cherokee-Clay-O'Brien-Plymouth Counties

Amendments filed—101-102, 886, 1046, 1082, 1158, 1311, 1312, 1352, 1499-1500, 1720, 1963

Amendments offered—1381, 1405, 1720, 1976

Amendments withdrawn—141, 1381

Bills introduced—11, 33, 155, 252, 268, 309, 352-353

Committee appointments—735, 1759-1760

Petitions presented—1196

Reports—1954

Resolutions offered—329-330, 362-363, 1106-1107, 1292-1293

## MESSAGES—

(Also see Communications, Joint Conventions and Addressed the House)

From Governor Robert D. Ray—2243-2245

From Senate—18, 159, 201, 252, 288, 365-370, 379, 407-408, 408-409, 434, 453, 464-465, 493, 505-506, 550, 587, 589, 631, 650-651, 664-666, 691, 732, 747-748, 753-754, 788, 802-803, 833, 849-850, 866-867, 868, 881, 890, 891, 933-934, 960-961, 963, 974, 1001-1002, 1051-1052, 1063, 1086, 1106, 1111-1112, 1127-1129, 1163-1165, 1190, 1197-1198, 1209, 1227, 1238-1239, 1254, 1261-1262, 1291-1292, 1313, 1321-1322, 1341-1342, 1354-1360, 1395-1396, 1407-1408, 1442, 1447, 1471-1478, 1502-1511, 1539, 1582-1591, 1598-1601, 1620-1624, 1691-1694, 1700-1702, 1768, 1778-1784, 1877, 1938-1953, 1964, 1980-1982, 2020-2021, 2040, 2085-2095, 2135-2140, 2146, 2153-2154, 2160-2161, 2201, 2214, 2224-2225, 2234, 2239-2240

Immediate—126, 195, 333, 391, 517, 558, 559, 561, 577, 578, 581, 594, 611, 697, 764, 841, 922, 983, 1007, 1011, 1067, 1089, 1094, 1095, 1096, 1101, 1102, 1104, 1105, 1122, 1139, 1149, 1154, 1171, 1183, 1198, 1206, 1209, 1224, 1227, 1253, 1273, 1285, 1308, 1321, 1333, 1401, 1607, 1612, 1690, 1708, 1838, 1866, 1889, 1937, 2020, 2031, 2033, 2042, 2045, 2055, 2060, 2068, 2073, 2118, 2122, 2124, 2155, 2193, 2201, 2214

Objection to—1134-1135, 1337, 1554, 1870, 1915

Senate Messages Considered—452-453, 463-464, 492, 504-505, 527, 573, 650, 689-691, 713, 747, 752, 787-788, 802, 833-834, 889-890, 932-933, 961-962, 973, 1001, 1049-1051, 1085-1086, 1112-1113, 1126, 1161-1163, 1190, 1197, 1237-1238, 1255, 1314, 1353-1354, 1400, 1447-1448, 1700, 1839, 1877, 2022, 2026, 2141

## MILEAGE, COMMITTEE ON—

Supplemental report—5

## MILLEN, FLOYD H.—

(See Speaker of the House—Floyd H. Millen, Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties)

**MILLER, KENNETH D. — Representative Black Hawk-Buchanan Counties**

Amendments filed — 64, 83, 94-100, 153, 197, 204, 282, 353, 404, 405, 490, 498-499,  
 548, 585, 647-648, 648, 662, 730, 745, 784, 847, 864, 885, 998, 999, 1082, 1125,  
 1159, 1194, 1195, 1220-1221, 1289, 1394, 1445, 1496, 1496-1497, 1499, 1558, 1699,  
 1707, 1713-1718, 1729-1740, 1844-1845, 1875, 1876, 1919-1921, 2115, 2199-2200  
 Amendments offered — 201, 203, 411, 552, 614, 679, 681, 916, 1210, 1220, 1283, 1412,  
 1496, 1517, 1879, 1919  
 Amendments withdrawn — 141, 295, 616, 794, 878, 916, 917, 1211, 1517  
 Bills introduced — 32, 33, 70, 198, 199, 246, 286, 311, 312-313, 347, 352, 352-353  
 Committee appointments — 1612  
 Resolutions offered — 362-363, 1775

**MINORITY FLOOR LEADER, Donald D. Avenson — Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties**

(See Avenson, Donald D. — Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties, Minority Floor Leader)

**MOTIONS TO RECONSIDER —****Filed:**

House Concurrent Resolution 120 — 1442  
 House File 731 — 881  
 House File 747, H-5002A — 276  
 House File 747, H-4372 — 303  
 House File 2003 — 360, 361  
 House File 2160 — 485  
 House File 2410 — 519  
 House File 2429 — 563, 564, 722  
 House File 2443 — 536  
 House File 2453 — 594  
 House File 2460 — 642  
 House File 2524 — 994, 995  
 House File 2541 — 1254  
 Senate File 89 — 485  
 Senate File 108 — 1189  
 Senate File 108, H-5667B — 1189  
 Senate File 176 — 459  
 Senate File 205 — 684  
 Senate File 278 — 144  
 Senate File 278, H-5030 — 145  
 Senate File 278, H-4008 — 145  
 Senate File 278 — 743  
 Senate File 432 — 643  
 Senate File 435 — 658  
 Senate File 435, H-5296 — 658  
 Senate File 436 — 212  
 Senate File 436, H-5065 — 212  
 Senate File 436, H-5063 — 212  
 Senate File 468 — 435  
 Senate File 468, H-5139 — 436  
 Senate File 468, H-5180 — 436  
 Senate File 468, H-5085 — 436

Senate File 2098—684, 685  
Senate File 2102—796  
Senate File 2121—643  
Senate File 2168—1497  
Senate File 2230—1556  
Senate File 2296, H-5874—2077

**Prevailed:**

House Concurrent Resolution 120—2048  
House File 747, H-4372—324  
House File 2429—720-721  
Senate File 278—190-191  
Senate File 278, H-5030—191  
Senate File 468—718-719  
Senate File 468, H-5139—719  
Senate File 468, H-5180 to H-5139—719

**Ruled out of order:**

House Concurrent Resolution 120—2048  
House File 2429—721  
Senate File 108, H-5667B—1441-1442  
Senate File 435—1062  
Senate File 435, H-5296—1062  
Senate File 2230—1604

**Tabled—Prevailed:**

House File 435—1062  
House File 731—983  
Senate File 2230—1604

**Withdrawn:**

House File 747, H-5002A—323  
House File 2410—573-574  
House File 2429—792  
House File 2443—594  
House File 2453—668  
House File 2460—668  
House File 2541—1270  
Senate File 89—1362  
Senate File 108—1441-1442  
Senate File 205—742-743  
Senate File 278, H-4008—191  
Senate File 278—754  
Senate File 432—666  
Senate File 468, H-5085—719  
Senate File 2098—795-796  
Senate File 2102—844  
Senate File 2121—691

**Motion to reconsider—(from the floor)**

House File 700, H-6432—2057  
House File 733—2196  
House File 747, H-5002B—331  
House File 747, H-5103—331  
House File 747, H-5002E—332  
House File 2072—434

House File 2138, H-5190—471  
House File 2277, H-5169—457  
House File 2393, H-5623 to H-5607—1073  
House File 2393—1077  
House File 2472, H-5522B to H-5439—942  
House File 2483—1987  
House File 2492, H-5441—881  
House File 2492, H-5505A to H-5437—918  
House File 2492, H-6032I—1572  
House File 2509, H-5573—1009  
House File 2509—1011  
House File 2512—1340  
House File 2520—971  
House File 2545, H-5741—1241  
House File 2545, H-5700—1243, 1251  
House File 2553, H-5740—1271  
House File 2583, H-6273 to H-6247—1878  
Senate File 108, H-5667A—1185  
Senate File 190, H-6404—2223  
Senate File 278, H-5003 as amended—191  
Senate File 2002—1463  
Senate File 2130, H-5239—554  
Senate File 2183, H-5565A—1413  
Senate File 2230, H-5992 as amended—1553  
Senate File 2243, H-5722—1222  
Senate File 2282, H-6141 to H-5803—1707

**Lost:**

House File 733—2197  
House File 2138, H-5190—471  
House File 2393, H-5623 to H-5607—1073  
House File 2509, H-5573—1009  
House File 2512—1362  
Senate File 108, H-5667A—1186  
Senate File 2130, H-5239—554  
Senate File 2230, H-5992 as amended—1553  
Senate File 2243, H-5722—1222  
Senate File 2282, H-6141 to H-5803—1707

**Prevailed:**

House File 700, H-6432—2057  
House File 747, H-5002B—331  
House File 747, H-5103—331  
House File 747, H-5002E—332  
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MULLINS, SUE — Representative Hancock-Humboldt-Kossuth-Palo Alto-Pocahontas Counties

Amendments filed — 101-102, 281, 282, 364, 404, 596, 615, 662, 886, 897-901, 918-919, 928, 1047, 1081, 1260, 1334, 1335, 1499-1500, 1698, 1844-1845

Amendments offered — 393, 612, 615, 1068, 1334, 1408

Amendments withdrawn — 612, 616, 1334

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Amendments offered—103, 116, 289, 300, 321, 555, 1117, 1120, 1130, 1315, 1327,  
1330, 1373, 1702, 1906, 1907, 1908, 1909, 1912, 1978, 2118, 2216, 2218  
Amendments withdrawn—426, 1366, 1902, 1907  
Bills introduced—11, 246, 264, 265, 285, 311, 312-313, 313, 314, 347, 347-348, 349, 350,  
351, 352  
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## OXLEY, MYRON B. (MIKE)—Representative Linn County

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 Resolutions offered—326, 327, 328, 362-363, 398-399, 435, 1106-1107, 1189-1190, 1775

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Amendments filed—101-102, 197, 273, 548, 570, 585, 688, 885, 886, 928, 1125, 1158,  
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**PERKINS, CARROLL—Representative Audubon-Carroll-Crawford-Greene-Guthrie Counties**

Amendments filed—153, 282, 304-305, 353, 364, 377, 405, 421, 449, 450, 461, 490, 525,  
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Amendments offered—420, 469, 581, 674, 986, 989, 1007, 1135, 1136, 1137, 1142,  
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**POFFENBERGER, VIRGINIA—Representative Adair-Dallas-Guthrie Counties**

Amendments filed—101-102, 353, 377, 404, 472, 490, 830, 863, 886, 897-901, 918-919,  
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**RENKEN, ROBERT H.—Representative Black Hawk-Butler-Franklin-Grundy-Marshall-Tama Counties**

Amendments filed—101-102, 998, 999, 1046, 1081, 1125, 1194, 1289, 1311, 1499-1500

Bills introduced—131, 133, 246, 308, 352-353

Certificate of election—2

Committee appointments—20

Resolutions offered—329-330, 362-363, 435, 1292-1293, 2081

Took oath of office—2-3

**REPORTS—**

(See Communications and/or individual headings)

**RESIGNATIONS—**

(See also Officers and Employees)

Chief Clerk of the House, David L. Wray—1470-1471

Speaker of the House, Floyd H. Millen—732-733

**RESOLUTIONS—**

(See Legislative Index Volume)

**RITSEMA, DOUG—Representative Plymouth-Sioux Counties**

Amendments filed—101-102, 353, 364, 548, 629, 639, 647, 688, 711, 757, 886, 972, 1047, 1194, 1236, 1311, 1461, 1467, 1468, 1558, 1697, 1766-1767, 1844, 1845, 1874, 1963

Amendments offered—206, 413, 510, 512, 513, 514, 639, 789, 870, 1319, 1438, 1461, 1488, 1728, 1974, 2012, 2105

Amendments withdrawn—510, 512, 514, 791

Bills introduced—15, 86, 157, 251, 312-313, 352, 352-353

Committee appointments—256, 381

Reports—1985-1987

Resolutions offered—329-330, 362-363, 435, 1106-1107, 1292-1293, 2081

**RULES—**

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Bills listed on revised daily debate calendar—1361

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House File 315, H-6256—2105

House File 747, H-5002D—271

House File 747, H-5090—274

House File 747, H-5083 as amended—298

House File 747, H-5083—298

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House File 2072, H-5162—431  
House File 2138, H-5207, Rule 36.8—472  
House File 2393, H-5626 to H-5607—1074  
House File 2443, H-5219—528  
House File 2453, Rule 36.8—593  
House File 2461, H-5245—633  
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House File 2476, H-5336—736  
House File 2477, H-5274—604  
House File 2481, H-5397—813  
House File 2483, H-5423 as amended—1971  
House File 2483, H-6240—1973  
House File 2488, H-5410 as amended—839  
House File 2492, H-5441—879  
House File 2492, H-5437—880  
House File 2492, H-5462—905  
House File 2492, H-5518 to H-5505A to H-5437—918  
House File 2495, H-5406—1200  
House File 2511, H-5884—1377  
House File 2511, H-5883—1378  
House File 2520, H-5526 to H-5463—948  
House File 2520, H-5500—969  
House File 2521, H-5603B—1097  
House File 2524, H-5484—987  
House File 2524, H-5552—992  
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House File 2559, H-5546—1302  
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House File 2580, H-6167C—1742  
House File 2580, H-6167E—1744  
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 House File 2592, H-6338 - 2044  
 Rule 15, food prohibited - 2061  
 Rule 55, Senate File 2374, smoking - 2071  
 Rule 79, House File 2580 - 1813  
 Senate File 97, H-5120 - 514  
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 Senate File 2070, H-6029 - 2035  
 Senate File 2148, H-5993 - 1544  
 Senate File 2154, H-5930 - 1484  
 Senate File 2200, immediately messaged to Senate - 1135, 1154  
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 Senate File 2320, H-5783 - 1529  
 Senate File 2320, H-5782 - 1532  
 Senate File 2320, H-5998 - 1533  
 Senate File 2354 - 2225  
 Senate File 2354, withdrawn from Ways and Means - 2225  
 Senate File 2356 - 1554  
 Senate File 2361, H-6194 - 1892  
 Senate File 2361, H-6260 - 1919  
 Senate File 2361, H-6271 - 1921  
 Senate File 2361, H-6107 - 1927  
 Senate File 2361, H-6271 - 1928  
 Senate File 2376, H-6359 - 2218  
 Senate File 2376, H-6349 - 2222

Rule 55 (food prohibited):  
 Senate File 2374 - 2071

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House Concurrent Resolution 109, H-5164—391  
House File 315, H-6256—2105  
House File 747, H-5002D—272  
House File 747, H-5090—275  
House File 747, H-5083—299  
House File 759—945  
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House File 2072, H-5173 as amended—422  
House File 2072, H-5148—431  
House File 2072, H-5162—432  
House File 2138, H-5207, Rule 36.8—472  
House File 2443, H-5219—528  
House File 2453, Rule 36.8—598  
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House File 2477, H-5274—605  
House File 2481, H-5394—814  
House File 2483, H-5423 as amended—1971  
House File 2483, H-6240—1973  
House File 2488, H-5410 as amended—839  
House File 2492, H-5441—880  
House File 2492, H-5462—906  
House File 2495, H-5406—1200  
House File 2511, H-5884—1378  
House File 2511, H-5883—1379  
House File 2520, H-5526 to H-5463—949  
House File 2520, H-5500—969  
House File 2521, H-5630B—1097  
House File 2524, H-5484—988  
House File 2524, H-5552—993  
House File 2527, H-5591—1055  
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House File 2531, unfinished business calendar—1387  
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Rule 55, smoking—2072  
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Senate File 286, H-3982—209  
Senate File 431, H-6004—1519  
Senate File 439, H-5917—1525  
Senate File 446, H-3759—741  
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Senate File 2002, H-5932—1462  
Senate File 2015, voting—1547  
Senate File 2148, H-5993—1545  
Senate File 2154, H-5930—1484  
Senate File 2241, H-5339—759  
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Senate File 2247, H-6293—1914  
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Senate File 2320, H-5782—1533  
Senate File 2320, H-5998—1534  
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Senate File 2361, H-6271—1928  
Senate File 2376, H-6359—2218  
Senate File 2376, H-6349—2222  
Rule 55 (smoking):  
Senate File 2374—2072

**Objections raised:**

- Rule 15, food prohibited—2061
- Rule 55, smoking—2071
- Rule 79, House File 2580—1813

**Prevailed:**

- Bills listed on revised daily debate calendar—1361
- House File 2393, H-5626 to H-5607—1075
- House File 2461, H-5245—634
- House File 2492, H-5437—880
- House File 2492, H-5518 to H-5505A to H-5437—919
- Senate File 2200, immediately message to Senate—1154

**Ruled out of order:**

- House File 2393, H-5625 to H-5607—1074
- House File 2580, H-6186—1814
- Senate File 2002, H-5932—1461
- Senate File 2015, voting—1547
- Senate File 2354—2225

**Withdrawn:**

- House File 2531—1386
- Rule 15, food prohibited—2061
- Senate File 2070, H-6029—2035
- Senate File 2200, immediately messaged to the Senate—1135

**Rules invoked:****Rule 37 (commitment of appropriation and revenue bills):**

- House File 2492—902
- House File 2509, refer to Ways and Means—1008
- House File 2536, refer to Appropriations—1065
- Senate File 108, refer to Ways and Means—1186

**Rule 37 out of order:**

- House File 2492—902
- House File 2509, refer to Ways and Means—1009
- House File 2536, refer to Appropriations—1065

**Rule 80 (duty of voting):**

- House File 315, H-6219—2102
- House File 315, H-6370 as amended—2104
- House File 315, H-6256—2105
- House File 315, H-6369—2109
- House File 685, H-5965—1639
- House File 685—1640
- House File 687—576
- House File 733, H-6117—2195
- House File 733—2195
- House File 733, motion to reconsider—2196
- House File 736—2012
- House File 747, H-5076—293
- House File 747, H-4372—294
- House File 747, H-5083—298
- House File 747, H-4372, motion to reconsider—323-324
- House File 747, H-4372—330
- House File 747, H-5421—851
- House File 759—944

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House File 2138, H-5190, motion to reconsider—471  
House File 2160—479  
House File 2272, H-5169—456  
House File 2393, H-5623—1070  
House File 2393, H-5624B—1072  
House File 2393, H-5623A to H-5607, motion to reconsider—1073  
House File 2393—1076  
House File 2393, motion to reconsider be tabled—1077  
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House File 2453, H-5223B—592  
House File 2472, H-5522B to H-5439—942  
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House File 2492, H-5459 to H-5437—909  
House File 2492, H-5452—910  
House File 2492, H-5474 to H-5437—912  
House File 2492, H-5440 to H-5437—913  
House File 2492, H-5458 to H-5437—915  
House File 2492, H-5476 to H-5437—917  
House File 2492, H-6043—1573  
House File 2492, H-6046—1605  
House File 2509—1008  
House File 2509, H-5573—1009  
House File 2509—1010  
House File 2511, H-5884—1377  
House File 2512—1336  
House File 2512, motion to reconsider be laid on table—1340  
House File 2512, motion to reconsider—1361  
House File 2518, motion to suspend Rule 2, continue session beyond 6:00  
p.m.—1152  
House File 2520, H-5526—948  
House File 2520, H-5528 to H-5495—950  
House File 2520, H-5495—951  
House File 2520, H-5501—966  
House File 2520, H-5547—967  
House File 2520—970  
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House File 2524, rereferred to Appropriations—985  
House File 2524, H-5485—986  
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House File 2527, H-5535—1016  
House File 2527, H-5513—1055  
House File 2527, H-5601 to H-5491—1057  
House File 2531—1376  
House File 2531, suspend rules, unfinished business calendar—1387  
House File 2533, H-5633—1091  
House File 2535, H-6205—1851  
House File 2535, H-6238—1852  
House File 2535, H-6093E—1854  
House File 2535, H-5549—1857  
House File 2535, H-6410—2151  
House File 2535, motion to recede—2203  
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House File 2551, H-6324—1999  
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House File 2559, H-5575—1300  
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House File 2565—1385  
House File 2569, H-6090—1611  
House File 2569—1611  
House File 2575, H-5825 as amended—1317  
House File 2575, H-5827A—1320  
House File 2577—1609  
House File 2578, H-6072—1630  
House File 2578—1631  
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House File 2580, H-6155—1801  
House File 2580, H-6167S—1810  
House File 2580, H-6167T—1811  
House File 2580, H-6167V—1815  
House File 2580, H-6161, motion to suspend rules—1817  
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 Senate File 205, H-5302 as amended — 682  
 Senate File 278, H-5030 — 138  
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 Senate File 2070, H-5995 — 1513  
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 Senate File 2361, H-6234 to H-5893 — 1916  
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**Rule 81 (limitation on right to vote):**

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 House File 2577 — 1609  
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 Senate File 2006 — 1463  
 Senate File 2154 — 1480, 1484  
 Senate File 2197 — 1687  
 Senate File 2200 — 1133  
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 Senate File 2375, H-6352 — 2066

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 Senate File 2357 — 2193  
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 House File 2072 — 125, 433  
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**Rule 15 (food prohibited):**

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**Rule 25 (admission to the House):**

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 Campaign Finance Disclosure Commission—1539

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**Rule 50 (status of bills following first regular session):**

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**Rule 54 (committee meetings):**

Labor and Industrial Relations meeting—975

**Rule 61 (committee notice and agenda):**

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**Rule 79 (manner of voting):**

Senate File 2243, H-5722 voting—1214

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Amendments offered—2184

Committee assignments—748, 826

Reports—232-233, 304, 2155-2156, 2175

Resolutions offered—229-232

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(See Chief Justice of the Supreme Court, The Honorable W. W. Reynoldson)

#### RULES OF CIVIL PROCEDURE—

(See Chief Justice of the Supreme Court, The Honorable W.W. Reynoldson)

#### RULES OF CRIMINAL PROCEDURE—

(See Chief Justice of the Supreme Court, The Honorable W.W. Reynoldson)

#### SCHNEKLOTH, HUGO—Representative Clinton-Scott Counties

Amendments filed—101-102, 153, 629, 863, 885, 897-901, 1046, 1081, 1125, 1158, 1236, 1289, 1311, 1335, 1351, 1374, 1499-1500, 1719, 1767, 1844-1845

Amendments offered—1372, 1485, 1491, 1975

Amendments withdrawn—694, 1336

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Committee appointments—1930

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Resolutions offered—329-330, 362-363, 435, 667, 1292-1293, 1537-1538

#### SCHROEDER, LAVERNE W.—Representative Mills-Pottawattamie Counties

Amendments filed—101-102, 191-193, 193, 197, 282, 302, 353, 377, 405, 502, 503, 662, 784, 799, 800, 863, 886, 887, 897-901, 918-919, 921, 1004, 1047, 1125, 1159, 1236, 1290, 1312, 1352, 1445, 1468, 1499, 1534, 1549-1550, 1550-1551, 1557, 1558, 1575, 1696, 1697, 1766, 1767, 1843, 1845, 1875, 1925, 1963, 2064

Amendments offered—191, 299, 529, 873, 1240, 1297, 1440, 1493, 1529, 1548, 1549, 1562, 1572, 1596, 1773, 1897, 1925

Amendments withdrawn—323, 612, 1440

Bills introduced—68, 69, 88, 183, 246, 286, 310, 352-353

Committee appointments—509, 1930, 2141

Presented to House the Honorable Robert Dole, United States Senator from Kansas—127

Reports—399-401, 517-519, 2079-2080, 2168-2169

Resolutions offered—329-330, 362-363, 435, 643-644, 1106-1107, 1292-1293, 1870-1871

Subcommittee appointment—256

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Assignment of desks in press gallery—128-129

#### SECRETARY OF STATE, Melvin D. Synhorst

Certification, Robert H. Renken—2

Communications from—723, 845, 1191, 1256, 1465, 1760, 1873-1874, 2170, 2644-2648

#### SHERZAN, RICHARD—Representative Polk County

Amendments filed—191-193, 405, 525, 662, 887, 927, 1445, 1729-1740

Amendments withdrawn—533

Bills introduced—287, 352

Resolutions offered—329-330, 1775, 2081

**SHIMANEK, NANCY J.—Representative Delaware-Dubuque-Jackson-Jones Counties**

Amendments filed—404, 548, 585, 688, 711, 783, 886, 918-919, 928, 972, 999, 1110, 1125, 1236, 1252, 1260, 1311-1312, 1315, 1394, 1467, 1468, 1499, 1550-1551, 1767, 1845, 1963, 2102-2103, 2119-2120  
 Amendments offered—633, 655, 721, 823, 1103, 1268, 1315, 1522, 1528, 1550, 2106  
 Amendments withdrawn—1897, 2192  
 Bills introduced—13, 15, 17, 267, 310  
 Committee appointments—3, 381  
 Petitions presented—1160  
 Reports—6  
 Resolutions offered—329-330, 362-363, 435, 964-965, 1292-1293

**SHULL, DOUG—Representative Lucas-Marion-Warren Counties**

Amendments filed—101-102, 304-305, 1844  
 Amendments offered—767, 2192  
 Bills introduced—246, 251, 268, 312-313, 350, 352-353  
 Committee appointments—21, 1448  
 Resolutions offered—329-330, 362-363, 435, 1292-1293, 1537-1538, 1894-1895

**SMALL BUSINESS NEEDS, SPECIAL SUBCOMMITTEE ON—**

Appointments to—256

**SMALLEY, DOUGLAS R.—Representative Polk County**

Amendments filed—101-102, 191-193, 282, 304, 353, 449, 783, 857-858, 972, 999, 1068-1069, 1071-1072, 1082, 1394, 1499, 1557, 1581, 1604, 1844, 2083, 2115, 2210  
 Amendments offered—616, 840, 854, 857, 1068, 1071, 1090, 1512, 1604, 2101  
 Amendments withdrawn—211, 1071  
 Bills introduced—131, 184, 246, 250, 312-313, 352-353  
 Committee appointments—256  
 Petitions presented—365, 504  
 Received unanimous consent, House Concurrent Resolution 4, copy to state departments—536  
 Reports—1985-1987  
 Resolutions offered—362-363, 435, 1292-1293, 1537-1538, 2081

**SPEAKER OF THE HOUSE—Floyd H. Millen, Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties**

Addressed the House—6-7  
 Amendments filed—1499-1500, 2156, 2158  
 Amendments offered—2184  
 Appointments announced—21-22  
 Bills referred to committees—18  
 Bills rereferred to committees—185  
 Bills signed by—460, 485, 564  
 Certified oath of office, Representative-elect Robert H. Renken—3  
 Committee appointments—748, 826  
 Committees appointed by—3, 36, 643, 668  
 Committee assignments—20-21  
 Conference committee appointments—20  
 Presented to the House, Master Sergeant Elwood Mayberry of the Fort Dodge Air National Guard Non Commissioned Officer Academy Graduate Association—1

Presented with chair—735-736  
 Presided at sessions of the House—1, 31, 56  
 Remarks by—2113  
 Resolutions offered—435, 1292-1293  
 Resignation of—732-733

**SPEAKER OF THE HOUSE—William H. Harbor, Representative Fremont-Mills-Montgomery-Page Counties**

Addressed the House—733-734  
 Amendments filed—101-102, 304-305  
 Announcement (tree dedication, memory of Margaret 'Falk, legislative secretary)—1964  
 Appointments announced—75, 826  
 Bills introduced—68, 69, 72, 133, 184, 246, 266, 312-313, 352-353  
 Bills referred to committees—508, 850, 971, 1087  
 Bills rereferred to committees—460, 509, 586, 1105, 1165, 1189, 1209, 1314, 1361, 1512  
 Bills signed by—743, 796, 922, 996, 1108, 1154, 1308, 1389, 1497, 1760, 1871, 2082, 2170, 2241  
 Certified oath of office, Representative-elect Robert H. Renken—3  
 Committee appointments—668  
 Committee assignments—748, 826  
 Committees appointed by—465, 509, 668, 1448, 2242  
 Communication (resignation of Chief Clerk, David L. Wray)—1470-1471  
 Communication (resignation of Speaker of the House, Floyd H. Millen)—732-733  
 Conference committee appointments—1612, 1839, 2040, 2141, 2204  
 Elected Speaker of the House—733  
 Final adjournment—2245  
 Final adjournment, 1980 Regular Session of the Sixty-eighth General Assembly, House Concurrent Resolution 140—2238-2239 adopted  
 Official delegate to attend the funeral services of the Honorable Henry C. Nelson, former member of the House—643  
 Presentation of—733-734  
 Presentation of visitors—460, 463, 468, 494, 526, 563, 652, 712, 755, 801, 865, 867, 888, 891, 975, 1000, 1003, 1107-1108, 1228-1229, 1286, 1342-1343, 1389, 1464-1465, 1556-1557, 1580, 1613, 1614, 1840-1841, 1872  
 Presented to the Chief Clerk, David L. Wray an enrolled copy of House Resolution 109—1479  
 Presented to the House winners of the Boy of the Year Award, Boys' Club of America—1613  
 Presented with gavel—733  
 Presided at sessions of the House—65, 85, 89, 131, 451, 463, 465, 468, 491, 494, 504, 508, 526, 549, 571, 574, 586, 587, 597, 600, 611, 649, 651, 664, 667, 668, 689, 692, 712, 722, 746, 748, 752, 754, 755, 789, 801, 821, 831, 848, 850, 865, 867, 873, 881, 888, 891, 895, 911, 919, 958, 963, 965, 973, 974, 975, 984, 1000, 1003, 1012, 1048, 1058, 1063, 1083, 1104, 1111, 1126, 1129, 1133, 1135, 1160, 1172, 1196, 1204, 1208, 1223, 1237, 1261, 1273, 1291, 1292, 1293, 1296, 1313, 1319, 1338, 1353, 1379, 1382, 1400, 1407, 1447, 1448, 1453, 1454, 1464, 1470, 1481, 1501, 1536, 1553, 1560, 1571, 1572, 1582, 1598, 1609, 1620, 1639, 1645, 1710, 1768, 1774, 1824, 1846, 1850, 1856, 1876, 1894, 1901, 1903, 1964, 1979, 2026, 2029, 2039, 2084, 2119, 2131, 2135, 2184, 2201, 2212, 2225, 2235, 2239

Remarks by — 2113, 2237-2238

Reports — 399-401, 517-519

Resolutions offered — 329-330, 362-363, 435, 1292-1293

Resolutions relating to:

House Concurrent Resolution 101 — 4 adopted

House Concurrent Resolution 126 — 1400-1401 adopted

House Concurrent Resolution 134 — 1777-1778, 2207 adopted

Rulings made — 91, 93, 100, 116, 118, 120, 124, 138, 509, 513, 514, 528, 556, 575, 604, 617, 620, 633, 696, 736, 741, 758, 759, 813, 839, 844, 857, 879, 880, 968, 969, 975, 979, 1061, 1065, 1074, 1097, 1115, 1133, 1168, 1169, 1200, 1204, 1278, 1299, 1302, 1303, 1320, 1386, 1483, 1484, 1489, 1519, 1521, 1525, 1529, 1532, 1535, 1553, 1602, 1629, 1684, 1718, 1721, 1726, 1771, 1791, 1794, 1796, 1800, 1803, 1807, 1835, 1862, 1891, 1892, 1893, 1907, 1908, 1909, 1910, 1913, 1971, 1973, 1974, 1991, 2044, 2056, 2103, 2105, 2106, 2127, 2196, 2217, 2218, 2222

#### SPEAKER PRO TEMPORE —

See Speaker of the House — William H. Harbor-Representative Fremont-Mills-Montgomery-Page Counties and/or Stromer, Delwyn-Representative Cerro Gordo-Franklin-Hancock-Wright Counties

#### SPEAR, CLAY — Representative Des Moines-Lee Counties

Amendments filed — 64, 83, 94-100, 197, 233, 282, 304, 404, 450, 478-479, 496, 525, 548, 592, 596, 629, 636, 642, 648, 662, 663, 688, 711, 792, 799, 838, 843, 858, 885, 886, 927, 947, 957, 972, 977, 998, 999, 1045, 1046, 1087, 1110, 1125, 1158, 1159, 1194, 1236, 1260, 1311, 1312, 1351, 1352, 1394, 1445, 1499, 1542, 1543, 1558, 1607, 1643-1644, 1697-1698, 1729-1740, 1766, 1767, 1844, 1845, 1866, 1874, 1878, 2025, 2095, 2129-2130, 2182, 2198

Amendments offered — 102, 110, 316, 409, 456, 474, 478, 496, 562, 592, 636, 637, 641, 642, 655, 675, 696, 697, 700, 765, 792, 821, 822, 838, 843, 858, 947, 976, 1015, 1089, 1200, 1203, 1206, 1249, 1250, 1270, 1274, 1278, 1307, 1363, 1403, 1541, 1542, 1543, 1607, 1643, 1866, 1878, 1879, 2043, 2198, 2208

Amendments withdrawn — 241, 315, 530, 681, 1053, 1087, 1203, 1542

Bills introduced — 10, 11, 15, 16, 65, 66, 85, 89, 134, 155, 235, 237, 238, 312-313, 347, 347-348, 352, 352-353

Committee appointments — 1759-1760

Reports — 1954

Resolutions offered — 362-363, 435, 964-965, 1775, 1983-1984

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Chief Clerk's staff, majority and minority caucus and leadership staffs — 2216

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#### SPECIAL ORDER —

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Easter Seal Sweetheart for 1980, Ronda Jean Downing — 600



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 Iowa Heart Fund Prince for 1980, Todd Clark—189  
 Iowa Heart Fund Princess for 1980, Deb Kelso—189  
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 Binneboese, Avenson, Connolly, Hinkhouse, Hullinger, Doyle, O'Kane,  
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 Gettings, Sherzan, Krewson, Byerly, Anderson of Jasper, Perkins,  
 Connors, Howell, Cusack, Conlon, Arnould, Lloyd-Jones, Miller, Norland,  
 Smalley, Johnson of Linn, Welsh, Branstad, Tofte, Patchett, Oxley, Jay,  
 Lonergan, Groth, Bruner, Husak, Horn, Woods, Larsen, Crabb, Chiodo,  
 Hall, Diemer, Clark of Lee, Millen, Cochran, Shull, Rapp, Jesse, Davitt,  
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 Clayton—436  
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House Joint Resolution 2011-Representatives Corey, Miller, Danker, Larsen, Pellett, Anderson of Audubon, Branstad, Holt, Perkins, Hinkhouse, Binneboese, Lura, Hansen of O'Brien, Lorenzen, Dieleman, West, Hall, Hummel, Tyrrell, Conlon, Swearingen, Oxley, Lageschulte, Hullinger, Johnson of Howard, Howell, Daggett, Kirkenlager, Maulsby, De Groot, Diemer, Schnekloth, Cochran, Hanson of Delaware, Lind, Weiden, Clark of Cerro Gordo, Krewson, Van Maanen, Hoffmann, Shull, Lonergan, McKean, Gettings, Egenes, Halvorson of Clayton, Schroeder, Smalley, Davitt, Husak, and Welsh—227

House Joint Resolution 2011-Representative Thompson—244

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(Maurice E. Baringer, Chairman)

Claims approved—162-173

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Communications from, stating claims filed with—173-174, 538-539, 1390

#### STATE FAIR COMPREHENSIVE MASTER PLAN—

Appointments to—21-22

#### STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—278-280, 521-524, 710, 771-773, 773-774, 1041, 1193-1194, 1345-1346, 1346-1349, 1349

Amendments offered—509, 669, 819, 835, 1455, 1523, 1539

Bills introduced—200, 351, 572, 649, 692, 713, 732, 802, 832, 865, 889, 931, 959, 960, 1049

Reports—188, 278-280, 520-525, 547, 548, 585, 687-688, 710, 771, 773, 775-776, 829, 884, 957, 1041, 1193-1194, 1345-1349

#### STATE OF THE STATE MESSAGE—

(See Condition of the State Message)

#### STROMER, DELWYN—Representative Cerro Gordo-Franklin-Hancock-Wright Counties, Speaker Pro Tempore

Amendments filed—263, 462, 502, 820, 1046, 1290, 1312, 1499, 1767, 2182

Amendments offered—395, 482, 669, 1456, 2205

Bills introduced—13, 238, 246, 247, 265, 266

Committee appointments—21, 465, 668, 1449, 1612, 2204

Conference committee appointed—1759-1760

Elected Speaker pro tempore—734-735

Official delegate to attend the funeral services of the Honorable Henry C. Nelson, former member and Speaker of the House—643

Petitions presented—1000

Presentation of visitors—785, 929, 1017, 1079, 1154, 1256, 1761-1762, 2082-2083, 2171-2172

Presented to the House the Honorable Charles Grassley, United States Congressman and former member of the House—1107

Presided at sessions of the House—764, 785, 853, 890, 901, 929, 984, 1007, 1012, 1052, 1069, 1073, 1074, 1131, 1133, 1148, 1241, 1457, 1634, 1700, 1740, 1809, 1853, 1895, 1917, 2061, 2107, 2127, 2132, 2151, 2209

Reports—2077-2079

Resolutions offered—362-363, 435, 1292-1293

Ruling, House File 2580, H-6170-Section 401 of Mason's Manual of Legislative Procedure—1754

Rulings made—902, 905, 948, 949, 987, 992, 1009, 1016, 1054, 1133, 1242, 1245, 1247, 1461, 1741, 1742, 1743, 1744, 1745, 1747, 1748, 1752, 1754, 1810, 1813, 1815, 1816, 1819, 1896, 1919, 1921, 1927

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Human Resources—77, 78, 79, 129-130, 260, 262, 276, 373, 402, 486, 685, 797

Judiciary and Law Enforcement—195, 228, 258, 259, 260, 372, 373, 374, 487, 500, 659, 703-704, 860

Labor and Industrial Relations—276, 487, 594

Natural Resources—260, 263, 744, 750

State Government—76, 77, 81, 82, 129, 146, 186, 227, 228, 244, 258, 436, 486, 487, 583, 645, 703-704

Transportation—27, 129, 130, 186, 196, 257, 372, 402, 645, 685, 749

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Assignments—149-153, 224-226, 342-347, 446-449, 542-544, 627-628, 724-725, 827, 955, 1392, 1841, 2173

Reassigned—225, 542, 627, 955

#### STUDY COMMITTEES—

(Also see Legislative Council)

House Concurrent Resolution 107—328

House Concurrent Resolution 112—550-551, 600, 611 adopted

House Concurrent Resolution 114—643-644, 692 adopted

House Concurrent Resolution 117—891-892, 1401 adopted

House Concurrent Resolution 122—1189-1190

House Concurrent Resolution 125—1388

House Concurrent Resolution 127—1453-1454, 2041 adopted

House Concurrent Resolution 131—1775

House Concurrent Resolution 132—1775-1776

House Concurrent Resolution 133—1776-1777, 1871

House Concurrent Resolution 135—1894-1895

House Concurrent Resolution 136—1983-1984

House Concurrent Resolution 137—1984

House Concurrent Resolution 139—2108

House Resolution 112—1870-1871  
 Senate Concurrent Resolution 111—1239-1240  
 Senate Concurrent Resolution 117—934, 935  
 Senate Concurrent Resolution 126—1584, 1585-1586, 2211-2212 adopted

**SUBCOMMITTEE APPOINTMENTS—**

Commerce, Small Business Needs, Special Subcommittee on—256

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 953-954, 1109-1110, 1256-1259, 1391-1392, 1841, 2172-2173  
 Reassigned—146-148, 213-215, 223-224, 334-335, 342, 437, 438, 625, 953, 954

**SUPREME COURT OF IOWA—**

(See Chief Justice of the Supreme Court, W. W. Reynoldson)

**SWEARINGEN, GEORGE R.—Representative Keokuk-Washington Counties**

Amendments filed—101-102, 304-305, 353, 1194, 1844  
 Bills introduced—11, 181, 246, 265, 268, 313, 348, 352-353  
 Petitions presented—801  
 Resolutions offered—329-330, 435, 1292-1293, 1537-1538

**THOMPSON, PATRICIA L.—Representative Polk County, Assistant Majority Floor Leader**

Amendments filed—101-102, 137-138, 138, 191-193, 304-305, 502, 525, 830, 838, 1312,  
 1468, 1499-1500, 1619, 1697, 1820, 1845  
 Amendments offered—137, 531, 817, 836, 838, 1971, 2052  
 Amendments withdrawn—191  
 Bills introduced—11, 68, 86, 284, 307, 309, 314, 352-353  
 Bills rereferred to committees—401, 435, 1123, 1497  
 Committee appointments—1448, 2242  
 Committees appointed by—380  
 Conference committees appointed—1494-1495, 1930  
 Petitions presented—1582  
 Presentation of visitors—378, 1123, 1498  
 Presided at sessions of the House—355, 365, 378, 380, 390, 406, 408, 420, 1009, 1115,  
 1219, 1336, 1364, 1492, 1930, 2222  
 Reports—2080  
 Resolutions offered—329-330, 1292-1293, 1894-1895  
 Rulings made—357, 358, 396, 421, 425, 430, 431, 1117, 1369

**TITLE XX STATEWIDE ADVISORY COMMITTEE—**

Appointments to—21-22

**TOFTE, SEMOR C.—Representative Fayette-Howard-Winneshiek Counties**

Amendments filed—101-102, 139-141, 647-648, 783, 886, 928, 1069, 1194, 1499, 1534,  
 1696, 1844-1845  
 Amendments offered—137, 139, 477, 1069  
 Bills introduced—17, 35, 135, 181  
 Committee appointments—1930  
 Reports—2079-2080  
 Resolutions offered—362-363, 435, 1292-1293, 1537-1538, 1870-1871

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Amendments filed—59-64, 280-281, 281, 647, 776-782, 799, 1235, 1350-1351  
 Amendments offered—137, 478, 1381, 1405, 1440  
 Amendments withdrawn—137, 1440  
 Bills introduced—365, 407, 572, 597, 747, 752, 865, 866  
 Reports—59, 280-281, 404, 489, 596, 647, 729, 776-782, 799, 884, 885, 1235, 1349-1351

## TYRRELL, PHILLIP E.—Representative Benton-Iowa-Johnson-Keokuk-Poweshiek Counties

Amendments filed—101-102, 115-116, 191-193, 304, 353, 490, 585, 596, 647, 662, 688, 757, 927, 972, 998, 999, 1046, 1081, 1125, 1194, 1289, 1290, 1311, 1351, 1394, 1445, 1468, 1499, 1558, 1726-1727, 1728, 1750-1752, 1752, 1765, 1766, 1844  
 Amendments offered—115, 676, 757, 978, 1062, 1077, 1529, 1532, 1726, 1728, 1750, 1752, 1792, 1803, 1856  
 Amendments withdrawn—768, 979, 1275, 1862  
 Bills introduced—12, 34, 71, 86, 157, 183, 246, 247, 265, 268, 283, 310, 312-313, 352-353  
 Petitions presented—689  
 Resolutions offered—435, 1292-1293, 1537-1538

## UNANIMOUS CONSENT—

Amendments withdrawn—1596-1597, 1597, 1602  
 Commerce committee meeting, suspend rules—2039  
 Daily debate calendar—722  
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 House Concurrent Resolution 111, suspend rules, daily debate calendar—600  
 House Concurrent Resolution 112, suspend rules, daily debate calendar—600  
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 House File 2512—1314  
 House File 2538, weekly & daily debate calendar—1254  
 House File 2548—1314  
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 House File 2556—1314  
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 House File 2566, weekly & daily debate calendar—1254  
 House File 2572, weekly debate calendar—1105  
 House File 2573, weekly debate calendar—1105  
 House File 2574, weekly debate calendar—1105  
 House File 2575, weekly debate calendar—1105  
 House File 2575—1314  
 House File 2594—2114  
 House File 2595, immediate consideration—2124  
 House File 2596—2112  
 House File 2597, immediate consideration—2118  
 House File 2598, immediate consideration—2235  
 House Joint Resolution 2019, immediate consideration—2115

Labor and Industrial Relations committee meeting—974  
 Presented the Honorable Floyd H. Millen with chair—735-736  
 Quorum call—893  
 Senate File 28, daily debate calendar—1434  
 Senate File 2060, daily debate calendar—1123  
 Senate File 2118, weekly & daily debate calendar—1254  
 Senate File 2219, daily debate calendar—1420  
 Senate File 2229, immediate consideration—2191  
 Senate File 2241—754  
 Senate File 2247, daily debate calendar—1894  
 Senate File 2299, daily debate calendar—1434  
 Senate File 2314, daily debate calendar—1420  
 Senate File 2316, daily debate calendar—1434  
 Senate File 2331, daily debate calendar—1420  
 Senate File 2337, daily debate calendar—1434  
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 Senate File 2369, immediate consideration—2201  
 Senate File 2371, immediate consideration—2190  
 Senate File 2378, immediate consideration—2197

#### UNANIMOUS CONSENT CALENDAR—

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 House Concurrent Resolution 133—1871

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 House File 2240-Representative Miller—717  
 House File 2245-Representative Connolly—410  
 House File 2457-Representative Hibbs—1609  
 House File 2493-Representatives Connors & Howell—944  
 House File 2494-Representatives Cochran, Larsen, Lloyd-Jones, McKean & Smalley—1308  
 House File 2521-Representative Groth—1098  
 House File 2537-Representative Byerly—1011  
 House File 2537, H-5573-Representative Byerly—1011  
 House File 2550-Representative Anderson of Jasper—1171  
 House File 2551-change of vote, Representative Hall—2019  
 House File 2555-Representatives Cochran, Larsen, Lloyd-Jones, McKean & Smalley—1308  
 House File 2557-Representatives Groth & Dieleman—1183  
 House File 2559-Representatives Cochran, Larsen & Lloyd-Jones—1308  
 House File 2559-Representative Brandt—1382  
 House File 2562-Representatives Hansen of O'Brien & Connolly—1178  
 House File 2568-Representatives McKean & Dieleman—2033-2034  
 House File 2572-Representative Avenson—1227  
 House File 2580 change of vote, Representative Connolly—1795  
 House File 2591-Representative Connors—2054  
 House File 2592-Representative Connors—2054  
 House File 2595, H-6399-Representative Shull—2129  
 Questions considered in absence-Representative Hansen of O'Brien—743  
 Quorum call-Representative Daggett—810

Recorded votes, absence of Representatives Bruner, Daggett, Jochum, & Welden—1527

Senate File 97-Representative Brandt—517

Senate File 435-Representative Welsh—654

Senate File 460-Representatives Cochran & Woods—1182

Senate File 500-Representatives Howell & Egenes—1122

Senate File 2012-Representatives Stromer, Thompson & Norland—532

Senate File 2070-Representative Connors—2054

Senate File 2070-Representative Renken—2045

Senate File 2071-Representative Connors—2054

Senate File 2200-Representatives Schenkloth & Smalley—1134

Senate File 2200-Representative Horn—1134

Senate File 2241-Representative Jochum—764

Senate File 2264-Representative Connors—2054

Senate File 2272-Representative Maulsby—1382

Senate File 2279-Representatives Poffenberger & Danker—1402

Senate File 2375-Representatives Pellett, Diemer, Hansen of O'Brien, Hanson of Delaware & Poffenberger—2069

Objections:

Senate File 2015-Representative Halvorson of Webster—1547

VAN MAANEN, HAROLD—Representative Keokuk-Lucas-Mahaska-Marion-Monroe-Poweshiek Counties

Amendments filed—101-102, 233, 263, 304-305, 353, 662, 830, 885, 1194, 1311, 1312, 1394, 1499-1500, 1696, 2058

Amendments offered—2057

Amendments withdrawn—321, 1269, 1415

Bills introduced—87, 88, 157, 181, 185, 248, 265, 268, 352-353

Committee appointments—2242

Escorted and presented to the House, Marla Smith, 1980 Iowa Pork Queen—306

Presented to the House the Honorable George Pierson, former member of the House—1761

Resolutions offered—435, 964-965, 1292-1293, 1388-1389, 1453-1454, 2081

VISITORS—

Presentation of—154, 378, 460, 463, 468, 494, 526, 563, 652, 712, 731, 755, 785, 801, 831, 865, 867, 888, 891, 929, 975, 1000, 1003, 1017, 1079, 1107-1108, 1123, 1191-1192, 1256, 1286, 1342-1343, 1372, 1389, 1443-1444, 1464-1465, 1498, 1556-1557, 1580, 1613, 1614, 1694-1695, 1761-1762, 1840-1841, 1872, 1957, 2023-2024, 2082, 2171-2172

WALTER, CRAIG D.—Representative Pottawattamie County

Amendments filed—105-109, 109, 263, 281, 304-305, 405, 502, 585, 601, 603, 605, 745, 751, 847, 886, 927, 999, 1312, 1352, 1445, 1467, 1499-1500, 1558, 1696, 1697, 1698, 1729-1740, 2069, 2103, 2127-2128, 2132

Amendments offered—109, 292, 2132

Bills introduced—34, 67, 72, 200, 246, 312-313, 313, 314, 347, 347-348, 349, 351, 352, 352-353

Petitions presented—2081-2082

Resolutions offered—326, 327, 328, 329, 362-363, 398-399, 435, 1106-1107, 1775, 1775-1776, 2081

## WAYS AND MEANS, COMMITTEE ON—

Amendments filed—28-29, 30, 783, 1042-1045, 1157-1158, 1618-1619, 1619, 1763-1765, 1765, 1842-1843, 1960-1962, 2175-2179, 2179-2182  
 Amendments offered—269, 1114, 1130, 1334, 1762, 1889, 1901, 1967, 2052, 2186, 2193  
 Appointment to—20  
 Bills introduced—35, 509, 786, 959, 1048, 1049, 1196-1197, 1501, 1502, 1691, 1759, 1937, 1938, 2107  
 Committee assignments—748  
 Reports—28-30, 525, 782-783, 885, 1042-1045, 1157-1158, 1466-1467, 1618, 1619, 1763-1765, 1765, 1842-1843, 1959-1963, 2024, 2063, 2114, 2175-2182

## WELDEN, RICHARD W.—Representative Franklin-Hardin-Wright Counties

Amendments filed—490, 497, 647, 763, 886, 1081, 1159, 1194, 1290, 1445, 1499, 1697, 1698, 1766, 1767, 1875, 1963, 2134, 2198-2199, 2199  
 Amendments offered—496, 497, 674, 680, 756, 1719, 1814  
 Amendments withdrawn—680  
 Bills introduced—69, 135, 181, 183, 184, 266, 352-353  
 Committee appointments—1449, 1612  
 Petitions presented—973  
 Reports—2  
 Resolutions offered—329-330, 362-363, 435, 1292-1293

## WELLS, JAMES D.—Representative Benton-Linn Counties

Amendments filed—83, 94-100, 263, 304-305, 405, 585, 647-648, 927, 1445, 1558, 1696; 1697, 1698, 1729-1740, 1766, 1874, 2069, 2127-2128  
 Amendments offered—619  
 Bills introduced—85, 236, 249, 265, 306-307, 313, 347, 347-348, 349, 351, 352, 352-353  
 Petitions presented—1196  
 Resolutions offered—326, 327, 362-363, 398-399, 435, 1189-1190, 1775

## WELSH, JOSEPH—Representative Dubuque-Jackson Counties

Amendments filed—153, 282, 304-305, 305, 323, 405, 525, 602-603, 647, 745, 751, 783, 887, 927, 928, 982, 999, 1070, 1110, 1159, 1312, 1352, 1394, 1445, 1446, 1468, 1483, 1558, 1697-1698, 1729-1740, 1766, 1837, 1844, 1874, 1963, 2083, 2119-2120, 2127-2128, 2199  
 Amendments offered—295, 322, 323, 424-425, 790, 950, 1136, 1201, 1479, 1483, 1813  
 Amendments withdrawn—1203, 1483, 2041  
 Bills introduced—17, 71, 157, 200, 235, 236, 237, 250, 251, 265, 267, 268, 286, 312-313, 314, 347, 347-348, 352, 352-353  
 Resolutions offered—362-363, 1537-1538, 1775

## WEST, JAMES C.—Representative Grundy-Hardin-Jasper-Marshall-Story Counties

Amendments filed—101-102, 897-901, 1159, 1351, 1373-1374, 1445, 1619, 1902, 2121, 2198-2199, 2199-2200  
 Amendments offered—101, 103-104, 897, 1114, 1364, 1597, 1633, 1902, 2198  
 Bills introduced—71, 184, 246, 352-353  
 Petitions presented—1501  
 Resolutions offered—329-330, 362-363, 1172, 1292-1293



**WOODS, JACK E. — Representative Polk-Warren Counties**

**Amendments filed — 121-124, 263, 353, 647-648, 711, 751, 927, 1125, 1158, 1260, 1312, 1351, 1445, 1468, 1619, 1685-1686, 1686, 1697, 1729-1740, 1844, 1874, 1875, 1963, 2183, 2215**

**Amendments offered — 291, 396, 736, 1267, 1685, 1686**

**Amendments withdrawn — 142**

**Bills introduced — 34, 159, 250, 268, 312-313, 313, 314, 347, 347-348, 349, 352, 352-353**

**Committee appointments — 1930, 2141**

**Reports — 2079-2080, 2168-2169**

**Resolutions offered — 326, 327, 329-330, 362-363, 398-399, 435, 1775, 1870-1871**

**Subcommittee appointment — 256**